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Title 3—

Proclamation 9867 of April 30, 2019

The President

Asian American and Pacific Islander Heritage Month, 2019**By the President of the United States of America****A Proclamation**

The contributions of Americans of Asian and Pacific Islander descent are firmly woven into the diverse fabric of our Nation. During Asian American and Pacific Islander Heritage Month, we celebrate the remarkable accomplishments of Americans of Asian and Pacific Islander heritage that have enriched our great country and helped define our history. These Americans bolster our economy as entrepreneurs, business owners, and employees who initiate and expand opportunities for their families, communities, and country. Their languages, art, cuisine, and other cultural elements have enriched the American experience, and many have fearlessly answered the call of duty to defend our freedom as members of our Armed Forces.

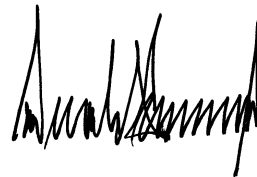
Japanese American Ellison Onizuka embodied the pioneering spirit of America. Colonel Onizuka served as a flight test engineer and pilot in the United States Air Force, and in 1978, he was chosen for the NASA astronaut program. His first mission took place aboard the Space Shuttle Discovery, where he completed 74 hours in space and 48 orbits around the Earth—becoming the first Asian American to enter space. Tragically, his next assignment was as a crewmember onboard the Space Shuttle Challenger. He, along with six other brave Americans, perished in the horrific accident that ended the mission. Colonel Onizuka was posthumously awarded the Congressional Space Medal of Honor for his achievements and sacrifice for our country.

The son of Chinese immigrants, Hiram Fong was yet another of the many great Americans of Asian and Pacific Islander descent who have made profound contributions to the American enterprise. As a military veteran, lawyer, and businessman from Hawaii, he was the first ever American of Asian ancestry elected to the United States Senate. His legacy of public service and entrepreneurship continues to be an encouragement for others to achieve the American Dream.

This month, we honor the more than 20 million Asian Americans and Pacific Islanders who call America home, and we express our sincere gratitude to all those who are selflessly serving in the Armed Forces. We recognize the achievements of Americans of Asian American and Pacific Islander heritage in education, business, science, the arts, government, and the Armed Forces, which have strengthened our Nation. We celebrate their story as a unique part of the American story.

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 May 2019 as Asian American and Pacific Islander Heritage Month. The Congress, by Public Law 102–450, as amended, has also designated the month of May each year as “Asian/Pacific American Heritage Month.” I encourage all Americans to learn more about those of Asian American, Native Hawaiian, and Pacific Islander heritage and to observe this month with appropriate programs and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth 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.



Presidential Documents

Proclamation 9868 of April 30, 2019

Jewish American Heritage Month, 2019

By the President of the United States of America

A Proclamation

As we observe Jewish American Heritage Month, our Nation celebrates nearly 4,000 years of Jewish history and honors the numerous contributions of Jewish Americans to our country and the world. Rabbi Akiva, a great Jewish scholar, declared that a central principle of the Torah is to “love thy neighbor as thyself.” Jewish Americans have repeatedly demonstrated their dedication to this commandment, helping the downtrodden and pursue justice, sanctifying the name of God, and embodying the best of America.

During a Jewish wedding ceremony, it is customary for the newlywed couple to shatter a glass. This longstanding tradition commemorates the destruction of the Temple in Jerusalem and symbolizes that even during times of heightened joy, one should remember the painful losses Jews suffered throughout history. In the same way, all Americans bear a moral responsibility to stand alongside our Jewish communities and learn the lessons of tolerance that run through the tragedies that have befallen the Jewish people—both long ago and, sadly, in recent times. Reflecting on these events steels our resolve that they never happen again.

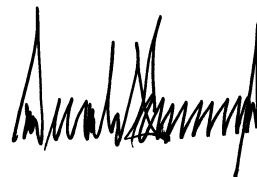
Unconscionably, rates of anti-Semitic hate crimes have risen globally, and Jewish institutions have been vandalized and violently attacked. This past October, we mourned alongside our Jewish brothers and sisters following the attack at the Tree of Life Synagogue in Pittsburgh, Pennsylvania, in which 11 worshippers were killed, making it the deadliest attack against Jews in American history. Then, on the sixth-month anniversary of that horrific attack and on the last day of Passover, we grieved as the Chabad of Poway Synagogue was the target of yet another act of anti-Semitic violence, in which one worshipper lost her life and three others were wounded. As Americans, we unequivocally condemn the pernicious, baseless hatred that is anti-Semitism.

Our American tradition compels us to reject the source of anti-Semitism. Following the Revolutionary War, the Jewish community of Newport, Rhode Island, was unsure if the new American Government would grant them equal rights, given the persecution and expulsion the Jewish people had faced in so many times and in so many places. In response, George Washington penned his famous 1790 letter to the members of Newport’s Touro Synagogue, reassuring American Jews that, in the United States, their religious liberty would be protected. He further invoked the prophet Micah, hoping that the “Children of the Stock of Abraham, who dwell in this land, continue to merit and enjoy the good will of the other Inhabitants; while everyone shall sit in safety under his own vine and fig tree, and there shall be none to make him afraid.” Since then, the unique American promise of religious liberty for people of all faiths has remained a proud hallmark of our Republic.

Today, we recognize the resilience of the Jewish community in the face of great adversity and celebrate the countless ways Jewish Americans have strengthened our Nation. We echo the words of President Washington and Rabbi Akiva and stand in solidarity with our American Jewish neighbors as we reaffirm our commitment to combat all forms of hate and anti-Semitism.

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 May 2019 as Jewish American Heritage Month. I call upon Americans to celebrate the heritage and contributions of American Jews and to observe this month with appropriate programs, activities, and ceremonies.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth 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.

A handwritten signature in black ink, appearing to be "Donald Trump", located on the right side of the page.

Presidential Documents

Proclamation 9869 of April 30, 2019

National Foster Care Month, 2019

By the President of the United States of America

A Proclamation

The future of our Nation rests with our children. We must invest in their futures, instill in them the values of family, faith, and country, and ensure they have every opportunity to realize their full potential. The development of our children begins at home, and my Administration is fully committed to strengthening American families.

This month, we recognize that there are children in our towns and communities who may not have a family, or whose families may be experiencing great difficulty and hardship. In America, we believe in standing beside these children, walking with them through their trials, and finding permanent and safe families for each of them. Kindhearted citizens across our land embody this belief, dedicating their time and efforts in doing so. In fiscal year 2017 alone, American families opened their doors to 443,000 young people in foster care—a number that has increased each of the last 5 years. During National Foster Care Month, we honor these patriots, who open their hearts to children who need a home, and who care for the most vulnerable among us. We also acknowledge the profound contributions of the individuals and organizations supporting foster and kinship caregivers, and those of the community providers and professionals who are helping children in foster care find safe and stable families.

We must strive to keep families united, wherever possible, and my Administration is working to reduce the removal of at-risk children from their homes and familiar surroundings. Last year, I signed into law the Family First Prevention Services Act, which is working to bolster families and keep children safely in their homes, when possible. This legislation gives States access to funding for evidence-based prevention and early intervention services such as mental health therapy, family counseling, substance use and addiction treatment, and parenting classes. By allowing States to address factors, such as the opioid crisis, America's sons and daughters are more likely to experience improved outcomes and hope for a brighter future.

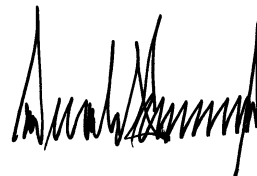
When it becomes necessary to move children out of their homes in order to provide more safety, stability, and opportunity, placement with relatives who can provide that environment is the first option. Children often experience less trauma when in kinship care, which is why the Federal Government is funding programs that provide family caregivers the services and support they need and requiring States to demonstrate how their foster care licensing standards promote family-friendly options.

Children deserve stable family environments, and foster care provides a wonderful opportunity for selfless and compassionate men and women to nurture children while we work to ensure that they have a forever family. This month, and always, we express our gratitude to all of the families who generously open their doors to children in need and provide them with love and support. We recommit to looking for opportunities to invest in the lives of our vulnerable young people, and we celebrate those who tirelessly serve our Nation's children in foster care.

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 May 2019 as National Foster Care Month. I call upon all Americans to observe this month by taking time to help children and youth in foster care, and to recognize the commitment of those who touch their lives, particularly celebrating their foster parents and other caregivers.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth 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.



Presidential Documents

Proclamation 9870 of April 30, 2019

National Physical Fitness and Sports Month, 2019

By the President of the United States of America

A Proclamation

National Physical Fitness and Sports Month highlights the important role of physical fitness and sports in uniting us as Americans and enabling us to live more active and healthy lives. The countless benefits of routine exercise and participation in sports extend beyond physical health and help improve overall mental health, teach valuable life skills, and build camaraderie and friendship.

Each day across our country, thousands of coaches, parents, and teachers work to break down barriers to youth participation in sports to help young people improve their lives and empower them to reach their full potential. Sports and physical activity help children and adolescents improve cardio-respiratory fitness, build strong bones and muscles, lower the likelihood of obesity, reduce symptoms of anxiety and depression, and reduce the risk of developing chronic health conditions. In addition, organized sports help our youth discover the importance of teamwork, social skills, hard work, determination, and the ability to overcome adversity. Students who participate in sports have up to 40 percent higher test scores and are 15 percent more likely to attend college.

Unfortunately, despite the numerous benefits, youth sports participation has been decreasing. In 2016, only 37 percent of youth played team sports on a regular basis, down from 45 percent 11 years ago. This decline is even more apparent among students from low-income families.

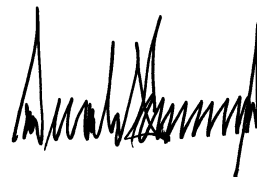
To address this issue, I have directed the President's Council on Sports, Fitness, and Nutrition (the Council) to work with the White House and the Secretary of Health and Human Services (HHS) to develop a national strategy to increase youth sports participation. Through this strategy, we are increasing awareness of the benefits of participation in sports and regular physical activity and of the importance of good nutrition. We are also working to recruit people devoted to encouraging and supporting youth participation in sports and regular physical activity through coaching, mentoring, teaching, and offering athletic and nutritional programs.

The strategy includes a focus on accessible, inclusive physical activity for Americans of all abilities. Girls, youth with disabilities, and those from economically distressed areas have lower rates of regular physical activity and face significant barriers in their pursuit of sports participation compared to their peers. Both the Council's Presidential Active Lifestyle Award and the HHS I Can Do It! (ICDI) program model will support the need for increased access to inclusive program models for American youth of all backgrounds and abilities. When children of all abilities play, practice, and compete together, we can build a more inclusive Nation.

This month, we celebrate and promote the countless benefits of both competitive and recreational sports, including better health, the opportunity to forge lifelong friendships, and the satisfaction of leaving it all on the field. Most importantly, we want our youth to learn the valuable lessons sports teach in order to create opportunities in the future for themselves, their families, and their communities.

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 May 2019 as National Physical Fitness and Sports Month. I call upon the people of the United States to make physical activity and sports participation a priority in their lives.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth 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.

A handwritten signature in black ink, appearing to be "Donald Trump", located at the bottom right of the page.

Presidential Documents

Proclamation 9871 of April 30, 2019

Older Americans Month, 2019

By the President of the United States of America

A Proclamation

Older Americans are treasured members of our communities. They have poured their lives into our country in ways seen and unseen—often at great personal sacrifice. To current generations and to those of the future, they have given a country whose greatness is unparalleled and which is only growing stronger. During Older Americans Month, we honor these Americans, we remember their countless contributions, and we proudly renew our abiding commitment to their well-being.

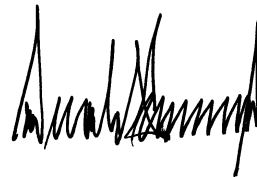
Older Americans enrich our lives in innumerable ways. Their diverse experiences and time-tested wisdom guide younger generations, connect them with our country's history, and empower them with the confidence to face the future. Older Americans devote themselves to their families. They lend their experience in the work place. They volunteer for religious and community organizations. In every context, they deepen our appreciation for country, they model selfless service to others, and they remain vibrant and contributing participants in the American experience.

My Administration is working to improve quality of life for our Nation's seniors. The Department of Justice is taking action to counter the growing threat of fraud against older Americans. In addition, we are working to lower the price of prescription drugs, which declined in 2018 for the first time in nearly half a century. We are building on that progress by implementing my American Patients First blueprint, which lays out strategies for drug pricing reform, including through improved competition and better price negotiation. Many companies give European countries a better deal on drug prices than they give to the United States. This has to stop. We will make sure that our great seniors on Medicare share in the discounts these companies have given to patients in other countries. I have also signed into law legislation that will help provide patients with more information to save on their prescription drugs and reduce out-of-pocket costs. With each action my Administration takes, it will protect both Medicare and Social Security for our seniors, who have paid into these programs for many decades and have earned the benefits they provide.

More than ever before, older Americans are taking charge, striving for wellness, focusing on independence, and advocating for themselves and others. This month, as we celebrate the central role that our elders play in vitalizing our families, neighborhoods, businesses, and lives, we also recommit to listening to their voices and meeting their needs. They deserve our honor, our sincere gratitude, and our respect for all that they have done to build and sustain our great Nation.

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 May 2019 as Older Americans Month. I call upon all Americans to honor our elders, acknowledge their contributions, care for those in need, and reaffirm our country's commitment to older Americans this month and throughout the year.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth 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.



Presidential Documents

Proclamation 9872 of April 30, 2019

Law Day, U.S.A., 2019

By the President of the United States of America

A Proclamation

On Law Day, we renew our commitment to the rule of law and our Constitution. The rule of law requires that no one be above the obligations of the law or beneath its protections, and it stands as a bulwark against the arbitrary use of government power.

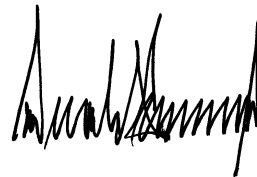
Our Founding Fathers knew that to secure liberty our Government must be one of laws and not the whims of officeholders. “The true idea of a republic,” wrote John Adams, “is an empire of laws, and not of men.” The Constitution, therefore, granted only limited power to the Federal Government, leaving the remainder to the States, and divided the Federal powers between three separate, co-equal branches. This separation of powers has helped guarantee the rule of law and preserve liberty for generations.

Each branch of the Federal Government takes an oath to uphold the Constitution and laws of the United States and thus is duty bound to the rule of law. That is why my Administration continues to fight the issuance of improper injunctions by Federal district courts, which enable a single district court judge to dictate law to the entire country and undermine the separation of powers. We are also eliminating unnecessary and burdensome regulations to help limit the intrusion of unaccountable regulators into the lives of American citizens. Additionally, I have taken action to ensure that public universities are fulfilling their obligation to uphold the First Amendment. In March, I signed an Executive Order that directs Federal agencies to ensure that public universities receiving Federal research or education grants are promoting free inquiry and not stifling open debate.

On this Law Day, I encourage all Americans to take time to express appreciation for how the rule of law helps protect our rights, including the freedoms of religion, speech, and the press. Today, we reflect on the many sacrifices our American forebearers made to secure and defend these rights for their posterity, and we aspire to be equally as dedicated to preserving them for future Americans.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, in accordance with Public Law 87–20, as amended, do hereby proclaim May 1, 2019, as Law Day, U.S.A. I urge all Americans, including government officials, to observe this day by reflecting upon the importance of the rule of law in our Nation and displaying the flag of the United States in support of this national observance; and I especially urge the legal profession, the press, and the radio, television, and media industries to promote and to participate in the observance of this day.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth 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.



Presidential Documents

Proclamation 9873 of April 30, 2019

Loyalty Day, 2019

By the President of the United States of America

A Proclamation

On Loyalty Day, we express our dedication to our Nation and our Constitution as the greatest means to “secure the Blessings of Liberty to ourselves and our Posterity.” As Americans, we recommit to preserving our liberty and the framework of limited government that safeguards it from abuse. On May 1, 1955, President Eisenhower issued the first Loyalty Day proclamation, calling on people to recognize the heritage of American freedom and reaffirm our commitment to the principles that make our country great. On this day, we renew this call and our pledge to defend the Constitution and rule of law. We also remember those who have protected our values, and we renew our resolve that America will never be a socialist country—our Republic was conceived in freedom and will remain free.

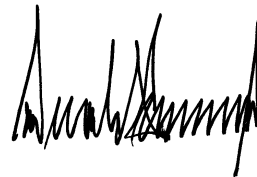
Other nations are founded on some common lineage, shared language, or other convenience. Ours alone is founded on a set of shared ideas. The Founding Fathers established a republic, in which the power of government derives from the consent of the governed. This new republic would exist to secure the right of the people to life, liberty, and the pursuit of happiness. The Declaration of Independence proclaimed this revolutionary philosophy to the world, and it was later enshrined in our Constitution. By virtue of our devotion to the rule of law and other founding principles, we have stood united both in times of prosperity and in times of strife. As I said during my Inaugural Address, “through our loyalty to our country, we will rediscover our loyalty to each other”—and through loyalty to each other we will restore our great country.

Every day, we must remember our incredible history, be grateful for the country we inherited, and protect our rights and our sovereignty. Today, we especially honor the exceptional men and women who have served in the United States Armed Forces and who have given so much for our freedom and peace around the world. By risking their lives to protect their fellow Americans and our precious liberty, service members and veterans exemplify loyalty and love of country. Their sacrifice reminds us that we must always be ready to defend our rights from those who seek to destroy our way of life.

To express our country’s loyalty to individual liberty, to limited government, and to the inherent dignity of every human being, the Congress, by Public Law 85–529, as amended, has designated May 1 of each year as “Loyalty Day.” On this day, we honor the United States of America and its values, as well as those who have fought and continue to fight for our freedom.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, do hereby proclaim May 1, 2019, as Loyalty Day. I call on Americans to observe this day with appropriate ceremonies in our schools and other public places, including the recitation of the Pledge of Allegiance to the Flag of the United States of America. I also call upon all Government officials to display the flag of the United States on all Government buildings and grounds on that day.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth 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.



Presidential Documents

Proclamation 9874 of April 30, 2019

National Day of Prayer, 2019

By the President of the United States of America

A Proclamation

Americans have always found power and unity through prayer. In 1988, the Congress, by Public Law 100–307, called on the President to issue each year a proclamation designating the first Thursday in May as a “National Day of Prayer.” Today, on this National Day of Prayer, we once again come together to give thanks to Almighty God for the bountiful blessings He has bestowed on our great Nation and to ask for His unfailing counsel. We also acknowledge our dependence on God’s love to guide our families, communities, and our country away from harm and toward abundance and peace.

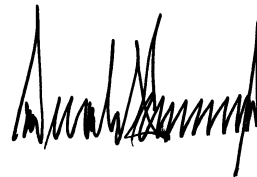
Our Nation acknowledges that religious liberty is a natural right, given to us by our Creator, not a courtesy that government extends to us. The First Amendment recognizes the freedom of religion and safeguards this right against government infringement. The United States’ steadfast commitment to upholding religious freedom has ensured that people of different faiths can pray together and live in peace as fellow American citizens. We have no tolerance for those who disrupt this peace, and we condemn all hate and violence, particularly in our places of worship.

Throughout our Nation’s history, Americans have consistently turned to God for guidance at pivotal moments. In 1775, the Continental Congress first declared a day of prayer, asking American patriots throughout the colonies to pray in earnest for divine help in forming our Republic. Seventy-five years ago this June, President Franklin D. Roosevelt led the Nation in prayer as courageous Americans stormed the beaches of Normandy on D-Day. He prayed: “Almighty God: Our sons, pride of our Nation, this day have set upon a mighty endeavor . . . Lead them straight and true; give strength to their arms, stoutness to their hearts, steadfastness in their faith.” Today, we also pray for strength for our Nation and our Armed Forces as we face new challenges at home and abroad.

Our Nation’s honored tradition of prayer has sustained us and strengthened our trust that God will continue to watch over and accompany us through the best of times and the darkest hours. May we as Americans never forget the power of prayer and the greatness of our Creator. On this National Day of Prayer, let each of us, according to our own faiths, call upon God for His guidance and express our gratitude for the love and grace He bestows on us and our country.

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 of America, do hereby proclaim May 2, 2019, as a National Day of Prayer. I invite the citizens of our Nation to pray, in accordance with their own faiths and consciences, in thanksgiving for the freedoms and blessings we have received, and for God’s guidance and continued protection as we meet the challenges before us.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth 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.



Rules and Regulations

Federal Register

Vol. 84, No. 87

Monday, May 6, 2019

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

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

DEPARTMENT OF AGRICULTURE

Natural Resources Conservation Service

7 CFR Parts 610, 622, 625, and 652

Commodity Credit Corporation

7 CFR Parts 1455

[Docket No. USDA-2019-0005]

RIN 0578-AA69

Miscellaneous Conservation Provisions

AGENCY: Natural Resources Conservation Service and the Commodity Credit Corporation, United States Department of Agriculture.

ACTION: Interim rule.

SUMMARY: The Agricultural Improvement Act of 2018 (the 2018 Farm Bill) made several minor changes to certain of the Natural Resources Conservation Service (NRCS) conservation programs and related requirements. The conservation programs and related requirements include the administration of the State Technical Committee, the Watershed Protection and Flood Prevention Act Program, the Healthy Forests Reserve Program (HFRP), the Technical Service Provider (TSP) Assistance provisions, and the Voluntary Public Access and Habitat Incentive Program (VPA-HIP). This rule makes changes to the existing regulations for the conservation programs that are consistent with the changes made by the 2018 Farm Bill.

DATES: Effective: May 6, 2019.

Comment date: Submit comments on or before July 5, 2019.

ADDRESSES: We invite you to submit comments on this rule. In your comments, include the date, volume, and page number of this issue of the **Federal Register**, and the title of rule. You may submit comments by the following method:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov> and search for Docket ID USDA-2019-0005. Follow the online instructions for submitting comments.

All written comments received will be publicly available on www.regulations.gov.

FOR FURTHER INFORMATION CONTACT:

Martha Joseph; phone: (814) 203-5562, or email: martha.joseph@usda.gov. Persons with disabilities who require alternative means for communication should contact the USDA Target Center at (202) 720-2600 (voice).

SUPPLEMENTARY INFORMATION:

Background

This rule makes minor changes to existing NRCS regulations and an NRCS administered Commodity Credit Corporation (CCC) regulation. The 2018 Farm Bill (Pub. L. 115-334) made mandatory minor changes to several conservation programs and related requirements, including State Technical Committee, Watershed Protection and Flood Prevention, HFRP, TSP Assistance, and VPA-HIP. The minor changes include:

- Adding to the membership of the State Technical Committee (7 CFR part 610, subpart C);
- Waiving the requirement for watershed plans under certain circumstances under the Watershed Protection and Flood Prevention (7 CFR part 622);
- Expanding the purposes of HFRP (7 CFR part 625);
- Authorizing that certification of TSPs be through a qualified non-federal entity (7 CFR part 652); and
- Including as a criteria for evaluation of VPA-HIP bids whether the land is enrolled in the Wetlands Reserve Easement (WRE) component of the Agricultural Conservation Easement Program (ACEP).

State Technical Committee (7 CFR Part 610, Subpart C)

The 2018 Farm Bill added the State Cooperative Extension Service and land grant universities in the State to the membership of the State Technical Committee. This rule adds representatives from these organizations to the list of members in 7 CFR 610.22.

Watershed Protection and Flood Prevention Program (7 CFR Part 622)

The Watershed Protection and Flood Prevention Act of 1954 (Pub. L. 83-566, Watershed Operations), as amended by section 2401 of the 2018 Farm Bill, authorizes NRCS to install watershed improvement measures to reduce flooding, sedimentation, and erosion damage; improve conservation, development, utilization, and disposal of water; and advance conservation and proper utilization of land.

Working in cooperation with soil conservation districts and other local sponsoring organizations, NRCS prepares detailed watershed plans that outline soil and water management problems and proposals to alleviate the problems, including estimated benefits and costs, cost-sharing arrangements, and operation and maintenance arrangements. The 2018 Farm Bill authorizes NRCS to waive the watershed plan for works of improvement if the NRCS Chief determines that (1) the watershed plan is unnecessary or duplicative; and (2) the works of improvement are otherwise consistent with applicable requirements. NRCS incorporates the waiver in 7 CFR 622.31.

HFRP (7 CFR Part 625)

HFRP is authorized by Title V of the Healthy Forests Restoration Act of 2003 (Pub. L. 108-148). The 2018 Farm Bill amended HFRP to add that protection of at-risk species is a purpose in the conservation of forest land, permanent easements are an enrollment option for acreage on Tribal land, and land that improves the well-being of a species identified as of greatest conservation need by a State wildlife action plan is now eligible and a priority for enrollment. Additionally, the 2018 Farm Bill removed the requirement to not use more than 40 percent of funds allocated each fiscal year for cost-share agreements, and not more than 60 percent of funds allocated each fiscal year for easements. The 2018 Farm Bill also updated the types of practices that can be conducted on enrolled land. NRCS incorporates these changes into 7 CFR part 625.

Additionally, NRCS is removing reference to the Regional Conservation Partnership Program (RCPP) authorized under Subtitle I of Title XII of the Food Security Act of 1985 (known as the 1985

Farm Bill). The 2018 Farm Bill amendments change how HFRP interacts with RCPP. The Agricultural Act of 2014 (Pub. L. 113–79) identified HFRP as a covered program under RCPP, and authorized the NRCS Chief to waive non-statutory, discretionary HFRP provisions and operational procedures where the NRCS Chief determined the waiver would further the purposes of HFRP. However, due to the changes to RCPP in the 2018 Farm Bill, NRCS is revising 7 CFR 625.1 to remove the specific waiver authority. (Other RCPP regulatory changes are being made in a separate rulemaking.)

NRCS is also taking this opportunity to make some minor administrative changes and corrections to improve the coordination between NRCS easement programs. These changes include: Updating the definition of Indian Tribe to clearly include Pueblos, identifying that lands are ineligible if there are onsite or offsite conditions that could interfere with the ability to meet HFRP purposes, and incorporating payment flexibility for easement and restoration payments to allow single payments, annual payments, and restoration payments based on actual or average costs. Finally, NRCS is making a correction to 7 CFR 625.10(d) because 30-year contracts had inadvertently been omitted from the types of agreements identified in that paragraph.

TSP (7 CFR Part 652)

The 2018 Farm Bill amended the TSP provisions in section 1242 of the 1985 Farm Bill by defining third-party provider and adding authority for NRCS to certify a TSP through a non-federal entity approved by the Secretary to perform the certification. The current regulatory definition of third-party provider is consistent with the 2018 Farm Bill changes and does not require any changes to implement the 2018 Farm Bill. NRCS had authorized non-federal entities to recommend TSPs for certification; NRCS is amending the alternative certification process to specify that NRCS will enter into agreements with the recommending organizations to certify TSPs.

VPA–HIP (7 CFR Part 1455)

VPA–HIP is authorized by section 1240R of the 1985 Farm Bill. VPA–HIP provides, within funding limits, grants to State and Tribal Governments to encourage owners and operators of privately held farm, ranch, and forest land to voluntarily make that land available for access by the public for wildlife-dependent recreation, including hunting and fishing under programs administered by State and

Tribal Governments. NRCS administers VPA–HIP on behalf of CCC. The 2018 Farm Bill amended VPA–HIP funding to authorize \$50,000,000 for fiscal years 2019 through 2023, to the maximum extent practicable, and requires \$3 million of the VPA–HIP funds be made available to encourage public hunting and other recreational activities on lands subject to ACEP–WRE. Since the VPA–HIP regulation identifies program priorities, NRCS is adding this new priority in 7 CFR 1455.20(c)(5).

Effective Date, Notice and Comment, and Paperwork Reduction Act

In general, the Administrative Procedure Act (APA, 5 U.S.C. 553) requires that a notice of proposed rulemaking be published in the **Federal Register** and interested persons be given an opportunity to participate in the rulemaking through submission of written data, views, or arguments with or without opportunity for oral presentation, except when the rule involves a matter relating to public property, loans, grants, benefits, or contracts. This rule involved matters relating to benefits and is therefore exempt from the APA requirements. Further, the regulations to implement the programs of Chapter 58 of Title 16 of the U.S. Code, as specified in 16 U.S.C. 3846, and the administration of those programs, are:

- To be made as an interim rule effective on publication, with an opportunity for notice and comment;
- Exempt from the Paperwork Reduction Act (44 U.S.C. chapter 35); and
- To use the authority under 5 U.S.C. 808 related to Congressional review and avoid any potential delay in the effective date.

The APA exemption covers the changes for HFRP and Watershed Protection and Flood Prevention. The exemption in 16 U.S.C. 3846 covers the changes for the other programs in this rule. Therefore, this rule is effective on the date of publication in the **Federal Register**.

NRCS invites interested persons to participate in this rulemaking by submitting written comments or views about the changes made by this interim rule. The most helpful comments reference a specific portion of the regulation, explain the reason for any recommended changes, and include supporting data and references to relevant section of either the 2018 Farm Bill or the 1985 Farm Bill. All comments received on or before the closing date for comments will be considered. If changes to the regulation need to be made in response to public

comments, those comments will be addressed in a subsequent rulemaking.

Executive Orders 12866, 13563, 13771, and 13777

Executive Order 12866, “Regulatory Planning and Review,” and Executive Order 13563, “Improving Regulation and Regulatory Review,” direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13563 emphasized the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. Executive Order 13777, “Enforcing the Regulatory Reform Agenda,” established a federal policy to alleviate unnecessary regulatory burdens on the American people.

The Office of Management and Budget (OMB) designated this rule as not significant under Executive Order 12866, “Regulatory Planning and Review,” and therefore, OMB has not reviewed this rule.

Executive Order 13771, “Reducing Regulation and Controlling Regulatory Costs,” requires that, in order to manage the private costs required to comply with federal regulations, for every new significant or economically significant regulation issued, the new costs must be offset by the elimination of at least two prior regulations. As this rule is designated not significant, it is not subject to Executive Order 13771.

Clarity of the Regulation

Executive Order 12866, as supplemented by Executive Order 13563, requires each agency to write all rules in plain language. In addition to your substantive comments on this rule, we invite your comments on how to make the rule easier to understand. For example:

- Are the requirements in the rule clearly stated? Are the scope and intent of the rule clear?
- Does the rule contain technical language or jargon that is not clear?
- Is the material logically organized?
- Would changing the grouping or order of sections or adding headings make the rule easier to understand?
- Could we improve clarity by adding tables, lists, or diagrams?
- Would more, but shorter, sections be better? Are there specific sections that are too long or confusing?
- What else could we do to make the rule easier to understand?

Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601–612), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), generally requires an agency to prepare a regulatory analysis of any rule whenever an agency is required by APA or any other law to publish a proposed rule, unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. This rule is not subject to the Regulatory Flexibility Act because no law requires that a proposed rule be published for this rulemaking initiative.

Environmental Review

The environmental impacts of this rule have been considered in a manner consistent with the provisions of the National Environmental Policy Act (NEPA, 42 U.S.C. 4321–4347), the regulations of the Council on Environmental Quality (40 CFR parts 1500–1508), and the NRCS regulations for compliance with NEPA (7 CFR part 650). The 2018 Farm Bill requires minor changes to NRCS conservation programs, and there are no changes to the basic structure of the programs. The majority of the changes are mandatory and, therefore, do not require evaluation under the National Environmental Policy Act. In addition, minor administrative improvements are made to the regulations as a result of continuing evaluations of NRCS program implementation efforts. The only discretionary regulatory changes are administrative in nature. Such administrative changes fall within a categorical exclusion for policy development, planning, and implementation that relate to routine administrative activities (7 CFR 1b.3(a)(1)). As such, NRCS has determined that the provisions identified in this rule are mandatory or minor and administrative requirements of the 2018 Farm Bill programs and do not constitute a major federal action that would significantly affect the quality of the human environment, individually or cumulatively. Therefore, NRCS will not prepare an environmental assessment or environmental impact statement for this regulatory action.

Executive Order 12372

Executive Order 12372, “Intergovernmental Review of Federal Programs,” requires consultation with State and local officials that would be directly affected by proposed federal financial assistance. The objectives of the Executive Order are to foster an

intergovernmental partnership and a strengthened federalism, by relying on State and local processes for State and local government coordination and review of proposed federal financial assistance and direct federal development. For reasons specified in the final rule related notice regarding 7 CFR part 3015, subpart V (48 FR 29115, June 24, 1983), the programs and activities in this rule are excluded from the scope of Executive Order 12372.

Executive Order 12988

This rule has been reviewed under Executive Order 12988, “Civil Justice Reform.” This rule will not preempt State or local laws, regulations, or policies unless they represent an irreconcilable conflict with this rule. Before any judicial actions may be brought regarding the provisions of this rule, the administrative appeal provisions of 7 CFR part 11 are to be exhausted.

Executive Order 13132

This rule has been reviewed under Executive Order 13132, “Federalism.” The policies contained in this rule do not have any substantial direct effect on States, on the relationship between the Federal Government and the States, or on the distribution of power and responsibilities among the various levels of government, except as required by law. Nor does this rule impose substantial direct compliance costs on State and local governments. Therefore, consultation with the States is not required.

Executive Order 13175

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

NRCS has assessed the impact of this rule on Indian Tribes and determined that this rule does not, to our knowledge, have Tribal implication that requires Tribal consultation under Executive Order 13175. The regulation changes do not have Tribal implications that preempt Tribal law and are not

expected have a substantial direct effect on one or more Indian Tribes. If a Tribe requests consultation, NRCS will work with the USDA Office of Tribal Relations to ensure meaningful consultation is provided where changes, additions, and modifications identified in this rule are not expressly mandated by the 2018 Farm Bill.

Separate from Tribal consultation, communication and outreach efforts are in place to assure that all producers, including Tribes (or their members), are provided information about the regulation changes. Specifically, NRCS obtains input through Tribal Conservation Advisory Councils. A Tribal Conservation Advisory Council may be an existing Tribal committee or department and may also constitute an association of member Tribes organized to provide direct consultation to NRCS at the State, regional, and national levels to provide input on NRCS rules, policies, programs, and impacts on Tribes. Tribal Conservation Advisory Councils provide a venue for agency leaders to gather input on Tribal interests. Additionally, NRCS will be holding several sessions with Indian Tribes and Tribal entities across the country in fiscal year 2019 to describe the 2018 Farm Bill changes to NRCS conservation programs, obtain input about how to improve Tribal and Tribal member access to NRCS conservation assistance, and make any appropriate adjustments to the regulations that will foster such improved access.

Unfunded Mandates

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA, Pub. L. 104–4), requires federal agencies to assess the effects of their regulatory actions on State, local, and Tribal Governments or the private sector. Agencies generally must prepare a written statement, including cost benefits analysis, for proposed and final rules with federal mandates that may result in expenditures of \$100 million or more in any 1 year for State, local or Tribal governments, in the aggregate, or to the private sector. UMRA generally requires agencies to consider alternatives and adopt the more cost-effective or least burdensome alternative that achieves the objectives of the rule. This rule contains no federal mandates, as defined under Title II of UMRA, for State, local, and Tribal Governments or the private sector. Therefore, this rule is not subject to the requirements of UMRA.

Small Business Regulatory Enforcement Fairness Act (SBREFA)

SBREFA (Pub. L. 104–121) normally requires that an agency delay the effective date of a major rule for 60 days from the date of publication to allow for Congressional review. This rule is not a major rule under the SBREFA. Therefore, neither NRCS nor the CCC is required to delay the effective date for 60 days from the date of publication to allow for Congressional review. As stated above, this rule is effective on the date of publication in the **Federal Register**.

Federal Assistance Programs

The titles and numbers of the Federal Domestic Assistance Programs in the Catalog of Federal Domestic Assistance to which this rule applies are:

- 10.922—Healthy Forests Reserve Program
- 10.903—Voluntary Public Access-Habitat Incentives Program
- 10.904—Watershed Protection and Flood Prevention

E-Government Act Compliance

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

List of Subjects

7 CFR Part 610

Grazing Lands, Soil conservation, Technical assistance, Water resources.

7 CFR Part 622

Flood control, Grant programs—natural resources, Loan programs—natural resources, Soil conservation, Technical assistance, Watersheds.

7 CFR Part 625

Administrative practice and procedure, Agriculture, Forest and forest product, Soil conservation.

7 CFR Part 652

Soil conservation, Technical assistance, Water resources.

7 CFR Part 1455

Agriculture, Animals, Environmental protection, Fishing, Forests and forest products, Grant programs, Hunting, Indians, Indians—land, Natural resources, Recreation and recreation areas, Rural areas, State and local governments, Wildlife.

For the reasons discussed above, CCC and NRCS amend 7 CFR parts 610, 622, 625, 652, and 1455 as follows:

PART 610—TECHNICAL ASSISTANCE

- 1. The authority citation for part 610 is revised to read as follows:

Authority: 16 U.S.C. 590a–f, 590q, 2005b, 3861, and 3862.

- 2. Amend § 610.22 as follows:

- a. In paragraph (a)(10), remove the word “and” after the semi-colon;

- b. In paragraph (a)(11), remove the period and add a semi-colon and “; and” in its place; and

- c. Add paragraph (a)(12).

The addition reads as follows:

§ 610.22 State Technical Committee membership.

(a) * * *

(12) The State Cooperative Extension Service and land grant universities in the State.

* * * * *

PART 622—WATERSHED PROJECTS

- 3. The authority citation for part 622 is revised to read as follows:

Authority: 16 U.S.C. 1001–1012a, and 33 U.S.C. 701b–1.

- 4. Revise § 622.31 as follows:

- a. Designate the undesignated paragraph as paragraph (a); and

- b. Add paragraph (b).

The addition reads as follows:

§ 622.31 Basic planning efforts.

* * * * *

(b) The Chief of NRCS may waive the watershed plan for works of improvement if the Chief determines that—

(1) The watershed plan is unnecessary or duplicative; and

(2) The works of improvement are otherwise consistent with applicable requirements under this part.

PART 625—HEALTHY FORESTS RESERVE PROGRAM

- 5. The authority citation for part 625 continues to read as follows:

Authority: 16 U.S.C. 6571–6578.

- 6. Amend § 625.1 as follows:

- a. Redesignate paragraph (b)(3) as paragraph (b)(4);

- b. Add new paragraph (b)(3); and

- c. Remove paragraph (e).

The addition reads as follows:

§ 625.1 Purpose and scope.

* * * * *

(b) * * *

(3) Conserve forest land that provides habitat for species listed under section 4 of ESA, a candidate for such listing, State-listed species or species of greatest conservation need as identified in a State wildlife action plan, or species

identified by the Chief for special consideration for funding; and

* * * * *

- 7. In § 625.2 revise the definitions of “conservation practice” and “Indian tribe” to read as follows:

§ 625.2 Definitions.

* * * * *

Conservation practice means one or more conservation improvements, measures, and activities, including structural practices, and measures, land management practices, vegetative treatments, forest management, practices to increase carbon sequestration, practices to improve biological diversity, and other improvements that benefit the eligible land and optimize environmental benefits, planned and applied according to NRCS standards and specifications.

* * * * *

Indian Tribe means Indian Tribe, band, Nation, Pueblo, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (85 Stat. 688, 43 U.S.C. 1601–1629h), which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

* * * * *

- 8. Amend § 625.4 as follows:

- a. Revise paragraphs (a) and (c)(2);

- b. In paragraph (d)(2) after the semi-colon remove the word “and”;

- c. In paragraph (d)(3) remove the period and add “; and” in its place; and

- d. Add a new paragraph (d)(4).

The revisions and addition read as follows:

§ 625.4 Program requirements.

(a) *General.* Under HFRP:

(1) NRCS will purchase conservation easements from, or enter into 30-year contracts or 10-year cost-share agreements with, eligible landowners who voluntarily cooperate in the restoration and protection of forestlands and associated lands.

(2) A landowner will participate in HFRP by agreeing to the implementation of an HFRP restoration plan, the effect of which is to restore, protect, enhance, maintain, and manage the habitat conditions necessary to increase the likelihood of recovery of listed species under the ESA, or measurably improve the well-being of species that are candidates for such listing, that is a candidate for listing under section 4 of ESA, State-listed species or species deemed of greatest conservation need by

a State wildlife action plan, or species identified by the Chief for special consideration for funding.

(3) NRCS may provide cost-share assistance for the activities that promote the restoration, protection, enhancement, maintenance, and management of forest ecosystem functions and values. Specific restoration, protection, enhancement, maintenance, and management activities may be undertaken by the landowner or other NRCS designee.

* * * * *

(c) * * *

(2) Land will be considered eligible for enrollment in HFRP only if NRCS determines that such private forest land or private land being restored to forest land will contribute to the maintenance, restoration, or enhancement of the habitat or measurably:

(i) Increase the likelihood of recovery for a selected species listed under section 4 of ESA; or

(ii) Improve the well-being of a selected species that is a candidate for listing under section 4 of ESA, or the selected species is a State-listed species, or deemed a species of greatest conservation need by a State wildlife action plan, or is a species identified by the Chief for special consideration for funding.

* * * * *

(d) * * *

(4) Land where the purposes of HFRP would be undermined due to onsite or offsite conditions, such as risk of hazardous substances, unacceptable encumbrances to title, permitted or existing rights of way, infrastructure development, or adjacent land uses.

§ 625.6 [Amended]

■ 9. Amend § 625.6, in paragraph (a)(2), by removing “or species” and adding “or deemed of greatest conservation need under a State wildlife action plan, or species” in their place.

■ 10. Amend § 625.8 as follows:

■ a. In paragraph (c)(2), remove “no more than 10 annual payments of equal or unequal size” and add “through annual payments” in its place; and

■ b. Revise paragraphs (e) and (f).

The revisions read as follows:

§ 625.8 Compensation for easements and 30-year contracts.

* * * * *

(e) The amount, terms, and conditions of the cost-share assistance will be subject to the following restrictions on the costs of establishing or installing NRCS-approved conservation practices or implementing measures specified in the HFRP restoration plan:

(1) On enrolled land subject to a permanent easement or an easement for the maximum duration allowed under State law, NRCS will offer to pay not less than 75 percent nor more than 100 percent of the actual or average cost, and;

(2) On enrolled land subject to a 30-year easement or 30-year contract, NRCS will offer to pay not more than 75 percent of the actual or average cost.

(f) On enrolled land subject to a 10-year cost-share agreement without an associated easement, NRCS will offer to pay not more than 50 percent of the actual or average costs.

§ 625.10 [Amend]

■ 11. Amend § 625.10, paragraph (d), by removing “easement,” and adding “easement, 30-year contract,” in its place.

■ 12. Amend § 625.11, paragraph (a), by adding a new second sentence to read as follows:

§ 625.11 Easement participation requirements.

(a) * * * An Indian Tribe may enroll in HFRP through a 10-year cost-share agreement as specified in § 625.9, a 30-year contract as specified in § 625.12, or a permanent easement as specified in this part. * * *

* * * * *

PART 652—TECHNICAL SERVICE PROVIDER ASSISTANCE

■ 13. The authority citation for part 652 continues to read as follows:

Authority: 16 U.S.C. 3842.

■ 14. Amend § 652.25 by adding paragraphs (f) through (h) to read as follows:

§ 652.25 Alternative application process for individual certification.

* * * * *

(f) NRCS may also enter into an agreement with a recommending organization that NRCS determines has an adequate accreditation program to certify individuals as technical service providers for specific practices or categories of technical service in accordance with this part.

(g) After submission of an Application for Certification under § 652.21, NRCS may certify an individual that has an appropriate specialty certification, including a sustainability specialty certification, as qualified to provide technical services for a specific practice, category, or categories of technical service.

(h) NRCS will identify, on its website, which recommending organizations or specialty certifications are recognized

by NRCS as meeting NRCS quality criteria for certification of individuals under this part.

PART 1455—VOLUNTARY PUBLIC ACCESS AND HABITAT INCENTIVE PROGRAM

■ 15. The authority citation for part 1455 continues to read as follows:

Authority: 15 U.S.C. 714b and 714c, and 16 U.S.C. 3839.

§ 1455.20 [Amend]

■ 16. In § 1455.20, paragraph (c)(5), at the end, remove the word “program” and add “program, including lands enrolled in the Wetland Reserve Easement component of the Agricultural Conservation Easement Program, part 1468, subpart C of this chapter” in its place.

Matthew Lohr,

Chief, Natural Resources Conservation Service.

Robert Stephenson,

Executive Vice President, Commodity Credit Corporation.

[FR Doc. 2019–09151 Filed 5–3–19; 8:45 am]

BILLING CODE 3410–16–P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 985

[Doc. No. AMS–SC–18–0084; SC19–985–1 FR]

Marketing Order Regulating the Handling of Spearmint Oil Produced in the Far West; Salable Quantities and Allotment Percentages for the 2019–2020 Marketing Year

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule implements a recommendation from the Far West Spearmint Oil Administrative Committee (Committee) to establish salable quantities and allotment percentages of Class 1 (Scotch) and Class 3 (Native) spearmint oil produced in Washington, Idaho, Oregon, and designated parts of Nevada and Utah (the Far West) for the 2019–2020 marketing year. This rule also removes references to past volume regulation no longer in effect.

DATES: Effective June 5, 2019.

FOR FURTHER INFORMATION CONTACT:

Barry Broadbent, Marketing Specialist, or Gary Olson, Regional Director, Northwest Marketing Field Office,

Marketing Order and Agreement Division, Specialty Crops Program, AMS, USDA; Telephone: (503) 326-2724, Fax: (503) 326-7440, or Email: Barry.Broadbent@usda.gov or GaryD.Olson@usda.gov.

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

SUPPLEMENTARY INFORMATION: This action, pursuant to 5 U.S.C. 553, amends regulations issued to carry out a marketing order as defined in 7 CFR 900.2(j). This rule is issued under Marketing Order No. 985, as amended (7 CFR part 985), regulating the handling of spearmint oil produced in the Far West. Part 985 (referred to as the “Order”) is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), hereinafter referred to as the “Act.” The Committee locally administers the Order and is comprised of spearmint oil producers operating within the area of production, and a public member.

The Department of Agriculture (USDA) is issuing this final rule in conformance with Executive Orders 13563 and 13175. This action falls within a category of regulatory actions that the Office of Management and Budget (OMB) exempted from Executive Order 12866 review. Additionally, because this rule does not meet the definition of a significant regulatory action, it does not trigger the requirements contained in Executive Order 13771. See OMB’s Memorandum titled “Interim Guidance Implementing Section 2 of the Executive Order of January 30, 2017, titled ‘Reducing Regulation and Controlling Regulatory Costs’” (February 2, 2017).

This final rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule is not intended to have retroactive effect. Under the Order now in effect, salable quantities and allotment percentages may be established for classes of spearmint oil produced in the Far West. This rule establishes quantities and percentages for Class 1 (Scotch) and Class 3 (Native) spearmint oil for the 2019-2020 marketing year, which begins on June 1, 2019.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any

handler subject to an order may file with USDA a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and request a modification of the order or to be exempted therefrom. Such a handler is afforded the opportunity for a hearing on the petition. After the hearing, USDA would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction to review USDA’s ruling on the petition, provided an action is filed not later than 20 days after the date of the entry of the ruling.

Pursuant to §§ 985.50, 985.51, and 985.52, the Order requires the Committee to meet each year to consider supply and demand of spearmint oil and to adopt a marketing policy for the ensuing marketing year. When such considerations indicate a need to establish or to maintain stable market conditions through volume regulation, the Committee recommends salable quantity limitations and allotment percentages to regulate the quantity of Far West spearmint oil available to the market.

According to § 985.12, “salable quantity” is the total quantity of each class of oil (Scotch or Native) that handlers may purchase from, or handle on behalf of, producers during a given marketing year. The total industry allotment base is the aggregate of all allotment bases held individually by producers as prescribed under § 985.53(d)(1). The total allotment base is generally revised each year on June 1 due to producer base being lost because of the “bona fide effort” production provision of § 985.53(e).

Each producer’s prorated share of the salable quantity of each class of oil, or their “annual allotment” as defined in § 985.13, is calculated by using an allotment percentage. The percentage is derived by dividing the salable quantity by the total industry allotment base for that same class of oil.

The Committee met on October 17, 2018, to consider its marketing policy for the 2019-2020 marketing year. At that meeting, the Committee determined that, based on the current market and supply conditions, volume regulation for both classes of oil is necessary. With a 6-2 vote, the Committee recommended a salable quantity and allotment percentage for Scotch spearmint oil of 832,081 pounds and 38 percent. The two members voting in opposition to the recommendation favored volume regulation, but at an

undesignated higher level than what was proposed. The Committee voted unanimously on its recommended salable quantity and allotment percentage for Native spearmint oil of 1,395,813 pounds and 56 percent. Salable quantities and allotment percentages have been placed into effect each season since the Order’s inception in 1980.

Scotch Spearmint Oil

The Committee’s recommended 2019-2020 marketing year salable quantity and allotment percentage for Scotch spearmint oil represent an increase from the previous year’s levels. The 2019-2020 marketing year salable quantity of 832,081 pounds is 71,421 pounds more than the 2018-2019 marketing year salable quantity of 760,660 pounds. The allotment percentage, recommended at 38 percent for the 2019-2020 marketing year, is an increase from the 35 percent in effect the previous year. The total estimated allotment base for the coming marketing year is estimated at 2,189,668 pounds. This figure represents a one-percent increase over the 2018-2019 marketing year total allotment base of 2,168,008.

The Committee considered several factors in making its recommendation, including the current and projected future supply, estimated future demand, production costs, and producer prices. The Committee’s recommendation also accounts for established acreage of Scotch spearmint oil, consumer demand, existing carry-in, reserve pool volume, and increased production in competing markets.

According to the Committee, as costs of production have increased, many producers have forgone new plantings of Scotch spearmint. This has resulted in a significant decline in production of Scotch spearmint oil over past years. Production has decreased from 1,113,346 pounds produced in 2016, to 817,857 pounds produced in 2017, and to an estimated 671,662 pounds for 2018.

Industry reports also indicate that the relatively low trade demand for Scotch spearmint oil is likely the result of decreased consumer demand for spearmint-flavored products, especially chewing gum in China and India. Scotch spearmint oil sales have averaged 794,808 pounds per year over the last three years, and 902,076 pounds over the last five years. For the 2018-2019 crop, the Committee estimates trade demand to be 805,000 pounds.

In addition, increasing production of spearmint oil in competing markets, most notably Canada and the U.S.

Midwest, has also put downward pressure on the Scotch market.

Given the general decline in demand and anticipated market conditions for the coming year, the Committee decided it was prudent to estimate that the Scotch spearmint oil trade demand for the 2019–2020 marketing year trade is 805,000 pounds, unchanged from the prior year. Should the established volume regulation levels prove insufficient to adequately supply the market, the Committee has the authority to recommend intra-seasonal increases, as it has in previous marketing years.

The Committee calculated the minimum salable quantity of Scotch spearmint oil that will be required during the 2019–2020 marketing year (590,335 pounds) by subtracting the estimated salable carry-in on June 1, 2019, (214,645) from the estimated trade demand (805,000). This minimum salable quantity represents the minimum amount of Scotch spearmint oil that may be needed to satisfy estimated demand for the coming year. To ensure that the market will be fully supplied, the Committee recommended a 2019–2020 marketing year salable quantity of 832,081 pounds. The salable quantity of 832,081 pounds, combined with an estimated 214,645 pounds of salable quantity carried in from the previous year, will yield a total available supply of 1,046,726 pounds Scotch spearmint oil for the 2019–2020 marketing year, and leave an estimated 241,726 pounds of salable oil to carry into the 2020–2021 marketing year.

Salable carry-in is the primary measure of excess spearmint oil supply under the Order, as it represents overproduction in prior years that is currently available to the market without restriction. Under volume regulation, spearmint oil that is designated as salable continues to be available to the market until it is sold and may be marketed at any time at the discretion of the owner. Salable quantities established under volume regulation over the last three seasons have exceeded sales, leading to a gradual build of Scotch spearmint oil salable carry-in.

The Committee estimates that there will be 215,757 pounds of salable carry-in of Scotch spearmint oil on June 1, 2019. If current market conditions are maintained and the Committee's projections are correct, salable carry-in will increase to 241,726 pounds at the beginning of the 2020–2021 marketing year. This level is above the quantity that the Committee generally considers favorable (150,000 pounds). However, the Committee anticipates that this higher salable carry-in will be

manageable given the expected declining production levels of Scotch spearmint oil. The Committee believes that, given the current economic conditions in the Scotch spearmint oil industry, some Scotch spearmint oil producers will not produce enough oil in the 2019–2020 marketing year to fill all of their base allotment. Therefore, it is anticipated that the actual quantity of Scotch spearmint oil carried into the next marketing year will be less than the quantity calculated above.

Spearmint oil held in reserve is oil that has been produced in excess of a producer's marketing year allotment and is not available to the market in the current marketing year without an increase in the salable quantity and allotment percentage. Oil held in the reserve pool is another indicator of excess supply. Scotch spearmint oil held in the reserve pool, which was completely depleted at the beginning of the 2014–2015 marketing year, has been gradually increasing over the past five years. The Committee reported that there were 71,088 pounds of Scotch spearmint oil held in the reserve pool as of May 31, 2017. The reserve pool increased to 202,638 pounds on May 31, 2018 but is expected to drop back down to 115,473 pounds by May 31, 2019. This quantity of reserve pool oil should be an adequate buffer to supply the market, if necessary, if the industry experiences an unexpected increase in demand.

The Committee recommended an allotment percentage of 38 percent for the 2019–2020 marketing year for Scotch spearmint oil. During its October 17, 2018, meeting, the Committee calculated an initial allotment percentage by dividing the minimum required salable quantity (590,355 pounds) by the total estimated allotment base (2,189,688 pounds), resulting in 27 percent. However, producers and handlers at the meeting indicated that the computed percentage (27 percent) might not adequately supply the potential 2019–2020 Scotch spearmint oil market demand and may also result in inadequate carry-in for the subsequent marketing year. After deliberation, the Committee increased the recommended allotment percentage to 38 percent. The total estimated allotment base (2,189,688 pounds) for the 2019–2020 marketing year multiplied by the salable allotment percentage (38 percent) will yield 832,081 pounds, which is the recommended salable quantity for the 2019–2020 marketing year.

The 2019–2020 marketing year computational data for the Committee's recommendation is detailed below.

(A) *Estimated carry-in of Scotch spearmint oil on June 1, 2019: 214,645 pounds.* This figure is the difference between the 2018–2019 marketing year total available supply of 1,019,645 pounds and the 2018–2019 marketing year estimated trade demand of 805,000 pounds.

(B) *Estimated trade demand of Scotch spearmint oil for the 2019–2020 marketing year: 805,000 pounds.* This figure was established at the Committee meeting held on October 17, 2018.

(C) *Salable quantity of Scotch spearmint oil required from the 2019–2020 marketing year production: 590,355 pounds.* This figure is the difference between the estimated 2019–2020 marketing year trade demand (805,000 pounds) and the estimated carry-in on June 1, 2019 (214,645 pounds). This salable quantity represents the minimum amount of Scotch spearmint oil production that may be needed to satisfy estimated demand for the coming year.

(D) *Total estimated Scotch spearmint oil allotment base of for the 2019–2020 marketing year: 2,189,688 pounds.* This figure represents a one-percent increase over the 2018–2019 total actual allotment base of 2,168,008 pounds, as prescribed by § 985.53(d)(1). The one-percent increase equals 21,680 pounds. This total estimated allotment base is generally revised each year on June 1 in accordance with § 985.53(e).

(E) *Computed Scotch spearmint oil allotment percentage for the 2019–2020 marketing year: 27 percent.* This percentage is computed by dividing the minimum required salable quantity (590,355 pounds) by the total estimated allotment base (2,189,688 pounds).

(F) *Recommended Scotch spearmint oil allotment percentage for the 2019–2020 marketing year: 38 percent.* This is the Committee's recommendation and is based on the computed allotment percentage (27 percent) and input from producers and handlers at the October 17, 2018, meeting. The recommended 38-percent allotment percentage reflects the Committee's belief that the computed percentage (27 percent) may not adequately supply anticipated 2019–2020 Scotch spearmint oil market demand.

(G) *Recommended Scotch spearmint oil salable quantity for the 2019–2020 marketing year: 832,081 pounds.* This figure is the product of the recommended salable allotment percentage (38 percent) and the total estimated allotment base (2,189,688 pounds) for the 2019–2020 marketing year.

(H) *Estimated total available supply of Scotch spearmint oil for the 2019–*

2020 marketing year: 1,046,726 pounds. This figure is the sum of the 2019–2020 marketing year recommended salable quantity (832,081 pounds) and the estimated carry-in on June 1, 2019 (214,645 pounds).

For the reasons stated above, the Committee believes that the recommended salable quantity and allotment percentage will adequately satisfy trade demand, will result in a reasonable carry-in for the following year, and will contribute to the orderly marketing of Scotch spearmint oil.

Native Spearmint Oil

The Committee recommended a Native spearmint oil salable quantity of 1,395,813 pounds and an allotment percentage of 56 percent for the 2019–2020 marketing year. These figures are, respectively, 87,866 pounds and 3 percentage points higher than the levels established for the 2018–2019 marketing year.

The Committee utilized handlers' anticipated sales estimates of Native spearmint oil for the coming year, historical and current Native spearmint oil production, inventory statistics, and international market data obtained from consultants for the spearmint oil industry to arrive at these recommendations.

The Committee anticipates that 2018 production will total 1,477,128 pounds, similar to last year's production but down from 1,694,684 pounds produced in 2016. Committee figures show that total Native spearmint acres remained relatively static and that the estimated yield, at 167.4 pounds per acre, was up from 160.9 pounds per acre in 2017. Sales of Native spearmint oil for the 2017–2018 marketing year spiked, up 21 percent from the previous year to 1,565,515 pounds. Sales for the current marketing year have cooled a bit, but the Committee still estimates sales through the 2018–2019 marketing year of 1,450,000 pounds.

The Committee expects that only 8,005 pounds of salable Native spearmint oil from prior years will be carried into the 2019–2020 marketing year. This amount is down from the 48,062 pounds of salable oil carried into the 2018–2019 marketing year, and 143,011 pounds carried into the 2017–2018 marketing year.

Further, the Committee estimates that there will be 1,150,927 pounds of Native spearmint oil in the reserve pool at the beginning of the 2019–2020 marketing year. This figure is 130,344 pounds higher than the quantity of reserve pool oil held by producers the previous year and is consistent with the gradual

increase in reserves experienced over the past three marketing years.

The Committee expects end users of Native spearmint oil to continue to rely on Far West production as their main source of high-quality Native spearmint oil, but demand may be at lower quantities than the past year moving forward in response to long-term market factors. A sharp spike in demand for Native spearmint oil was experienced by handlers late in the 2017–2018 marketing year, spurred by the popularity of a new product in the market. This sharp spike in demand caused the remaining available 2017–2018 marketing year salable quantity to be depleted. While sales in the 2018–2019 marketing year are expected to come down from the prior year spike, the Committee still anticipates demand at relatively high levels.

The Committee estimates the 2019–2020 marketing year Native spearmint oil trade demand to be 1,400,000 pounds. This figure is based on input provided by producers at six production area meetings held in mid-October 2018, as well as estimates provided by handlers and other meeting participants at the October 17, 2018, meeting. This figure represents a decrease of 50,000 pounds from the previous year's estimate. The average estimated trade demand for Native spearmint oil derived from the producer meetings was 1,380,000 pounds, whereas the handlers' estimates ranged from 1,300,000 to 1,500,000 pounds. The average of Native spearmint oil sales over the last three years is 1,364,782 pounds. The quantity marketed over the most recent full marketing year, 2017–2018, was 1,565,515 pounds. However, the Committee considers that year to be an anomaly. The Committee chose to be slightly conservative in the establishment of its trade demand estimate for the 2019–2020 marketing year to avoid oversupplying the market.

The estimated 2019–2020 marketing year carry-in of 8,005 pounds of Native spearmint oil, plus the recommended salable quantity of 1,395,813 pounds, results in an estimated total available supply of 1,403,818 pounds of oil during the 2019–2020 marketing year. With the corresponding estimated trade demand of 1,400,000 pounds, the Committee projects that 3,818 pounds of oil will be carried into the 2019–2020 marketing year, resulting in a decrease of 4,187 pounds year-over-year. The Committee estimates that there will be 1,150,927 pounds of Native spearmint oil held in the reserve pool at the beginning of the 2019–2020 marketing year. Should the industry experience an unexpected increase in trade demand,

oil in the Native spearmint oil reserve pool could be released to satisfy that demand.

The Committee recommended an allotment percentage of 56 percent for the 2019–2020 marketing year. During its October 17, 2018, meeting, the Committee calculated an initial allotment percentage by dividing the minimum required salable quantity (1,391,995 pounds) by the total estimated allotment base (2,492,523 pounds), resulting in 55.8 percent. However, producers and handlers at the meeting expressed that the computed percentage of 55.8 percent may not adequately supply the potential 2019–2020 Native spearmint oil market demand or result in adequate carry-in for the subsequent marketing year. After deliberation, the Committee increased the recommended allotment percentage to 56 percent. The total estimated allotment base (2,492,523 pounds) for the 2019–2020 marketing year multiplied by the recommended salable allotment percentage (56 percent) yields 1,395,813 pounds, the recommended salable quantity for the year.

The 2019–2020 marketing year computational data for the Committee's recommendations is further outlined below.

(A) *Estimated carry-in of Native spearmint oil on June 1, 2019: 8,005 pounds.* This figure is the difference between the revised 2018–2019 marketing year total available supply of 1,458,005 pounds and the revised 2018–2019 marketing year estimated trade demand of 1,450,000 pounds.

(B) *Estimated trade demand of Native spearmint oil for the 2019–2020 marketing year: 1,400,000 pounds.* This estimate was established by the Committee at the October 17, 2018, meeting.

(C) *Salable quantity of Native spearmint oil required from the 2019–2020 marketing year production: 1,391,995 pounds.* This figure is the difference between the estimated 2019–2020 marketing year estimated trade demand (1,400,000 pounds) and the estimated carry-in on June 1, 2019 (8,005 pounds). This is the minimum amount of Native spearmint oil that the Committee believes will be required to meet the anticipated 2019–2020 marketing year trade demand.

(D) *Total estimated allotment base of Native spearmint oil for the 2019–2020 marketing year: 2,492,523 pounds.* This figure represents a one-percent increase over the 2018–2019 total actual allotment base of 2,467,845 pounds as prescribed in § 985.53(d)(1). The one-percent increase equals 24,678 pounds of oil. This estimate is generally revised

each year on June 1, due to adjustments resulting from the bona fide effort production provisions of § 985.53(e).

(E) *Computed Native spearmint oil allotment percentage for the 2019–2020 marketing year: 55.8 percent.* This percentage is calculated by dividing the required salable quantity (1,391,995 pounds) by the total estimated allotment base (2,492,523 pounds) for the 2019–2020 marketing year.

(F) *Recommended Native spearmint oil allotment percentage for the 2019–2020 marketing year: 56 percent.* This is the Committee's recommendation based on the computed allotment percentage (55.8 percent) and input from producers and handlers at the October 17, 2018, meeting. The recommended 56 percent allotment percentage is also based on the Committee's belief that the computed percentage (55.8 percent) may not adequately supply the potential market for Native spearmint oil in the 2019–2020 marketing year.

(G) *Recommended Native spearmint oil 2019–2020 marketing year salable quantity: 1,395,813 pounds.* This figure is the product of the recommended allotment percentage (56 percent) and the total estimated allotment base (2,492,523 pounds). This amount is slightly less than the estimated trade demand for the 2019–2020 marketing year but could be increased as needed through an intra-seasonal increase in the salable quantity and allotment percentage.

(H) *Estimated available supply of Native spearmint oil for the 2019–2020 marketing year: 1,403,808 pounds.* This figure is the sum of the 2019–2020 recommended salable quantity (1,395,813 pounds) and the estimated carry-in on June 1, 2019 (8,005 pounds).

The Committee's recommended Scotch and Native spearmint oil salable quantities and allotment percentages of 832,081 pounds and 38 percent, and 1,395,813 pounds and 56 percent, respectively, will match the available supply of each class of spearmint oil to the estimated demand of each, thus avoiding extreme fluctuations in inventories and prices. This rule is similar to regulations issued in prior seasons.

The salable quantities established in this final rule are not expected to cause a shortage of either class of spearmint oil. Any unanticipated or additional market demand for either class of spearmint oil which may develop during the marketing year could be satisfied by an intra-seasonal increase in the salable quantity and corresponding allotment percentage. The Order contains a provision in § 985.51 for intra-seasonal increases to allow the

Committee the flexibility to respond quickly to changing market conditions.

Under volume regulation, producers who produce more than their annual allotments during the marketing year may transfer such excess spearmint oil to producers who have produced less than their annual allotment. In addition, on December 1 of each year, producers who have not transferred their excess spearmint oil to other producers must place their excess spearmint oil production into the reserve pool to be released in the future in accordance with market needs and under the Committee's direction.

USDA has reviewed the Committee's marketing policy statement for the 2019–2020 marketing year. The Committee's marketing policy statement, a requirement whenever the Committee recommends volume regulation, meets the requirements of §§ 985.50 and 985.51.

The establishment of salable quantities and allotment percentages in this rule is expected to fully satisfy anticipated market needs. In determining anticipated market needs, the Committee considered historical sales, as well as changes and trends in production and demand. This rule also provides producers with information regarding the amount of spearmint oil that should be produced for the 2019–2020 season to meet anticipated market demand.

Final Regulatory Flexibility Analysis

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

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

There are approximately 33 producers and 90 producers of Scotch and Native spearmint oil, respectively, in the regulated production area and approximately 8 spearmint oil handlers subject to regulation under the Order. Small agricultural service firms are defined by the Small Business Administration (SBA) as those having annual receipts of less than \$7,500,000, and small agricultural producers are

defined as those having annual receipts of less than \$750,000 (13 CFR 121.201).

The Committee reported that recent producer prices for spearmint oil range from \$15.50 to \$18.00 per pound. The National Agricultural Statistics Service (NASS) reported that the 2017 U.S. season average spearmint oil producer price per pound was \$16.20. Multiplying \$16.20 per pound by 2016–17 spearmint oil utilization of 2,186,751 million pounds yields a crop value estimate of about \$35.4 million. Total 2016–17 spearmint oil utilization, reported by the Committee, is 621,236 pounds and 1,565,515 pounds for Scotch and Native spearmint oil, respectively.

Given the accounting requirements for the volume regulation provisions of the Order, the Committee maintains accurate records of each producer's production and sales. Using the \$16.20 average spearmint oil price, and Committee production data for each producer, the Committee estimates that 11 of the 33 Scotch spearmint oil producers and 34 of the 90 Native spearmint oil producers could be classified as small entities under the SBA definition.

There is no third party or governmental entity that collects and reports spearmint oil prices received by spearmint oil handlers. However, the Committee estimates an average spearmint oil handling markup at approximately 20 percent of the price received by producers. Multiplying 1.20 by the 2016 producer price of \$16.20 yields a handler f.o.b. price per pound estimate of \$19.44.

Multiplying this handler f.o.b price by spearmint oil utilization of 2,186,751 pounds results in an estimated handler-level spearmint oil value of \$42.5 million. Dividing this figure by the number of handlers (8) yields estimated average annual handler receipts of about \$5.3 million, which is below the SBA threshold for small agricultural service firms.

Furthermore, using confidential data on pounds handled by each handler, and the abovementioned estimated handler price per pound, the Committee reported that it is likely that at least two of the eight handlers had 2017–2018 marketing year spearmint oil sales value that exceeded the SBA threshold.

Therefore, in view of the foregoing, the majority of producers of spearmint oil may be classified as large entities and the majority of handlers of spearmint oil may be classified as small entities.

This final rule establishes the quantity of spearmint oil produced in the Far West, by class, which handlers may

purchase from, or handle on behalf of, producers during the 2019–2020 marketing year. The Committee recommended this action to help maintain stability in the spearmint oil market by matching supply to estimated demand, thereby avoiding extreme fluctuations in supplies and prices. Establishing quantities that may be purchased or handled during the marketing year through volume regulations allows producers to coordinate their spearmint oil production with the expected market demand. Authority for this action is provided in §§ 985.50, 985.51, and 985.52.

The Committee estimated trade demand for the 2019–2020 marketing year for both classes of oil at 2,205,000 pounds and expects that the combined salable carry-in will be 222,650 pounds. The combined required salable quantity is 1,982,350 pounds. Under volume regulation, total sales of spearmint oil by producers for the 2019–2020 marketing year will be held to 2,450,544 pounds (the salable quantity established for both classes of spearmint oil of 2,227,894 pounds, plus 222,650 pounds of carry-in). This total available supply of 2,450,544 pounds should be more than adequate to supply the 2,205,000 pounds of anticipated total trade demand for spearmint oil. In addition, as of May 31, 2018, the total reserve pool for both classes of spearmint oil stood at 1,223,221 pounds. Furthermore, that quantity is expected to rise over the course of the 2018–2019 marketing year to 1,266,400. Should trade demand increase unexpectedly during the 2019–2020 marketing year, reserve pool spearmint oil could be released into the market to supply that increase in demand.

The established allotment percentages, upon which 2019–2020 producer allotments are based, are 38 percent for Scotch spearmint oil and 56 percent for Native spearmint oil. Without volume regulation, producers would not be held to these allotment levels, and could sell unrestricted quantities of spearmint oil. The USDA econometric model estimated that the season average producer price per pound (from both classes of spearmint oil) would decline about \$2.20 per pound because of the higher quantities of spearmint oil that would be produced and marketed without volume regulation. The surplus situation for the spearmint oil market that would exist without volume regulation in 2019–2020 also would likely dampen prospects for improved producer prices in future years because of the buildup in stocks.

The use of volume regulation allows the industry to fully supply spearmint oil markets while avoiding the negative consequences of over-supplying these markets. The use of volume regulation is believed to have little or no effect on consumer prices of products containing spearmint oil and will not result in fewer retail sales of such products.

The Committee discussed alternatives to its recommended volume regulation levels for both classes of spearmint oil, including not regulating during the 2019–2020 marketing year. The Committee rejected the idea of not regulating any volume for either class of spearmint oil because of the severe, price-depressing effects that would likely occur without volume regulation. The Committee also discussed and considered salable quantities and allotment percentages that were above and below the levels that were ultimately recommended for both classes of spearmint oil. Ultimately, the action taken by the Committee was to recommend increasing the salable quantity and allotment percentage for both Scotch and Native spearmint oil from the levels established for the 2018–2019 marketing year.

As noted earlier, the Committee's recommendation to establish salable quantities and allotment percentages for both classes of spearmint oil was made after careful consideration of all available information including: (1) The estimated quantity of salable oil of each class held by producers and handlers; (2) the estimated demand for each class of oil; (3) the prospective production of each class of oil; (4) the total of allotment bases of each class of oil for the current marketing year and the estimated total of allotment bases of each class for the ensuing marketing year; (5) the quantity of reserve oil, by class, in storage; (6) producer prices of oil, including prices for each class of oil; and (7) general market conditions for each class of oil, including whether the estimated season average price to producers is likely to exceed parity.

Based on its review, the Committee believes that the salable quantities and allotment percentages established in this rule will achieve the objectives sought. The Committee also believes that, should there be no volume regulation in effect for the upcoming marketing year, the Far West spearmint oil industry would return to the pronounced cyclical price patterns that occurred prior to the promulgation of the Order. As previously stated, annual salable quantities and allotment percentages have been issued for both classes of spearmint oil since the Order's inception. The salable quantities

and allotment percentages established herein are expected to facilitate the goal of maintaining orderly marketing conditions for Far West spearmint oil for the 2019–2020 and future marketing years.

Costs to producers and handlers, large and small, resulting from this action are expected to be offset by the benefits derived from a more stable market and increased returns. The benefits of this rule are expected to be equally available to all producers and handlers regardless of their size.

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Order's information collection requirements have been previously approved by OMB and assigned OMB No. 0581–0178, Specialty Crops. No changes are necessary in those requirements as a result of this action. Should any changes become necessary, they would be submitted to OMB for approval.

This rule establishes salable quantities and allotment percentages for Scotch spearmint oil and Native spearmint oil produced in the Far West during the 2019–2020 marketing year. Accordingly, this rule does not impose any additional reporting or recordkeeping requirements on either small or large Far West spearmint oil producers or handlers. As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public-sector agencies. USDA has not identified any relevant Federal rules that duplicate, overlap, or conflict with this final rule.

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

A proposed rule concerning this action was published in the **Federal Register** on February 15, 2019 (84 FR 4381). Copies of the proposed rule were also mailed or sent via facsimile to all Far West spearmint oil handlers. The proposal was made available through the internet by USDA and the Office of the Federal Register. A 30-day comment period ending March 18, 2019, was provided for interested persons to respond to the proposal. No comments were received during the comment period. Accordingly, no changes will be made to the rule as proposed.

A small business guide on complying with fruit, vegetable, and specialty crop marketing agreements and orders may be viewed at: <http://www.ams.usda.gov/>

rules-regulations/moa/small-businesses. Any questions about the compliance guide should be sent to Richard Lower at the previously mentioned address in the **FOR FURTHER INFORMATION CONTACT** section.

After consideration of all relevant material presented, including the information and recommendation submitted by the Committee and other available information, it is hereby found that this rule, will tend to effectuate the declared policy of the Act.

List of Subjects in 7 CFR Part 985

Marketing agreements, Oils and fats, Reporting and recordkeeping requirements, Spearmint oil.

For the reasons set forth in the preamble, 7 CFR part 985 is amended as follows:

PART 985—MARKETING ORDER REGULATING THE HANDLING OF SPEARMINT OIL PRODUCED IN THE FAR WEST

■ 1. The authority citation for 7 CFR part 985 continues to read as follows:

Authority: 7 U.S.C. 601–674.

■ 2. Section 985.234 is added to read as follows:

§ 985.234 Salable quantities and allotment percentages—2019–2020 marketing year.

The salable quantity and allotment percentage for each class of spearmint oil during the marketing year beginning on June 1, 2019, shall be as follows:

(a) Class 1 (Scotch) oil—a salable quantity of 832,081 pounds and an allotment percentage of 38 percent.

(b) Class 3 (Native) oil—a salable quantity of 1,395,813 pounds and an allotment percentage of 56 percent.

§ 985.236 [Removed]

■ 3. Remove § 985.236.

Dated: April 30, 2019.

Bruce Summers,

Administrator, Agricultural Marketing Service.

[FR Doc. 2019–09149 Filed 5–3–19; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2018–1019; Product Identifier 2018–NE–05–AD; Amendment 39–19622; AD 2019–08–01]

RIN 2120–AA64

Airworthiness Directives; RECARO Aircraft Seating GmbH & Co. KG

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: We are adopting a new airworthiness directive (AD) for certain RECARO Aircraft Seating GmbH & Co. KG (RECARO) Model 3510A and 3510D passenger seats. This AD requires modification and re-identification of all affected RECARO model passenger seats. This AD was prompted by an analysis that the affected RECARO model passenger seats contain a seat pan assembly design that can trap a person using the seat to assist during an emergency evacuation. We are issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective May 21, 2019.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of May 21, 2019.

We must receive comments on this AD by June 20, 2019.

ADDRESSES: You may send comments, using the procedures found in 14 CFR 11.43 and 11.45, by any of the following methods:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov>. Follow the instructions for submitting comments.

- *Fax:* 202–493–2251.

- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC, 20590.

- *Hand Delivery:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this final rule, contact RECARO Aircraft Seating GmbH & Co. KG, Daimlerstrasse 21, 74523 Schwabisch Hall, Germany; phone: 49 791 503 7855; fax: 49 791 503 7935; email: technical.support@recaro-as.com. You may view this service

information at the FAA, Engine & Propeller Standards Branch, 1200 District Avenue, Burlington, MA, 01803. For information on the availability of this material at the FAA, call 781–238–7759. It is also available on the internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA–2018–1019.

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–2018–1019; 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 mandatory continuing airworthiness information (MCAI), the regulatory evaluation, any comments received, and other information. The street address for Docket Operations (phone: 800–647–5527) is listed above. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT:

Dorie Resnik, Aerospace Engineer, Boston ACO Branch, FAA, 1200 District Avenue, Burlington, MA, 01803; phone: 781–238–7693; fax: 781–238–7199; email: dorie.resnik@faa.gov.

SUPPLEMENTARY INFORMATION:

Discussion

The European Union Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued EASA AD 2017–0192, dated September 28, 2017 (referred to after this as “the MCAI”), to address an unsafe condition for the specified products. The MCAI states:

Analyses and test results have shown that the seat pan design of certain RECARO model 3510A and 3510D passenger seats, when installed next to a Type III over-wing emergency exit, is insufficiently stable to sustain the loads applied by a person who would use the seat as assistance means in case of an emergency evacuation. Body parts (e.g., knees and feet) could slide through and get trapped. This condition, if not corrected, could restrict or significantly delay an emergency evacuation, possibly resulting in injury to occupants.

To address this potential unsafe condition, RECARO issued SB 3510–25–609, SB 3510–25–752 and SB 3510–25–753, providing modification instructions to replace the seat pan and/or pan attachment package with a new one, that has a more robust design, and to re-identify modified seats with a different P/N.

For the reasons described above, this [EASA] AD requires modification of the affected seats and prohibits installation of any unmodified seat.

You may obtain further information by examining the MCAI in the AD docket on the internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA-2018-1019.

Related Service Information Under 1 CFR Part 51

We reviewed RECARO Service Bulletin (SB) No. 3510-25-609, Original Issue, dated June 20, 2016; RECARO SB No. 3510-25-752, Original Issue, dated May 20, 2016; and RECARO SB No. 3510-25-753, Original Issue, dated June 23, 2016. RECARO SB No. 3510-25-609 describes procedures for removing the straps and installing two additional cable ties on the seat pan. RECARO SB No. 3510-25-752 describes procedures for removing the straps and replacing the seat pan assembly. RECARO SB No. 3510-25-753 describes procedures for removing the straps and installing a new seat pan assembly or installing two additional cable ties. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

FAA's Determination

This product has been approved by EASA, and is approved for operation in the United States. Pursuant to our bilateral agreement with the European Community, EASA has notified us of the unsafe condition described in the MCAI and service information referenced above. We are issuing this AD because we evaluated all the relevant information provided by EASA and determined the unsafe condition described previously is likely to exist or develop in other products of the same type design.

AD Requirements

This AD requires modification and re-identification of all affected RECARO model passenger seats.

FAA's Justification and Determination of the Effective Date

No domestic operators use this product. Therefore, we find good cause that notice and opportunity for prior public comment are unnecessary. In addition, for the reason stated above, we find that good cause exists for making this amendment effective in less than 30 days.

Comments Invited

This AD is a final rule that involves requirements affecting flight safety and was not preceded by notice and an opportunity for public comment. However, we invite you to send any written data, views, or arguments about this final rule. Send your comments to an address listed under the **ADDRESSES** section. Include the docket number FAA-2018-1019 and Product Identifier 2018-NE-05-AD at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this final rule. We will consider all comments received by the closing date and may amend this final rule because of those comments.

We will post all comments we receive, without change, to <http://www.regulations.gov>, including any personal information you provide. We will also post a report summarizing each substantive verbal contact we receive about this final rule.

Costs of Compliance

We estimate that this AD affects no aircraft seats installed on airplanes of U.S. registry.

We estimate the following costs to comply with this AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Install the placard to re-identify P/N (All Series)	0.1 work-hours × \$85 per hour = \$8.50.	\$27	\$35.50	\$0
Series 383, 384, 389, 390, 392, 527, 592, 911, 942 Modify seats per RECARO SB No. 3510-25-609.	0.2 work hours × \$85 per hour = \$17.	12	29	0
Series 377 & 381 Modify seats per RECARO SB No. 3510-25-752.	0.4 work hours × \$85.00 = \$34.	477	511	0
Series 330, 347, 349, 364, and 549 Modify seats per RECARO SB No. 3510-25-753.	0.4 work hours × \$85 per hour = \$34.	546	580	0

Authority for This Rulemaking

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

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

because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

This AD is issued in accordance with authority delegated by the Executive Director, Aircraft Certification Service, as authorized by FAA Order 8000.51C. In accordance with that order, issuance of ADs is normally a function of the Compliance and Airworthiness Division, but during this transition period, the Executive Director has delegated the authority to issue ADs applicable to engines, propellers, and associated appliances to the Manager, Engine and Propeller Standards Branch, Policy and Innovation Division.

Regulatory Findings

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

For the reasons discussed above, I certify 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):

2019–08–01 RECARO Aircraft Seating GmbH & Co. KG: Amendment 39–19622; Docket No. FAA–2018–1019; Product Identifier 2018–NE–05–AD.

(a) Effective Date

This AD is effective May 21, 2019.

(b) Affected ADs

None.

(c) Applicability

(1) This AD applies to RECARO Aircraft Seating GmbH & Co. KG (RECARO) Model 3510A and 3510D passenger seats.

(2) These appliances are installed on, but not limited to, Airbus SAS Model A318, A319, and A320 airplanes.

(d) Subject

Joint Aircraft System Component (JASC) Code 2520, Passenger Compartment Equipment.

(e) Unsafe Condition

This AD was prompted by an analysis that the affected RECARO model passenger seats contain a seat pan assembly design that can trap a person using the seat to assist during an emergency evacuation. We are issuing this AD to prevent passenger entrapment in the event a person climbs on a seat to assist during an emergency evacuation. The unsafe condition, if not addressed, could result in possible passenger entrapment, injury, or delay in the case of emergency evacuation.

(f) Compliance

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

(g) Required Actions

Within 2,700 flight hours (FHs) or 945 flight cycles (FCs), whichever occurs first, after the effective date of this AD, modify the affected passenger seat and re-identify each modified passenger seat as follows:

(1) Review the seat part numbers (P/Ns) identified in Table 1 to paragraph (g)(1) of this AD to identify the applicable service bulletin (SB).

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Table 1 to Paragraph (g)(1) of this AD – Affected RECARO Seat P/Ns and Related SBs

Affected Seat P/N	Related RECARO SBs
3510A383-xx-xxx	RECARO SB No. 3510-25-609, Original issue, dated June 20, 2016
3510A384-xx-xxx	
3510D389-xx-xxx	
3510A390-xx-xxx	
3510A392-xx-xxx	
3510A527-xx-xxx	
3510A537-xx-xxx	
3510D592-xx-xxx	
3510A911-xx-xxx	
3510A942-xx-xxx	
3510A377-xx-xxx	RECARO SB No. 3510-25-752, Original issue, dated May 20, 2016
3510A381-xx-xxx	
3510D330-xx-xxx	RECARO SB No. 3510-25-753, Original issue, dated June 23, 2016
3510D347-xx-xxx	
3510A349-xx-xxx	
3510A364-xx-xxx	
3510A549-xx-xxx	

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(2) For seats identified by RECARO SB No. 3510-25-609, Original Issue, dated June 20, 2016 ("RECARO SB No. 3510-25-609"):

(i) Review Planning Information, paragraph 1.A., Tables 2 and 3, in RECARO SB No. 3510-25-609, to determine if a modification is required for the specific P/N seat.

(ii) Follow the Accomplishment Instructions, paragraphs 3.A., 3.B., 3.C., 3.D., and 3.E. in RECARO SB No. 3510-25-609.

(3) For seats identified by RECARO SB No. 3510-25-752, Original Issue, dated May 20, 2016 ("RECARO SB No. 3510-25-752"):

(i) Review Planning Information, paragraph 1.A., Tables 2 and 3, in RECARO SB No. 3510-25-752, to determine if a modification is required for the specific P/N seat.

(ii) Follow the Accomplishment Instructions, paragraphs 3.A., 3.B., 3.C., 3.D., and 3.E. in RECARO SB No. 3510-25-752.

(4) For seats identified by RECARO SB No. 3510-25-753, Original issue, dated June 23, 2016 ("RECARO SB No. 3510-25-753"):

(i) Review Planning Information, paragraph 1.A., Tables 2 and 3, in RECARO SB No. 3510-25-753, to determine the required modification for the specific P/N seat.

(ii) Follow the Accomplishment Instructions, paragraphs 3.A., 3.B., 3.C., 3.D., and 3.E. in RECARO SB No. 3510-25-753.

(h) Installation Prohibition

After the effective date of this AD, do not install an affected RECARO model passenger seat on any aircraft, unless the seat has been modified and re-identified in accordance with paragraph (g)(2), (3), or (4) of this AD.

(i) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Boston 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.

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

(j) Related Information

(1) For more information about this AD, contact Dorie Resnik, Aerospace Engineer, Boston ACO Branch, FAA, 1200 District Avenue, Burlington, MA 01803; phone: 781-238-7693; fax: 781-238-7199; email: dorie.resnik@faa.gov.

(2) Refer to European Union Aviation Safety Agency (EASA) AD 2017-0192, dated September 28, 2017, for more information. You may examine the EASA AD in the AD docket on the internet at <http://www.regulations.gov> by searching for and locating it in Docket No. FAA-2018-1019.

(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) RECARO Service Bulletin (SB) No. 3510-25-609, Original issue, dated June 20, 2016.

(ii) RECARO SB No. 3510-25-752, Original issue, dated May 20, 2016.

(iii) RECARO SB No. 3510-25-753, Original issue, dated June 23, 2016.

(3) For RECARO Aircraft Seating GmbH & Co. KG service information identified in this AD, contact RECARO Aircraft Seating GmbH & Co. KG, Daimlerstrasse 21, 74523 Schwabisch Hall, Germany; phone: 49 791 503 7855; fax: 49 791 503 7935; email: technical.support@recaro-as.com.

(4) You may view this service information at FAA, Engine & Propeller Standards Branch, 1200 District Avenue, Burlington, MA 01803. For information on the availability of this material at the FAA, call 781-238-7759.

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

Issued in Burlington, Massachusetts, on May 1, 2019.

Robert J. Ganley,

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

[FR Doc. 2019-09184 Filed 5-3-19; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF STATE**22 CFR Part 40**

[Public Notice: 10571]

RIN 1400-AE72

Visas: Waiver for Ineligible Nonimmigrants Under Section 212(d)(3)(A)(i) of the Immigration and Nationality Act

AGENCY: Department of State.

ACTION: Final rule.

SUMMARY: Under the Immigration and Nationality Act (INA), a visa applicant found inadmissible is ineligible for a visa and for admission to the United States. The INA provides the Secretary of State and consular officers the authority to recommend that the U.S. Department of Homeland Security (DHS) approve a waiver, of most grounds of inadmissibility, that will allow the nonimmigrant visa applicant to be issued a visa and seek admission to the United States. This rule amends U.S. Department of State ("State") regulations relating to consular officer

recommendations relating to DHS waivers for nonimmigrant visa applicants, including the requirement that a consular officer, upon the request of an applicant, must submit a report to State concerning a waiver. Under the revised rule, consular officers will be required to refer waiver requests to State only when they involve security-related inadmissibility grounds or, with respect to applicant requests, only if the case meets circumstances where a referral is required by State guidance. The rule does not infringe current consular officer discretion to refer cases to State or to make recommendations directly to the Department of Homeland Security.

DATES: This rule is effective on May 6, 2019.

FOR FURTHER INFORMATION CONTACT:

Taylor Beaumont, Acting Chief, Legislation and Regulations Division, Legal Affairs, Office of Visa Services, Bureau of Consular Affairs, 600 19th Street NW, Washington, DC 20522, 202-485-8910, VisaRegs@state.gov.

SUPPLEMENTARY INFORMATION: Aliens are ineligible to receive visas if they are inadmissible under any of the grounds in section 212(a) of the Immigration and Nationality Act (INA), 8 U.S.C. 1182(a). Section 212(d)(3)(A)(i) of the INA, 8 U.S.C. 1182(d)(3)(A)(i), authorizes the Department of Homeland Security to approve a waiver covering most grounds in section 212(a) of the INA, if the Secretary of State or a consular officer recommends that the alien be admitted temporarily into the United States, despite the inadmissibility. This provision does not authorize waivers under INA sections 212(a)(3)(A)(i)(I) (espionage or sabotage), (3)(A)(ii) (unlawful activity), (3)(A)(iii) (opposition to or overthrow of United States Government or opposition by force, violence, or unlawful means), (3)(C) (serious adverse foreign policy consequences), (3)(E)(i) (participation in Nazi persecutions), or (3)(E)(ii) (participation in genocide)). State regulations at 22 CFR 40.301 describe the authority of consular officers to recommend waivers.

For cases in which a nonimmigrant visa applicant is inadmissible based on an inadmissibility ground for which a waiver may be granted under section 212(d)(3)(A)(i) of the INA, and the consular officer has decided not to recommend a DHS waiver on the officer's own authority, but the applicant or an interested party insists on pursuing a waiver, 22 CFR 40.301 currently requires the consular officer to refer the request to State for a possible exercise of the Secretary of State's authority to recommend a waiver to

DHS. Neither section 212(d)(3)(A)(i) of the INA nor Department regulations prescribe standards or criteria for the consular officers making referrals to State. While the INA makes no express provision for the submission by nonimmigrant visa applicants of requests for section 212(d)(3)(A)(i) waivers, State created an avenue for such requests in 22 CFR 40.301(a). See 24 FR 6678, 6686 (1959) (formerly 22 CFR 41.95(a)).

This final rule modifies the non-statutory requirement for consular officers to refer section 212(d)(3)(A)(i) waiver requests to State for consideration based on an applicant's request, by limiting it to specified circumstances. This rule will increase transparency for inadmissible aliens seeking an exercise of the Secretary's authority to recommend DHS grant a waiver, and will limit the requirement that consular officers refer waiver requests to circumstances that involve a key State interest, as reflected in the enumerated criteria. This rule has no impact on cases involving security-related grounds of inadmissibility, which consular officers must consider in accordance with other State guidance, on consular officers' existing discretion to pursue waivers on behalf of ineligible visa applicants, or on the factors DHS considers in exercising its section 212(d)(3)(A) waiver authority.

Under this rule, which constitutes an exercise of the Secretary of State's authority under section 212(d)(3)(A)(i) of the INA, consular officers are required to refer waiver requests to State in response to a request from the Secretary of State, whose request shall be presumed to meet one of the criteria (paragraphs 1–5) enumerated below, or in response to a request from a visa applicant for a case that the consular officer has reason to believe involves one of the following circumstances:

1. *Foreign Relations:* Refusal of the nonimmigrant visa application would become a bilateral irritant or be raised by a foreign government with a high ranking United States Government official;

2. *National Security:* The nonimmigrant visa applicant's admission to the United States would advance a U.S. national security interest;

3. *Law Enforcement:* The nonimmigrant visa applicant's admission to the United States would advance an important U.S. law enforcement objective;

4. *Significant Public Interest:* The nonimmigrant visa applicant's admission to the United States would

advance a significant U.S. public interest ; or

5. *Urgent humanitarian or medical reasons:* The nonimmigrant visa applicant's admission to the United States is warranted due to urgent humanitarian or medical reasons.

Consistent with this exercise of the Secretary's authority to recommend a waiver under section 212(d)(3)(A)(i) of the INA, this rule also clarifies that requests by the Secretary for a consular officer to submit a report to State are presumed to involve one of the enumerated circumstances. In addition, this rule includes technical edits to improve the structure and clarity of 22 CFR 40.301, revise the heading of paragraph (b) to clarify that consular officers are permitted to submit recommendations to a designated DHS office, and eliminate the requirement that the Secretary of State define certain categories of cases for which consular officers may recommend waivers directly to DHS.

The rule clarifies existing State guidance that consular officers may refer to State, but may not submit directly to DHS, a recommendation to DHS to waive certain security-related grounds of inadmissibility and the rule narrows the scope of other situations in which consular officers must refer waiver cases to State, upon request of the applicant or on their own initiative, to those cases the consular officer believes meet one of the criteria enumerated below. This rule does not affect consular officers' existing authority or discretion to submit non-security related waiver recommendations directly to DHS or refer cases to State. The vast majority of waiver recommendations to DHS under section 212(d)(3)(A)(i) of the INA are initiated by consular officers without applicant requests. The rule does not limit, in any way, DHS's independent discretionary authority to approve or deny a waiver. Finally, the rule applies only to visa applications for which the consular officer conducts an in person interview under section 222(h) of the INA on or after the rule's effective date.

In all cases in which the consular officer: (1) Determines a nonimmigrant visa applicant is not eligible for a visa due to inadmissibility; (2) decides not to recommend directly that DHS grant a waiver; (3) would choose not to refer the case to State to consider pursuing a waiver, but the applicant continues to request a waiver; (4) determines that there is no reason to believe that one of the criteria for referral to State are met; the officer will refuse the visa application without referring the case to State, notwithstanding the applicant's

request. In cases where an applicant requests a waiver referral to State, the adjudicating consular officer will determine whether the case involves one of the enumerated five criteria and will inform the applicant whether or not the officer will make the referral to State. While there is no mechanism for applicants to seek reconsideration or appeal of a consular officer's determination that the request does not satisfy one of the enumerated criteria, affected applicants may submit new nonimmigrant visa applications with information justifying a waiver under one of the enumerated grounds.

Regulatory Findings

Administrative Procedure Act

This rule constitutes a rule of policy and procedure, and as a result, it is exempt from notice and comment under 5 U.S.C. 553(b)(3)(A). This final rule limits the non-statutory requirement that consular officers refer requests for waivers under INA section 212(d)(3)(A) to the Department, by specifying limited circumstances, based on a new policy, in which such referrals are required. Because this is a rule of policy and procedure, it is effective upon publication in the **Federal Register**.

Regulatory Flexibility Act/Executive Order 13272: Small Business

Because this final rule is exempt from notice and comment rulemaking under 5 U.S.C. 553, it is exempt from the regulatory flexibility analysis requirements set forth by the Regulatory Flexibility Act (5 U.S.C. 603 and 604). Nonetheless, consistent with the Regulatory Flexibility Act (5 U.S.C. 605(b)), the Department of State certifies that this rule will not have a significant economic impact on a substantial number of small entities.

Unfunded Mandates Reform Act of 1995

The Unfunded Mandates Reform Act of 1995, 2 U.S.C. 1532, generally requires agencies to prepare a statement before proposing any rule that may result in an annual expenditure of \$100 million or more by State, local, or tribal governments, or by the private sector. This rule does not require the Department of State to prepare a statement because it will not result in any such expenditure, nor will it significantly or uniquely affect small governments. This rule involves visas, which involves individuals, and does not directly or substantially affect, state, local, or tribal governments, or businesses.

Small Business Regulatory Enforcement Fairness Act of 1996

This rule is not a major rule as defined in 5 U.S.C. 804, for purposes of congressional review of agency rulemaking under the Small Business Regulatory Enforcement Fairness Act of 1996. This rule will not result in an annual effect on the economy of \$100 million or more; a major increase in costs or prices; or adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based companies to compete with foreign-based companies in domestic and import markets.

Executive Orders 12866 and 13563

Executive Orders 13563 and 12866 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. The Department of State has examined this rule in light of Executive Order 13563, and has determined that the rulemaking is consistent with the guidance therein. The Department of State has reviewed this rulemaking to ensure its consistency with the regulatory philosophy and principles set forth in Executive Order 12866. The Office of Information and Regulatory Affairs (OIRA) has determined this rule to be a significant, though not economically significant, regulatory action. Consequently, OIRA has reviewed this rule. This rule will ensure consistency with U.S. and international law and the increased clarity will benefit the U.S. public. There are no anticipated direct costs to the public associated with this rule.

Executive Orders 12372 and 13132: Federalism

This regulation will not have substantial direct effect on the States, on the relationship between the national government and the States, or the distribution of power and responsibilities among the various levels of government. Nor will the rule have federalism implications warranting the application of Executive Orders 12372 and 13132.

Executive Order 12988: Civil Justice Reform

The Department of State has reviewed the rule in light of sections 3(a) and

3(b)(2) of Executive Order 12988 to eliminate ambiguity, minimize litigation, establish clear legal standards, and reduce burden.

Executive Order 13175—Consultation and Coordination With Indian Tribal Governments

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 pre-empt tribal law. Accordingly, the requirements of Section 5 of Executive Order 13175 do not apply to this rulemaking.

Executive Order 13771

This rule is not subject to the requirements of Executive Order 13771 because it is *de minimis*.

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 40

Aliens, Immigration, Visas.

Accordingly, for the reasons set forth in the preamble, 22 CFR part 40 is amended to read as follows:

PART 40—REGULATIONS PERTAINING TO BOTH NONIMMIGRANTS AND IMMIGRANTS UNDER THE IMMIGRATION AND NATIONALITY ACT, AS AMENDED

■ 1. The authority citation for part 40 is revised to read as follows:

Authority: 8 U.S.C. 1104, 8 U.S.C. 1182.

■ 2. Section 40.301 is revised to read as follows:

§ 40.301 Waiver for ineligible nonimmigrants under INA 212(d)(3)(A).

(a) *Recommendations under INA 212(d)(3)(A)(i).* (1) Consular officers, on their own initiative in cases they believe meet one of the criteria in paragraphs (a)(2)(i) through (v) of this section, may submit a report to the Department for possible transmission to the designated DHS office pursuant to INA 212(d)(3)(A)(i) (8 U.S.C. 1182(d)(3)(A)(i)), in the case of an alien who is classifiable as a nonimmigrant but who the consular officer knows or believes is ineligible to receive a nonimmigrant visa due to inadmissibility under the provisions of INA 212(a) (8 U.S.C. 1182(a)), other than INA 212(a)(3)(A)(i)(I), (3)(A)(ii), (3)(A)(iii), (3)(C), (3)(E)(i), or (3)(E)(ii).

(2) In response to a request from the Secretary of State, which shall be

presumed to meet one of the criteria in paragraphs (a)(2)(i) through (v) of this section, or in response to a request from a visa applicant for a case that the consular officer has reason to believe meets one of the criteria in paragraphs (a)(2)(i) through (v), consular officers are required to submit a report to the Department for possible transmission to the designated DHS office pursuant to INA 212(d)(3)(A) in the case of an alien who is classifiable as a nonimmigrant but whom the consular officer knows or believes is ineligible to receive a nonimmigrant visa due to inadmissibility under the provisions of INA 212(a), other than INA 212(a)(3)(A)(i)(I), (3)(A)(ii), (3)(A)(iii), (3)(C), (3)(E)(i), or (3)(E)(ii).

(i) *Foreign Relations:* Refusal of the nonimmigrant visa application would become a bilateral irritant or be raised by a foreign government with a high ranking United States government official;

(ii) *National security.* The nonimmigrant visa applicant's admission to the United States would advance a U.S. national security interest;

(iii) *Law enforcement.* The nonimmigrant visa applicant's admission to the United States would advance an important U.S. law enforcement objective;

(iv) *Significant public interest.* The nonimmigrant visa applicant's admission to the United States would advance a significant U.S. public interest, or

(v) *Urgent humanitarian or medical reasons.* The nonimmigrant visa applicant's admission to the United States may be warranted due to urgent humanitarian or medical reasons.

(b) *Recommendation to designated DHS office.* Consular officers may recommend directly to the designated DHS office that the alien be admitted temporarily despite his or her inadmissibility in any case where a waiver may be available, unless the consular officer has reason to believe that the applicant is inadmissible under INA 212(a)(3)(A)(i), (3)(A)(ii), (3)(A)(iii), (3)(B), (3)(C), (3)(D), (3)(E)(i), (3)(E)(ii), (3)(E)(iii), (3)(F), or (3)(G). The Department may recommend that the Secretary of Homeland Security waive ineligibility under any ground in section 212(a) of the INA, except for sections 212(a)(3)(A)(i)(I), (3)(A)(ii), (3)(A)(iii), (3)(C), (3)(E)(i), and (3)(E)(ii).

(c) *Secretary of Homeland Security may impose conditions.* When the Secretary of Homeland Security authorizes the temporary admission of an inadmissible alien as a nonimmigrant and the consular officer is so informed,

the consular officer may proceed with the issuance of a nonimmigrant visa to the alien, subject to the conditions, if any, imposed by the Secretary of Homeland Security.

Carl C. Risch,

*Assistant Secretary for Consular Affairs,
Department of State.*

[FR Doc. 2019-09185 Filed 5-3-19; 8:45 am]

BILLING CODE 4710-06-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket No. USCG-2019-0010]

RIN 1625-AA08

Special Local Regulation; Sail Grand Prix 2019 Race Event; San Francisco, CA

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary special local regulation in the navigable waters of San Francisco Bay in San Francisco, CA in support of the San Francisco Sail Grand Prix 2019 race periods on May 4, 2019 and May 5, 2019. This special local regulation is necessary to ensure the safety of mariners transiting the area from the dangers associated with high-speed sailing activities associated with the Sail Grand Prix 2019 race event. This temporary special local regulation will temporarily restrict vessel traffic adjacent to the city of San Francisco waterfront in the vicinity of the Golden Gate Bridge and Alcatraz Island and prohibit vessels and persons not participating in the race event from entering the dedicated race area.

DATES: This rule is effective from 10:30 a.m. on May 4, 2019 through 3:00 p.m. on May 5, 2019.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to <https://www.regulations.gov>, type USCG-2019-0010 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 about this rule, call or email Lieutenant Emily K. Rowan, U.S. Coast Guard District 11, Sector San Francisco, at 415-399-7443, SFWaterways@uscg.mil.

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
DHS Department of Homeland Security
FR Federal Register
NPRM Notice of Proposed Rulemaking
§ Section
COTP Captain of the Port
PATCOM Patrol Commander
U.S.C. United States Code

II. Background, Purpose, and Legal Basis

On October 12, 2018, the LeadDog Marketing Corporation notified the Coast Guard of an intention to conduct the "Sail Grand Prix 2019" in San Francisco Bay. Sail Grand Prix is a sailing league featuring world-class sailors racing 50-foot foiling catamarans. The inaugural season started February 2019 in five iconic cities throughout the world, traveling to San Francisco Bay in May 2019. In San Francisco, they proposed to take advantage of the natural amphitheater that the central bay and city waterfront provide.

In response, on March 18, 2019, the Coast Guard published a notice of proposed rulemaking (NPRM) titled "Special Local Regulation; Sail Grand Prix 2019 Race Event; San Francisco, CA" (84 FR 9727). There we stated why we issued the NPRM and invited comments on our proposed regulatory action related to this sailing event. During the comment period that ended on April 17, 2019, we received one comment.

Based off lessons learned during the multi-agency planning process, we are implementing an additional zone to the Special Local Regulation, Zone "D". Zone "D" will be a no loitering or anchoring area along the San Francisco Waterfront that will allow vessels to transit, allowing for more accessibility to the waterfront areas. Additionally, to accommodate the updated, finalized event agenda, the times were altered to minimize impact to San Francisco Waterfront.

Under 5 U.S.C. 533(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**.

This special local regulation will encompass all navigable waters of the San Francisco Bay, from surface to bottom, within the area formed by connecting the following latitude and longitude points in the following order: 37°48'18" N, 122°27'44" W; thence to 37°48'30" N, 122°27'56" W; thence to 37°49'14" N, 122°27'59" W; thence to 37°49'30" N, 122°25'36" W; thence to 37°49'10" N, 122°25'10" W; thence to 37°48'45" N, 122°25'10" W; thence to

37°48'42" N, 122°25'13" W and thence along the shore to the point of beginning. Located within this footprint, there will be three separate regulated areas: Zone "A", the Official Race Box Area; Zone "B", the Spectator Area; Zone "C", the Regulated Waterfront Transit Area; and Zone "D" the No Loitering or Anchoring Zone.

Zone "A", the Official Race Box Area, will be marked by approximately 12 colored visual markers. The position of these markers will be specified via Broadcast Notice to Mariners at least 3 days prior to the event. Because of the hazards posed by the sailing competition, Zone "A" is necessary to provide protection from the operation of the high-speed sailing vessels within this area.

Zone "B", the Spectator Area, will include specified parts of the waters immediately adjacent to racing Zone "A" and will be defined by latitude and longitude points as per Broadcast Notice to Mariners. Zone "B" will be further divided into three additional sub-areas: Zone "B1 East", Zone "B1 West", and Zone "B2". Zone "B1 East" and Zone "B1 West" will be the general spectator zone that is open to all vessel spectators. Zone "B2" will be a separate designated spectator area marked by approximately four colored buoys that will be managed by marine event sponsor officials. The designation of Zone "B", to include Zone "B1 East", Zone "B1 West", and Zone "B2", will allow spectators to observe the Sail Grand Prix 2019 race event in a regulated area at a safe distance from the sailing race occurring in Zone "A".

Zone "C" will be the designated Waterfront Transit Area along the city of San Francisco waterfront marked by buoys on one side and the shoreline on the other. This one-directional lane will provide vessels the opportunity to pass along the San Francisco waterfront, avoiding interference with the other established areas. Vessels will be authorized to transit through this zone with approval from the COTP or designated authority. Zone "C" is essential to provide vessels the opportunity to transit along the city of San Francisco waterfront while maintaining the integrity of the regulated areas for the race event. Due to the dynamic nature of the Sail Grand Prix 2019, there is a need for a Waterfront Transit Area so mariners along the waterfront can transit the impacted waterways at designated times. This Zone "C" is necessary for the protection of waterway users and participants in the sailing race event while minimizing the impact to the city of San Francisco maritime community.

Zone “D” will be the No Loitering or Anchoring Zone. This Zone will allow vessels to transit along the waterfront throughout the duration of the Sail Grand Prix. All vessels shall maintain headway and shall not loiter or anchor within the confines of Zone “D”. Mariners can transit Zone “D” freely during the Sail Grand Prix, decreasing the impact to the San Francisco Waterfront Area.

These regulations are needed to keep persons and vessels away from the sailing race vessels, which exhibit unpredictable maneuverability and have a demonstrated likelihood during the simulation of racing scenarios for capsizing. The special local regulation will help prevent injuries and property damage that may be caused upon impact by these fast-moving vessels. The provisions of this temporary special local regulation will not apply to anchored vessels, nor will they exempt racing vessels from any federal, state, or local laws or regulations, including Nautical Rules of the Road. The Coast Guard is issuing this rulemaking under authority in 33 U.S.C. 1231.

Under 33 CFR 100.35, the Coast Guard District Commander has authority to promulgate certain special local regulations deemed necessary to ensure the safety of life on the navigable waters immediately before, during, and immediately after an approved regatta. Pursuant to 33 CFR 1.05–1(i), the Commander of Coast Guard District 11 has delegated to the COTP San Francisco the responsibility of issuing such regulations.

III. Discussion of Comments, Changes and the Rule

As noted above, we received 1 respondent written comment on our NPRM published March 18, 2019. The comment recommends establishing the rule for the specific period of time during the race and recommends prohibiting all other vessels on the water. In order to mitigate the risk to safe operation of vessels on the race days, the Coast Guard defined a regulated area for spectator vessels. The Coast Guard aims to facilitate safe viewing of the race competition by establishing and assigning maintenance responsibility of a clearly delineated region for spectators to safely maneuver while viewing the competition.

No changes were made to the rule based upon the received comment; however the Coast Guard recognizes the importance of imposing appropriate controls on vessels attempting to gain access to the regulated race area on the days of the race completion.

After discussion with other local government agencies and involved sponsor personnel, Zone “D” was added in efforts to reduce the impact to the San Francisco Waterfront and allow mariners to access marines and fuel docks within Zone “D”. Additionally, to accommodate the updated, finalized event agenda, the times were altered to minimize impact to San Francisco Waterfront.

This rule establishes a special local regulation associated with the Sail Grand Prix 2019 race event from 10:30 a.m. on May 4, 2019 to approximately 3:00 p.m. on May 5, 2019 which will be enforced from 10:30 a.m. to 3:00 p.m. on May 4, 2019, and 10:30 a.m. to 3:00 p.m. on May 5, 2019, or as announced by Broadcast Notice to Mariners. The areas regulated by this special local regulation are east of the Golden Gate Bridge, south of Alcatraz Island, west of Treasure Island, and in the vicinity of the city of San Francisco waterfront. The Coast Guard will establish a primary race area, a spectator area, a waterfront transit area and a no loitering or anchoring area. An image of this regulated area may be found in the docket. The special local regulation covers all navigable waters of the San Francisco Bay, from surface to bottom, within the area formed by connecting the following latitude and longitude points in the following order: 37°48’18” N, 122°27’44” W; thence to 37°48’30” N, 122°27’56” W; thence to 37°49’14” N, 122°27’59” W; thence to 37°49’30” N, 122°25’36” W; thence to 37°49’10” N, 122°25’10” W; thence to 37°48’45” N, 122°25’10” W; thence to 37°48’42” N, 122°25’13” W and thence along the shore to the point of beginning. Zone “A”, Zone “B”, Zone “C” and Zone “D” are all to be included within the special local regulation.

The duration of the establishment of this special local regulation is intended to ensure the safety of vessels in these navigable waters during the scheduled race days. This temporary special local regulation will temporarily restrict vessel traffic adjacent to the city of San Francisco waterfront in the vicinity of the Golden Gate Bridge and Alcatraz Island and prohibit vessels and persons not participating in the race event from entering the dedicated race area.

IV. Regulatory Analyses

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

A. Regulatory Planning and Review

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

This regulatory action determination is based on the size, location, and duration of the special local regulation. With this special local regulation, the Coast Guard intends to maintain commercial access to the ports through an alternate vessel traffic management scheme. The special local regulation is limited in duration, and is limited to a narrowly tailored geographic area with designated and adequate space for transiting vessels to pass when permitted by the COTP or a designated representative. In addition, although this rule restricts access to the waters encompassed by the special local regulation, the effect of this rule will not be significant because the local waterway users will be notified in advance via public Broadcast Notice to Mariners to ensure the special local regulation will result in minimum impact. Therefore mariners will be able to plan ahead and transit outside of the periods of enforcement of the special local regulation, and if they choose not to do so, they will be able to transit the city of San Francisco Waterfront via Zone “C” with approval from the COTP or designated representative or Zone “D”. The entities most likely to be affected are commercial vessels and pleasure craft engaged in recreational activities.

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 00 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.

When the special local regulation is in effect, vessel traffic can pass safely around the regulated area. The maritime public will be advised in advance of this special local regulation via Broadcast Notice to Mariners.

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

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this rule. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. 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 will 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 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 rule involves a special local regulation that will create regulated areas of limited size and duration that includes defined regulated areas for vessel traffic to pass. Normally such actions are categorically excluded from further review under paragraphs L61 of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 01. A Record of Environmental Consideration supporting this determination is available in the docket where indicated under **ADDRESSES**.

G. Protest Activities

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

List of Subjects in 33 CFR Part 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 § 100.35T11–0291 to read as follows:

§ 100.35T11–0291 Special Local Regulation; Sail Grand Prix 2019 Race Event, San Francisco, CA.

(a) *Location.* The following area is a temporary special local regulation: all navigable waters of the San Francisco Bay, from surface to bottom, encompassed by a line connecting the following points, beginning at: 37°48'18" N, 122°27'44" W; thence to 37°48'30" N, 122°27'56" W; thence to 37°49'14" N, 122°27'59" W; thence to 37°49'30" N, 122°25'36" W; thence to 37°49'10" N, 122°25'10" W; thence to 37°48'45" N, 122°25'10" W; thence to 37°48'42" N, 122°25'13" W and thence along the shore to the point of beginning.

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

(1) *Designated representative* means a Coast Guard Patrol Commander, including a Coast Guard coxswain, petty officer, or other officer on a Coast Guard vessel or a Federal, State, or local officer designated by or assisting the Captain of the Port San Francisco (COTP) in the enforcement of the special local regulation.

(2) *Patrol Commander* or *PATCOM* means a Coast Guard Patrol Commander, including a Coast Guard coxswain, petty officer, or other officer, or a Federal, State, or local officer designated by the COTP, to assist in the enforcement of the special local regulation.

(3) *Zone “A”* means the Official Race Box Area, will be marked by approximately 12 colored visual markers. The position of these markers will be specified via Broadcast Notice to Mariners at least 3 days prior to the event.

(4) *Zone “B”* means the Spectator Area, will include the waters outside of racing Zone “A” and will be defined by latitude and longitude points as per Broadcast Notice to Mariners. Zone “B” is be further divided into three additional sub-areas: Zone “B1 East”, Zone “B1 West”, and Zone “B2”. Zone “B1 East” and Zone “B1 West” mean the general spectator zone that is open to all vessel spectators. Zone “B2” means the separate designated spectator area marked by approximately four colored buoys that will be managed by marine event sponsor officials.

(5) *Zone “C”* means the designated Waterfront Transit Area. This one-directional lane will provide vessels the opportunity to pass along the San Francisco waterfront, avoiding

interference with the other established areas. Vessels will be authorized to transit through this zone with approval from the COTP or designated authority. Zone "C" is essential to provide vessels the opportunity to transit along the city of San Francisco waterfront while maintaining the integrity of the regulated areas for the race event.

(6) *Zone "D"* means the designated No Loitering or Anchoring Area. This Zone will allow vessels to transit along the waterfront throughout the duration of the Sail Grand Prix. All vessels shall maintain headway and shall not loiter or anchor within the area of Zone "D". Zone "D" minimizes the impact to the San Francisco Waterfront Area so mariners have the ability to transit during the times when Zone "C" is not in effect for transiting.

(c) *Special local regulation.* The following regulations apply between 10:30 a.m. and 3:00 p.m. on the race event days.

(1) Support and race vessels may be authorized by the COTP or designated representative to enter Zone "A" during the race event. Vessel operators desiring to enter or operate within Zone "A" must contact the COTP or a designated representative to obtain permission to do so. Persons and vessels may request permission to transit Zone "A" on VHF-23A.

(2) Spectator vessels in Zone "B" must maneuver as directed by the COTP or designated representative. When hailed or signaled by the COTP or designated representative by a succession of sharp, short signals by whistle or horn, the hailed vessel must come to an immediate stop and comply with the lawful directions issues. Failure to comply with a lawful direction may result in additional operating restrictions, citation for failure to comply, or both.

(3) Spectator vessels in Zone "B" must operate at safe speeds which will create minimal wake.

(4) Vessel operators desiring to enter or operate within Zone "C", the designated waterfront transit area, must contact the COTP or a designated representative to obtain permission to do so. Vessel operators given permission to enter or operate in Zone "C" must comply with all directions given to them by the COTP or designated representative. Persons and vessels may request permission to transit Zone "C" on VHF-23A.

(5) Vessels operated in Zone "D" must maintain headway and shall not loiter or anchor within the Zone. Vessels in Zone "D" must comply with all directions given to them by the COTP or designated representative.

(6) Rafting and anchoring of vessels are prohibited within Zones "A", "B", "C" or "D".

(d) *Enforcement periods.* The special local regulation in paragraph (c) of this section will be enforced for race events on May 4, 2019 and May 5, 2019 from 10:30 a.m. until approximately 3:00 p.m. each day. The zones described in paragraph (b) of this section will be enforced from 10:30 a.m. until 3:00 p.m. on each of May 4, 2019 and May 5, 2019. At least 24 hours in advance of the race event, the Captain of the Port of San Francisco (COTP) will notify the maritime community of periods during which these zones will be enforced via Notice to Mariners and in writing via the Coast Guard Boating Public Safety Notice.

Dated: April 29, 2019.

Marie B. Byrd,

Captain, U.S. Coast Guard, Captain of the Port, San Francisco.

[FR Doc. 2019-09311 Filed 5-2-19; 4:15 pm]

BILLING CODE 9110-04-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

42 CFR Part 447

[CMS-2413-F]

RIN 0938-AT61

Medicaid Program; Reassignment of Medicaid Provider Claims

AGENCY: Centers for Medicare & Medicaid Services (CMS), HHS.

ACTION: Final rule.

SUMMARY: This final rule removes the regulatory text that allows a state to make Medicaid payments to third parties on behalf of an individual provider for benefits such as health insurance, skills training, and other benefits customary for employees. We have concluded that this provision is neither explicitly nor implicitly authorized by the statute, which identifies the only permissible exceptions to the rule that only a provider may receive Medicaid payments. As we noted in our prior rulemaking, section 1902(a)(32) of the Social Security Act (the Act) provides for a number of exceptions to the direct payment requirement, but it does not authorize the agency to create new exceptions.

DATES: These regulations are effective on July 5, 2019.

FOR FURTHER INFORMATION CONTACT: Christopher Thompson, (410) 786-4044.
SUPPLEMENTARY INFORMATION:

I. Background

The Medicaid program was established by the Congress in 1965 to provide health care services for low-income and disabled beneficiaries. Section 1902(a)(32) of the Social Security Act (the Act) requires direct payment to providers who render services to Medicaid beneficiaries. It states that no payment under the plan for care and services provided to an individual shall be made to anyone other than such individual or the person or institution providing such care or service, under an assignment or power of attorney or otherwise, unless a specified exception is met.

We first codified § 447.10 implementing section 1902(a)(32) of the Act in the "Payment for Services" final rule published in the September 29, 1978 **Federal Register** (43 FR 45253), and we have amended that regulation in the ensuing years. The 1978 final rule incorporated several specific statutory exceptions to the general principle requiring that direct payment be made to the individual provider. The regulations implementing section 1902(a)(32) of the Act have generally tracked the plain statutory language and required direct payments absent a statutory exception.

In 2012, we proposed a new regulatory exception in the "State Plan Home and Community-Based Services, 5-Year Period for Waivers Provider Payment Reassignment, and Setting Requirements for Community First Choice" proposed rule published in the May 3, 2012 **Federal Register** (77 FR 26361, 26406) for "a class of practitioners for which the Medicaid program is the primary source of service revenue" such as home health care providers. We recognized in the proposed rule that section 1902(a)(32) of the Act does not specifically provide for additional exceptions to the direct payment requirement (77 FR 26364, 26382).

In response to the May 3, 2012 proposed rule, we received seven comments, all generally supportive of the proposed regulatory exception. We finalized the regulatory exception in the "State Plan Home and Community-Based Services, 5-Year for Waivers Provider Payment Reassignment, and Home and Community-Based Setting Requirements for Community First Choice and Home and Community-Based Services (HCBS) Waivers" final rule published in the January 16, 2014 **Federal Register** (79 FR 2947, 3001).

authorizing a state to make payments to third parties on behalf of certain individual providers “for benefits such as health insurance, skills training, and other benefits customary for employees.”

More recently, we have become concerned that § 447.10(g)(4) is neither explicitly nor implicitly authorized by the statute, which identifies the only permissible exceptions to the rule that only a provider may receive Medicaid payments. Unlike section 1902(a)(6) of the Act, that requires a State agency to make such reports, in such form and containing such information, as the Secretary may from time to time may require, section 1902(a)(32) of the Act provides for a number of exceptions to the direct payment requirement that we believe constitutes an exclusive list of exceptions and does not authorize the agency to create new exceptions. The regulatory provision at § 447.10(g)(4) granted permissions that Congress has not expressly authorized, and in our interpretation, has foreclosed. Therefore, we published the “Reassignment of Medicaid Provider Claims” proposed rule in the July 12, 2018 **Federal Register** (83 FR 32252 through 32255) where we proposed to remove the regulatory exception at § 447.10(g)(4).

II. Provisions of the Proposed Regulations

We proposed to remove only § 447.10(g)(4) leaving in place the other provisions in § 447.10 including the exceptions at § 447.10(e), (f) and (g)(1) through (3). We sought comments regarding how we might provide further clarification on the types of payment arrangements that would be permissible assignments of Medicaid payments, such as arrangements where a state government withholds payments under a valid assignment. Specifically, we invited comments with examples of payment withholding arrangements between states and providers that we should address.

With regard to the authorities under sections 1915(c), 1915(i), 1915(j), 1915(k), and 1115 of the Act, we explained that this final rule will not impact a state’s ability to perform Financial Management Services (FMS) or secure FMS through a vendor arrangement. FMS are services and functions that assist the Medicaid beneficiary or his/her family to: (1) Manage and direct the disbursement of funds contained in the participant-directed budget; (2) facilitate the employment of staff by the family or participant, by performing as the participant’s agent such employer

responsibilities as processing payroll, withholding Federal, state, and local tax and making tax payments to appropriate tax authorities; and (3) performing fiscal accounting and making expenditure reports to the Medicaid beneficiary or family and state authorities.

As discussed in response to comments below, the arrangements under FMS are not affected by the provisions of the final rule because this model involves the FMS vendor receiving monies from the state to administer the participant-directed budget and make payment to providers on behalf of the beneficiary. The budget furnished to the FMS vendor is not a “payment under the plan for any care or service provided to an individual,” and thus is not subject to the restrictions imposed by section 1902(a)(32) of the Act and § 447.10.

We also requested comments on whether and how the proposed removal of § 447.10(g)(4) would impact self-directed service models, where the Medicaid beneficiary takes responsibility for retaining and managing his or her own services, and, in some cases, may be performing payroll and other employer-related duties. We were especially interested in comments that described the additional flexibilities needed to support beneficiaries opting for self-directed service models, which may ensure stable, high-quality care for those beneficiaries.

III. Analysis of and Responses to Public Comments

We received 7,166 timely comments from concerned citizens, parents of disabled individuals, health care providers, unions, state agencies, and advocacy groups. The comments ranged from general support to opposition to the proposed removal of § 447.10(g)(4) and included very specific questions or comments regarding the proposed change. For the purpose of addressing the comments in this final rule, the term “provider(s)” refers to the individual practitioner(s) that were subject to § 447.10(g)(4), and the term “reimbursement” refers to the payment of provider claims.

A. Statutory Authority

Comment: Several commenters indicated that CMS never had the statutory authority to add the exceptions that were detailed in § 447.10(g)(4). For instance, one commenter indicated that CMS lacked the authority to make an additional exception to the statute at section 1902(a)(32) of the Act in 2014.

Response: We agree with the commenters. After hearing from

stakeholders since the publication of the 2014 final rule and engaging in a review of the statutory support for § 447.10(g)(4), we have determined that the regulatory provision is foreclosed by statute, which is the reason we have removed § 447.10(g)(4).

Comment: Several commenters stated CMS provided no other explanation to support the concern that § 447.10(g)(4) was not authorized by the statute at section 1902(a)(32) of the Act. Some commenters also suggested that CMS misunderstood the meaning of section 1902(a)(32) of the Act, which commenters stated was enacted to prevent abuses stemming from factoring, and that the statute does not support CMS’ interpretation that it prohibits customary employee payroll deductions.

Response: We removed the provision at § 447.10(g)(4) due to the lack of any evidence of express or implied authority to implement new exceptions to section 1902(a)(32) of the Act. *See e.g., TRW Inc. v. Andrews*, 534 U.S. 19, 28 (2001) (“Where Congress explicitly enumerates certain exceptions to a general prohibition, additional exceptions are not to be implied, in the absence of evidence of a contrary legislative intent.”); *NRDC v. EPA*, 489 F.3d 1250, 1259–1260 (D.C. Cir. 2007) (holding that where Congress provides certain enumerated exceptions in a statute, an agency “may not, consistent with *Chevron*, create an additional exception on its own”). We have not seen any evidence of such intent in the text, structure, purpose, and legislative history; rather those tools of statutory construction in our view collectively confirm that the list of exceptions in section 1902(a)(32) of the Act was intended to be exclusive, and that that list of exceptions does not encompass the circumstance outlined in § 447.10(g)(4). Thus, we believe that Congress has spoken to “the precise question at issue,” *Chevron, U.S.A., Inc. v. Natural Resources Defense Council, Inc.*, 467 U.S. 837, 842–43, 104 S.Ct. 2778, 81 L.Ed.2d 694 (1984), and thus the exception at § 447.10(g)(4) must be deleted.

We agree with the commenter that Congress had expressed concern about abusive factoring arrangements when it enacted section 1902(a)(32) of the Act. Congress sought to stem factoring and other abuses by enacting a broad prohibition that precludes states from making any payment for care or services to any person or entity *other than* the individual receiving care or services under the state plan, or the person or institution providing such care. Congress prohibited more than just

assignment of provider payment—it prohibited payments to anyone other than the beneficiary and the provider, whether made “under an assignment or power of attorney or otherwise.” Section 1902(a)(32) of the Act (emphasis added). Notwithstanding this broad prohibition, Congress did carve out certain exceptions, including an exception that explicitly allows a state to make payments to the employer of a provider when the provider is contractually required to turn over his or her right to payment to the employer as a condition of employment. Because Congress recognized the employer-employee relationship in its list of exceptions to the direct payment rule, we do not interpret section 1902(a)(32) of the Act as prohibiting employee payroll deductions that are made by a bona fide employer. But Congress did not create a similar exemption that would allow “deductions” to be taken from a provider’s reimbursement check and diverted to a third party. While those dollars may ultimately go toward the same purpose—for example, health insurance coverage—it is the means by which those dollars are taken from the provider that run afoul of section 1902(a)(32) of the Act. The January 16, 2014 final rule impermissibly expanded upon the statutory exceptions to create a new category of entities that can receive all or part of a Medicaid provider’s reimbursement. This rule restores the direct payment rule to what we believe is its proper scope, and puts Medicaid providers back in control of their reimbursements.

Comment: Many commenters indicated CMS conceded section 1902(a)(32) of the Act does not expressly provide for additional exceptions to the direct payment principle.

Response: We believe the commenters may have been referring to the following language from the preamble to the January 16, 2014 final rule (79 FR 2947, 2949) that implemented § 447.10(g)(4) which stated, “[w]hile the statute does not expressly provide for additional exceptions to the direct payment principle, we believe the circumstances at issue were not contemplated under the statute.” After hearing from stakeholders and engaging in further review of the statute, we determined that we lacked authority to enact a new exception not explicitly or implicitly authorized by section 1902(a)(32) of the Act.

Comment: One commenter recommended a new regulation to focus on payments to employees of beneficiaries. Specifically, the commenter suggested that a regulation

should indicate that payments to individual practitioners who are employed, in whole or in part, by a beneficiary can be assigned only to a government agency, or entity, or by court order.

Response: This comment is outside of the scope of this rule; however, we will take into consideration whether a regulation or subregulatory guidance is needed to further clarify this issue.

Comment: One commenter indicated that courts have concluded that similar arrangements, such as payment to Health Maintenance Organizations (HMO) under a contract with a Medicaid enrolled provider, are valid and authorized by § 447.10(g)(3) despite the lack of corresponding statutory authority.

Response: The provision at § 447.10(g)(3) is outside the scope of this rulemaking. We will evaluate commenter concerns and may address the issues raised by the provision at § 447.10(g)(3) in future rulemaking.

Comments: Several commenters stated CMS should issue regulatory language or, at least clarify in the final rule, that section 1902(a)(32)(B) of the Act permits states to assign Medicaid monies owed to personal care providers only to government agencies or by court order, which will permit necessary tax deductions but eliminate a state’s ability to reassign reimbursement to private third parties.

Response: Only a provider may reassign his or her payment. In addition, we agree that the statute does not preclude, and in fact expressly permits, a state to make a payment in accordance with a provider’s assignment, if such assignment is made to a governmental agency or entity or is established by or under a court order. The statute also expressly permits the state to make payment to the employer of the provider, instead of making a direct payment to the provider, where the provider turns over his or her professional fees to the employer as a condition of employment. The employer may withhold taxes and other voluntary deductions for benefits like health insurance through the payroll process. Whether a particular assignment is permitted under section 1902(a)(32) of the Act will depend on the particular facts of the arrangement. We will take into consideration whether a regulation or further subregulatory guidance is needed to clarify the types of assignments permitted under section 1902(a)(32)(B) of the Act.

Comment: Multiple commenters claimed CMS’ action regarding the removal of § 447.10(g)(4) may be arbitrary and capricious as related to the

Administrative Procedure Act (Pub. L. 79–404, enacted on June 11, 1946) (APA). For example, one commenter indicated that hostility to union membership is an arbitrary and capricious reason for an agency action.

Response: We disagree with the commenter. We previously believed that we had authority to enact the exception at § 447.10 (g)(4) because the statute did not contemplate the circumstances at issue. However, upon further review, we have determined that we did not have such authority, because section 1902(a)(32) of the Act neither explicitly nor implicitly authorized us to enact additional exceptions. Section 1902(a)(32) of the Act broadly prohibits states from making Medicaid payments to anyone other than the beneficiary or the provider furnishing items or services, unless one of certain enumerated exceptions are met. Accordingly, we believe that the statutory exceptions are exclusive and that we lacked the authority to create a new regulatory exception. Under the APA, neither change nor the presence of some reliance interests are fatal. As the courts have noted, there is “no basis in the [APA] or in our opinions for a requirement that all agency change be subjected to more searching review” and an agency “need not demonstrate to a court’s satisfaction that the reasons for the new policy are *better* than the reasons for the old one; it suffices that the new policy is permissible under the statute, that there are good reasons for it, and that the agency *believes* it to be better, which the conscious change of course adequately indicates.” *FCC v. Fox Television Stations, Inc.*, 556 U.S. 502, 514–15 (2009) (emphasis in original). Although an agency must “display awareness that it is changing position,” it must only “provide a more detailed justification than what would suffice for a new policy created on a blank slate” when its “its new policy rests upon factual findings that contradict those which underlay its prior policy; or when its prior policy has engendered serious reliance interests that must be taken into account.” *Id.* In this case, we have acknowledged that we have changed position but believe that we have good reasons for doing so under the circumstances. We do not believe that our new policy rests upon new or different factual findings but solely a new legal analysis. And we believe that the reliance interests at issue are not serious—and in any event, even if they are for the sake of argument, deemed to be serious—we believe that we have justified moving forward with our

proposal notwithstanding those reliance interests.

Comment: Several commenters stated there was no need for a change to § 447.10(g)(4) or that there was no evidence that stakeholders wanted a change to § 447.10(g)(4). Commenters also indicated that states, providers, and other stakeholders have acted in reliance on the previous policy.

Response: As previously discussed, we are removing § 447.10(g)(4) because, after revisiting our previous interpretation, we have determined that we lacked statutory authority to implement § 447.10(g)(4). We understand that stakeholders may have relied on the provision at § 447.10(g)(4) to ease administrative burden on certain providers by withholding a portion of the providers' Medicaid reimbursement and redirecting those payments to third parties on the providers' behalf. However, we note that the rescission of this provision simply eliminates one method by which such payments to third parties may be made—it does not, and surely cannot—eliminate a provider's right to make such payments to third parties by other legal means. Providers remain free to purchase health insurance, training, and other benefits after receiving their Medicaid reimbursements.

Comment: One commenter stated that reassignment of provider reimbursement under § 447.10(g)(4) was an option, not a requirement.

Response: We agree with the commenter that the regulations did not require providers to assign their right to payments to third parties. An assignment is typically a voluntary act where one party intentionally transfers a right, such as a right to future payment, to another party.¹ Although providers had the option to utilize § 447.10(g)(4), our lack of statutory authority to promulgate this regulation requires us to rescind it.

B. Impact to Stakeholders

Comment: Several commenters noted that the rescission of § 447.10(g)(4) would facilitate the proper use of Medicaid funds.

Response: We appreciate the commenters' support. As previously discussed, we are removing § 447.10(g)(4) because, after revisiting our previous interpretation, we have determined that we lacked statutory authority to implement § 447.10(g)(4).

Comment: Many commenters stated that removal of § 447.10(g)(4) would result in a loss or disruption of benefits for home care workers, specifically health insurance coverage, and may lead to increases in uncompensated care costs and/or Medicaid enrollment, which may create downstream negative impacts. Commenters expressed concern that the proposed rule would prohibit automatic paycheck deductions and that Congress did not intend to affect healthcare deductions and deductions for voluntary union dues with the anti-reassignment provisions in statute. Several commenters stated that, as a result of this rule, home health workers will lose health insurance coverage.

Response: We disagree with the commenters. The effect of this final rule is the elimination of one method of getting payment from A to B. It in no way prevents health care workers from purchasing health insurance, enrolling in trainings, or paying dues to a union or other association. Further, as previously described, the statute expressly allows payments to employers, and nothing in this rule would interfere with an employer's ability to make payroll deductions that are required by law or voluntary deductions for things like health and life insurance, contributions to charitable causes, retirement plan contributions, and union dues. Moreover, nothing in this rule would prevent a provider from affirmatively assigning his or her right to payment to a government agency.

We also note that there is a distinction between payroll deductions made by an employer and diversions of Medicaid payments as a result of a valid assignment. Section 1902(a)(32) of the Act specifically allows the state to make Medicaid payments to a home care worker's employer, and any deductions made by the employer are outside the scope of the statutory direct payment rule. Section 447.10(g)(4) pertained to payment diversion, not to voluntary wage deductions made under a bona fide employment arrangement. Specifically, it pertained to the class of practitioners for which the Medicaid program is the primary source of service revenues, such as home health workers, who are *not* employees of the state. As non-employees, such practitioners do not receive salaries or wages from the state. Instead, they are the recipients of Medicaid payment for services they furnish. Certain assignments or other transfers of such payments are permitted under section 1902(a)(32) of the Act; however, the diversion to other

third parties not otherwise identified in the statute is not.

Comment: Several commenters indicated that the removal of paragraph (g)(4) from § 447.10 would result in potential harm to the Medicaid program, including to stakeholders. For example, commenters indicated that the removal of the paragraph would result in a reduction in the number of individual practitioners, leading to a decrease in access and quality of care for beneficiaries and an increase in more expensive institutional care. One commenter noted that government has a role to promote quality care and improve effectiveness and efficiency of care.

Several commenters stated that the proposed rule was not consistent with the mandates set forth in the Americans with Disabilities Act of 1990 (Pub. L. 101–336, enacted on July 26, 1990) (ADA), as it would result in destabilization of the workforce that provides in-home care, and it would increase the likelihood of an individual being institutionalized.

Response: While we agree that the government has a role in promoting high-quality, efficient healthcare, these commenters did not explain how or why these alleged harms would occur, nor did they cite to any evidence as to how the proposed change would cause harm to the Medicaid program, its beneficiaries, or the health care workforce that cares for the beneficiaries. Section 1902(a)(30)(A) of the Act requires states to assure that payments are consistent with efficiency, economy, and quality of care and are sufficient to enlist enough providers so that care and services are available under the plan at least to the extent that such care and services are available to the general population in the geographic area. As long as the requirements of section 1902(a)(30)(A) of the Act are met, states have the flexibility to address concerns regarding access and quality of care utilizing economic and efficient payment methodologies. Additionally, as noted previously, this rule does not prevent individual practitioners from purchasing or receiving any benefits, memberships, or trainings using the income they earn from the Medicaid program. It simply ensures that Medicaid reimbursement is paid directly to the practitioner (or, as permitted by law, to the practitioner's employer, business agent, or facility where the care or service was furnished) and not impermissibly redirected to third parties. That is, this rule does not restrict what Medicaid providers may do with their Medicaid reimbursement once it is paid to them. As such, we do

¹ See, for example, Restatement 2d of Contracts, section 317. Certain types of wage assignments may be involuntary, and are typically called garnishments. See generally, 15 U.S.C. 1672; H.R. Conf. Rep. No. 1280 at 280, 93d Cong., 2d Sess. (1974).

not expect that this rule would adversely affect access to, or quality of, care.

Comment: Several commenters opposed the proposed rule and mentioned that eliminating the automatic payment of retirement or health care premiums from a provider's pay could cause a financial hardship if they had to purchase those benefits separately and not collectively through their employment.

Response: This rule does not affect voluntary wage deductions for employer-sponsored benefits. Section 1902(a)(32) of the Act specifically allows the state to make Medicaid payments to a home care worker's employer, and any deductions made by the employer are outside the scope of the statutory direct payment rule.

Comment: Several commenters opposed the proposed rule and stated that the removal of § 447.10(g)(4) would eliminate a worker's ability to participate in a health plan and is likely to cause those beneficiaries to shift to the state Medicaid program or other publicly subsidized coverage that will likely lead to higher rather than lower costs for the state.

Response: We believe the commenters are asserting that the loss of the ability to reassign a portion of an individual practitioner's Medicaid payment will ultimately result in that individual practitioner becoming a Medicaid beneficiary, which will likely result in increased costs for the state. As noted previously, we are removing § 447.10(g)(4) due to the lack of express or implicit statutory authority to implement new exceptions to section 1902(a)(32) of the Act. To the extent that the commenter is suggesting that practitioners will become uninsured as a result of this rule, we again reiterate that nothing in this rule prevents an individual practitioner from purchasing health insurance. Depending on a practitioner's particular circumstances, he or she may be eligible to purchase or obtain insurance coverage through a number of channels, including group coverage through an employer or an association, individual insurance coverage that is Affordable Care Act-compliant and guaranteed available to the general public, or, if the practitioner meets eligibility criteria, through Medicaid. As required by section 1902(a)(30)(A) of the Act, states must ensure that provider reimbursement rates are "consistent with efficiency, economy, and quality of care and are sufficient to enlist enough providers so that care and services are available under the plan at least to the extent that such care and services are available to

the general population in the geographic area."

C. Administrative Burden and State Flexibility

Comment: Several commenters that opposed the proposed rule noted the removal of this provision may result in administrative burden created by eliminating automatic payroll deductions for items such as health insurance, skills training, and other benefits customary for employees.

Response: While we acknowledge that automatic payroll deductions may reduce administrative burden for some health care workers who would otherwise need to make a separate payment, we again note that elimination of § 447.10(g)(4) will not disrupt payroll deductions that are made under a bona fide employment relationship and are otherwise permissible under state and federal law. Section 447.10(g)(4) pertained to the class of practitioners for which the Medicaid program is the primary source of service revenues, such as home health workers, who are not employees of the state or a home health agency that is paid by the state for its employees' services. As non-employees, such practitioners do not receive salaries or wages from the state. Instead, they are the recipients of Medicaid payments, and the state must directly pay them for their services. The removal of § 447.10(g)(4) eliminates the regulatory exception that purported to allow states to "deduct" or withhold portions of a provider's Medicaid reimbursement and re-direct the payment to third parties. However, individual practitioners can decide to use their payments for items like health and life insurance coverage and skills training. To the extent allowed by state and federal laws, states may also continue to allow individual practitioners to receive healthcare coverage from or through the state. Individual practitioners may also seek employment with home health agencies or other employers that offer benefit packages.

Comment: Many commenters stated that the proposed rule would impact the flexibility states have to administer their Medicaid programs, resulting in potential harm to providers because certain individual Medicaid practitioners would not be able to have items such as health insurance, skills training, and other benefits customary for employees reassigned from their reimbursement.

Response: States retain the flexibility to operate their Medicaid programs within existing Medicaid statutes and regulations. Nothing in this rule

prevents a state from investing in its health care workforce, such as through strategies to ensure that the workforce is appropriately trained and that reimbursement rates are set at levels adequate to ensure beneficiaries have access to necessary care. As long as the requirements of section 1902(a)(30)(A) of the Act are met, states have flexibility to address concerns regarding access and quality of care utilizing economic and efficient payment methodologies.

D. Financial Management Services Under Self-directed Care

Comment: We received several comments that varied from support to opposition of the proposed rule's impact on self-directed care and FMS.

Response: The removal of § 447.10(g)(4) eliminates a state's ability to redirect provider reimbursement for the delivery services under section 1905(a) of the Act to third parties that are not recognized under the statute. However, this rule does not impact a state's ability to perform FMS or secure FMS through a vendor arrangement provided under sections 1915(c), 1915(i), 1915(j), and 1915(k) and 1115 authorities of the statute.

Comment: One commenter requested that CMS codify, within the regulation text, the clarification included in the proposed rule regarding FMS under sections 1915(c), 1915(i), 1915(j), 1915(k) and 1115 authorities of the statute, to allow FMS vendors to reassign reimbursement with the expressed intent of paying for the services rendered by the FMS vendor.

Response: We note that payment to the FMS vendor for services is not affected by the provisions of the final rule because this model involves the FMS vendor receiving monies from the state to administer the participant-directed budget and make payment to providers on behalf of the beneficiary. As noted previously, the budget furnished to the FMS vendor is not a "payment under the plan for any care or service provided to an individual," and thus, is not subject to the restrictions imposed by section 1902(a)(32) of the Act and § 447.10.

Under the authorities in sections 1915(c), 1915(i), 1915(j), 1915(k) and 1115 of the Act, FMS vendors are service providers. As such, depending on the authority, the state has the option to claim the cost it incurs for the provision of FMS as either a direct medical service, claimable via the applicable FMAP rate or, as a state program administrative expenditure. Therefore, we do not believe it is necessary to include regulation text outlining the ability of states to

reimburse entities for their contracted service provider functions, but we do reiterate that states may continue to do so. This was the case prior to the inclusion of § 447.10(g)(4).

E. Factoring

Comment: Several commenters noted that the original intent of section 1902(a)(32) of the Act was to eliminate the practice of selling Medicaid accounts receivables to “factors,” and not to prevent union dues and benefits from being deducted from the provider’s reimbursement.

Response: We agree with the commenters that one of the original intents of section 1902(a)(32) of the Act, perhaps even the main one, was to address concerns relating to the sale of receivables to factors. But we do not believe that this was necessarily Congress’ only concern, and we note that factoring is not specifically mentioned in the statute and CMS found it necessary to subsequently emphasize via regulation that payments to factors are not permitted. See § 447.10(h). In any event, Congress chose to address its concern about factoring with a broad prohibition and only limited exceptions. It could have done it in a more targeted way, but it did not. Notably, Congress did not limit itself to addressing payments to third parties that involving reassignment and powers of attorney; it also amended the statute to include “or otherwise” language, expanding its application to situations that did not involve factoring. While a commenter stated that, in the context of the sentence, “or otherwise” refers only to mechanisms similar to an “assignment” or “power of attorney” that permit third parties to act in the provider’s stead in seeking Medicaid payments, and thus present a similar potential for abuse, we do not believe that the statute or legislative history makes this clear. Congress addressed its concern by requiring direct payment to providers in all circumstances, unless one of the limited statutory exceptions is met. As explained previously, we are removing § 447.10(g)(4) because the payment diversions it authorizes are neither explicitly nor implicitly authorized by the statute.

F. Reassignment of Union Dues

Comment: A large number of commenters, both in opposition and support of the proposed rule, mentioned unions and/or union dues, and some commenters mentioned the benefits workers receive from union membership. Other commenters noted that there are existing state laws surrounding union membership.

Response: We are removing § 447.10(g)(4) due to the lack of statutory authority to implement additional exceptions to section 1902(a)(32) of the Act. It is well outside the scope of our authority to regulate how an individual practitioner chooses to use the income he or she receives from the Medicaid program. While we realize some states relied on § 447.10(g)(4) as a mechanism to transfer contributions from practitioners to unions or other organizations, practitioners may continue contributing to unions or other organizations. This rule merely forecloses the ability of a practitioner to assign a portion of his or her Medicaid payment to a union. However, other means remain available. A provider may voluntarily agree to automatic credit card or bank account deductions to pay for union dues once 100 percent of reimbursement has been received. In regard to existing state laws surrounding union membership, if state law(s) and/or regulation(s) conflict with § 447.10 after the removal of paragraph (g)(4), the state Medicaid agency will need to take corrective action to comply with current federal statute and regulations. We are available to answer any questions states may have or to provide additional technical assistance to states.

Comment: Several commenters referenced state attempts to privatize providers or make providers state employees in order to reassign portions of the provider’s reimbursement. Specifically, two commenter referenced states that passed legislation to privatize all homecare givers and force them to pay union dues.

Response: As the comments are not directly applicable to the removal of § 447.10(g)(4), they are outside the scope of this final rule. However, we note that § 447.10(g)(4) was specifically applicable to Medicaid enrolling individual practitioners who provided services on a contractual basis.

Comment: One commenter noted that the proposed removal of § 447.10(g)(4) conflicts with National Labor Relations Act which allows home care worker agencies to deduct union dues from a provider’s paycheck.

Response: The provisions of the final rule do not affect home care worker agencies that make payroll deductions as authorized by their employees, provided that the requirements in § 447.10(g)(1) are met. We do not see any conflict between removal of § 447.10(g)(4) and the National Labor Relations Act.

Comment: Multiple commenters stated the proposed removal of § 447.10(g)(4) will, in no way, prevent

home care workers from voluntarily joining unions.

Response: We agree. This rule does not prohibit an individual practitioner from using his or her income to pay dues to a union.

Comment: One commenter indicated that authorized deductions of union dues or other benefit payments from their paycheck should not require a statutory exception to the anti-reassignment provision because such a deduction does not constitute a reassignment. Another commenter suggested that payroll deductions meet the qualification for third party payments provided in the current statute.

Response: Aside from certain enumerated exceptions at section 1902(a)(32) of the Act, Medicaid payments must be paid directly to the individual or institution that furnished the care or service to a Medicaid beneficiary. For Medicaid payments, a distinction must be made between payroll deductions and payment reassignment. Section 447.10(g)(4) pertained to the class of practitioners for which the Medicaid program is the primary source of service revenues, such as home health workers, who are not employees of the state. As non-employees, such practitioners do not receive salaries/wages from the state. Instead, they are the recipients of Medicaid payments, and only certain reassignments are permitted.

In addition, the existing third party payments permitted in the statute are not payroll deductions. Specifically, section 1902(a)(32) of the Act contains several specific exceptions to the general principle requiring direct payment to individual practitioners. There are exceptions for payments for practitioner services where payment is made to the employer of the practitioner, and the practitioner is required as a condition of employment to turn over fees to the employer; payments for practitioner services furnished in a facility when there is a contractual arrangement under which the facility bills on behalf of the practitioner; reassignments to a governmental agency or entity, or through a court order, or to a billing agent; payments to a practitioner whose patients were temporarily served by another identified practitioner; or payments for a childhood vaccine administered before October 1, 1994. None of these exceptions allow for the type of payments transfers requested by the commenters.

Comment: Several commenters stated that their rights will be impacted by this rule. They referenced examples such as

an individual's right to join/support a union, workers' rights, and individual rights under the Constitution.

Response: It should be noted that we are removing paragraph (g)(4) due to the lack of authority to implement additional exceptions to section 1902(a)(32) of the Act. The removal of § 447.10(g)(4) does not prevent individuals from exercising their individual rights. It only prevents the state from redirecting payments that, per the statute, must be paid directly to the practitioner. However, individual practitioners can purchase or contribute to the items previously allowed under paragraph (g)(4) through transactions separate from their Medicaid reimbursement.

With regard to workers' rights, § 447.10(g)(4) pertained to the class of practitioners for which the Medicaid program was the primary source of service revenues, who were not employees.

Comment: One commenter indicated § 447.10(g)(4) has been rescinded due to a bias against Unions.

Response: The intent of the rule is to ensure that Medicaid practitioners paid fully and directly for their services as required by law. The Department, in no way, intends to prevent or discourage union membership. Although rescission of § 447.10(g)(4) will eliminate a provider's ability to reassign portions of their reimbursement to contribute to union dues, we would like to note that providers remain free to contribute to union dues and other benefits through methods other than assignment of their right to payment.

G. Economic Impact

Comment: One commenter indicated that the agency lacked any data to justify the rescission of § 447.10(g)(4). This commenter also indicated that the agency lacked any analysis of this rule's impact on home care workers, beneficiaries, or states.

Response: During the 30-day comment period, we suggested stakeholders to provide comments and analyses with regard to the economic significance of this rule. While we received comments that provided estimates of the potential impact of this rule, those estimates were not supported by any substantive analysis. As the agency has no authority to create additional exceptions to section 1902(a)(32) of the Act, the provision at § 447.10(g)(4) must be removed regardless of its economic significance.

Comment: Several commenters indicated this rule would result in a significant economic impact. For example, one commenter indicated that

assignments to unions amounted to \$99.2 million in 2017, with cumulative total of \$924,174,007 from 2000 to 2017. Another commenter indicated that assignments to unions amount to \$150 million in 2017 and totaled approximately \$1.4 billion since 2000.

Response: In the proposed rule, we estimated the dues related portion of the economic impact of this rule to be between \$0 and approximately \$71 million. While we received comments that provided estimates of the potential impact of this rule, those estimates were not supported by any documentation or analysis.

Comment: One commenter recommended that CMS to conduct and publish an analysis of the issues pertaining to reassignment before finalizing this rule.

Response: As mentioned in the proposed rule, we did not formally track the amount of reimbursement that was being reassigned to third parties under § 447.10(g)(4), although one state submitted a state plan amendment as a direct result of that provision. In the proposed rule, we estimated that the financial impact of removing § 447.10(g)(4) could range from \$0–\$71 million. We also suggested that stakeholders provide comment and analysis with regard to the economic significance of this rule during the comment period. While we received comments that focused on the union dues aspect of this rule and estimated the potential impact to be \$150 million in 2017 and \$1.4 billion from 2000 to 2017 these estimates were not supported by any substantive analysis.

Comment: Several commenters stated that § 447.10(g)(4) helped to facilitate improper use of Medicaid funds.

Response: With the removal of the regulatory provision, these concerns should be alleviated. It is also important to note that through all aspects of the Medicaid program, we work to ensure that Medicaid funds are properly used by states.

Comment: Several commenters noted that the statement in the proposed rule, "designed to ensure that taxpayer dollars dedicated to providing healthcare services for low-income vulnerable Americans are not siphoned away for other purposes," is false. Several commenters also noted that as union dues are deducted from already earned income, the state is merely a pass-through entity as it relates to the reassignment of items such as health insurance, skills training, and other benefits customary for employees.

Response: Outside of the exceptions listed in the statute, section 1902 (a)(32) of the Act requires direct payment to

individual practitioners for the rendering of Medicaid services. A state agency is not permitted to "pass through" Medicaid reimbursement for healthcare services to third parties not recognized under the Medicaid statute.

Comment: One commenter stated that CMS mischaracterized and misunderstood the flow of payments to individual Medicaid practitioners. The commenter further elaborated by indicating that the proposed rule's regulatory impact analysis reflected a similar misunderstanding as it suggested that states may have increased reimbursement levels in order to reassign portions of a provider's payment to a third party. The commenter suggested that the removal of § 447.10(g)(4) may result in the lowering of rates if states are no longer able to make reassignments to third parties. Other commenters, however, stated rates would not be negatively affected.

Response: To our knowledge, one state submitted a state plan amendment to increase rates as a direct result of the ability to redirect a portion of individual practitioners' reimbursement for the items outlined in § 447.10(g)(4). We note that, as indicated in the proposed rule, we did not formally track states' diversion of provider reimbursement to third parties. As such, we cannot comment on other actions states may have taken in response to the issuance of § 447.10(g)(4). States are obligated to adopt payment methods that assure that payments are consistent with efficiency, economy, and quality of care and are sufficient to enlist enough providers so that care and services are available under the plan at least to the extent that such care and services are available to the general population in the geographic area as specified in section 1902(a)(30) of the Act. To the extent that any state has developed provider reimbursement rates to take into account a provider's reasonable overhead expenses, we do not anticipate that a state would reduce rates simply because it can no longer perform an administrative function for a provider. However, to the extent a state wishes to reduce documented payment levels, it must submit a State plan amendment and assure the proposed payment level does not trigger concerns regarding access to, or quality of, care.

H. 30-Day Comment Period

Comment: Many commenters took exception to the 30-day comment period for the proposed rule and requested a 60-day comment period instead.

Response: The APA requires the agency to provide at least a 30-day comment period for Medicaid

regulations. Because the removal of § 447.10(g)(4) is a straightforward rule change, we concluded that 30 days was ample time to respond. Commenters may be confused by section 1871(b)(1) of the Act, which requires a 60-day comment period for Medicare rulemaking. However, this regulation has no effect on the Medicare program, and thus is not subject to the requirements in section 1871 of the Act.

I. General

Comment: Multiple commenters noted that the removal of § 447.10(g)(4) has federalism implications and violates state sovereignty. Specifically, one commenter claimed that implementation of the proposed rule would disrupt states' established laws and would commandeer State governments and their subsidiaries in violation of the Tenth Amendment by regulating the "States in their sovereign capacity." Another commenter claimed the agency is in violation of Executive Order 13132, which requires that the agency consult with the affected states, engage in real consideration of alternative policies, use the least restrictive means possible to achieve its results, and comply with other rules.

Response: We disagree with the commenters. While the removal of § 447.10(g)(4) may have an indirect effect on the way that states pay certain providers, it does not have the kind of "substantial direct effect" on states that would implicate Executive Order 13132. The provision at § 447.10(g)(4) was added in the interest of administrative efficiency and convenience for states and certain classes of providers.

As discussed previously, removal of § 447.10(g)(4) eliminates a state's ability to redirect a portion of provider reimbursement for items such as health insurance, skills training, and other benefits customary for employees to third parties (apart from government agencies or under a court order under § 447.10(e)) and federal law is clear that Medicaid payment may only be made to the individual beneficiary or person or entity furnishing the service, except in limited circumstances. Neither state law nor the federalism concerns raised by comments can override this federal statutory directive.

Comment: One commenter noted this rule is in direct conflict with the August 3, 2016 Center for Medicaid and CHIP Services (CMCS) Informational Bulletin (CIB) entitled "Suggested Approaches for Strengthening and Stabilizing the Medicaid Home Care Workforce."

Response: We believe the commenter is referring to the following language on the second page of the CIB: "State

Medicaid Agencies may, with the consent of the individual practitioner, make a payment on behalf of the practitioner to a third party that provides benefits to the workforce such as health insurance, skills training, and other benefits customary for employees (§ 447.10(g)(4))." The language in the CIB will be revised to align with the language in this final rule.

IV. Provisions of the Final Regulations

After consideration of the public comments, we are finalizing our proposal to remove § 447.10(g)(4).

V. Collection of Information Requirements

To the extent a state changes its payment as a result of this rule, the state will be required to notify entities of the pending change in payment and update its payment system. We believe the associated burden is exempt from the Paperwork Reduction Act (PRA) in accordance with 5 CFR 1320.3(b)(2). We believe that the time, effort, and financial resources necessary to comply with the aforementioned requirement would be incurred by the state during the normal course of their activities, and therefore, should be considered usual and customary business practices.

VI. Regulatory Impact Analysis

A. Statement of Need

As outlined in the proposed rule, we were concerned that § 447.10(g)(4) was insufficiently linked to the exceptions expressly permitted by the statute and violated the statute. As noted in the January 16, 2014 final rule (79 FR 2947, 3001), section 1902(a)(32) of the Act provides for a number of exceptions to the direct payment requirement, but the language does not explicitly or implicitly authorize the agency to create new exceptions. Therefore, the regulatory provision grants permissions that Congress has foreclosed. Accordingly, we removed the regulatory exception at § 447.10(g)(4).

B. Overall Impact

We have examined the impacts of this final rule as required by Executive Order 12866 on Regulatory Planning and Review (September 30, 1993), Executive Order 13563 on Improving Regulation and Regulatory Review (January 18, 2011), the Regulatory Flexibility Act (RFA) (September 19, 1980, Pub. L. 96–354), section 1102(b) of the Act, section 202 of the Unfunded Mandates Reform Act of 1995 (March 22, 1995; Pub. L. 104–4), Executive Order 13132 on Federalism (August 4, 1999), and the Congressional Review Act (5 U.S.C. 804(2)).

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). Section 3(f) of Executive Order 12866 defines a "significant regulatory action" as an action that is likely to result in a rule that may: (1) Have an annual effect on the economy of \$100 million or more in any 1 year, or adversely and materially affecting a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or state, local or tribal governments or communities (also referred to as "economically significant"); (2) create a serious inconsistency or otherwise interfering with an action taken or planned by another agency; (3) materially alter the budgetary impacts of entitlement 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 the Executive Order.

A regulatory impact analysis (RIA) must be prepared for major rules with economically significant effects (\$100 million or more in any 1 year). We estimate that this final rule could be "economically significant" as it may have an annual effect on the economy in excess of the \$100 million threshold of Executive Order 12866, and hence that this final rule is also a major rule under the Congressional Review Act. However, there was considerable uncertainty around this estimate. As such, the Department invited public comments to help refine this analysis, but no substantive analysis of the economic impact of this rule was provided.

As discussed previously, in the January 16, 2014 final rule (79 FR 2947, 3039), we authorized states to make payments to third parties on behalf of individual providers "for benefits such as health insurance, skills training, and other benefits customary for employees." We lacked information with which to quantify the potential impacts of this policy on these types of payments as the Department does not formally track the amount of reimbursement that is being reassigned to third parties under the regulatory provision that we are now removing. To offer one example, one likely impact of this rulemaking is that states will stop redirecting a portion of homecare workers' payments to unions for

membership dues. We estimated that unions may currently collect as much as \$71 million from such assignments.² While we have not similarly quantified the amount of other authorized reassignments, such as health insurance, skills training, or other benefits, we estimated that the amount of payments made to third parties on behalf of individual providers for the variety of benefits within the scope of this rulemaking could potentially be in excess of \$100 million. While we sought comments on this estimate, and particularly on the type and amount of payments currently being reassigned under the exceptions in § 447.10(g), we did not receive any comments that provided a substantive analysis with regard to the economic significance of this rule.

The potential direct financial impact to providers of this policy change could be affected by many factors, such as the nature and amounts of the types of payments currently being reassigned and decisions made by homecare providers after a final policy takes effect about whether or not to voluntarily make payments to third parties for these types of benefits once the payments are no longer automatically withheld from their reimbursement checks. The Department was unable to quantify these direct financial impacts in the absence of specific information about the types and amount of payments being reassigned. Even where it may have been possible to derive such estimates, such as with the example of union dues, the Department lacks information to reliably estimate the proportion of homecare providers likely to stop making payments versus those likely to

continue making payments through alternative means. While we requested comments on the factors that might influence the direct financial impacts to providers and recipients of reassignments of this policy change for the varied types and amount of payments currently being reassigned under the exceptions in § 447.10(g), we did not receive any substantive analysis regarding this issue.

Although states will no longer be able to withhold and redirect portions of a provider's payment to third parties not recognized by the statute, states are expected to maintain provider rates at levels necessary to ensure access to care. It may be the case that some states have set provider rates by taking into account the costs of health and welfare benefits, training costs, and other benefits. This rule does not alter the costs of those benefits to the provider, but may alter the means by which the provider remits payments to cover those costs—that is, instead of the state making payments to third parties on a provider's behalf, the provider would make the payments directly to the third parties. We requested comments, particularly from states, on potential state behavior under the proposed policy; however, we did not receive any substantive analysis or useful information regarding this issue.

As described above, it was difficult for us to conduct a detailed quantitative analysis given this considerable uncertainty and lack of data. However, we believe that without this final rule, states may be engaging in practices that do not comport with section 1902(a)(32) of the Act. We welcomed comments with regard to the quantitative impact of the elimination of states' ability to reassign Medicaid payment for items such as health insurance, skills training and other benefits customary for employees. We also sought comments identifying impacts to states and the federal government as a result of this final rule, including on the assumption that the time, effort and financial resources necessary to comply with the proposed requirement would be incurred by states during the normal course of their activities, and therefore, would not impose additional costs. While commenters provided estimates of the potential impacts of this rule, the estimates only focused on the union dues aspect of the rule and they were not supported by any substantive analysis. For example, one commenter indicated that assignments to unions amounted to \$99.2 million in 2017, with cumulative total of \$924,174,007 from 2000 to 2017. Another commenter indicated that assignments to unions amount to \$150 million in 2017 and

totaled approximately \$1.4 billion since 2000.

C. Anticipated Effects

The RFA requires agencies to analyze options for regulatory relief of small entities. For purposes of the RFA, small entities include small businesses, nonprofit organizations, and small governmental jurisdictions. Most hospitals and most other providers and suppliers are small entities, either by nonprofit status or by having revenues of less than \$7.5 million to \$38.5 million in any 1 year. Individual employees and states are not included in the definition of a small entity. We are not preparing an analysis for the RFA because we have determined, and the Secretary certifies, that this final rule will not have a significant economic impact on a substantial number of small entities. The significance on small business entities refers to the potential impact on the providers. Though we received comments that claimed the removal of § 447.10(g)(4) would create an administrative burden for providers, these comments lacked any substantive data or supporting detail. We currently do not possess sufficient data to quantify administrative burden associated with the removal of the regulatory text at § 447.10(g)(4), however, we do not believe the burden would be significant for any provider as any burden associated with this rescission would be due to the provider making arrangements to pay for items that were previously purchased or contributed to via the assignments allowed under § 447.10(g)(4). Those providers with a bank account at a financial institution, or another financial product such as a prepaid debit card, could elect an automatic electronic payment for items previously reassigned by the state. In those instances, the burden cost would be one time and negligible since deductions can be set up through financial institutions and can often easily be set up online. For those providers without a bank account, the burden would be the cost of mailing payments directly to a third party or opening a bank account or an alternative financial product. In those instances, the associated cost of mailing payments each month would be negligible and would not exceed the 3 percent threshold of revenue earned by the vast majority of non-employer entities that render Home Health Care Services under the Census Bureau's North American Industry Classification System (NAICS) 62161, as reflected in Table 1, most of which earn revenue that does not exceed \$25,000 per year.

² Dues payments potentially associated with policies of the type being proposed for revision have been reported to be \$8 million in Pennsylvania and \$10 million in Illinois (<https://www.fairnesscenter.org/cases/detail/protecting-the-vulnerable> and <https://www.washingtonexaminer.com/illinois-politicians-forced-home-care-workers-into-union-that-donates-heavily-to-them/article/2547368>). The total population is approximately 26 million in these two states and 102 million across the states that have been reported by the State Policy Network to have relevant third-party payment policies (California, Connecticut, Illinois, Maryland, Massachusetts, Minnesota, Missouri, New Jersey, Oregon, Vermont and Washington) (<https://www2.census.gov/programs-surveys/popest/tables/2010-2017/state/totals/nst-est2017-01.xlsx> and <https://spn.org/dues-skimming-faqs/>). Factoring the \$18 million (= \$8 million + \$10 million) proportionately by population yields a nationwide total of approximately \$71 million in union dues payments potentially affected by this proposed rule. This transfer estimate could be over- or understated if other states pay home care workers different average wages than Pennsylvania and Illinois, if dues payments are collected at different rates, or if participation in Medicaid home care programs is not proportionate to total population.

For instance, a \$10 box of envelopes and \$6.60 for 12 stamps equals \$17 total per year, which is less than 3 percent of \$25,000 or \$750. With regard to providers on the low end of the revenue spectrum with revenues of \$5,000 per

year, 3 percent of their revenue equates to \$150, which far exceeds the cost of \$17 per year for postage. We also assume that the actual items purchased through third parties (existing union dues, training programs, health

premiums) would be unaffected by the regulatory change as § 447.10(g)(4) did not establish new items, but merely allowed for the state to reassign payments for these items.

TABLE 1—NON-EMPLOYER ESTABLISHMENTS BY REVENUE CATEGORY, 2016

2012 NAICS code	Meaning of 2012 NAICS code	Meaning of receipt size of establishments	Number of nonemployer establishments
62161	Home health care services	Establishments with sales or receipts less than \$5,000	83,679
62161	Home health care services	Establishments with sales or receipts of \$5,000 to \$9,999 ...	74,158
62161	Home health care services	Establishments with sales or receipts of \$10,000 to \$24,999	122,219

In addition, section 1102(b) of the Act requires us to prepare an RIA if a rule may have a significant impact on the operations of a substantial number of small rural hospitals. This analysis must conform to the provisions of section 604 of the RFA. For purposes of section 1102(b) of the Act, we define a small rural hospital as a hospital that is located outside of a Metropolitan Statistical Area for Medicare payment regulations and has fewer than 100 beds. We are not preparing an analysis for section 1102(b) of the Act because we have determined, and the Secretary certifies, that this final rule will not have a significant impact on the operations of a substantial number of small rural hospitals.

Section 202 of the Unfunded Mandates Reform Act of 1995 also requires that agencies assess anticipated costs and benefits before issuing any rule whose mandates require spending in any 1 year of \$100 million in 1995

dollars, updated annually for inflation. In 2019, that threshold is approximately \$154 million. This rule is not expected to have an impact that exceeds the \$154 million threshold, and therefore, will not have a significant effect on state, local, or tribal governments or on the private sector.

Executive Order 13132 establishes certain requirements that an agency must meet when it issues a proposed rule (and subsequent final rule) that imposes substantial direct requirement costs on state and local governments, preempts state law, or otherwise has Federalism implications. Since this regulation does not impose any costs on state or local governments, the requirements of Executive Order 13132 are not applicable.

D. Alternatives Considered

We considered issuing guidance to require states to formally document consent to reassign portions of a

provider's payment. We also considered limiting the items for which provider reassignment could be made. However, we had become concerned that § 447.10(g)(4) was insufficiently linked to the exceptions expressly permitted by the statute and violated the statute. Therefore, we believed that removing the regulatory exception was the best course of action.

E. Accounting Statement

As required by OMB Circular A-4 under Executive Order 12866 (available at <https://www.whitehouse.gov/sites/whitehouse.gov/files/omb/circulars/A4/a-4.pdf>) in Table 2, we have prepared an accounting statement showing the classification of transfers associated with the provisions in this final rule. The accounting statement is based on estimates provided in this regulatory impact analysis and omits categories of impacts for which partial quantification has not been possible.

TABLE 2—ACCOUNTING STATEMENT

Category	Low estimate	High estimate	Units		
			Year dollars	Discount rate (%)	Period covered
Transfers					
Annualized Monetized \$ millions/year	0	\$71	2017	3	2019
	0	71	2017	7	2019
From whom to whom?	From third parties to home health providers.				

F. Regulatory Reform Analysis Under E.O. 13771

Executive Order 13771, entitled “Reducing Regulation and Controlling Regulatory Costs,” was issued on January 30, 2017 and requires that the costs associated with significant new regulations “shall, to the extent permitted by law, be offset by the elimination of existing costs associated

with at least two prior regulations.” This final rule is considered an E.O. 13771 regulatory action.

G. Conclusion

In accordance with the provisions of Executive Order 12866, this final rule was reviewed by the Office of Management and Budget.

List of Subjects in 42 CFR Part 447

Accounting, Administrative practice and procedure, Drugs, Grant programs—health, Health facilities, Health professions, Medicaid, Reporting and recordkeeping requirements, Rural areas.

For the reasons set forth in the preamble, the Centers for Medicare &

Medicaid Services amends 42 CFR chapter IV as set forth below:

PART 447—PAYMENTS FOR SERVICES

■ 1. The authority citation for part 447 is revised to read as follows:

Authority: 42 U.S.C. 1302.

§ 447.10 [Amended]

■ 2. Section 447.10 is amended by removing paragraph (g)(4).

Dated: March 13, 2019.

Seema Verma,

Administrator, Centers for Medicare & Medicaid Services.

Dated: April 9, 2019.

Alex M. Azar II,

Secretary, Department of Health and Human Services.

[FR Doc. 2019–09118 Filed 5–2–19; 11:15 am]

BILLING CODE 4120–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 130312235–3658–02]

RIN 0648–XH011

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Snapper-Grouper Resources of the South Atlantic; 2019 Vermilion Snapper Commercial Trip Limit Reduction

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

ACTION: Temporary rule; commercial trip limit reduction.

SUMMARY: NMFS issues this temporary rule to reduce the commercial trip limit for vermilion snapper in or from the exclusive economic zone (EEZ) of the South Atlantic to 500 lb (227 kg), gutted weight, 555 lb (252 kg), round weight. This trip limit reduction is necessary to protect the South Atlantic vermilion snapper resource.

DATES: This rule is effective 12:01 a.m., local time, May 6, 2019, until 12:01 a.m., local time, July 1, 2019.

FOR FURTHER INFORMATION CONTACT: Nikhil Mehta, NMFS Southeast Regional Office, telephone: 727–824–5305, email: nikhil.mehta@noaa.gov.

SUPPLEMENTARY INFORMATION: The snapper-grouper fishery in the South Atlantic includes vermilion snapper and is managed under the Fishery

Management Plan for the Snapper-Grouper Fishery of the South Atlantic Region (FMP). The South Atlantic Fishery Management Council prepared the FMP. The FMP is implemented by NMFS under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) by regulations at 50 CFR part 622.

The commercial ACL (commercial quota) for vermilion snapper in the South Atlantic is divided equally among two 6-month fishing seasons, January through June and July through December. For the January 1 through June 30, 2019, fishing season, the commercial quota is 388,703 lb (176,313 kg), gutted weight, 431,460 lb (195,707 kg), round weight (50 CFR 622.190(a)(4)(i)(D)). On May 9, 2019, upon implementation of the final rule for Abbreviated Framework 2 to the FMP (84 FR 14021; April 9, 2019), the commercial quota for each vermilion snapper 6-month fishing season will be increased to 483,658 lb (219,384 kg), gutted weight; 536,860 lb (243,516 kg), round weight.

Under 50 CFR 622.191(a)(6)(ii), NMFS is required to reduce the commercial trip limit for vermilion snapper from 1,000 lb (454 kg), gutted weight, 1,110 lb (503 kg), round weight, to 500 lb (227 kg), gutted weight, 555 lb (252 kg), round weight, when 75 percent of the applicable commercial quota is reached or projected to be reached, by filing a notification to that effect with the Office of the Federal Register. Based on the best scientific information available, NMFS has determined that the trip limit should be reduced based on the current commercial quota for the January 1 through June 30, 2019, fishing season for vermilion snapper. Additionally, NMFS has determined that 75 percent of the available commercial quota that will be effective on May 9, 2019, for the January 1 through June 30, 2019, fishing season for vermilion snapper will be reached by May 2, 2019. Accordingly, NMFS is reducing the commercial trip limit for vermilion snapper to 500 lb (227 kg), gutted weight, 555 lb (252 kg), round weight, in or from the South Atlantic EEZ at 12:01 a.m., local time, 5 calendar days after this notice files with the Office of the Federal Register. This reduced commercial trip limit will remain in effect until the start of the next fishing season on July 1, 2019, or until the applicable commercial quota is reached and the commercial sector closes, whichever occurs first. The next vermilion snapper season in the South Atlantic will open on July 1, 2019, with a commercial trip limit of 1,000 lb (454

kg), gutted weight; 1,110 lb (503 kg), round weight (50 CFR 622.191(a)(6)(i)).

Classification

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

This action is taken under 50 CFR 622.191(a)(6)(ii) and is exempt from review under Executive Order 12866.

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

This action responds to the best scientific information available. The Assistant Administrator for Fisheries, NOAA (AA), finds that the need to immediately implement this commercial trip limit reduction constitutes good cause to waive the requirements to provide prior notice and opportunity for public comment pursuant to the authority set forth in 5 U.S.C. 553(b)(B), because prior notice and opportunity for public comment on this temporary rule is unnecessary and contrary to the public interest. Such procedures are unnecessary because the rule establishing and providing for a reduction in the commercial trip limit has already been subject to notice and comment, and all that remains is to notify the public of the commercial trip limit reduction. Providing prior notice and opportunity for public comment is contrary to the public interest because any delay in reducing the commercial trip limit could result in the commercial quota being exceeded. There is a need to immediately implement this action to protect the vermilion snapper resource, since the capacity of the fishing fleet allows for rapid harvest of the commercial quota. Providing prior notice and opportunity for public comment on this action would require time and increase the likelihood that the commercial sector could exceed its quota.

For the aforementioned reasons, the AA also finds good cause to waive the 30-day delay in the effectiveness of this action under 5 U.S.C. 553(d)(3).

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

Dated: April 30, 2019.

Jennifer M. Wallace,

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

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BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****50 CFR Part 660****[Docket No. 180702602–9400–01]****RIN 0648–BI05****Fisheries Off West Coast States; West Coast Salmon Fisheries; 2019 Management Measures**

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

ACTION: Final rule.

SUMMARY: Through this final rule, NMFS establishes fishery management measures for the 2019 ocean salmon fisheries off Washington, Oregon, and California and the 2020 salmon seasons opening earlier than May 1, 2020. Specific fishery management measures vary by fishery and by area, and establish fishing areas, seasons, quotas, legal gear, recreational fishing days and catch limits, possession and landing restrictions, and minimum lengths for salmon taken in the U.S. exclusive economic zone (EEZ) (3–200 nautical miles (nmi)) off Washington, Oregon, and California. The management measures are intended to prevent overfishing and to apportion the ocean harvest equitably among treaty Indian, non-treaty commercial, and recreational fisheries. The measures are also intended to allow a portion of the salmon runs to escape the ocean fisheries in order to provide for spawning escapement and to provide fishing opportunity for inside fisheries (fisheries occurring in state internal waters).

DATES: This final rule is effective from 0001 hours Pacific Daylight Time, May 6, 2019, until the effective date of the 2020 management measures, which NOAA will publish in the **Federal Register**.

ADDRESSES: The documents cited in this document are available on the Pacific Fishery Management Council's (Council's) website (www.pcouncil.org).

FOR FURTHER INFORMATION CONTACT: Peggy Mundy at 206–526–4323.

SUPPLEMENTARY INFORMATION:**Background**

The ocean salmon fisheries in the EEZ off Washington, Oregon, and California are managed under a “framework” FMP. Regulations at 50 CFR part 660, subpart H, provide the mechanism for making

preseason and inseason adjustments to the management measures, within limits set by the FMP, by notification in the **Federal Register**. 50 CFR 660.408, in addition to the FMP, governs the establishment of annual management measures.

The management measures for the 2019 and pre-May 2020 ocean salmon fisheries that are implemented in this final rule were recommended by the Council at its April 9 to 16, 2019, meeting.

Process Used To Establish 2019 Management Measures

The Council announced its annual preseason management process for the 2019 ocean salmon fisheries in the **Federal Register** on February 11, 2019 (84 FR 3145), and on the Council's website at www.pcouncil.org. NMFS published an additional notice of opportunities to submit public comments on the 2019 ocean salmon fisheries in the **Federal Register** on February 14, 2019 (84 FR 4049). These notices announced the availability of Council documents, the dates and locations of Council meetings and public hearings comprising the Council's complete schedule of events for determining the annual proposed and final modifications to ocean salmon fishery management measures, and instructions on how to comment on the development of the 2019 ocean salmon fisheries. The agendas for the March and April Council meetings were published in the **Federal Register** (84 FR 3763, February 13, 2019, and 84 FR 5421, February 21, 2019, respectively) and posted on the Council's website prior to the actual meetings.

In accordance with the FMP, the Council's Salmon Technical Team (STT) and staff economist prepared four reports for the Council, its advisors, and the public. All four reports were made available on the Council's website upon their completion. The first of the reports, “Review of 2018 Ocean Salmon Fisheries,” was prepared in February when the first increment of scientific information necessary for crafting management measures for the 2019 and pre-May 2020 ocean salmon fisheries became available. The first report summarizes biological and socio-economic data for the 2018 ocean salmon fisheries and assesses the performance of the fisheries with respect to the Council's 2018 management objectives as well as providing historical information for comparison. The second report, “Preseason Report I Stock Abundance Analysis and Environmental Assessment Part 1 for 2019 Ocean

Salmon Fishery Regulations” (PRE I), provides the 2019 salmon stock abundance projections and analyzes the impacts on the stocks and Council management goals if the 2018 regulations and regulatory procedures were applied to the projected 2019 stock abundances. The completion of PRE I is the initial step in developing and evaluating the full suite of preseason alternatives.

Following completion of the first two reports, the Council met in Vancouver, WA, from March 6 to 12, 2019, to develop 2019 management alternatives for proposal to the public. The Council proposed three alternatives for commercial, recreational, and treaty Indian fisheries management for analysis and public comment. These alternatives consisted of various combinations of management measures designed to ensure that stocks of coho and Chinook salmon meet conservation goals, and to provide for ocean harvests of more abundant stocks. After the March Council meeting, the Council's STT and staff economist prepared a third report, “Preseason Report II Proposed Alternatives and Environmental Assessment Part 2 for 2019 Ocean Salmon Fishery Regulations” (PRE II), which analyzes the effects of the proposed 2019 management alternatives.

The Council sponsored public hearings to receive testimony on the proposed alternatives on March 25, 2019, in Westport, WA, and Coos Bay, OR; and on March 26, 2019, in Ukiah, CA. The States of Washington, Oregon, and California sponsored meetings in various fora that also collected public testimony, which was then presented to the Council by each state's Council representative. The Council also received public testimony at both the March and April meetings and received written comments at the Council office and electronic submissions via the Council's electronic portal.

The Council met from April 9 to 16, 2019, in Rohnert Park, CA, to adopt its final 2019 salmon management recommendations. Following the April Council meeting, the Council's STT and staff economist prepared a fourth report, “Preseason Report III Analysis of Council-Adopted Management Measures for 2019 Ocean Salmon Fisheries” (PRE III), which analyzes the environmental and socio-economic effects of the Council's final recommendations. After the Council took final action on the annual ocean salmon specifications in April, it transmitted the recommended management measures to NMFS, published them in its newsletter, and

posted them on the Council website (www.pcouncil.org).

The annual salmon management cycle begins May 1 and continues through April 30 of the following year. This final rule is effective on May 6, rather than the traditional May 1 date, because the April Council meeting in 2019 occurred too late to allow NMFS to review, approve, and implement the Council's recommended management measures by May 1. The rule implementing the salmon fishery management measures in 2018 was effective until the effective date of this 2019 rule (84 FR 19005, May 1, 2018). The majority of fisheries recommended by the Council for 2019 begin after May 6, 2019, the effective date for this rule. Fisheries scheduled to begin before May 6, 2019, under the Council's recommended management measures are the commercial and recreational fisheries in the Monterey area (Pigeon Point to U.S./Mexico Border); recreational fisheries between Cape Falcon, OR, and the Oregon/California Border; and treaty Indian troll fisheries. For purposes of analyzing the impacts of these fisheries on individual stocks relative to the applicable objectives in the FMP, Council analysts assumed fisheries prior to May 6, 2019, would be conducted under the 2018 management measures for the May 1 to May 6 time period, consistent with the effective date of the 2018 salmon management measures rule.

National Environmental Policy Act (NEPA)

The environmental assessment (EA) for this action comprises the Council's documents described above (PRE I, PRE II, and PRE III), providing analysis of environmental and socioeconomic effects under NEPA. The EA and its related Finding of No Significant Impact are posted on the NMFS West Coast Region website (www.westcoast.fisheries.noaa.gov).

Resource Status

Stocks of Concern

The FMP requires that the fisheries be shaped to meet escapement-based Annual Catch Limits (ACLs), Endangered Species Act (ESA) consultation requirements, obligations of the Pacific Salmon Treaty (PST) between the U.S. and Canada, and other conservation objectives detailed in the FMP. Because the ocean salmon fisheries are mixed-stock fisheries, this requires "weak stock" management to avoid exceeding limits for the stocks with the most constraining limits. Abundance forecasts for individual salmon stocks can vary significantly

from one year to the next; therefore, the stocks that constrain the fishery in one year may differ from those that constrain the fishery in the next. For 2019, limits for five stocks are the most constraining on the fisheries; these are described below.

Fisheries south of Cape Falcon, OR, are limited in 2019 primarily by conservation concerns for Klamath River fall-run Chinook salmon (KRFC), Sacramento River fall-run Chinook salmon (SRFC), and ESA conservation requirements for California Coastal Chinook salmon (CCC). Both KRFC and SRFC stocks were determined in 2018 to be overfished, and the Council is developing rebuilding plans intended to be implemented in 2020. Fisheries north of Cape Falcon are limited primarily to meet ESA conservation requirements for Puget Sound Chinook salmon. Meeting ocean escapement objectives for Upper Columbia River summer-run Chinook salmon will further constrain fisheries north and south of Cape Falcon. The limitations imposed in order to protect these stocks are described below. The alternatives and the Council's recommended management measures for 2019 were designed to avoid exceeding these limitations. The Queets, Juan de Fuca, and Snohomish coho stocks were determined in 2018 to be overfished, and the Council is developing rebuilding plans for these stocks, intended to be implemented in 2020; meeting conservation objectives for these three stocks will not constrain fisheries in 2019.

Klamath River fall-run Chinook salmon (KRFC): Abundance for this non-ESA-listed stock in recent years has been historically low, and the stock is currently overfished based on spawning escapement in 2015, 2016, and 2017. The FMP defines "overfished" status in terms of a three-year geometric mean escapement level and whether it is below the minimum stock size threshold. Forecast abundance for KRFC has improved since the record low in 2017, and in 2019 fisheries will be managed to meet the FMP conservation objective, a maximum sustainable yield spawning escapement goal (S_{MSY}) of 40,700 natural area spawners. Fisheries south of Cape Falcon, particularly in the Klamath Management Zone (KMZ) from Humbug Mountain, OR to Humboldt South Jetty, CA, will be somewhat constrained to meet this goal, but less so than in 2017 when there was a complete closure of commercial and recreational ocean salmon fishing in the KMZ.

Sacramento River fall-run Chinook salmon (SRFC): SRFC is not an ESA-listed stock; however, abundance for this stock in recent years has been low

compared with its conservation objective and this stock is currently overfished based on spawning escapement in 2015, 2016, and 2017. The abundance forecast for SRFC in 2019 is somewhat higher than in the previous three years. However, preseason abundance forecasts for SRFC have tended to be optimistic and exploitation rates underestimated in recent years, when compared to postseason abundance estimates. For example, during the period 2014 through 2018, the preseason abundance forecast for SRFC was, on average, 33 percent higher than the post season abundance estimate, and preseason exploitation rate forecasts averaged 32 percent lower than the postseason exploitation rate estimates. In order to be conservative given the frequent upward bias in the abundance forecasts, underestimation of exploitation rates, and the fact that SRFC are overfished, the Council has recommended fisheries to achieve a spawning escapement of 160,000 which is toward the higher end of the FMP Conservation Objective range (122,000 to 180,000 natural and hatchery adult spawners). Meeting this risk averse spawning escapement goal will constrain fisheries south of Cape Falcon in 2019, but should provide increased fishing opportunity and economic benefit to many fishery dependent communities in Oregon and California when compared to recent years.

Upper Columbia River summer-run Chinook salmon: Abundance forecast of this non-ESA-listed stock in 2019 is 35,900, which is less than half of the average for the past decade, 78,000 (2009–2018). Fisheries north and south of Cape Falcon will be somewhat constrained in 2019 to meet the ocean escapement objective set under the 2018 U.S. v. Oregon Management Agreement.

California Coastal Chinook salmon (CCC)—ESA-listed Threatened: In 2000, NMFS consulted under ESA section 7 on the effects of the ocean salmon fishing conducted in accordance with the FMP on the California Coastal Chinook salmon Evolutionarily Significant Unit (ESU). NMFS concluded in a biological opinion dated April 28, 2000, that these fisheries would jeopardize the continued existence of CCC and provided a reasonable and prudent alternative (RPA) that included limiting annual harvest impacts on age-four KRFC to no more than 16 percent, as a surrogate for CCC. NMFS re-initiated consultation in 2005, and reaffirmed the 2000 RPA; therefore, the 16 percent impact rate on age-four KRFC remains in place as an RPA under ESA section 7. Meeting this

impact rate in 2019 will constrain fisheries south of Cape Falcon, particularly in the KMZ from Humbug Mountain, OR to Humboldt South Jetty, CA.

Puget Sound Chinook—ESA-listed Threatened: Impacts on threatened Puget Sound Chinook from Council-managed fisheries are addressed through a 2004 biological opinion. Generally, these impacts are quite low and within the range contemplated in the 2004 opinion. However, because Puget Sound Chinook are also impacted by fisheries in Puget Sound and associated freshwater fisheries (collectively referred to as “inside” fisheries), the Council and NMFS usually consider the impacts of Council-area and inside fisheries on Puget Sound Chinook together, and they base their analysis of the combined fishery impacts on a package of Puget Sound fisheries to which the State of Washington and Indian tribes with treaty rights to fish in Puget Sound have agreed through a negotiation process that runs concurrent with the Council’s salmon season planning process. In 2019, fisheries north of Cape Falcon will be constrained to avoid jeopardy to the Puget Sound Chinook salmon ESU, when combined with inside fisheries.

Other Resource Issues

The Southern Resident Killer Whale distinct population segment (SRKW) is listed under the Endangered Species Act as endangered (70 FR 69903, November 18, 2005). NMFS issued a biological opinion analyzing the effects of the ocean salmon fisheries on SRKW in 2009; the opinion concluded that these fisheries are not likely to jeopardize SRKW. Since the 2009 biological opinion was issued, there has been considerable research on the status of SRKW and the importance of the availability of Chinook salmon, their primary prey, to their survival and recovery. NMFS reinitiated consultation on the effects of the ocean salmon fisheries to SRKW on April 12, 2019. To inform the new consultation, the Council formed an ad hoc workgroup including salmon and SRKW experts at its April 2019 meeting and endorsed a schedule for the workgroup culminating in final Council action for adoption of a preferred alternative recommendation on the fishery assessment and any conservation measure(s) or management tool(s) to address the impacts of the fishery to SRKW in November 2019. NMFS would expect to complete the reinitiated consultation in time to inform the 2020 management measures for the fisheries.

Pending completion of the reinitiated consultation, NMFS assessed the potential effects of the 2019 fisheries on SRKW and reported on that assessment at the April Council meeting. The assessment included consideration of all information currently available relating to the impacts of the alternatives the Council was considering for the 2019 ocean salmon fisheries on the overall abundance of Chinook salmon available to SRKW, and specifically on Chinook salmon stocks designated as draft priority stocks for SRKW prey purposes in a 2018 report prepared by NMFS and the Washington Department of Fish and Wildlife. For the assessment, salmon abundance was ranked in “quartiles” of low, middle, and high abundance compared with a 25-year retrospective time period, 1992 through 2016. The assessment determined that the 2019 preseason overall coastal and inland Chinook salmon abundance is likely to fall within the middle range of abundance, when compared to the period 1992 through 2016. The assessment also evaluated fishery reductions in Chinook salmon abundance and estimated that the recommended 2019 management measure would fall in the middle range when compared to 1992 through 2016.

Abundance forecasts in 2019 for 14 of 16 priority prey Chinook salmon stocks contributing to Council-area salmon fisheries are in the middle or upper quartiles of abundance when compared to the period 1992 through 2016. Although two priority stocks (Lower Columbia River and Upper Willamette spring-run Chinook salmon) are anticipated to have low abundance in 2019 relative to previous years, these stocks are minor contributors to the catch of PFMC ocean salmon fisheries, and we do not anticipate the 2019 Council-area salmon fisheries would substantially reduce the availability of those priority Chinook prey stocks to SRKW. Furthermore, the overall forecast composition in 2019 contains a higher proportion of Chinook salmon stocks that are considered to be higher priority than the average composition in the retrospective time period (1992 through 2016). Based on that assessment, NMFS made a determination that, consistent with sections 7(a)(2) and 7(d) of the ESA, this action will not jeopardize any listed species, would not adversely modify designated critical habitat, and will not result in any irreversible or irretrievable commitment of resources that would have the effect of foreclosing the formulation or implementation of any reasonable and prudent alternative measures (NMFS 2019).

Prior to and during the March Council meeting, the Hoopa Valley Tribe, which has salmon fishing rights on the Klamath River, objected to a change to the model input the Council’s Salmon Technical Team started using in 2018 to estimate the impacts of ocean fisheries to Southern Oregon/Northern California Coast coho (SONCC coho). The SONCC coho ESU is listed as threatened under the ESA (62 FR 24588, May 6, 1997). In 1999, NMFS consulted on the effects to SONCC coho, and other ESA-listed salmon ESUs, from implementing the Salmon FMP. In our biological opinion, we determined that the fisheries were likely to jeopardize the continued existence of the SONCC coho salmon ESU and developed an RPA that requires fisheries management measures developed under the Salmon FMP achieve an ocean exploitation rate on Rogue/Klamath coho salmon (the indicator for the SONCC coho ESU) of no more than 13 percent. The Tribe submitted comments to NMFS and the Council process, alleging that the change to the model input was inappropriate and triggered reinitiation of consultation. NMFS West Coast Region has responded in writing to the Tribe, and in the Council record, that it does not agree that the change to the model input triggered reinitiation of consultation (Thom 2019). Further, we believe the new model input is consistent with the best available scientific information and allows for more accurate assessment of fishery impacts to SONCC coho. The Council’s recommended management measures for 2019 meet the RPA requirements for SONCC coho.

Annual Catch Limits and Status Determination Criteria

Annual Catch Limits (ACLs) are set for two Chinook salmon stocks, SRFC and KRFC, and one coho stock, Willapa Bay natural coho. The Chinook salmon stocks are indicator stocks for the Central Valley Fall Chinook complex and the Southern Oregon/Northern California Chinook complex, respectively. The Far North Migrating Coastal Chinook complex includes a group of Chinook salmon stocks that are caught primarily in fisheries north of Cape Falcon, Oregon, and other fisheries that occur north of the U.S./Canada border. No ACL is set for these stocks because they are managed subject to provisions of the PST between the U.S. and Canada. Other Chinook salmon stocks caught in fisheries north of Cape Falcon are ESA-listed or hatchery produced, and are managed consistent with ESA consultations or hatchery goals. Willapa Bay natural coho is the

only coho stock for which an ACL is set, as the other coho stocks in the FMP are either ESA-listed, hatchery produced, or managed under the PST.

ACLs for salmon stocks are escapement-based, which means they establish a number of adults that must escape the fisheries to return to the spawning grounds. ACLs are set based on the annual potential spawner abundance forecast and a fishing rate reduced to account for scientific uncertainty. For SRFC in 2019, the overfishing limit (OFL) is $S_{OFL} = 379,632$ (potential spawner abundance forecast) multiplied by $1 - F_{MSY}$ ($1 - 0.78$) or 83,519 returning spawners (F_{MSY} is the fishing mortality rate that would result in maximum sustainable yield—MSY). S_{ABC} is 379,632 multiplied by $1 - F_{ABC}$ ($1 - 0.70$) (F_{MSY} reduced for scientific uncertainty = 0.70) or 113,890. The S_{ACL} is set equal to S_{ABC} , i.e., 113,890 spawners. The adopted management measures provide for a projected SRFC spawning escapement of 160,159. For KRFC in 2019, S_{OFL} is 87,893 (potential spawner abundance forecast) multiplied by $1 - F_{MSY}$ ($1 - 0.71$), or 25,489 returning spawners. S_{ABC} is 87,893 multiplied by $1 - F_{ABC}$ ($1 - 0.68$) (F_{MSY} reduced for scientific uncertainty = 0.68) or 28,126 returning spawners. S_{ACL} is set equal to S_{ABC} , i.e., 28,126 spawners. The adopted management measures provide for a projected KRFC spawning escapement of 40,700. For Willapa Bay natural coho in 2019, $S_{OFL} = 91,843$ (potential spawner abundance forecast) multiplied by $1 - F_{MSY}$ ($1 - 0.74$) or 23,879 returning spawners. S_{ABC} is 91,843 multiplied by $1 - F_{ABC}$ ($1 - 0.70$) (F_{MSY} reduced for scientific uncertainty = 0.70) or 27,553. S_{ACL} is set equal to S_{ABC} , i.e., 27,553 spawners. The adopted management measures provide for a projected Willapa Bay natural coho ocean escapement of 56,300. In summary, for 2019, projected abundance of the three stocks with ACLs (SRFC, KRFC, and Willapa Bay natural coho), in combination with the constraints for ESA-listed and non-ESA-listed stocks, are expected to result in escapements greater than required to meet the ACLs for all three stocks with defined ACLs.

As explained in more detail above under “Stocks of Concern,” fisheries north and south of Cape Falcon are constrained by impact limits necessary to protect ESA-listed salmon stocks including CCC and Puget Sound Chinook salmon, to meet conservation objectives for non-listed KRFC and SRFC, and to meet the ocean escapement objective for non-listed Upper Columbia River Summer

Chinook. For KRFC and SRFC, FMP conservation objectives provide for higher escapement than 2019 ACLs.

Public Comments

The Council invited written comments on developing 2019 salmon management measures in their notice announcing public meetings and hearings (84 FR 3145, February 11, 2019). At its March meeting, the Council adopted three alternatives for 2019 salmon management measures having a range of quotas, season structure, and impacts, from the least restrictive in Alternative I to the most restrictive in Alternative III. These alternatives are described in detail in PRE II. Subsequently, comments were taken at three public hearings held in March, staffed by representatives of the Council and NMFS. The Council received 152 written comments on 2019 ocean salmon fisheries via their electronic portal and an additional 3,142 comments related to salmon management and SRKW. The three public hearings were attended by a total of 106 people; 43 people provided oral comments. Comments came from individual fishers, fishing associations, fish buyers, and processors. Written and oral comments addressed the 2019 management alternatives described in PRE II, and generally expressed preferences for a specific alternative or for particular season structures as well as concern over economic impacts of restricting fisheries for conservation of weak stocks. All comments were included in the Council’s briefing book for their April 2019 meeting and were considered by the Council, which includes a representative from NMFS, in developing the recommended management measures transmitted to NMFS on April 24, 2019. In addition to comments collected at the public hearings and those submitted directly to the Council, several people provided oral comments at the April 2019 Council meeting. NMFS also invited comments to be submitted directly to the Council or to NMFS, via the Federal Rulemaking Portal (www.regulations.gov) in a notice (84 FR 4049, February 14, 2019).

Comments on alternatives for fisheries north of Cape Falcon. For fisheries north of Cape Falcon, Alternative I was favored by most commercial and recreational fishery commenters at the public hearing in Westport, WA. A variety of specific comments were made on a variety of topics such as season lengths and landing restrictions. The Council adopted an alternative that is within the range of the alternatives considered.

Comments on alternatives for fisheries south of Cape Falcon. Comments on the alternatives for fisheries south of Cape Falcon tended to support a blend of Alternatives I and II. The importance of economic impacts to fishers and their communities was mentioned in several comments. Two people testified at the Council’s April meeting on their support for the commercial Point Reyes to Point San Pedro (Fall Area Target Zone) fishery in Alternative I. Public comment was also provided at the April meeting supporting a fishery regime that would result in a spawning escapement for SRFC of 160,000. The Council adopted an alternative within the range of alternatives considered, including the Fall Area Target Zone fishery and a spawning escapement for SRFC of 160,000.

Comments on incidental halibut retention in the commercial salmon fisheries. At its March meeting, the Council identified three alternatives for landing limits for incidentally caught halibut that are retained in the salmon troll fishery. The alternatives included: (1) A range of trip limits for halibut possession and landing, (2) two alternatives for the ratio of halibut to Chinook salmon landed in a trip, and (3) the number of halibut that could be retained prior to catching any Chinook salmon. There were few comments received on the halibut alternatives, focused on ensuring the fishery was managed to allow access to the entire IPHC allocation. The Council adopted an alternative for incidental halibut retention that is within the range of the alternatives considered.

Comments from federally recognized tribes, including treaty tribe representatives. At its March and April meetings, the Council heard testimony from members of several federally recognized tribes including tribes with treaty rights for salmon harvest; additional comments were submitted in writing. There was strong concern expressed by all tribal representatives about environmental conditions that are deleterious to salmon survival. Comments were also made regarding predation on salmonids by pinnipeds and double-crested cormorants, especially in the Columbia River and the importance of providing salmon passage above dams on the Upper Columbia River.

Comments on SRKW. At the Westport public hearing, the April Council meeting, and through electronic submissions, there were comments in favor of 2019 ocean salmon management that increases the abundance and availability of Chinook salmon for SRKW, including the recommendation

of providing a specific allocation of Chinook salmon for the whales. After considering information provided by NMFS on the potential effects of the 2019 fishery alternatives to SRKW, the Council recommended management measures that do not provide additional measures to ensure prey abundance beyond what is needed to ensure all limits and objectives required for salmon stocks are met.

The Council, including the NMFS representative, took all of these comments into consideration. The Council's final recommendation generally includes aspects of all three alternatives, while taking into account the best available scientific information and ensuring that fisheries are consistent with impact limits for ESA-listed stocks, ACLs, PST obligations, other ESA requirements, and tribal fishing rights.

Management Measures

The Council's recommended ocean harvest levels and management measures for the 2019 fisheries are designed to apportion the burden of protecting the weak stocks identified and discussed in PRE I equitably among ocean fisheries and to allow maximum harvest of natural and hatchery runs surplus to inside fishery and spawning needs. NMFS finds the Council's recommendations to be responsive to the goals of the FMP, the requirements of the resource, and the socioeconomic factors affecting resource users. The recommendations are consistent with the requirements of the MSA, U.S. obligations to Indian tribes with federally recognized fishing rights, and U.S. international obligations regarding Pacific salmon. The Council's recommended management measures are consistent with the proposed actions analyzed in NMFS' ESA consultations for those ESA-listed salmon species that may be affected by Council fisheries, and are otherwise consistent with ESA obligations. Accordingly, NMFS, through this final rule, approves and implements the Council's recommendations.

North of Cape Falcon, 2019 management measures for non-Indian commercial troll and recreational fisheries have somewhat decreased quotas for Chinook salmon compared to 2018; coho quotas are substantially higher than in 2018.

Quotas for the 2019 treaty-Indian commercial troll fishery North of Cape Falcon are 35,000 Chinook salmon and 55,000 coho in ocean management areas and Washington State Statistical Area 4B combined. These quotas provide somewhat fewer Chinook salmon and

substantially more coho than in 2018. The treaty-Indian commercial fisheries include a May and June fishery with a quota of 17,500 Chinook, and a July and August fishery, with quotas of 17,500 Chinook and 55,000 coho.

South of Cape Falcon, commercial troll and recreational fishery management measures are shaped to meet conservation and management goals for KRFC and SRFC spawning escapement and fishery impact limitations for CCC. Commercial and recreational fisheries south of Cape Falcon will be directed primarily at Chinook salmon; commercial fisheries south of Cape Falcon will have no coho retention.

The timing of the March and April Council meetings makes it impracticable for the Council to recommend fishing seasons that begin before May 1 of the same year. Therefore, this action also establishes the 2020 fishing seasons that open earlier than May 1. The Council recommended, and NMFS concurs, that the commercial season off Oregon from Cape Falcon to the Oregon/California border, the commercial season off California from Horse Mountain to Point Arena, the recreational season off Oregon from Cape Falcon to Humbug Mountain, and the recreational season off California from Horse Mountain to the U.S./Mexico border will open in 2020 as indicated in the "Season Description" section of this document. At the March 2020 meeting, NMFS may take inseason action, if recommended by the Council or the states, to adjust the commercial and recreational seasons prior to May 1 in the areas off Oregon and California.

The following sections set out the management regime for the ocean salmon fishery. Open seasons and days are described in Sections 1, 2, and 3 of the 2019 management measures. Inseason closures in the commercial and recreational fisheries are announced on the NMFS hotline and through the U.S. Coast Guard (USCG) Notice to Mariners as described in Section 6. Other inseason adjustments to management measures are also announced on the hotline and through the Notice to Mariners. Inseason actions will also be published in the **Federal Register** as soon as practicable.

The following are the management measures recommended by the Council, approved, and implemented here for 2019 and, as specified, for 2020.

Section 1. Commercial Management Measures for 2019 Ocean Salmon Fisheries

Parts A, B, and C of this section contain restrictions that must be

followed for lawful participation in the fishery. Part A identifies each fishing area and provides the geographic boundaries from north to south, the open seasons for the area, the salmon species allowed to be caught during the seasons, and any other special restrictions effective in the area. Part B specifies minimum size limits. Part C specifies special requirements, definitions, restrictions, and exceptions.

A. Season Description

North of Cape Falcon, OR

—U.S./Canada Border to Cape Falcon

May 6 through the earlier of June 28 or 13,200 Chinook, no more than 5,000 of which may be caught in the area between the U.S./Canada border and the Queets River and no more than 1,800 of which may be caught in the area between Leadbetter Point and Cape Falcon (C.8). Open seven days per week (C.1). In the area between the U.S./Canada border and the Queets River: During the period May 6 through May 15 the landing and possession limit is 100 Chinook per vessel for the open period, during the period May 16 through June 28 the landing and possession limit is 50 Chinook per vessel per landing week (Thursday through Wednesday) (C.1, C.6). In the area between Leadbetter Point and Cape Falcon: During the period May 6 through May 15 the landing and possession limit is 100 Chinook per vessel for the open period, during the period May 16 through June 28 the landing and possession limit is 50 Chinook per vessel per landing week (Thursday through Wednesday) (C.1, C.6). All salmon except coho may be retained (C.4, C.7). Chinook minimum size limit of 28 inches total length (B). See compliance requirements (C.1) and gear restrictions and definitions (C.2, C.3).

When it is projected that approximately 60 percent of the overall Chinook guideline has been landed, or approximately 60 percent of the Chinook subarea guideline has been landed in the area between the U.S./Canada border and the Queets River, or approximately 60 percent of the Chinook subarea guideline has been landed in the area between Leadbetter Point and Cape Falcon, inseason action will be considered to ensure the guideline is not exceeded.

July 1 through the earlier of September 30 or 13,050 Chinook or 30,400 marked coho (C.8). Open seven days per week. All salmon may be retained, except no chum retention north of Cape Alava, Washington, in August and September (C.4, C.7).

Chinook minimum size limit of 28 inches total length. Coho minimum size limit of 16 inches total length (B, C.1). All coho must be marked with a healed adipose fin clip (C.8.d). See compliance requirements (C.1) and gear restrictions and definitions (C.2, C.3). Landing and possession limit of 150 marked coho per vessel per landing week (Thursday through Wednesday) (C.1).

For all commercial troll fisheries north of Cape Falcon: Mandatory closed areas include: Salmon Troll Yelloweye Rockfish Conservation Area (YRCA), Cape Flattery and Columbia Control Zones, and, beginning August 12, Grays Harbor Control Zone (C.5). Vessels must land and deliver their salmon within 24 hours of any closure of this fishery. Vessels fishing or in possession of salmon north of Leadbetter Point must land and deliver all species of fish in a Washington port and must possess a Washington troll license. Vessels may not land fish east of the Sekiu River or east of the Megler-Astoria Bridge. For delivery to Washington ports south of Leadbetter Point, vessels must notify the Washington Department of Fish and Wildlife at 360-249-1215 prior to crossing the Leadbetter Point line with area fished, total Chinook, coho, and halibut catch aboard, and destination with approximate time of delivery. During any single trip, only one side of the Leadbetter Point line may be fished (C.11). Vessels fishing or in possession of salmon south of Leadbetter Point must land and deliver all species of fish within the area and south of Leadbetter Point, except that Oregon permitted vessels may also land all species of fish in Garibaldi, OR. Under state law, vessels must report their catch on a state fish receiving ticket. Oregon State regulations require all fishers landing salmon into Oregon from any fishery between Leadbetter Point, WA, and Cape Falcon, OR, to notify Oregon Department of Fish and Wildlife (ODFW) within one hour of delivery or prior to transport away from the port of landing by either calling 541-867-0300 ext. 271 or sending notification via email to nfalcon.trollreport@state.or.us. Notification shall include vessel name and number, number of salmon by species, port of landing and location of delivery, and estimated time of delivery. Inseason actions may modify harvest guidelines in later fisheries to achieve or prevent exceeding the overall allowable troll harvest impacts (C.8). Vessels in possession of salmon north of the Queets River may not cross the Queets River line without first notifying WDFW at 360-249-1215 with area fished, total Chinook, coho, and halibut catch

aboard, and destination. Vessels in possession of salmon south of the Queets River may not cross the Queets River line without first notifying WDFW at 360-249-1215 with area fished, total Chinook, coho, and halibut catch aboard, and destination.

South of Cape Falcon, OR

—Cape Falcon to Humbug Mountain

April 20–30;

May 6–30;

June 1–August 29;

September 1–October 31 (C.9.a).

Open seven days per week. All salmon except coho may be retained (C.4, C.7). Chinook minimum size limit of 28 inches total length (B, C.1). All vessels fishing in the area must land their fish in the state of Oregon. See gear restrictions and definitions (C.2, C.3). Beginning September 1, no more than 75 Chinook allowed per vessel per landing week (Thursday through Wednesday).

In 2020, the season will open March 15 for all salmon except coho. Chinook minimum size limit of 28 inches total length. Gear restrictions same as in 2019. This opening could be modified following Council review at its March 2020 meeting.

—Humbug Mountain to Oregon/California Border (Oregon KMZ)

April 20–30;

May 6–30;

June 1 through the earlier of June 30, or a 3,200 Chinook quota;

July 1 through the earlier of July 31, or a 2,500 Chinook quota;

August 1 through the earlier of August 29, or a 1,200 Chinook quota; (C.9.a).

Open seven days per week. All salmon except coho may be retained (C.4, C.7). Chinook minimum size limit of 28 inches total length (B, C.1). See compliance requirements (C.1) and gear restrictions and definitions (C.2, C.3). Prior to June 1, all salmon caught in this area must be landed and delivered in the state of Oregon. June 1 through August 29 weekly landing and possession limit of 50 Chinook per vessel per landing week (Thursday through Wednesday). Any remaining portion of Chinook quotas may be transferred inseason on an impact neutral basis to the next open quota period (C.8.b). All vessels fishing in this area during June, July, and August must land and deliver all salmon within this area or into Port Orford, within 24 hours of any closure of this fishery, and prior to fishing outside of this area. For all quota managed seasons (June, July, and August), Oregon state regulations require fishers to notify ODFW within

one hour of landing and prior to transport away from the port of landing by calling 541-867-0300 extension 252 or sending notification via email to kmzor.trollreport@state.or.us, with vessel name and number, number of salmon by species, location of delivery, and estimated time of delivery.

In 2020, the season will open March 15 for all salmon except coho. Chinook minimum size limit of 28 inches total length. Gear restrictions same as in 2019. This opening could be modified following Council review at its March 2020 meeting.

—Oregon/California Border to Humboldt South Jetty (California KMZ)

June 1 through the earlier of June 30, or a 2,500 Chinook quota;

July 1 through the earlier of July 30, or a 2,500 Chinook quota;

August 2 through the earlier of August 31, or a 2,000 Chinook quota (C.9.b).

Open five days per week (Friday through Tuesday). All salmon except coho may be retained (C.4, C.7). Chinook minimum size limit of 27 inches total length (B, C.1). Landing and possession limit of 20 Chinook per vessel per day (C.8.f). Any remaining portion of Chinook quotas may be transferred inseason on an impact neutral basis to the next open quota period (C.8.b). All fish caught in this area must be landed within the area, within 24 hours of any closure of the fishery, and prior to fishing outside the area (C.10). See compliance requirements (C.1) and gear restrictions and definitions (C.2, C.3). Klamath Control Zone closed (C.5.e). See California State regulations for additional closures adjacent to the Smith and Klamath Rivers.

—Humboldt South Jetty to Horse Mountain

Closed.

For all commercial fisheries south of Cape Falcon: when the fishery is closed between the Oregon/California border and Humbug Mountain and open to the south, vessels with fish on board caught in the open area off California may seek temporary mooring in Brookings, OR, prior to landing in California, only if such vessels first notify the Chetco River Coast Guard Station via VHF channel 22A between the hours of 0500 and 2200 and provide the vessel name, number of fish on board, and estimated time of arrival (C.6).

—Horse Mountain to Point Arena (Fort Bragg)

June 4–30;

July 11–31;

August 1–28 (C.9.b).

Open seven days per week. All salmon except coho may be retained (C.4, C.7). Chinook minimum size limit of 27 inches total length (B, C.1). See compliance requirements (C.1) and gear restrictions and definitions (C.2, C.3). All salmon must be landed in California. All salmon caught in the area must be landed and offloaded no later than 11:59 p.m., August 30 (C.6). When the California KMZ fishery is open, all fish caught in the area must be landed south of Horse Mountain until the California KMZ fishery has been closed for at least 24 hours (C.6).

In 2020, the season will open April 16–30 for all salmon except coho, with a 27 inch Chinook minimum size limit and the same gear restrictions as in 2019. All salmon caught in the area must be landed in the area. This opening could be modified following Council review at its March 2020 meeting.

—Point Arena to Pigeon Point (San Francisco)

May 16–31;
June 4–30;
July 11–31;
August 1–28;
September 1–30 (C.9.b).

Open seven days per week. All salmon except coho may be retained (C.4, C.7). Chinook minimum size limit of 27 inches total length (B, C.1). See compliance requirements (C.1) and gear restrictions and definitions (C.2, C.3). All salmon must be landed in California. All salmon caught in the area prior to September 1 must be landed and offloaded no later than 11:59 p.m., August 30 (C.6). When the California KMZ fishery is open, all fish caught in the area must be landed south of Horse Mountain until the California KMZ fishery has been closed for at least 24 hours (C.6).

• Point Reyes to Point San Pedro (Fall Area Target Zone)

October 1–4, 7–11, 14–15.

Open five days per week, Monday through Friday. All salmon except coho may be retained (C.4, C.7). Chinook minimum size limit of 27 inches total length (B, C.1). All salmon caught in this area must be landed between Point Arena and Pigeon Point (C.6). See compliance requirements (C.1) and gear restrictions and definitions (C.2, C.3).

—Pigeon Point to U.S./Mexico Border (Monterey)

May 1–31;

June 4–30;

July 11–31 (C.9.b).

Open seven days per week. All salmon except coho may be retained (C.4, C.7). Chinook minimum size limit of 27 inches total length (B, C.1). See compliance requirements (C.1) and gear restrictions and definitions (C.2, C.3). All fish must be landed in California. All salmon caught in the area must be landed and offloaded no later than 11:59 p.m., August 5 (C.6). When the California KMZ fishery is open, all fish caught in the area must be landed south of Horse Mountain until the California KMZ fishery has been closed for at least 24 hours (C.6).

For all commercial troll fisheries in California: California State regulations require all salmon be made available to a California Department of Fish and Wildlife (CDFW) representative for sampling immediately at port of landing. Any person in possession of a salmon with a missing adipose fin, upon request by an authorized agent or employee of the CDFW, shall immediately relinquish the head of the salmon to the state (California Fish and Game Code § 8226).

B. Minimum Size (Inches) (See C.1)

Area (when open)	Chinook		Coho		Pink
	Total length	Head-off	Total length	Head-off	
North of Cape Falcon, OR	28.0	21.5	16	12	None.
Cape Falcon to Humbug Mountain	28.0	21.5	.....	.....	None.
Humbug Mountain to OR/CA border	28.0	21.5	.....	.....	None.
OR/CA border to Humboldt South Jetty	27.0	20.5	.....	.....	27.
Horse Mountain to Point Arena	27.0	20.5	.....	.....	27.
Point Arena to Pigeon Point	27.0	20.5	.....	.....	27.
Pigeon Point to U.S./Mexico border	27.0	20.5	.....	.....	27.

Metric equivalents: 28.0 in. = 71.1 cm, 27.0 in. = 68.5 cm, 21.5 in. = 54.6 cm, 20.5 in. = 52.1 cm, 16.0 in. = 40.6 cm, and 12.0 in. = 30.5 cm.

C. Requirements, Definitions, Restrictions, or Exceptions

C.1. Compliance With Minimum Size or Other Special Restrictions

All salmon on board a vessel must meet the minimum size, landing/possession limit, or other special requirements for the area being fished and the area in which they are landed if the area is open or has been closed less than 48 hours for that species of salmon. Salmon may be landed in an area that has been closed for a species of salmon more than 48 hours only if they meet the minimum size, landing/possession limit, or other special requirements for the area in which they were caught. Salmon may not be filleted prior to landing.

Any person who is required to report a salmon landing by applicable state law

must include on the state landing receipt for that landing both the number and weight of salmon landed by species. States may require fish landing/receiving tickets be kept on board the vessel for 90 days or more after landing to account for all previous salmon landings.

C.2. Gear Restrictions

a. Salmon may be taken only by hook and line using single point, single shank, barbless hooks.

b. Cape Falcon, OR, to the Oregon/California border: no more than 4 spreads are allowed per line.

c. Oregon/California border to U.S./Mexico border: no more than 6 lines are allowed per vessel, and barbless circle hooks are required when fishing with bait by any means other than trolling.

C.3. Gear Definitions

Trolling defined: Fishing from a boat or floating device that is making way by means of a source of power, other than drifting by means of the prevailing water current or weather conditions.

Troll fishing gear defined: One or more lines that drag hooks behind a moving fishing vessel engaged in trolling. In that portion of the fishery management area off Oregon and Washington, the line or lines must be affixed to the vessel and must not be intentionally disengaged from the vessel at any time during the fishing operation.

Spread defined: A single leader connected to an individual lure and/or bait.

Circle hook defined: A hook with a generally circular shape and a point which turns inward, pointing directly to the shank at a 90° angle.

C.4. Vessel Operation in Closed Areas With Salmon on Board

a. Except as provided under C.4.b below, it is unlawful for a vessel to have troll or recreational gear in the water while in any area closed to fishing for a certain species of salmon, while possessing that species of salmon; however, fishing for species other than salmon is not prohibited if the area is open for such species, and no salmon are in possession.

b. When Genetic Stock Identification (GSI) samples will be collected in an area closed to commercial salmon fishing, the scientific research permit holder shall notify NOAA Office of Law Enforcement, USCG, CDFW, WDFW, and Oregon State Police at least 24 hours prior to sampling and provide the following information: The vessel name, date, location, and time collection activities will be done. Any vessel collecting GSI samples in a closed area shall not possess any salmon other than those from which GSI samples are being collected. Salmon caught for collection of GSI samples must be immediately released in good condition after collection of samples.

C.5. Control Zone Definitions

a. *Cape Flattery Control Zone*—The area from Cape Flattery (48°23'00" N lat.) to the northern boundary of the U.S. EEZ; and the area from Cape Flattery south to Cape Alava (48°10'00" N lat.) and east of 125°05'00" W long.

b. *Salmon Troll YRCA (50 CFR 660.70(c))*—The area in Washington Marine Catch Area 3 from 48°00.00' N lat.; 125°14.00' W long. to 48°02.00' N lat.; 125°14.00' W long. to 48°02.00' N lat.; 125°16.50' W long. to 48°00.00' N lat.; 125°16.50' W long. and connecting back to 48°00.00' N lat.; 125°14.00' W long.

c. *Grays Harbor Control Zone*—The area defined by a line drawn from the Westport Lighthouse (46°53'18" N lat., 124°07'01" W long.) to Buoy #2 (46°52'42" N lat., 124°12'42" W long.) to Buoy #3 (46°55'00" N lat., 124°14'48" W long.) to the Grays Harbor north jetty (46°55'36" N lat., 124°10'51" W long.).

d. *Columbia Control Zone*—An area at the Columbia River mouth, bounded on the west by a line running northeast/southwest between the red lighted Buoy #4 (46°13'35" N lat., 124°06'50" W long.) and the green lighted Buoy #7 (46°15'09" N lat., 124°06'16" W long.); on the east, by the Buoy #10 line which bears north/south at 357° true from the south jetty at 46°14'00" N lat., 124°03'07" W long. to its intersection with the north jetty; on the north, by a line running northeast/southwest between the green lighted

Buoy #7 to the tip of the north jetty (46°15'48" N lat., 124°05'20" W long.) and then along the north jetty to the point of intersection with the Buoy #10 line; and, on the south, by a line running northeast/southwest between the red lighted Buoy #4 and tip of the south jetty (46°14'03" N lat., 124°04'05" W long.), and then along the south jetty to the point of intersection with the Buoy #10 line.

e. *Klamath Control Zone*—The ocean area at the Klamath River mouth bounded on the north by 41°38'48" N lat. (approximately 6 nautical miles north of the Klamath River mouth); on the west by 124°23'00" W long. (approximately 12 nautical miles off shore); and on the south by 41°26'48" N lat. (approximately 6 nautical miles south of the Klamath River mouth).

C.6. Notification When Unsafe Conditions Prevent Compliance With Regulations

If prevented by unsafe weather conditions or mechanical problems from meeting special management area landing restrictions, vessels must notify the USCG and receive acknowledgment of such notification prior to leaving the area. This notification shall include the name of the vessel, port where delivery will be made, approximate number of salmon (by species) on board, the estimated time of arrival, and the specific reason the vessel is not able to meet special management area landing restrictions.

In addition to contacting the USCG, vessels fishing south of the Oregon/California border must notify CDFW within one hour of leaving the management area by calling 800-889-8346 and providing the same information as reported to the USCG. All salmon must be offloaded within 24 hours of reaching port.

C.7. Incidental Halibut Harvest

During authorized periods, the operator of a vessel that has been issued an incidental halibut harvest license by the International Pacific Halibut Commission (IPHC) may retain Pacific halibut caught incidentally in Area 2A while trolling for salmon. Halibut retained must be no less than 32 inches in total length, measured from the tip of the lower jaw with the mouth closed to the extreme end of the middle of the tail, and must be landed with the head on. When halibut are caught and landed incidental to commercial salmon fishing by an IPHC license holder, any person who is required to report the salmon landing by applicable state law must include on the state landing receipt for that landing both the number of halibut

landed, and the total dressed, head-on weight of halibut landed, in pounds, as well as the number and species of salmon landed.

License applications for incidental harvest must be obtained from the IPHC (phone: 206-634-1838). Applicants must apply prior to mid-March 2020 for 2020 permits (exact date to be set by the IPHC in early 2020). Incidental harvest is authorized only during April, May, and June of the 2019 troll seasons and after June 30 in 2019 if quota remains and if announced on the NMFS hotline (phone: 800-662-9825 or 206-526-6667). WDFW, ODFW, and CDFW will monitor landings. If the landings are projected to exceed the IPHC's 44,899 pound preseason allocation or the total Area 2A non-Indian commercial halibut allocation, NMFS will take inseason action to prohibit retention of halibut in the non-Indian salmon troll fishery.

May 1, 2019, until the end of the 2019 salmon troll season, and April 1-30, 2020, license holders may land or possess no more than one Pacific halibut per each two Chinook, except one Pacific halibut may be possessed or landed without meeting the ratio requirement, and no more than 35 halibut may be possessed or landed per trip. Pacific halibut retained must be no less than 32 inches in total length (with head on). IPHC license holders must comply with all applicable IPHC regulations.

Incidental Pacific halibut catch regulations in the commercial salmon troll fishery adopted for 2019, prior to any 2019 inseason action, will be in effect when incidental Pacific halibut retention opens on April 1, 2020, unless otherwise modified by inseason action at the March 2020 Council meeting.

a. "C-shaped" YRCA is an area to be voluntarily avoided for salmon trolling. NMFS and the Council request salmon trollers voluntarily avoid this area in order to protect yelloweye rockfish. The area is defined in the Pacific Council Halibut Catch Sharing Plan in the North Coast subarea (Washington marine area 3), with the following coordinates in the order listed:

48°18' N lat.; 125°18' W long.;
48°18' N lat.; 124°59' W long.;
48°11' N lat.; 124°59' W long.;
48°11' N lat.; 125°11' W long.;
48°04' N lat.; 125°11' W long.;
48°04' N lat.; 124°59' W long.;
48°00' N lat.; 124°59' W long.;
48°00' N lat.; 125°18' W long.;
and connecting back to 48°18' N lat.; 125°18' W long.

C.8. Inseason Management

In addition to standard inseason actions or modifications already noted

under the season description, the following inseason guidance applies:

a. Chinook remaining from the May through June non-Indian commercial troll harvest guideline north of Cape Falcon may be transferred to the July through September harvest guideline if the transfer would not result in exceeding preseason impact expectations on any stocks.

b. Chinook remaining from the May, June, and/or July non-Indian commercial troll quotas in the Oregon or California KMZ may be transferred to the Chinook quota for the next open quota period if the transfer would not result in exceeding preseason impact expectations on any stocks.

c. NMFS may transfer salmon between the recreational and commercial fisheries north of Cape Falcon if there is agreement among the areas' representatives on the Salmon Advisory Subpanel (SAS), and if the transfer would not result in exceeding preseason impact expectations on any stocks.

d. At the March 2020 meeting, the Council will consider inseason recommendations for special regulations for any experimental fisheries (proposals must meet Council protocol and be received in November 2019).

e. If retention of unmarked coho (adipose fin intact) is permitted by inseason action, the allowable coho quota will be adjusted to ensure preseason projected impacts on all stocks is not exceeded.

f. Landing limits may be modified inseason to sustain season length and keep harvest within overall quotas.

C.9. State Waters Fisheries

Consistent with Council management objectives:

a. The State of Oregon may establish additional late-season fisheries in state waters.

b. The State of California may establish limited fisheries in selected state waters. Check state regulations for details.

C.10. For the purposes of California Fish and Game Code, Section 8232.5, the definition of the KMZ for the ocean salmon season shall be that area from Humbug Mountain, Oregon, to Horse Mountain, California.

C.11. Latitudes for geographical reference of major landmarks along the West Coast are listed in Section 5 of this rule.

Section 2. Recreational Management Measures for 2019 Ocean Salmon Fisheries

Parts A, B, and C of this section contain restrictions that must be

followed for lawful participation in the fishery. Part A identifies each fishing area and provides the geographic boundaries from north to south, the open seasons for the area, the salmon species allowed to be caught during the seasons, and any other special restrictions effective in the area. Part B specifies minimum size limits. Part C specifies special requirements, definitions, restrictions and exceptions.

A. Season Description

North of Cape Falcon, OR

—U.S./Canada Border to Cape Alava (Neah Bay Subarea)

June 22 through earlier of September 30 or 16,600 marked coho subarea quota, with a subarea guideline of 5,200 Chinook (C.5).

Open seven days per week. All salmon may be retained, except no chum beginning August 1; two salmon per day. All coho must be marked with a healed adipose fin clip (B, C.1). Beginning August 1, Chinook non-retention east of the Bonilla-Tatoosh line (C.4.a) during Council managed ocean fishery. See gear restrictions and definitions (C.2, C.3). Inseason management may be used to sustain season length and keep harvest within the overall Chinook and coho recreational total allowable catches (TACs) for north of Cape Falcon (C.5).

—Cape Alava to Queets River (La Push Subarea)

June 22 through earlier of September 30, or 4,050 marked coho subarea quota with a subarea guideline of 1,100 Chinook (C.5).

October 1 through earlier of October 13, or 100 marked coho quota, or 100 Chinook quota (C.5) in the area north of 47°50'00" N lat. and south of 48°00'00" N lat.

Open seven days per week. All salmon may be retained; two salmon per day. All coho must be marked with a healed adipose fin clip (C.1). See gear restrictions and definitions (B, C.2, C.3). Inseason management may be used to sustain season length and keep harvest within the overall Chinook and coho recreational TACs for north of Cape Falcon (C.5).

—Queets River to Leadbetter Point (Westport Subarea)

June 22 through earlier of September 30 or 59,050 marked coho subarea quota, with a subarea guideline of 12,700 Chinook (C.5).

Open seven days per week. All salmon may be retained; two salmon per day, no more than one of which may be a Chinook. All coho must be marked

with a healed adipose fin clip (B, C.1). See gear restrictions and definitions (C.2, C.3). Grays Harbor Control Zone closed beginning August 12 (C.4.b). Inseason management may be used to sustain season length and keep harvest within the overall Chinook and coho recreational TACs for north of Cape Falcon (C.5).

—Leadbetter Point to Cape Falcon (Columbia River Subarea)

June 22 through earlier of September 30 or 79,800 marked coho subarea quota, with a subarea guideline of 7,150 Chinook (C.5).

Open seven days per week. All salmon may be retained; two salmon per day, no more than one of which may be a Chinook. All coho must be marked with a healed adipose fin clip (B, C.1). See gear restrictions and definitions (C.2, C.3). Columbia Control Zone closed (C.4.c). Inseason management may be used to sustain season length and keep harvest within the overall Chinook and coho recreational TACs for north of Cape Falcon (C.5).

South of Cape Falcon, OR

—Cape Falcon to Humbug Mountain

March 15 through October 31 (C.6), except as provided below during the all-salmon mark-selective coho fishery and the non-mark-selective coho fishery (C.5).

Open seven days per week. All salmon except coho may be retained; two salmon per day (C.1). Chinook minimum size limit of 24 inches total length (B). See gear restrictions and definitions (C.2, C.3).

In 2020, the season will open March 15 for all salmon except coho; two salmon per day (C.1). Chinook minimum size limit of 24 inches total length (B); and the same gear restrictions as in 2019 (C.2, C.3). This opening could be modified following Council review at the March 2020 Council meeting.

—Cape Falcon to Humbug Mountain

Mark-selective coho fishery: June 22 through the earlier of August 25, or 90,000 marked coho quota (C.6). Open seven days per week. All salmon may be retained; two salmon per day. All retained coho must be marked with a healed adipose fin clip (C.1). See minimum size limits (B). See gear restrictions and definitions (C.2, C.3). Any remainder of the mark-selective coho quota may be transferred inseason on an impact neutral basis to the non-selective coho quota from Cape Falcon to Humbug Mountain (C.5).

Non-mark-selective coho fishery: August 31-September 30, open each

Friday through Sunday, or 9,000 non-mark-selective coho quota (C.6). Open days may be modified inseason (C.5). All salmon may be retained, two salmon per day (C.1). See minimum size limits (B). See gear restrictions and definitions (C.2, C.3).

—Humbug Mountain to Oregon/California Border (Oregon KMZ)

May 25–September 2 (C.6).

Open seven days per week. All salmon except coho may be retained, except as described above in the Cape Falcon to Oregon/California border all-salmon mark-selective coho fishery. Two salmon per day (C.1). Chinook minimum size limit of 24 inches total length (B). See gear restrictions and definitions (C.2, C.3).

For recreational fisheries from Cape Falcon to Humbug Mountain: Fishing in the Stonewall Bank YRCA restricted to trolling only on days the all depth recreational halibut fishery is open (call the halibut fishing hotline 800–662–9825 for specific dates) (C.3.b, C.4.d).

—Oregon/California Border to Horse Mountain (California KMZ)

May 25–September 2 (C.6).

Open seven days per week. All salmon except coho may be retained; two salmon per day (C.1). Chinook minimum size limit of 20 inches total length (B). See gear restrictions and definitions (C.2, C.3). Klamath Control

Zone closed in August (C.4.e). See California State regulations for additional closures adjacent to the Smith, Eel, and Klamath Rivers.

—Horse Mountain to Point Arena (Fort Bragg)

April 13–30;

May 18–October 31 (C.6).

Open seven days per week. All salmon except coho may be retained; two salmon per day (C.1). Chinook minimum size limit of 20 inches total length (B). See gear restrictions and definitions (C.2, C.3).

In 2020, season opens April 4 for all salmon except coho, two salmon per day (C.1). Chinook minimum size limit of 20 inches total length (B); and the same gear restrictions as in 2019 (C.2, C.3). This opening could be modified following Council review at the March 2020 Council meeting.

—Point Arena to Pigeon Point (San Francisco)

April 13–30;

May 18–October 31 (C.6).

Open seven days per week. All salmon except coho may be retained; two salmon per day (C.1). Chinook minimum size limit of 24 inches total length through April 30, then 20 inches thereafter (B). See gear restrictions and definitions (C.2, C.3).

In 2020, season opens April 4 for all salmon except coho; two salmon per day (C.1). Chinook minimum size limit

of 24 inches total length (B); and the same gear restrictions as in 2019 (C.2, C.3). This opening could be modified following Council review at the March 2020 Council meeting.

—Pigeon Point to U.S./Mexico Border (Monterey)

April 6–August 28 (C.6).

Open seven days per week. All salmon except coho may be retained; two salmon per day (C.1). Chinook minimum size limit of 24 inches total length (B). See gear restrictions and definitions (C.2, C.3).

In 2020, season opens April 4 for all salmon except coho; two salmon per day (C.1). Chinook minimum size limit of 24 inches total length (B); and the same gear restrictions as in 2019 (C.2, C.3). This opening could be modified following Council review at the March 2020 Council meeting.

California State regulations require all salmon be made available to a CDFW representative for sampling immediately at port of landing. Any person in possession of a salmon with a missing adipose fin, upon request by an authorized agent or employee of the CDFW, shall immediately relinquish the head of the salmon to the state (California Code of Regulations Title 14 Section 1.73).

B. Minimum Size (Total Length in Inches) (See C.1)

Area (when open)	Chinook	Coho	Pink
North of Cape Falcon	24.0	16.0	None.
Cape Falcon to Humbug Mt	24.0	16.0	None.
Humbug Mt. to OR/CA border	24.0	16.0	None.
OR/CA border to Horse Mt	20.0	.....	20.0.
Horse Mt. to Pt. Arena	20.0	.....	20.0.
Pt. Arena to Pigeon Pt. (April 13–30)	24.0	.....	24.0.
Pt. Arena to Pigeon Pt. (May 18–October 31)	20.0	.....	20.0.
Pigeon Pt. to U.S./Mexico border	24.0	.....	24.0.

Metric equivalents: 24.0 in. = 61.0 cm, 20.0 in. = 50.8 cm, and 16.0 in. = 40.6 cm.

C. Requirements, Definitions, Restrictions, or Exceptions

C.1. Compliance With Minimum Size and Other Special Restrictions

All salmon on board a vessel must meet the minimum size or other special requirements for the area being fished and the area in which they are landed if that area is open. Salmon may be landed in an area that is closed only if they meet the minimum size or other special requirements for the area in which they were caught. Salmon may not be filleted prior to landing.

Ocean Boat Limits: Off the coast of Washington, Oregon, and California, each fisher aboard a vessel may

continue to use angling gear until the combined daily limits of Chinook and coho salmon for all licensed and juvenile anglers aboard have been attained (additional state restrictions may apply).

C.2. Gear Restrictions

Salmon may be taken only by hook and line using barbless hooks. All persons fishing for salmon, and all persons fishing from a boat with salmon on board, must meet the gear restrictions listed below for specific areas or seasons.

a. *U.S./Canada border to Point Conception, California:* No more than one rod may be used per angler; and no

more than two single point, single shank barbless hooks are required for all fishing gear.

b. *Horse Mountain, California, to Point Conception, California:* Single point, single shank, barbless circle hooks (see gear definitions below) are required when fishing with bait by any means other than trolling, and no more than two such hooks shall be used. When angling with two hooks, the distance between the hooks must not exceed five inches when measured from the top of the eye of the top hook to the inner base of the curve of the lower hook, and both hooks must be permanently tied in place (hard tied).

Circle hooks are not required when artificial lures are used without bait.

C.3. Gear Definitions

a. *Recreational fishing gear defined:* Off Oregon and Washington, angling tackle consists of a single line that must be attached to a rod and reel held by hand or closely attended; the rod and reel must be held by hand while playing a hooked fish. No person may use more than one rod and line while fishing off Oregon or Washington. Off California, the line must be attached to a rod and reel held by hand or closely attended; weights directly attached to a line may not exceed four pounds (1.8 kg). While fishing off California north of Point Conception, no person fishing for salmon, and no person fishing from a boat with salmon on board, may use more than one rod and line. Fishing includes any activity which can reasonably be expected to result in the catching, taking, or harvesting of fish.

b. *Trolling defined:* Angling from a boat or floating device that is making way by means of a source of power, other than drifting by means of the prevailing water current or weather conditions.

c. *Circle hook defined:* A hook with a generally circular shape and a point which turns inward, pointing directly to the shank at a 90° angle.

C.4. Control Zone Definitions

a. *The Bonilla-Tatoosh Line:* A line running from the western end of Cape Flattery to Tatoosh Island Lighthouse (48°23'30" N lat., 124°44'12" W long.) to the buoy adjacent to Duntze Rock (48°24'37" N lat., 124°44'37" W long.), then in a straight line to Bonilla Point (48°35'39" N lat., 124°42'58" W long.) on Vancouver Island, British Columbia.

b. *Grays Harbor Control Zone*—The area defined by a line drawn from the Westport Lighthouse (46°53'18" N lat., 124°07'01" W long.) to Buoy #2 (46°52'42" N lat., 124°12'42" W long.) to Buoy #3 (46°55'00" N lat., 124°14'48" W long.) to the Grays Harbor north jetty (46°55'36" N lat., 124°10'51" W long.).

c. *Columbia Control Zone:* An area at the Columbia River mouth, bounded on the west by a line running northeast/southwest between the red lighted Buoy #4 (46°13'35" N lat., 124°06'50" W long.) and the green lighted Buoy #7 (46°15'09" N lat., 124°06'16" W long.); on the east, by the Buoy #10 line which bears north/

south at 357° true from the south jetty at 46°14'00" N lat., 124°03'07" W long. to its intersection with the north jetty; on the north, by a line running northeast/southwest between the green lighted Buoy #7 to the tip of the north jetty (46°15'48" N lat., 124°05'20" W long.) and then along the north jetty to the point of intersection with the Buoy #10 line; and on the south, by a line running northeast/southwest between the red lighted Buoy #4 and tip of the south jetty (46°14'03" N lat., 124°04'05" W long.), and then along the south jetty to the point of intersection with the Buoy #10 line.

d. *Stonewall Bank YRCA:* The area defined by the following coordinates in the order listed:

44°37.46' N lat.; 124°24.92' W long.
44°37.46' N lat.; 124°23.63' W long.
44°28.71' N lat.; 124°21.80' W long.
44°28.71' N lat.; 124°24.10' W long.
44°31.42' N lat.; 124°25.47' W long.
and connecting back to 44°37.46' N lat.; 124°24.92' W long.

e. *Klamath Control Zone:* The ocean area at the Klamath River mouth bounded on the north by 41°38'48" N lat. (approximately 6 nautical miles north of the Klamath River mouth); on the west by 124°23'00" W long. (approximately 12 nautical miles off shore); and, on the south by 41°26'48" N lat. (approximately 6 nautical miles south of the Klamath River mouth).

C.5. Inseason Management

Regulatory modifications may become necessary inseason to meet preseason management objectives such as quotas, harvest guidelines, and season duration. In addition to standard inseason actions or modifications already noted under the season description, the following inseason guidance applies:

a. Actions could include modifications to bag limits, or days open to fishing, or extensions or reductions in areas open to fishing.

b. Coho may be transferred inseason among recreational subareas north of Cape Falcon to help meet the recreational season duration objectives (for each subarea) after conferring with representatives of the affected ports and the Council's SAS recreational representatives north of Cape Falcon, and if the transfer would not result in exceeding preseason impact expectations on any stocks.

c. Chinook and coho may be transferred between the recreational and commercial fisheries north of Cape Falcon if there is agreement among the representatives of the SAS, and if the transfer would not result in exceeding preseason impact expectations on any stocks.

d. Fishery managers may consider inseason action modifying regulations restricting retention of unmarked (adipose fin intact) coho. To remain consistent with preseason expectations, any inseason action shall consider, if significant, the difference between observed and preseason forecasted (adipose-clipped) mark rates. Such a consideration may also include a change in bag limit of two salmon, no more than one of which may be a coho.

e. Marked coho remaining from the Cape Falcon to Humbug Mountain recreational mark-selective coho quota may be transferred inseason to the Cape Falcon to Humbug Mountain non-mark-selective recreational fishery if the transfer would not result in exceeding preseason impact expectations on any stocks.

C.6. Additional Seasons in State Territorial Waters

Consistent with Council management objectives, the States of Washington, Oregon, and California may establish limited seasons in state waters. Check state regulations for details.

Section 3. Treaty Indian Management Measures for 2019 Ocean Salmon Fisheries

Parts A, B, and C of this section contain requirements that must be followed for lawful participation in the fishery.

A. Season Descriptions

May 1 through the earlier of June 30 or 17,500 Chinook quota.

All salmon may be retained except coho. If the Chinook quota is exceeded, the excess will be deducted from the later all-salmon season (C.5). See size limit (B) and other restrictions (C).

July 1 through the earlier of September 15, or 17,500 Chinook quota, or 55,000 coho quota.

All salmon. See size limit (B) and other restrictions (C).

B. Minimum Size (Inches)

Area (when open)	Chinook		Coho		Pink
	Total length	Head-off	Total length	Head-off	
North of Cape Falcon	24.0	18.0	16.0	12.0	None.

Metric equivalents: 24.0 in. = 61.0 cm, 18.0 in. = 45.7 cm, 16.0 in. = 40.6 cm, 12.0 in. = 30.5 cm.

C. Requirements, Restrictions, and Exceptions

C.1. Tribe and Area Boundaries

All boundaries may be changed to include such other areas as may hereafter be authorized by a Federal court for that tribe's treaty fishery.

S'KLALLAM—Washington State Statistical Area 4B (defined to include those waters of Puget Sound easterly of a line projected from the Bonilla Point Light on Vancouver Island to the Tatoosh Island light, thence to the most westerly point on Cape Flattery and westerly of a line projected true north from the fishing boundary marker at the mouth of the Sekiu River [WAC 220–301–030]).

MAKAH—Washington State Statistical Area 4B and that portion of the fishery management area (FMA) north of 48°02'15" N lat. (Norwegian Memorial) and east of 125°44'00" W long.

QUILEUTE—A polygon commencing at Cape Alava, located at latitude 48°10'00" north, longitude 124°43'56.9" west; then proceeding west approximately forty nautical miles at that latitude to a northwestern point located at latitude 48°10'00" north, longitude 125°44'00" west; then proceeding in a southeasterly direction mirroring the coastline at a distance no farther than 40 nmi from the mainland Pacific coast shoreline at any line of latitude, to a southwestern point at latitude 47°31'42" north, longitude 125°20'26" west; then proceeding east along that line of latitude to the Pacific coast shoreline at latitude 47°31'42" north, longitude 124°21'9.0" west (per court order dated March 5, 2018, Federal District Court for the Western District of Washington).

HOH—That portion of the FMA between 47°54'18" N lat. (Quillayute River) and 47°21'00" N lat. (Quinault River) and east of 125°44'00" W long.

QUINAULT—A polygon commencing at the Pacific coast shoreline near Destruction Island, located at latitude 47°40'06" north, longitude 124°23'51.362" west; then proceeding west approximately 30 nmi at that latitude to a northwestern point located at latitude 47°40'06" north, longitude 125°08'30" west; then proceeding in a southeasterly direction mirroring the coastline no farther than 30 nmi from the mainland Pacific coast shoreline at any line of latitude southwestern point at latitude 46°53'18" north, longitude 124°53'53" west; then proceeding east along that line of latitude to the Pacific coast shoreline at latitude 46°53'18" north, longitude 124°7'36.6" west (per court order dated March 5, 2018,

Federal District Court for the Western District of Washington).

C.2. Gear Restrictions

a. Single point, single shank, barbless hooks are required in all fisheries.

b. No more than eight fixed lines per boat.

c. No more than four hand held lines per person in the Makah area fishery (Washington State Statistical Area 4B and that portion of the FMA north of 48°02'15" N lat. (Norwegian Memorial) and east of 125°44'00" W long.).

C.3. Quotas

a. The quotas include troll catches by the S'Klallam and Makah tribes in Washington State Statistical Area 4B from May 1 through September 15.

b. The Quileute Tribe will continue a ceremonial and subsistence fishery during the time frame of October 1 through October 15 in the same manner as in 2004–2015. Fish taken during this fishery are to be counted against treaty troll quotas established for the 2019 season (estimated harvest during the October ceremonial and subsistence fishery: 20 Chinook; 40 coho).

C.4. Area Closures

a. The area within a six nautical mile radius of the mouths of the Queets River (47°31'42" N lat.) and the Hoh River (47°45'12" N lat.) will be closed to commercial fishing.

b. A closure within two nautical miles of the mouth of the Quinault River (47°21'00" N. lat.) may be enacted by the Quinault Nation and/or the State of Washington and will not adversely affect the Secretary of Commerce's management regime.

C.5. Inseason Management

In addition to standard inseason actions or modifications already noted under the season description, the following inseason guidance applies:

a. Chinook remaining from the May through June treaty-Indian ocean troll harvest guideline north of Cape Falcon may be transferred to the July through September harvest guideline on a fishery impact equivalent basis.

Section 4. Halibut Retention

Under the authority of the Northern Pacific Halibut Act, NMFS promulgated regulations governing the Pacific halibut fishery, which appear at 50 CFR part 300, subpart E. On March 14, 2019, NMFS published a final rule announcing the IPHC's regulations, including season dates, management measures, total allowable catch (TACs) for each IPHC management area including the U.S. West Coast (Area 2A)

and Catch Sharing Plans for the U.S. waters off of Alaska (84 FR 9243). The Area 2A Catch Sharing Plan, in combination with the IPHC regulations, provides that vessels participating in the salmon troll fishery in Area 2A, which have obtained the appropriate IPHC license, may retain halibut caught incidentally during authorized periods in conformance with provisions published with the annual salmon management measures. A salmon troller may participate in the halibut incidental catch fishery during the salmon troll season or in the directed commercial fishery targeting halibut, but not both.

The following measures have been approved by the IPHC, and implemented by NMFS. During authorized periods, the operator of a vessel that has been issued an incidental halibut harvest license may retain Pacific halibut caught incidentally in Area 2A while trolling for salmon. Halibut retained must be no less than 32 inches (81.28 cm) in total length, measured from the tip of the lower jaw with the mouth closed to the extreme end of the middle of the tail, and must be landed with the head on.

License applications for incidental harvest must be obtained from the IPHC (phone: 206–634–1838). Applicants must apply prior to mid-March 2020 for 2020 permits (exact date to be set by the IPHC in early 2020). Incidental harvest is authorized only during April, May, and June of the 2019 troll seasons and after June 30 in 2019 if quota remains and if announced on the NMFS hotline (phone: 800–662–9825 or 800–526–6667). WDFW, ODFW, and CDFW will monitor landings. If the landings are projected to exceed the 44,899 pound preseason allocation or the total Area 2A non-Indian commercial halibut allocation, NMFS will take inseason action to prohibit retention of halibut in the non-Indian salmon troll fishery.

May 1, 2019, until the end of the 2019 salmon troll season, and April 1–30, 2020, license holders may land or possess no more than one Pacific halibut per each two Chinook, except one Pacific halibut may be possessed or landed without meeting the ratio requirement, and no more than 35 halibut may be possessed or landed per trip. Pacific halibut retained must be no less than 32 inches in total length (with head on). IPHC license holders must comply with all applicable IPHC regulations.

Incidental Pacific halibut catch regulations in the commercial salmon troll fishery adopted for 2019, prior to any 2019 inseason action, will be in effect when incidental Pacific halibut retention opens on April 1, 2020, unless

otherwise modified by inseason action at the March 2020 Council meeting.

NMFS and the Council request that salmon trollers voluntarily avoid a “C-shaped” YRCA (also known as the Salmon Troll YRCA) in order to protect yelloweye rockfish. Coordinates for the Salmon Troll YRCA are defined at 50 CFR 660.70(a) in the North Coast subarea (Washington marine area 3). See Section 1.C.7 in this document for the coordinates.

Section 5. Geographical Landmarks

Wherever the words “nautical miles off shore” are used in this document, the distance is measured from the baseline from which the territorial sea is measured.

Geographical landmarks referenced in this document are at the following locations:

Cape Flattery, WA	48°23'00" N lat.
Cape Alava, WA	48°10'00" N lat.
Queets River, WA	47°31'42" N lat.
Leadbetter Point, WA ..	46°38'10" N lat.
Cape Falcon, OR	45°46'00" N lat.
Florence South Jetty, OR.	44°00'54" N lat.
Humbog Mountain, OR	42°40'30" N lat.
Oregon-California border.	42°00'00" N lat.
Humboldt South Jetty, CA.	40°45'53" N lat.
Horse Mountain, CA	40°05'00" N lat.
Point Arena, CA	38°57'30" N lat.
Point Reyes, CA	37°59'44" N lat.
Point San Pedro, CA	37°35'40" N lat.
Pigeon Point, CA	37°11'00" N lat.
Point Sur, CA	36°18'00" N lat.
Point Conception, CA ..	34°27'00" N lat.

Section 6. Inseason Notice Procedures

Notice of inseason management actions will be provided by a telephone hotline administered by the West Coast Region, NMFS, 800-662-9825 or 206-526-6667, and by USCG Notice to Mariners broadcasts. These broadcasts are announced on Channel 16 VHF-FM and 2182 KHz at frequent intervals. The announcements designate the channel or frequency over which the Notice to Mariners will be immediately broadcast. Inseason actions will also be published in the **Federal Register** as soon as practicable. Since provisions of these management measures may be altered by inseason actions, fishermen should monitor either the telephone hotline or USCG broadcasts for current information for the area in which they are fishing.

Classification

This final rule is necessary for conservation and management of Pacific coast salmon stocks and is consistent with the MSA and other applicable law. These regulations are being promulgated

under the authority of 16 U.S.C. 1855(d) and 16 U.S.C. 773(c).

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

The Assistant Administrator for Fisheries finds good cause under 5 U.S.C. 553(b)(B), to waive the requirement for prior notice and opportunity for public comment, as such procedures would be impracticable and contrary to the public interest.

The annual salmon management cycle traditionally begins May 1 and continues through April 30 of the following year. May 1 was chosen because the pre-May harvests constitute a relatively small portion of the annual catch. The time frame of the preseason process for determining the annual modifications to ocean salmon fishery management measures depends on when the pertinent biological data are available. Salmon stocks are managed to meet annual spawning escapement goals or specific exploitation rates. Achieving either of these objectives requires designing management measures that are appropriate for the ocean abundance predicted for that year. These pre-season abundance forecasts, which are derived from previous years' observed spawning escapement, vary substantially from year to year, and are not available until January or February because spawning escapement continues through the fall.

The preseason planning and public review process associated with developing Council recommendations is initiated in February as soon as the forecast information becomes available. The public planning process requires coordination of management actions of four states, numerous Indian tribes, and the Federal Government, all of which have management authority over the stocks. This complex process includes the affected user groups, as well as the general public. The process is compressed into a two-month period culminating with the April Council meeting at which the Council adopts a recommendation that is forwarded to NMFS for review, approval, and implementation of fishing regulations typically effective on May 1. For 2019, even with the waiver of notice and comment, NMFS does not expect the rule to be effective until May 6. This is because the Council scheduled final action on the 2019 management measures for April 15, too late to allow NMFS to complete the necessary regulatory process to review, approve, and implement these fishing regulations by the traditional May 1 date. This delay, which is occurring even with the waiver of notice and comment rulemaking, required NMFS to take

inseason action to close fisheries that would have otherwise opened May 1 under 2018 management measures to avoid excessive impacts to certain stocks during the first week of fishing in 2019.

Providing opportunity for prior notice and public comments on the Council's recommended measures through a proposed and final rulemaking process would require 30 to 60 days in addition to the two-month period required for development of the regulations. Delaying implementation of annual fishing regulations, which are based on the current stock abundance projections, for an additional 60 days would require that fishing regulations for May and June be set in the previous year, without the benefit of information regarding current stock abundance. For the 2019 fishing regulations, the current stock abundance was not available to the Council until February. In addition, information related to northern fisheries and stock status in Alaska and Canada which is important to assessing the amount of available salmon in southern U.S. ocean fisheries is not available until mid- to late-March. Because a substantial amount of fishing normally occurs during May and June, managing the fishery with measures developed using the prior year's data could have significant adverse effects on the managed stocks, including ESA-listed stocks. Although salmon fisheries that open prior to May are managed under measures developed the previous year, as modified by the Council at its March meeting, relatively little harvest occurs during that period (e.g., on average, less than 5 percent of commercial and recreational harvest occurred prior to May 1 during the years 2001 through 2017). Allowing the much more substantial harvest levels normally associated with the May and June salmon seasons to be promulgated under the prior year's regulations would impair NMFS' ability to protect weak and ESA-listed salmon stocks, and to provide harvest opportunity where appropriate. The choice of May 1 as the beginning of the regulatory season balances the need to gather and analyze the data needed to meet the management objectives of the Salmon FMP and the need to manage the fishery using the best available scientific information.

If the 2019 measures are not in place on May 6, salmon fisheries will not open as scheduled. This would result in lost fishing opportunity, negative economic impacts, and confusion for the public as the state fisheries adopt concurrent regulations that conform to the Federal management measures.

Overall, the annual population dynamics of the various salmon stocks require managers to adjust the season structure of the West Coast salmon fisheries to both protect weaker stocks and give fishers access to stronger salmon stocks, particularly hatchery produced fish. Failure to implement these measures immediately could compromise the status of certain stocks, or result in foregone opportunity to harvest stocks whose abundance has increased relative to the previous year thereby undermining the purpose of this agency action.

In addition, these measures were developed with significant public input. Public comment was received and considered by the Council and NMFS throughout the process of developing these management measures. As described above, the Council took comment at its March and April meetings, and heard summaries of comments received at public meetings held between the March and April meetings in each of the coastal states. NMFS also invited comments in a notice published prior to the March Council meeting, and considered comments received by the Council through its representative on the Council.

Based upon the above-described need to have these measures effective on May 6 and the fact that there is limited time available to implement these new measures after the final Council meeting in April and before the commencement of the 2019 ocean salmon fishing year on May 6, NMFS has concluded it is impracticable and contrary to the public interest to provide an opportunity for prior notice and public comment under 5 U.S.C. 553(b)(B).

The Assistant Administrator for Fisheries also finds that good cause exists under 5 U.S.C. 553(d)(3), to waive the 30-day delay in effectiveness of this final rule. As previously discussed, data were not available until February and management measures were not finalized until mid-April. These measures are essential to conserve threatened and endangered ocean salmon stocks as well as potentially overfished stocks, and to provide for harvest of more abundant stocks. Delaying the effectiveness of these

measures by 30 days could compromise the ability of some stocks to attain their conservation objectives, preclude harvest opportunity, and negatively impact anticipated international, state, and tribal salmon fisheries, thereby undermining the purposes of this agency action and the requirements of the MSA.

To enhance the fishing industry's notification of these new measures, and to minimize the burden on the regulated community required to comply with the new regulations, NMFS is announcing the new measures over the telephone hotline used for inseason management actions and is posting the regulations on its West Coast Region website (<http://www.westcoast.fisheries.noaa.gov>). NMFS is also advising the states of Washington, Oregon, and California on the new management measures. These states announce the seasons for applicable state and Federal fisheries through their own public notification systems.

Because prior notice and an opportunity for public comment are not required to be provided for this rule by 5 U.S.C. 553, or any other law, the analytical requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, are not applicable. Accordingly, no Regulatory Flexibility Analysis is required for this rule and none has been prepared.

This action contains collection-of-information requirements subject to the Paperwork Reduction Act (PRA), and which have been approved by the Office of Management and Budget (OMB) under control number 0648-0433. The current information collection approval expires on August 30, 2020. The public reporting burden for providing notifications if landing area restrictions cannot be met is estimated to average 15 minutes per response. This estimate includes the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the PRA, unless

that collection of information displays a currently valid OMB control number.

NMFS has current ESA biological opinions that cover fishing under these regulations on all listed salmon species. NMFS provided guidance on the impact limits for all ESA-listed salmon and steelhead species, given annual abundance projections, in our annual guidance letter to the Council dated March 5, 2019. The management measures for 2019 are consistent with the biological opinions. The Council's recommended management measures therefore have been determined not likely to jeopardize the continued existence of any listed salmon species which may be affected by Council fisheries or adversely modify critical habitat. In some cases, the recommended measures are more restrictive than necessary for ESA compliance.

NMFS consulted on the effects of the ocean salmon fisheries on the ESA-listed Southern Resident killer whale (SRKW) distinct population segment in 2009. As discussed above, NMFS has reinitiated consultation to consider new information. NMFS has assessed the potential impacts of the 2019 management measures to SRKW, and has made a determination under ESA sections 7(a)(2) and 7(d) that the 2019 fisheries are not likely to jeopardize SRKW, and do not represent an irreversible and irretrievable commitment of resources that would foreclose the formulation or implementation of any reasonable and prudent alternative measures.

This final rule was developed after meaningful collaboration with the affected tribes. The tribal representative on the Council made the motion for the regulations that apply to the tribal fisheries.

Authority: 16 U.S.C. 773-773k; 1801 *et seq.*

Dated: April 29, 2019.

Samuel D. Rauch III,

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

[FR Doc. 2019-09064 Filed 5-3-19; 8:45 am]

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Proposed Rules

Federal Register

Vol. 84, No. 87

Monday, May 6, 2019

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 51

[Document Number AMS–SC–18–0055, SC–18–330]

U.S. Standards for Grades of Apples

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: The Agricultural Marketing Service (AMS) of the Department of Agriculture (USDA) proposes to revise the U.S. Standards for Grades of Apples by removing smooth net-like russetting as a grade-determining factor in the U.S. Extra Fancy, U.S. Fancy, and U.S. No. 1 grades for Fuji apples. In addition, AMS proposes to remove obsolete references to the location where color standards may be examined and purchased. The changes will modernize the standards and meet growing consumer demand by providing greater marketing flexibility.

DATES: Comments must be submitted on or before July 5, 2019.

ADDRESSES: Interested persons are invited to submit written comments to the USDA, Specialty Crops Inspection Division, 100 Riverside Parkway, Suite 101, Fredericksburg, Virginia 22406; fax: (540) 361–1199, or at: www.regulations.gov. Comments should reference the dates and page number of this issue of the **Federal Register**. Comments will be posted without change, including any personal information provided. All comments received within the comment period will become part of the public record maintained by the Agency, and will be made available to the public via www.regulations.gov and at the above address during regular business hours.

FOR FURTHER INFORMATION CONTACT: Contact David G. Horner at the address above, or at phone (540) 361–1120; fax (540) 361–1199; or, email Dave.Horner@ams.usda.gov. Copies of the proposed

U.S. Standards for Grades of Apples are available at <http://www.regulations.gov>. Copies of the current U.S. Standards for Apples are available on the AMS website at <https://www.ams.usda.gov/grades-standards/fruits>.

SUPPLEMENTARY INFORMATION: The proposed changes exempt Fuji apples from smooth net-like russetting. These revisions also affect the grade requirements under the Export Apple Act.

Executive Orders 12866, 13771, and 13563

This rule does not meet the definition of a significant regulatory action contained in section 3(f) of Executive Order 12866, and is not subject to review by the Office of Management and Budget (OMB). Because this rule does not meet the definition of a significant regulatory action, it does not trigger the requirements in Executive Order 13771. See OMB's Memorandum titled "Interim Guidance Implementing Section 2 of the Executive Order of January 30, 2017, titled 'Reducing Regulation and Controlling Regulatory Costs'" (February 2, 2017). Executive Orders 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, reducing costs, harmonizing rules, and promoting flexibility.

Executive Order 13175

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

Executive Order 12988

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. It is not intended to have retroactive effect. There are no administrative procedures that must be exhausted prior to any judicial challenge to the provisions of this rule.

Background

The current U.S. standards provide for apples to be sorted into various grades, including but not limited to: U.S. Extra Fancy, U.S. Fancy, and U.S. No. 1. Each of these grades describes the qualities that must be present for apples to meet the standards. These descriptions also specify features that are not to be scored against certain varieties of apples when determining grade. AMS proposes adding one such specification to the U.S. standards for apples that would allow for smooth net-like russetting of Fuji apples in all grades. Smooth net-like russetting is a cosmetic defect that affects the apple skin but not the internal quality of the fruit. Smooth net-like russetting, which has been called flecking by the Pacific Northwest apple industry, is prevalent in the Fuji variety. U.S. apple standards in their current form restrict apples exhibiting an aggregate area of smooth net-like russetting greater than 10 percent for U.S. Extra Fancy, 15 percent for U.S. Fancy, and 25 percent for U.S. No. 1 from meeting the grade requirements. The Export Apple Act regulations (7 CFR 33) require that apples grade at least U.S. No. 1 or U.S. No. 1 Early, except that apples for export to Pacific ports of Russia must grade at least U.S. Utility or U.S. No. 1 Hail for hail damaged apples, as specified in the U.S. Standards for Grades of Apples. Fuji apples that display smooth net-like russetting greater than the percentages allowed are therefore excluded from the export market due to current U.S. grade standards.

The Washington State Grade Standards for Apples (16 W.A.C. 403) do not consider smooth net-like russetting to be a defect for the Fuji variety of apple, provided that the russetting does not rise above the surface of the skin or is rough to the touch. Nearly three-quarters of domestically-produced fresh apples are grown in Washington and represent more than 90 percent of apples in the export market. Revising the U.S. apple grade standards to exclude scoring of smooth net-like russetting on Fuji apples as a quality defect, as specified in the Washington State standards, will promote consistency across the apple market and remove barriers to the export market for growers of the Fuji variety.

In December 2016 the Northwest Horticultural Council (NHC) petitioned AMS to remove the requirement for scoring smooth net-like russetting from the U.S. Standards for Grades of Apples for the Fuji variety. In response, AMS asked the NHC to provide justification and evidence of industry support, which they did in a memorandum submitted in April 2018. The NHC provided research claiming that Fuji apples have a propensity for smooth net-like russetting, which does not negatively affect the internal quality of the fruit. In addition, the NHC stated the revision would partially harmonize the U.S. apple standards with the Washington State apple standards, and help prevent sound Fuji apples from being rejected in domestic and international markets. The NHC petition was supported by the Washington Apple Commission, Idaho Apple Commission, California Apple Commission, and many other apple organizations. AMS conducted research on the proposal by meeting with Washington State and industry personnel in November 2018. Based on available data, AMS concluded that exempting Fuji apples from scoring smooth net-like russetting as a quality defect will provide the industry with greater flexibility, and align the standards with current state and industry practices.

In addition, AMS proposes to remove obsolete references to the location where color standards may be examined and purchased.

AMS proposes to make the following revisions to the U.S. Standards for Grades of Apples:

- § 51.300 U.S. Extra Fancy: Revised to exempt the Fuji variety from scoring of smooth net-like russetting as a defect.
- § 51.301 U.S. Fancy: Revised to exempt the Fuji variety from scoring of smooth net-like russetting as a defect.
- § 51.302 U.S. No. 1: Revised to exempt the Fuji variety from scoring of smooth net-like russetting as a defect. The revision in the U.S. No. 1 grade will also affect the U.S. No. 1 Hail (§ 51.302 (a)) grade and the permitted combination grades (§ 51.304).
- § 51.305 Color Requirements: Revised to remove obsolete references to the location where color standards may be examined and purchased.

The proposed rule provides a 60-day period during which interested parties may comment on the revisions to the standards.

Initial Regulatory Flexibility Analysis

Pursuant to the requirements set forth in the Regulatory Flexibility Act (RFA) (5 U.S.C. 601–612), AMS has considered

the economic impacts of the revision to the U.S. Standards for Grades of Apples (7 CFR 51.300–51.322). The purpose of the RFA is to structure regulatory actions such that small businesses will not be unduly or disproportionately burdened. Accordingly, AMS has prepared this initial regulatory flexibility analysis.

The proposed revision will result in a minor change to the current U.S. standards to allow smooth net-like russetting of the Fuji variety of apple. There will be little or no additional cost to implement this revision. The proposed change applies uniformly to all market participants and will not result in disproportionate additional costs being borne by small apple producers or other small businesses.

According to the Small Business Administration (SBA) (13 CFR 121.601), the definition of a small apple producer is one whose annual sales are less than \$750,000. Based on this definition, data from the 2012 Agricultural Census show that at least 94 percent of farm operations that produce apples would be considered small. These small growers will not be disproportionately affected by the proposed rule as all changes to the standard will be applied uniformly to all market participants.

The proposal for the change to the U.S. Standards for Grades of Apples was submitted by the NHC, which represents apple growers, packers, and shippers in Washington, Oregon, and Idaho. Altogether, this region accounts for 75 percent of domestic fresh apple production. This proposal was reviewed by the U.S. Apple Association and the U.S. Apple Export Council. Revising the current grading standards will impose minimal costs on the industry. The addition of smooth net-like russetting to the list of features that are not scorable against Fuji apples in the U.S. Standards for Grades of Apples will promote consistency in apple grading, and allow for greater entry into export markets and greater price stability for the Fuji variety of apples.

List of Subjects in 7 CFR Part 51

Food grades and standards, Fruits, Nuts, Reporting and recordkeeping requirements, Vegetables.

For reasons set forth in the preamble, 7 CFR part 51 is proposed to be amended as follows:

PART 51—[AMENDED]

- 1. The authority citation for part 51 continues to read as follows:

Authority: 7 U.S.C. 1621–1627.

- 2. Revise § 51.300 to read as follows:

§ 51.300 U.S. Extra Fancy.

“U.S. Extra Fancy” consists of apples of one variety (except when more than one variety is printed on the container) which are mature but not overripe, clean, fairly well formed, free from decay, internal browning, internal breakdown, soft scald, scab, freezing injury, visible watercore, and broken skins. The apples are also free from injury caused by bruises, brown surface discoloration, smooth net-like russetting, sunburn or sprayburn, limb rubs, hail, drought spots, scars, disease, insects, or other means. The apples are free from damage caused by bitter pit or Jonathan spot and by smooth solid, slightly rough or rough russetting, or stem or calyx cracks, as well as damage by invisible watercore after January 31st of the year following the year of production except for the Fuji variety of apples. Invisible watercore and smooth net-like russetting shall not be scored against the Fuji variety of apples under any circumstances. For the apple varieties listed in table I of § 51.305, each apple of this grade has the amount of color specified for the variety. (See § 51.305 and § 51.306.)

- 3. Revise § 51.301 to read as follows:

§ 51.301 U.S. Fancy.

“U.S. Fancy” consists of apples of one variety (except when more than one variety is printed on the container) which are mature but not overripe, clean, fairly well formed, and free from decay, internal browning, internal breakdown, soft scald, freezing injury, visible watercore, and broken skins. The apples are also free from damage caused by bruises, brown surface discoloration, russetting, sunburn or sprayburn, limb rubs, hail, drought spots, scars, stem or calyx cracks, disease, insects, bitter pit, Jonathan spot, or damage by other means, or invisible watercore after January 31st of the year following the year of production, except for the Fuji variety of apples. Invisible watercore and smooth net-like russetting shall not be scored against the Fuji variety of apples under any circumstances. For the apple varieties listed in table I of § 51.305, each apple of this grade has the amount of color specified for the variety. (See § 51.305 and § 51.306.)

- 4. Amend § 51.302 by revising the introductory text to read as follows:

§ 51.302 U.S. No. 1.

“U.S. No. 1” consists of apples which meet the requirements of U.S. Fancy grade except for color, russetting, and invisible water core. In this grade, less color is required for all varieties listed in table I of § 51.305. Apples of this grade are free from excessive damage

caused by russetting which means that apples meet the russetting requirements for U.S. Fancy as defined under the definitions of “damage by russetting,” except the aggregate area of an apple which may be covered by smooth net-like russetting shall not exceed 25 percent; and the aggregate area of an apple which may be covered by smooth solid russetting shall not exceed 10 percent: *Provided*, That, in the case of the Yellow Newtown or similar varieties, the aggregate area of an apple which may be covered with smooth solid russetting shall not exceed 20 percent; and that smooth net-like russetting shall not be scored against the Fuji variety under any circumstances. Each apple of this grade has the amount of color specified in § 51.305 for the variety. Invisible watercore shall not be scored in this grade. (See § 51.305 and § 51.306.)

* * * * *

■ 5. Revise § 51.305 to read as follows:

§ 51.305 Color Requirements.

(a) In addition to the requirements specified for the grades set forth in §§ 51.300 to 51.304, apples of these grades shall have the percentage of color specified for the variety in table I appearing in this section. All apple varieties other than those appearing in table I shall have no color requirements pertaining to these grades. For the solid red varieties, the percentage stated refers to the area of the surface which must be covered with a good shade of solid red characteristic of the variety: *Provided*, That an apple having color of a lighter shade of solid red or striped red than that considered as a good shade of red characteristic of the variety may be admitted to a grade, provided it has sufficient additional area covered so that the apple has as good an appearance as one with the minimum percentage of good red characteristic of the variety required for the grade. For the striped red varieties, the percentage stated refers to the area of the surface in which the stripes of a good shade of red

characteristic of the variety shall predominate over stripes of lighter red, green, or yellow. However, an apple having color of a lighter shade than that considered as a good shade of red characteristic of the variety may be admitted to a grade, provided it has sufficient additional area covered so that the apple has as good an appearance as one with the minimum percentage of stripes of a good red characteristic of the variety required for the grade. Faded brown stripes shall not be considered as color.

(b) Color standards USDA Visual Aid APL-CC-1 (Plates a-e) consists of a folder containing the color requirements for apples set forth in this section and five plates illustrating minimum good shade of solid red or striped red color, minimum compensating color and shade not considered color, for the following 12 varieties: Red Delicious, Red Rome, Empire, Idared, Winesap, Jonathan, Stayman, McIntosh, Cortland, Rome Beauty, Delicious, and York.

TABLE 1¹

[Only the varieties listed below shall be required to meet a minimum color requirement]

Variety	U.S. extra fancy (percent)	U.S. fancy (percent)	U.S. No. 1 (percent)
Red Delicious	66	40	25
Red Rome	66	40	25
Empire	66	40	25
Idared	66	40	25
Winesap	66	40	25
Jonathan	66	40	25
Stayman	50	33	25
McIntosh	50	33	25
Cortland	50	33	25
Rome Beauty	50	33	25
Delicious	50	33	25
York	50	33	25

¹ Variations on varietal designations listed above must meet or exceed those color requirements listed.

Dated: April 26, 2019.

Bruce Summers,

Administrator, Agricultural Marketing Service.

[FR Doc. 2019-09013 Filed 5-3-19; 8:45 am]

BILLING CODE 3410-02-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2019-0213; Product Identifier 2019-NE-03-AD]

RIN 2120-AA64

Airworthiness Directives; Rolls-Royce Deutschland Ltd & Co KG Turbofan Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for certain

Rolls-Royce Deutschland Ltd & Co KG (RRD) model Tay 611-8C turbofan engines. This proposed AD was prompted by reports of low-pressure compressor (LPC) rotor blade retention lug failures. This proposed AD would limit the service life of the LPC rotor blades based on the number of dry-film lubricant (DFL) re-applications. We are proposing this AD to address the unsafe condition on these products.

DATES: We must receive comments on this proposed AD by June 20, 2019.

ADDRESSES: You may send comments, using the procedures found in 14 CFR 11.43 and 11.45, by any of the following methods:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov>. Follow the instructions for submitting comments.

- *Fax:* 202 493 2251.

• *Mail:* U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12 140, 1200 New Jersey Avenue SE, Washington, DC 20590.

- *Hand Delivery:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this NPRM, contact Rolls-Royce Deutschland Ltd & Co KG, Eschenweg 11, Dahlewitz, Blankenfelde-Mahlow, Germany; phone: +49 0 33-7086-4040; fax: +49 0 33-7086-51-4040; email: rrd.techhelp@rolls.royce. You may view this service information at the FAA, Engine & Propeller Standards Branch, 1200 District Avenue, Burlington, MA, 01803. For information on the availability of this material at the FAA, call 781-238-7759.

Examining the AD Docket

You may examine the AD docket on the internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA-2019-0213; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, the mandatory continuing airworthiness information (MCAI), the regulatory evaluation, any comments received, and other information. The street address for Docket Operations (phone: 800-647-5527) is listed above. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT:

Barbara Caufield, Aerospace Engineer, ECO Branch, FAA, 1200 District Avenue, Burlington, MA 01803; phone: 781-238-7754; fax: 781-238-7199; email: barbara.caufield@faa.gov.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under the **ADDRESSES** section. Include "Docket No. FAA-2019-0213; Product Identifier 2019-

NE-03-AD" at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this NPRM. We will consider all comments received by the closing date and may amend this NPRM because of those comments.

We will post all comments we receive, without change, to <http://www.regulations.gov>, including any personal information you provide. We will also post a report summarizing each substantive verbal contact we receive about this NPRM.

Discussion

The European Union Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued EASA AD 2018-0055, dated March 12, 2018 (referred to after this as "the MCAI"), to address the unsafe condition on these products. The MCAI states:

The airworthiness limitations for the Tay 611-8C engines, which are approved by EASA, are currently defined and published in the ALS. Among others, the ALS contains limitation(s) applicable to the maximum number of Dry Film Lubrication (DFL) treatments applied on fan blade retention lugs. These instructions have been identified as mandatory for continued airworthiness.

Failure to accomplish these instructions could result in an unsafe condition.

In addition to the ALS, RRD issued the NMSB to provide alternative methods to establish, in case this cannot be determined from the engine maintenance records, the number of DFL treatments that have been applied to an engine.

You may obtain further information by examining the MCAI in the AD docket on the internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA-2019-0213.

Related Service Information Under 1 CFR Part 51

We reviewed RRD Non-Modification Service Bulletin (NMSB) TAY-72-1835, Initial Issue, dated December 15, 2017. The service information describes procedures for marking the LPC rotor blades with a suffix code during the next scheduled LPC fan blade removal.

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

FAA's Determination

This product has been approved by Germany and is approved for operation in the United States. Pursuant to our bilateral agreement with the European Community, EASA has notified us of the unsafe condition described in the MCAI and service information referenced above. We are proposing this AD because we evaluated all the relevant information provided by EASA and determined the unsafe condition described previously is likely to exist or develop in other products of the same type design.

Proposed AD Requirements

This proposed AD would require a determination of the number of DFL re-applications that have been applied to the LPC rotor blades and, depending on the number of DFL re-applications, replacement of LPC rotor blades.

Differences Between This Proposed AD and the MCAI or Service Information

This proposed AD and EASA AD 2018-0055 do not include the RRD Tay 611-8 model turbofan engines in the Applicability section, while RRD NMSB TAY-72-1835, Initial Issue, dated December 15, 2017, does include this engine model. For the RRD Tay 611-8 engines, EASA has already approved the new limitation to the service life of the blade. In addition, RRD has revised the aircraft maintenance program, on the basis of which the operator or the owner ensures the continuing airworthiness of each operated airplane (on which an affected engine is installed), to limit the number of DFL applications, as specified in this AD.

Costs of Compliance

We estimate that this proposed AD affects 12 engines installed on airplanes of U.S. registry.

We estimate the following costs to comply with this proposed AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Record Search to establish number of DFL applications.	1.5 work-hours × \$85 per hour = \$127.50	\$0	\$127.50	\$1,530

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

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

determining the number of aircraft that might need these replacements:

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Replace LPC blade	2 work-hours × \$85 per hour = \$170	\$11,270	\$11,440

Authority for This Rulemaking

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

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

This AD is issued in accordance with authority delegated by the Executive Director, Aircraft Certification Service, as authorized by FAA Order 8000.51C. In accordance with that order, issuance of ADs is normally a function of the Compliance and Airworthiness Division, but during this transition period, the Executive Director has delegated the authority to issue ADs applicable to engines, propellers, and associated appliances to the Manager, Engine and Propeller Standards Branch, Policy and Innovation Division.

Regulatory Findings

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

For the reasons discussed above, I certify this proposed regulation:

- (1) Is not a "significant regulatory action" under Executive Order 12866,
- (2) Is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979),
- (3) Will not affect intrastate aviation in Alaska, and

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Rolls-Royce Deutschland Ltd & Co KG:
Docket No. FAA-2019-0213; Product Identifier 2019-NE-03-AD.

(a) Comments Due Date

We must receive comments by June 20, 2019.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Rolls-Royce Deutschland Ltd & Co KG (RRD) Tay 611-8C turbofan engines, with low-pressure compressor (LPC) rotor blades, part number (P/N) JR58319, installed.

(d) Subject

Joint Aircraft System Component (JASC) Code, 7230 Turbine Engine Compressor Section.

(e) Unsafe Condition

This AD was prompted by reports of LPC rotor blade retention lug failures. We are issuing this AD to prevent failure of the LPC rotor blade. The unsafe condition, if not addressed, could result in loss of engine power in flight, and reduced control of the airplane.

(f) Compliance

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

(g) Required Actions

(1) Within 30 days after the effective date of this AD, determine the number of dry film lubrication (DFL) re-applications that were applied to each LPC rotor blade by reviewing the maintenance records. If a complete record of the total number of DFL re-applications is unavailable, count one DFL re-application for every 1,300 flight cycles of blade use.

(i) If the number of DFL re-applications is less than 13, mark the LPC rotor blade with a suffix code during the next scheduled LPC fan blade removal using the instructions in the Accomplishment Instructions, paragraph 3.B.(1)(c)[2] or 3.F.(1)(c)[2], as applicable, of RRD Non-Modification Service Bulletin TAY-72-1835, Initial Issue, dated December 15, 2017.

(ii) If the number of DFL treatments is 13 or more, replace the LPC rotor blade with a part eligible for installation before next flight.

(2) [Reserved]

(h) Installation Prohibition

After the effective date of this AD, do not install a LPC rotor blade on any engine unless it has been determined that the LPC rotor blade has less than 13 DFL re-applications and has been marked in accordance with paragraph (g)(1)(i) of this AD.

(i) Alternative Methods of Compliance (AMOCs)

(1) The Manager, ECO Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the ECO Branch, send it to the attention of the person identified in paragraph (j)(1) of this AD. You may email your request to: ANE-AD-AMOC@faa.gov.

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

(j) Related Information

(1) For more information about this AD, contact Barbara Caufield, Aerospace Engineer, ECO Branch, FAA, 1200 District Avenue, Burlington, MA 01803; phone: 781-238-7754; fax: 781-238-7199; email: barbara.caufield@faa.gov.

(2) Refer to European Union Aviation Safety Agency (EASA) AD 2018-0055, dated March 12, 2018, for more information. You may examine the EASA AD in the AD docket on the internet at <http://www.regulations.gov> by searching for and locating it in Docket No. FAA-2019-0213.

(3) For service information identified in this AD, contact Rolls-Royce Deutschland Ltd & Co KG, Eschenweg 11, Dahlewitz,

Blankenfelde-Mahlow, Germany; phone: +49 0 33-7086-4040; fax: +49 0 33-7086-51-4040; email: rrd.techhelp@rolls.royce. You may view this referenced service information at the FAA, Engine & Propeller Standards Branch, 1200 District Avenue, Burlington, MA 01803. For information on the availability of this material at the FAA, call 781-238-7759.

Issued in Burlington, Massachusetts, on April 30, 2019.

Robert J. Ganley,

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

[FR Doc. 2019-09186 Filed 5-3-19; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

24 CFR Part 204

[Docket No. FR-6051-A-01]

Federal Housing Administration (FHA): Single-Family Loan Sale Program; Advance Notice of Proposed Rulemaking and Request for Public Comment

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Advance notice of proposed rulemaking and request for public comment.

SUMMARY: This notice seeks comments regarding FHA's Single-Family Loan Sale Program (the Program). The Program has been operating under demonstration and general disposition authority, through which eligible, single-family mortgage loans assigned to FHA in exchange for claim payment and mortgage notes are sold competitively to maximize recoveries and strengthen the FHA Mutual Mortgage Insurance Fund ("MMIF"). FHA is seeking comments from the public to improve program practices and procedures as FHA transitions the Program from a demonstration to a permanent program. FHA will consider the comments submitted in developing a permanent program for assigning defaulted Single-Family mortgage loans to FHA and disposing of the assigned loans through loan sales.

DATES: *Comment Due Date:* Written comments must be received on or before July 5, 2019.

ADDRESSES: Interested persons are invited to submit comments regarding this notice. Comments should refer to the above docket number and title. There are two methods for submitting comment.

1. *Submission of comments by mail:* Comments may be submitted by mail to the HUD Regulations Division, Office of Housing, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410-8000; telephone: (202) 708-2625 (this is not a toll-free number), or toll free (800) 481-9895. Hearing- or speech-impaired individuals may access these numbers through TTY by calling the Federal Relay Service at (800) 877-8339 (this is a toll-free number).

2. *Electronic submission of comments:* Comments may be submitted electronically through the Federal eRulemaking Portal at www.regulations.gov. FHA strongly encourages commenters to submit comments electronically. Electronic submission of comments allows the commenter maximum time to prepare and submit a comment, ensures timely receipt by FHA, and enables FHA to make them immediately available to the public. Comments submitted electronically through the www.regulations.gov website can be viewed by other commenters and interested members of the public. Commenters should follow instructions provided on that site to submit comments electronically.

Note: To receive consideration as public comments, comments must be submitted through one of the two methods specified above. Again, all submissions must refer to the docket number and title of this notice.

No Facsimile Comments. Facsimile (FAX) comments are not acceptable.

3. *Public inspection of public comments:* All properly submitted comments and communications submitted to FHA will be available for public inspection and copying between 8 a.m. and 5 p.m. weekdays at the above address. Due to security measures at the HUD Headquarters building, an appointment to review the public comments must be scheduled in advance by calling the Regulations Division at (202) 402-5731 (this is not a toll-free number). Individuals with speech or hearing impairments may access this number via TTY by calling the Federal Relay Service at (800) 877-8339. Copies of all comments submitted are available for inspection and downloading at www.regulations.gov.

FOR FURTHER INFORMATION CONTACT: John Lucey, Director, FHA Office of Asset Sales, Office of Housing, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410-8000; telephone: (202) 708-2625 (this is not a toll-free number), or toll-free: (800) 481-9895. Hearing- or speech-impaired

individuals may access these numbers through TTY by calling the Federal Relay Service at: (800) 877-8339 (this is a toll-free number).

SUPPLEMENTARY INFORMATION:

I. Background

Since 2002, FHA has operated a demonstration program to implement the general authority under section 204 of the National Housing Act, 12 U.S.C. 1710, as amended by section 601 of the Fiscal Year 1999 Departments of Veterans Affairs and Housing and Urban Development and Independent Agencies Appropriations Act (Pub. L. 105-276, approved October 21, 1998) ("FY 1999 Appropriations Act"). Section 601 of the FY 1999 Appropriations Act amended section 204 to make more effective the methods for paying insurance claims and disposing of FHA-acquired single family mortgages and properties.¹ Over the years, FHA has adopted various names to refer to this demonstration, including the Accelerated Claim and Asset Disposition (ACD) Demonstration, the Single Family Loan Sales ("SFLS") Program, and the Distressed Asset Stabilization Program ("DASP"). Nonetheless, FHA has continuously operated the demonstration for the purpose of selecting a cost- and mission-effective method of paying insurance claims and disposing of acquired notes or properties under the FHA Single-Family insurance programs. Section 204 grants FHA discretion to implement a range of disposition alternatives. This statutory provision provides FHA the flexibility to consider and make adjustments based upon current market and economic factors and conditions. Exercising this authority helps to effectively manage FHA's defaulted assets and minimizes losses to the MMIF, thereby helping to satisfy the Secretary's fiduciary duty to preserve the insurance fund.

By notice published in the **Federal Register** on February 5, 2002, FHA announced its intention to establish the ACD Demonstration to "address any programmatic concerns" and "assess its success and determine whether to implement the ACD process on a permanent basis, throughout the country."² As stated in the notice, "[m]ortgagee participation in the ACD [demonstration] is voluntary," and interested persons could submit comments.³ Approximately eight months after publishing the February 5,

¹ See 12 U.S.C. 1710(a) & (g).

² See FR-4691-N-01, Notice of FHA Accelerated Claim Disposition (ACD) Demonstration, 67 FR 5418 (February 5, 2002).

³ *Id.*

2002 Notice, FHA published an additional notice responding to public comments and conducted its first sale of defaulted mortgages through the ACD Demonstration.⁴

On June 5, 2006, FHA issued an Advance Notice of Proposed Rulemaking (“ANPR”) that solicited public comment “on HUD’s ACD program before HUD proceeds to issue a proposed rule that will commence the rulemaking process that will result in the codification of the requirements for the ACD program.”⁵ The ANPR solicited public comments in an effort to make “possible improvements to the program,” including the most efficient way to “maximize the return to the FHA insurance fund” by “minimiz[ing] the time an asset is held.”⁶ On April 30, 2007, FHA published a regulatory agenda providing public notice that FHA had withdrawn the ANPR effective March 1, 2007.⁷ Rather than proceed to rulemaking at that time, FHA adopted additional modifications to the demonstration, including changing the disposition method from joint venture to whole note sales.

II. This Document

FHA is considering notice-and-comment rulemaking to transition the Program from a demonstration to a permanent program. Accordingly, FHA is evaluating potential modifications to the Program to manage FHA’s defaulted assets and minimize losses to the MMIF, thereby helping to satisfy the Secretary’s fiduciary duty to preserve the insurance fund. The Program goals are to ensure that FHA’s public policy objectives are addressed and that returns to the MMIF from the claim payment and final disposition of each asset are maximized.

A key objective of potential changes to the Program is to continue to provide flexibility for the management of defaulted notes. Without the Program, after conducting loss mitigation, lenders in most cases would be required to foreclose the defaulted loans to perfect an insurance claim. If the properties could not be sold to a third party at foreclosure or a second-chance auction, the lender would be required to convey the property to FHA in order to be paid a mortgage insurance claim, incurring legal and holding costs that increase the financial cost to FHA through claim

payment. Properties conveyed to FHA would increase FHA’s REO inventory, posing an additional financial burden on FHA for asset management costs. Disposing of delinquent loans shortens the period between default and claim payment, reducing the financial exposure to the MMIF for costs incurred after default. Implementing the Program as a permanent program will enable FHA to better manage the claims process for defaulted loans, establish a permanent, efficient disposition structure for loans, and reduce the overall financial exposure of the MMIF.

Comments received in response to this notice will inform FHA on potential options to improve program participation, performance, and enforcement. The objective of seeking comments is to gather input from the public that will be used to review current single family forward note sale program requirements, including those pertaining to asset eligibility, the assignment claims process, loan delivery, sale structure, purchaser requirements, and enforcement mechanisms. This information will be applied to develop a regulatory framework for single family forward note sales that provides clarity about the requirements and objectives of the Program for all participants and stakeholders.

Separate from single family forward note sales, the Department has conducted four competitive sales of HUD-Held Home Equity Conversion Mortgages (HECMs) as part of the HUD-Held Vacant Loan Sales. The loans sold in these offerings have been confirmed to be vacant and all borrowers, co-borrowing spouses, or non-borrowing spouse have been confirmed to be deceased. These sales were pursuant to section (d) of Public Law 105–276 (1998), codified at 12 U.S.C. 1710(g), and pursuant to section 255 of the National Housing Act (12 U.S.C. 1715z–20).

Each of these sales were announced via separate **Federal Register** Notice and were publicly advertised.⁸

III. Request for Public Comment

This notice offers the opportunity for the public to provide information and recommendations on the design of a permanent Single-Family Loan Sale Program, including asset eligibility, the assignment claims process, loan delivery, sale structure, purchaser requirements, and enforcement mechanisms. FHA will consider all

public comments received and subsequently issue a proposed rule. At that time, FHA will accept further public comments on the proposed permanent program structure. FHA is particularly interested in public comments addressing the following issues:

3.0 Obstacles, Benefits, and Drawbacks

3.0.1 FHA Single Family Loan Sale Servicers

(1) What obstacles exist to participation in the Program and how can those obstacles be addressed?

(2) What factors are relevant to the decision to submit loans for claim payment through the Program versus alternative assignment options?

(3) What, if any, monetary costs have been or will be incurred through program participation, including but not limited to, administrative and overhead costs?

(4) What challenges have been or will be encountered in assigning and delivering loans to the Program?

(5) What are the benefits to participating in the Program?

a. Are any measurements available with respect to benefits from the Program?

b. Were there any unanticipated benefits from participation in the Program?

(6) What are the greatest drawbacks involved in participating and filing assignment claims through the Program?

a. Are any metrics available that should be collected to track drawbacks?

b. How and why, if at all, have any program participants changed, modified, or discontinued participation due to unanticipated consequences or drawbacks?

3.0.1.1 Administrative Issues

(1) *Resources:*

a. What FHA-supplied resources or assistance (e.g., program support) do servicers require for participation in the Program as an alternative claim payment mechanism?

b. What resources would be helpful?

(2) *Planning process:*

a. Beginning with the initial planning phase, what amount of time is needed by servicers to implement any necessary changes in procedures, protocols, computer programs, or technology platform, etc., to enable participation in the Program?

b. What are the steps in the process and how long will each take?

(3) *Administrative obstacles:*

a. What administrative obstacles exist to participation in the Program (e.g.,

⁴ See Notice of FHA Accelerated Claim Disposition Demonstration, 67 FR 66038 (October 29, 2002).

⁵ See Accelerated Claim and Asset Disposition (ACD) Program; Advanced Notice of Proposed Rulemaking, 71 FR 32392 (June 5, 2006).

⁶ *Id.*

⁷ See HUD Semiannual Regulatory Agenda, 72 FR 22694 (April 30, 2007).

⁸ See 81 FR 84610 (November 23, 2016); 82 FR 26708 (June 8, 2017); and 83 FR 9533 (March 6, 2018).

reallocation of personnel and resources, reprogramming and reconfiguration of computer and other systems)?

b. How can those obstacles be addressed?

(4) *Post-Sale Servicing considerations:*

a. What obstacles were encountered in servicing loans post-sale?

3.0.2 FHA Single Family Loan Sale Bidders & Purchasers

(1) What loan characteristics are most desirable in the loans offered through the Program?

(2) What type of loan pooling are most desirable for the loans offered through the Program?

(3) Were the due diligence materials supplied in the past sales satisfactory?

(4) What additional due diligence materials would be helpful?

(5) What amount of time is needed by bidders to evaluate due diligence materials to enable participation in the Program?

(6) What are the greatest obstacles for someone interested in purchasing notes?

a. What sorts of entities have the actual capacity to purchase and service notes and has that population changed over the Program's existence?

b. Has purchaser eligibility, based on requirements imposed by FHA, been an issue?

c. What are the benefits and drawbacks of partnership participation in the Program (e.g., for-profit purchasers partnering with nonprofits)? Should the Program do more to facilitate such partnerships?

Post-Sale Servicing

(1) *Post-sale considerations:*

a. Were obstacles encountered servicing loans post-sale?

b. What were the strategies used for loan disposition following purchase and which proved successful?

(2) What changes, if any, should FHA consider to purchaser performance reporting requirements (e.g., reporting on borrower outcomes)? What are the expected benefits and trade-offs of such changes?

3.1 Community Impacts

(1) What benefits has the Program provided communities?

(2) What, if any, adverse effects has the Program had on communities?

(3) What changes, if any, in the sale structure, loan eligibility criteria, or post-sale requirements on purchasers would improve community impacts? What are the policy trade-offs (e.g., potential adverse impact on bid pricing) of such changes?

3.2 Other Comments

In addition to the subject areas described above, FHA welcomes any other input that interested parties believe would contribute to the successful design and permanent implementation of the Program.

Dated: April 17, 2019.

John Garvin,

General Deputy Assistant Secretary for Housing.

[FR Doc. 2019-09124 Filed 5-3-19; 8:45 am]

BILLING CODE 4210-67-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA-R06-OAR-2018-0555; FRL-9992-89-Region 6]

Air Plan Approval; Texas; Revisions to Public Notice for Air Quality Permit Applications

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: Pursuant to the Federal Clean Air Act (CAA or the Act), the Environmental Protection Agency (EPA) is proposing one revision to the Texas State Implementation Plan (SIP) submitted on July 9, 2018 to revise the public notice provisions for certain air quality permit applications. The EPA is also proposing ministerial changes to the Code of Federal Regulations (CFR) to reflect recent EPA SIP approvals to the Texas SIP for public notice provisions for air quality permit applications.

DATES: Written comments must be received on or before June 5, 2019.

ADDRESSES: Submit your comments, identified by Docket No. EPA-R06-OAR-2018-0555, at <https://www.regulations.gov> or via email to layton.elizabeth@epa.gov. Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment

contents located outside of the primary submission (i.e., on the web, cloud, or other file sharing system). For additional submission methods, please contact Elizabeth Layton, 214-665-2136, layton.elizabeth@epa.gov. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit <https://www.epa.gov/dockets/commenting-epa-dockets>.

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

FOR FURTHER INFORMATION CONTACT:

Elizabeth Layton, Air Permits Section, EPA Region 6, 1445 Ross Avenue, Suite 700, Dallas, TX 75202, 214-665-2136, layton.elizabeth@epa.gov. To inspect the hard copy materials, please schedule an appointment with Ms. Elizabeth Layton or Mr. Bill Deese at 214-665-7253.

SUPPLEMENTARY INFORMATION:

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

I. Background

Section 110(a)(2)(C) of the CAA requires states to develop and submit to the EPA for approval into the SIP, preconstruction review and permitting programs applicable to certain new and modified stationary sources of air pollutants for attainment and nonattainment areas that cover both major and minor new sources and modifications, collectively referred to as the NSR SIP. The CAA NSR SIP program is composed of three separate programs: Prevention of Significant Deterioration (PSD), Nonattainment New Source Review (NNSR), and Minor NSR. The EPA codified minimum requirements for these State permitting programs including public participation and notification requirements at 40 CFR 51.160–51.164. Requirements specific to construction of new stationary sources and major modifications in nonattainment areas are codified in 40 CFR 51.165 for the NNSR program. Requirements for permitting of new stationary sources and major modifications in attainment areas subject to PSD, including additional public participation requirements, are found at 40 CFR 51.166. This proposed

approval action will address one revision to the Texas SIP submitted on July 9, 2018 by the Texas Commission on Environmental Quality (TCEQ). This proposal will revise the public notice revisions applicable to air quality permit applications.

II. The EPA's Evaluation

A. Evaluation of the July 9, 2018 Revisions to Texas Public Notice Requirements

On July 9, 2018, the TCEQ submitted one revision to the Texas SIP (Rule Project No. 2017-027-039-LS) revising the public notice provisions applicable to air quality permit applications under 30 Texas Administrative Code (TAC) Chapter 39, Sections 39.411 and 39.603 and Chapter 55, Section 55.152. The accompanying Technical Support Document (TSD) for this action includes a detailed analysis of the submitted revisions to the Texas SIP. In many instances the revisions are minor or non-substantive in nature and do not change the intent of the originally approved SIP requirements; these minor revisions to 39.411(e), 39.411(f), and 39.603(a), (b), and (c) update cross references, correct grammar, and renumber existing SIP approved provisions. These minor, non-substantive revisions are discussed in detail in the TSD which is included in the docket for this proposed rulemaking.

The substantive revisions to 30 TAC Sections 39.411, 39.603 and 55.152 establish new provisions that provide for one, consolidated 30-day comment period for air quality permit applications where the executive director has declared the application administratively and technically complete and has prepared a draft permit within 15 days of receipt of the application. This consolidated process would create a combined Notice of Receipt of Application and Intent to Obtain Permit (NORI) and Notice of Application and Preliminary Decision (NAPD) and would continue to require applicants to comply with the existing SIP-approved elements for newspaper notice and sign posting. The combined public notice process could be used by any permit applicant applying for a major or minor NSR permit as long as the executive director has declared their application to be administratively and technically complete and has prepared a draft permit within 15 days of the receipt of the application. The EPA has determined it is appropriate to approve these revisions to the Texas SIP as these revisions to public notice for eligible air permit applications are consistent with the existing federal requirements for

public notice by providing the required 30-day comment period and therefore, will not interfere with attainment, reasonable further progress, or any other applicable requirements of the Act.

B. Ministerial Changes to the CFR

We are also proposing ministerial changes to 40 CFR 52.2270(c) to reflect that 30 TAC Section 39.411(e)(11)(A)(v) as adopted by the State on December 7, 2016, is SIP-approved. The EPA fully approved this provision on May 9, 2018 but neglected to correctly identify this notation in the amendments to 40 CFR 52.2270(c) at that time. *See* 83 FR 21178.

III. Proposed Action

We are proposing to approve revisions to the Texas SIP that revise the NSR public notice requirements. We have determined that the revisions submitted on July 9, 2018 were developed in accordance with the CAA and EPA's regulations, policy, and guidance for NSR permitting. Therefore, under section 110 of the CAA, the EPA proposes approval of the revisions to 30 TAC Section 39.411, 39.603, and 55.152 adopted on May 9, 2018, and submitted to the EPA on July 9, 2018.

The EPA is also proposing ministerial changes to 40 CFR 52.2270(c) to reflect that 30 TAC Section 39.411(e)(11)(A)(v) adopted by the State on December 7, 2016, is SIP-approved.

IV. Incorporation by Reference

In this action, we are proposing to include in a final rule regulatory text that includes incorporation by reference. In accordance with the requirements of 1 CFR 51.5, we are proposing to incorporate by reference revisions to the Texas regulations as described in the Proposed Action section above. We have made, and will continue to make, these documents generally available electronically through www.regulations.gov and in hard copy at the EPA Region 6 office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

V. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, the EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this action merely proposes to approve state law as

meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

- Is not a "significant regulatory action" subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Is not an Executive Order 13771 (82 FR 9339, February 2, 2017) regulatory action because SIP approvals are exempted under Executive Order 12866;
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4);
- Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and
- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

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

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Carbon monoxide, Intergovernmental relations, Lead,

Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping

requirements, Sulfur oxides, Volatile organic compounds.

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

Dated: April 30, 2019.

David Gray,

Acting Regional Administrator, Region 6.

[FR Doc. 2019-09143 Filed 5-3-19; 8:45 am]

BILLING CODE 6560-50-P

Notices

Federal Register

Vol. 84, No. 87

Monday, May 6, 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.

AFRICAN DEVELOPMENT FOUNDATION

Public Quarterly Meeting of the Board of Directors

AGENCY: United States African Development Foundation.

ACTION: Notice of meeting.

SUMMARY: The U.S. African Development Foundation (USADF) will hold its quarterly meeting of the Board of Directors to discuss the agency's programs and administration. This meeting will occur at the USADF office.

DATES: The meeting date is Wednesday, May 15, 2019, 9:00 a.m. to 12:00 noon.

ADDRESSES: The meeting location is USADF, 1400 I St. NW, Suite 1000, Washington, DC 20005.

FOR FURTHER INFORMATION CONTACT: June Brown, (202) 233-8882.

Authority: Public Law 96-533 (22 U.S.C. 290h).

Dated: May 1, 2019.

June B. Brown,
General Counsel.

[FR Doc. 2019-09228 Filed 5-3-19; 8:45 am]

BILLING CODE 6117-01-P

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

May 1, 2019

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104-13. Comments are requested regarding (1) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of burden including

the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments regarding this information collection received by June 5, 2019 will be considered. Written comments should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), New Executive Office Building, 725 17th Street NW, Washington, DC 20502. Commenters are encouraged to submit their comments to OMB via email to: OIRA_Submission@OMB.EOP.GOV or fax (202) 395-5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250-7602. Copies of the submission(s) may be obtained by calling (202) 720-8958.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Animal and Plant Health Inspection Service

Title: Standards for Privately Owned Quarantine Facilities for Ruminants.
OMB Control Number: 0579-0232.

Summary of Collection: The Animal Health Protection Act (AHPA) of 2002 is the primary Federal law governing the protection of animal health. The law gives the Secretary of Agriculture broad authority to detect, control, or eradicate pests or diseases of livestock or poultry. The Secretary may also prohibit or restrict import or export of any animal or related material to prevent the spread of any livestock or poultry pest or disease. The Animal and Plant Health Inspection Service (APHIS) provides standards for the approval, operation, and oversight of privately owned quarantine facilities for imported ruminants prior to their release into the United States.

Need and Use of the Information: APHIS uses the following information activities with its efforts to maintain a system whereby private individuals can operate (with APHIS oversight) their own facilities for the quarantine of imported ruminants: (1) Application Letter; (2) Cooperative Service Agreement; (3) Daily Log and Recordkeeping; (4) Request for Variance; and Operating Procedures and Recordkeeping. Without the information, APHIS would be forced to discontinue its program of allowing the operation of privately owned quarantine facilities for ruminants, a development that would hamper U.S. animal import activities.

Description of Respondents: Business or other for-profit; State.

Number of Respondents: 5.

Frequency of Responses: Recordkeeping; Reporting: On occasion.

Total Burden Hours: 64.

Kimble Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 2019-09158 Filed 5-3-19; 8:45 am]

BILLING CODE 3410-34-P

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

May 1, 2019.

The Department of Agriculture has submitted the following information collection requirement(s) to Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104-13. Comments are requested regarding (1) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information to be collected; (4) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments regarding this information collection received by June 5, 2019 will be considered. Written comments should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), New Executive Office Building, 725–17th Street NW, Washington, DC 20502. Commenters are encouraged to submit their comments to OMB via email to: OIRA_Submission@OMB.EOP.GOV or fax (202) 395–5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250–7602. Copies of the submission(s) may be obtained by calling (202) 720–8958.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Rural Utilities Service

Title: Request for Release of Lien and/or Approval of Sale.

OMB Control Number: 0572–0041.

Summary of Collection: The Rural Utilities Service (RUS) is a credit agency of the U.S. Department of Agriculture (USDA) that makes mortgage loans and loan guarantees to finance electric, telecommunications, and water and waste facilities in rural areas. RUS manages loan programs in accordance with the Rural Electrification Act (RE Act) of 1936, 7 U.S.C. 901 *et seq.*, as amended (RE Act). A 1949 amendment to the RE Act established the telephone program in RUS with the purpose of making loans to furnish and improve rural telephone service. Section 201 of the RE Act provides that loans shall not be made unless RUS finds and certifies that the security for the loan is reasonably adequate and that the loan will be repaid within the time agreed. In addition to providing loans and loan guarantees, one of RUS main objectives is to safeguard loan security until the loan is repaid.

Need and Use of the Information: A borrower's assets provide the security for a Government loan. The selling of assets reduces the security and increases the risk of loss to the Government. A borrower seeking permission to sell some of its assets uses RUS Form 793. The form contains detailed information regarding the proposed sale. If the information in Form 793 is not collected when capital assets are sold, the capital assets securing the Government's loans

could be liquidated and the Government's security either eliminated entirely or diluted to an undesirable level. This increases the risk of loss to the Government in the case of a default.

Description of Respondents:

Businesses or other for-profits; Not-for-profit institutions.

Number of Respondents: 35.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 270.

Kimble Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 2019–09157 Filed 5–3–19; 8:45 am]

BILLING CODE 3410–15–P

DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

[Docket No. FCIC–19–0003]

Information Collection Request for Multiple Peril Crop Insurance

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Notice; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act (PRA) of 1995, the Federal Crop Insurance Corporation (FCIC) is requesting comments from all interested individuals and organizations on an extension and revision of a currently approved information collection request associated with the Multiple Peril Crop Insurance. The information collection is necessary for producers to submit for their participation in the Federal crop insurance program.

DATES: We will consider comments that we receive by the close of business July 5, 2019.

ADDRESSES: We invite you to submit comments on this notice. In your comments, please include OMB Control Number 0563–0053. FCIC prefers that comments be submitted electronically through the Federal eRulemaking Portal. You may submit comments by any of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.

- *Mail:* Director, Product Administration and Standards Division, Risk Management Agency, U.S. Department of Agriculture, P.O. Box 419205, Kansas City, MO 64133–6205.

You may also send comments to the Desk Officer for Agriculture, Office of the Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503. Comments will

be available for public inspection online at <http://www.regulations.gov>.

FOR FURTHER INFORMATION CONTACT:

Francie Tolle; telephone: (816) 926–3406; email: Francie.Tolle@usda.gov.

SUPPLEMENTARY INFORMATION:

Title: Multiple Peril Crop Insurance.

OMB Control Number: 0563–0053.

Expiration Date of Approval: June 30, 2019.

Type of Request: Extension with a revision.

Abstract: The information collection requirements for this renewal package are necessary for administering the Federal crop insurance program. Producers are required to report specific data when they apply for Federal crop insurance and report acreage, yields, and notices of loss. Insurance companies accept applications; issue policies; establish and provide insurance coverage; compute liability, premium, subsidies, and losses; indemnify producers; and report specific data to FCIC as required in Appendix III/M13 Handbook. Commodities for which Federal crop insurance is available are included in this information collection package.

Estimate of Average Time to Respond: The public reporting burden for this collection of information is estimated to average 0.75 of an hour per response.

Type of Respondents: Producers and insurance companies reinsured by FCIC.

Estimated Annual Number of Respondents: 547,385.

Estimated Number of Responses per Respondent: 19.1.

Estimated Total Annual Responses: 10,446,340.

Estimated Total Annual Burden on Respondents: 7,884,471 hours.

FCIC is requesting the Office of Management and Budget (OMB) to extend the approval of this information collection for an additional 3 years.

We are requesting comments on all aspects of this information collection to help us to:

- (1) Evaluate whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

- (2) Evaluate the accuracy of the agency's estimate of the burden of the 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. All comments received in response to this notice, including names and addresses when provided, a matter of public record. Comments will be summarized and included in the request for OMB approval.

Martin R. Barbre,

Manager, Federal Crop Insurance Corporation.

[FR Doc. 2019-09223 Filed 5-3-19; 8:45 am]

BILLING CODE 3410-34-P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Alaska Advisory Committee

AGENCY: U.S. Commission on Civil Rights.

ACTION: Announcement of meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act (FACA) that a meeting of the Alaska Advisory Committee (Committee) to the Commission will be held at 3:00 p.m. Alaska Time (AKT) on Monday, May 13, 2019. The purpose of the meeting is for the Committee to review the draft of the Alaska Native voting rights report.

DATES: The meeting will be held on Monday, May 13, 2019 at 3:00 p.m. AKT.

ADDRESSES: *Public Call Information:* Dial: 877-260-1479 Conference ID: 1816433.

FOR FURTHER INFORMATION CONTACT: Ana Victoria Fortes (DFO) at afortes@usccr.gov or (213) 894-3437.

SUPPLEMENTARY INFORMATION: This meeting is available to the public through the following toll-free call-in number: 877-260-1479, conference ID number: 1816433. Any interested member of the public may call this number and listen to the meeting. Callers can expect to incur charges for calls they initiate over wireless lines, and the Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Persons with hearing impairments may also follow the proceedings by first calling the Federal Relay Service at 1-800-877-8339 and providing the Service with the conference call number and conference ID number.

Members of the public are entitled to make comments during the open period

at the end of the meeting. Members of the public may also submit written comments; the comments must be received in the Regional Programs Unit within 30 days following the meeting. Written comments may be mailed to the Western Regional Office, U.S. Commission on Civil Rights, 300 North Los Angeles Street, Suite 2010, Los Angeles, CA 90012. They may be faxed to the Commission at (213) 894-0508, or emailed Ana Victoria Fortes at afortes@usccr.gov. Persons who desire additional information may contact the Regional Programs Unit at (213) 894-3437.

Records and documents discussed during the meeting will be available for public viewing prior to and after the meeting at <https://www.facadatabase.gov/FACA/FACAPublicViewCommitteeDetails?id=a10t0000001gzlJAAA>.

Please click on the "Meeting Details" and "Documents" links. Records generated from this meeting may also be inspected and reproduced at the Regional Programs Unit, as they become available, both before and after the meeting. Persons interested in the work of this Committee are directed to the Commission's website, <https://www.usccr.gov>, or may contact the Regional Programs Unit at the above email or street address.

Agenda

- I. Welcome
- II. Approval of Minutes from April 16, 2019 meeting
- III. Review Report Draft
- IV. Public Comment
- V. Next Steps
- VI. Adjournment

Exceptional Circumstance: Pursuant to 41 CFR 102-3.150, the notice for this meeting is given less than 15 calendar days prior to the meeting because of the exceptional circumstances of the federal government shutdown.

Dated: April 30, 2019.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2019-09155 Filed 5-3-19; 8:45 am]

BILLING CODE P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Louisiana Advisory Committee to Discuss the Selection of a Civil Rights Topic in Louisiana for the Committee's Next Project

AGENCY: U.S. Commission on Civil Rights.

ACTION: Announcement of meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act that the Louisiana Advisory Committee (Committee) will hold a meeting on Wednesday, May 15, 2019 at 3:00 p.m. Central; and Thursday, May 30, 2019, at 2:00 p.m. Central for discussions on civil rights topics in Louisiana.

DATES: The meetings will be held on Wednesday, May 15, 2019 at 3:00 p.m. Central; and Thursday, May 30, 2019, at 2:00 p.m. Central.

FOR FURTHER INFORMATION CONTACT:

David Barreras, DFO, at dbarreras@usccr.gov or 312-353-8311.

SUPPLEMENTARY INFORMATION:

Public Call Information: Dial: 877-260-1479, Conference ID: 9980081. Members of the public can listen to the discussion. This meeting is available to the public through the following toll-free call-in number: 877-260-1479, conference ID: 9980081. Any interested member of the public may call this number and listen to the meeting. An open comment period will be provided to allow members of the public to make a statement as time allows. The conference call operator will ask callers to identify themselves, the organization they are affiliated with (if any), and an email address prior to placing callers into the conference room. Callers can expect to incur regular charges for calls they initiate over wireless lines, according to their wireless plan. The Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Persons with hearing impairments may also follow the proceedings by first calling the Federal Relay Service at 1-800-977-8339 and providing the Service with the conference call number and conference ID number.

Members of the public are also entitled to submit written comments; the comments must be received in the regional office within 30 days following the meeting. Written comments may be mailed to the Midwestern Regional Office, U.S. Commission on Civil Rights, 230 S Dearborn St., Suite 2120, Chicago, IL 60604. They may also be faxed to the Commission at (312) 353-8324 or emailed to David Barreras at dbarreras@usccr.gov. Persons who desire additional information may contact the Midwestern Regional Office at (312) 353-8311.

Records generated from this meeting may be inspected and reproduced at the Midwestern Regional Office, as they

become available, both before and after the meeting. Records of the meeting will be available via www.facadatabase.gov under the Commission on Civil Rights, Louisiana Advisory Committee link (<http://www.facadatabase.gov/committee/committee.aspx?cid=251&aid=17>). Persons interested in the work of this Committee are directed to the Commission's website, <http://www.usccr.gov>, or may contact the Midwestern Regional Office at the above email or street address.

Agenda

Welcome and Roll Call
Discussion of Civil Rights Topics in Louisiana
Next Steps
Public Comment
Adjournment
Exceptional Circumstance: Pursuant to 41 CFR 102–3.150, the notice for this

meeting is given less than 15 calendar days prior to the meeting because of the exceptional circumstances of the federal government shutdown.

Dated: May 1, 2019.

David Mussatt,
Supervisory Chief, Regional Programs Unit.
[FR Doc. 2019–09207 Filed 5–3–19; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

Economic Development Administration

Notice of Petitions by Firms for Determination of Eligibility To Apply for Trade Adjustment Assistance

AGENCY: Economic Development Administration, U.S. Department of Commerce.

ACTION: Notice and opportunity for public comment.

SUMMARY: The Economic Development Administration (EDA) has received petitions for certification of eligibility to apply for Trade Adjustment Assistance from the firms listed below. Accordingly, EDA has initiated investigations to determine whether increased imports into the United States of articles like or directly competitive with those produced by each of the firms contributed importantly to the total or partial separation of the firms' workers, or threat thereof, and to a decrease in sales or production of each petitioning firm.

SUPPLEMENTARY INFORMATION:

LIST OF PETITIONS RECEIVED BY EDA FOR CERTIFICATION OF ELIGIBILITY TO APPLY FOR TRADE ADJUSTMENT ASSISTANCE

[04/23/2019 through 04/30/2019]

Firm name	Firm address	Date accepted for investigation	Product(s)
Coast Lamp Manufacturing, Inc.	35 Church Street, Canton, NC 28716.	4/24/2019	The firm manufactures residential portable lighting fixtures, including table lamps and floor lamps.
Graybill Machines, Inc	221 West Lexington Road, Lititz, PA 17543.	4/26/2019	The firm manufactures custom machinery for the production, modification, and refinement of food products.
Combustion Associates, Inc	555 Monica Circle, Corona, CA 92880.	4/30/2019	The firm manufactures packaged combustion and gas turbine-power generation systems, compressors, and related components.

Any party having a substantial interest in these proceedings may request a public hearing on the matter. A written request for a hearing must be submitted to the Trade Adjustment Assistance Division, Room 71030, Economic Development Administration, U.S. Department of Commerce, Washington, DC 20230, no later than ten (10) calendar days following publication of this notice. These petitions are received pursuant to section 251 of the Trade Act of 1974, as amended.

Please follow the requirements set forth in EDA's regulations at 13 CFR 315.9 for procedures to request a public hearing. The Catalog of Federal Domestic Assistance official number and title for the program under which these petitions are submitted is 11.313, Trade Adjustment Assistance for Firms.

Irette Patterson,

Program Analyst.

[FR Doc. 2019–09211 Filed 5–3–19; 8:45 am]

BILLING CODE 3510-WH-P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[S–79–2019]

Foreign-Trade Zone 186—Waterville, Maine; Application for Subzone; Maine Coast Shellfish LLC, Waterville, Maine

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the City of Waterville, grantee of FTZ 186, requesting subzone status for the facility of Maine Coast Shellfish LLC, located in York, Maine. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR part 400). It was formally docketed on May 1, 2019.

The proposed subzone (0.10 acres) is located at 15 Hannaford Drive, York, Maine. No authorization for production activity has been requested at this time. The proposed subzone would be subject to the existing activation limit of FTZ 186.

In accordance with the Board's regulations, Elizabeth Whiteman of the FTZ Staff is designated examiner to review the application and make recommendations to the Executive Secretary.

Public comment is invited from interested parties. Submissions shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is June 17, 2019. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period to July 1, 2019.

A copy of the application will be available for public inspection at the Office of the Executive Secretary, Foreign-Trade Zones Board, Room 21013, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230–0002, and in the "Reading Room" section of the Board's website, which is accessible via www.trade.gov/ftz.

For further information, contact Elizabeth Whiteman at

Elizabeth.Whiteman@trade.gov or at (202) 482-0473.

Dated: May 1, 2019.

Andrew McGilvray,
Executive Secretary.

[FR Doc. 2019-09209 Filed 5-3-19; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

Electronic Submission of Applications

AGENCY: Foreign-Trade Zones Board, International Trade Administration, Department of Commerce.

ACTION: Transition to solely electronic submission of applications.

SUMMARY: Pursuant to 15 CFR 400.21(i), applications to the Foreign-Trade Zones Board henceforth should be submitted solely in electronic form via email to ftz@trade.gov.

DATES: May 6, 2019.

FOR FURTHER INFORMATION CONTACT: Staff, Foreign-Trade Zones Board, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Room 21013, Washington, DC 20230, ftz@trade.gov or (202) 482-2862.

SUPPLEMENTARY INFORMATION:

Additional information is available on the Foreign-Trade Zone Board's website, which is accessible via www.trade.gov/ftz.

On February 28, 2012, the Foreign-Trade Zones (FTZ) Board published a notice in the **Federal Register** that revised its regulations issued pursuant to the FTZ Act of 1934, as amended, concerning the authorization and regulation of foreign-trade zones and zone activity in the United States.¹ Section 400.21 of the revised regulations established general requirements for applications to the FTZ Board. Paragraph (i) of section 400.21 provides that, “{u}nless the Executive Secretary alters the requirements of this paragraph, the applicant shall submit an original (including original documents to meet the requirements of paragraphs (c) and (d)(1)(iii) of this section) and one copy of the application, both on 8½ × 11 (216 × 279 mm) paper, and an electronic copy.” Pursuant to 15 CFR 400.21(i), to reduce the burden on applicants and to facilitate a full transition to an electronic application process, applications to the FTZ Board henceforth should be submitted solely

in electronic form via email to ftz@trade.gov.

Dated: May 1, 2019.

Andrew McGilvray,
Executive Secretary.

[FR Doc. 2019-09210 Filed 5-3-19; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

[A-570-967, C-570-968]

Aluminum Extrusions From the People's Republic of China: Initiation of Anti-Circumvention and Scope Inquiries on the Antidumping Duty and Countervailing Duty Orders

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: In response to a request from Air Master Awning LLC (Air Master), the Department of Commerce (Commerce) is initiating anti-circumvention inquiries to determine whether imports of aluminum jalousie shutters that are processed in the Dominican Republic from window frame extrusions produced in the People's Republic of China (China), are circumventing the antidumping duty (AD) and countervailing duty (CVD) orders on aluminum extrusions from China. We are also self-initiating scope inquiries to determine whether the aluminum jalousie shutters are subject to the AD and CVD orders.

DATES: Applicable May 6, 2019.

FOR FURTHER INFORMATION CONTACT: Fred Baker, 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) 482-2924.

SUPPLEMENTARY INFORMATION:

Background

Following Commerce's final affirmative determinations of dumping and countervailable subsidies,¹ and the U.S. International Trade Commission (ITC)'s finding of material injury,² Commerce issued AD and CVD orders on imports of aluminum extrusions

from China, which were published in the **Federal Register** on May 26, 2011.³

On September 25, 2018, pursuant to section 781(b) of the Tariff Act of 1930, as amended (the Act) and 19 CFR 351.225(h), Air Master requested that Commerce initiate anti-circumvention inquiries on imports of aluminum jalousie shutters completed or assembled in the Dominican Republic using window frame extrusions sourced from China that are subject to the Orders.⁴ Air Master alleges that the completion/assembly of the aluminum jalousie shutters constitutes a “minor alteration,” within the meaning of 781(c) of the Act.⁵ Further, pursuant to 19 CFR 351.225(f), Air Master requested that Commerce issue preliminary determinations of circumvention of the Orders concurrently with the initiation, to suspend liquidation of imports of aluminum jalousie shutters from the Dominican Republic.⁶ Air Master submitted supplements to its request in October and December 2018.⁷ Separately, Commerce issued a supplemental questionnaire to Air Master on February 11, 2019,⁸ to which Air Master responded on February 19, 2019.⁹

³ See *Aluminum Extrusions from the People's Republic of China: Antidumping Duty Order*, 76 FR 30650 (May 26, 2011); and *Aluminum Extrusions from the People's Republic of China: Countervailing Duty Order*, 76 FR 30653 (May 26, 2011) (collectively, the Orders).

⁴ See Air Master Letter, “Aluminum Extrusions from the People's Republic of China, A-570-967 and C-570-968; Request for Circumvention Ruling Pursuant to Section 781(c) of the Tariff Act of 1930,” dated September 25, 2018 (Anti-Circumvention Ruling Request).

⁵ *Id.* at 2. We note that Air Master's Anti-Circumvention Ruling Request alleges that the assembly of the aluminum jalousie shutters in the Dominican Republic represents a minor alteration within the meaning of section 781(c) of the Act. Because section 781(b) of the Act relates to “merchandise completed or assembled in other foreign countries,” and section 781(c) of the Act relates to “minor alterations of merchandise,” we are initiating anti-circumvention inquiries under both 781(b) and (c) of the Act.

⁶ *Id.* at 2 and 19.

⁷ See Air Master Letter, “Aluminum Extrusions from the People's Republic of China, A-570-967 and C-570-968; Request for Circumvention Ruling Pursuant to Section 781(c) of the Tariff Act of 1930,” dated October 1, 2018 (First Supplement to Anti-Circumvention Ruling Request); and Air Master Letter, “Aluminum Extrusions from the People's Republic of China, A-570-967 and C-570-968; Request for Circumvention Ruling Pursuant to Section 781(c) of the Tariff of 1930; Submission of Supplemental Information,” dated December 18, 2018.

⁸ See Commerce Letter, “Aluminum Extrusions from the People's Republic of China Anti-Circumvention Inquiry: Air Master Awning, LLP,” dated February 11, 2019.

⁹ See Air Master Letter, “Aluminum Extrusions from the People's Republic of China, A-570-967 and C-570-968; Anticircumvention Inquiry; Response of Air Master Awning LLC to the

¹ See *Foreign-Trade Zones in the United States*, 77 FR 12112 (February 28, 2012).

² See *Certain Aluminum Extrusions from China*, 76 FR 29007 (May 19, 2011).

On October 19, 2018, the Puerto Rico Agencies Co., Inc., submitted comments on the proposed anti-circumvention inquiries.¹⁰ On April 18, 2019, the Aluminum Extrusions Fair Trade Committee (the petitioner) submitted a letter in support of Air Master's request for anti-circumvention inquiries.¹¹

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, 2019.¹² If the new deadline falls on a non-business day, in accordance with Commerce's practice, the deadline will become the next business day. Between November 9, 2018, and April 26, 2019, Commerce extended the initiation deadline for Air Master's request.¹³ The revised deadline is now May 2, 2019.

Scope of the Orders

The merchandise covered by the *Orders* is aluminum extrusions which are shapes and forms, produced by an extrusion process, made from aluminum alloys having metallic elements corresponding to the alloy series designations published by The Aluminum Association commencing with the numbers 1, 3, and 6 (or proprietary equivalents or other

certifying body equivalents). Specifically, the subject merchandise made from aluminum alloy with an Aluminum Association series designation commencing with the number 1 contains not less than 99 percent aluminum by weight. The subject merchandise made from aluminum alloy with an Aluminum Association series designation commencing with the number 3 contains manganese as the major alloying element, with manganese accounting for not more than 3.0 percent of total materials by weight. The subject merchandise is made from an aluminum alloy with an Aluminum Association series designation commencing with the number 6 contains magnesium and silicon as the major alloying elements, with magnesium accounting for at least 0.1 percent but not more than 2.0 percent of total materials by weight, and silicon accounting for at least 0.1 percent but not more than 3.0 percent of total materials by weight. The subject aluminum extrusions are properly identified by a four-digit alloy series without either a decimal point or leading letter. Illustrative examples from among the approximately 160 registered alloys that may characterize the subject merchandise are as follows: 1350, 3003, and 6060.

Aluminum extrusions are produced and imported in a wide variety of shapes and forms, including, but not limited to, hollow profiles, other solid profiles, pipes, tubes, bars, and rods. Aluminum extrusions that are drawn subsequent to extrusion (drawn aluminum) are also included in the scope.

Aluminum extrusions are produced and imported with a variety of finishes (both coatings and surface treatments), and types of fabrication. The types of coatings and treatments applied to subject aluminum extrusions include, but are not limited to, extrusions that are mill finished (*i.e.*, without any coating or further finishing), brushed, buffed, polished, anodized (including brightdip anodized), liquid painted, or powder coated. Aluminum extrusions may also be fabricated, *i.e.*, prepared for assembly. Such operations would include, but are not limited to, extrusions that are cut-to-length, machined, drilled, punched, notched, bent, stretched, knurled, swedged, mitered, chamfered, threaded, and spun. The subject merchandise includes aluminum extrusions that are finished (coated, painted, *etc.*), fabricated, or any combination thereof.

Subject aluminum extrusions may be described at the time of importation as

parts for final finished products that are assembled after importation, including, but not limited to, window frames, door frames, solar panels, curtain walls, or furniture. Such parts that otherwise meet the definition of aluminum extrusions are included in the scope. The scope includes the aluminum extrusion components that are attached (*e.g.*, by welding or fasteners) to form subassemblies, *i.e.*, partially assembled merchandise unless imported as part of the finished goods "kit" defined further below. The scope does not include the non-aluminum extrusion components of subassemblies or subject kits.

Subject extrusions may be identified with reference to their end use, such as fence posts, electrical conduits, door thresholds, carpet trim, or heat sinks (that do not meet the finished heat sink exclusionary language below). If such goods are subject merchandise if they otherwise meet the scope definition, regardless of whether they are ready for use at the time of importation.

The following aluminum extrusion products are excluded: Aluminum extrusions made from aluminum alloy with an Aluminum Association series designations commencing with the number 2 and containing in excess of 1.5 percent copper by weight; aluminum extrusions made from aluminum alloy with an Aluminum Association series designation commencing with the number 5 and containing in excess of 1.0 percent magnesium by weight; and aluminum extrusions made from aluminum alloy with an Aluminum Association series designation commencing with the number 7 and containing in excess of 2.0 percent zinc by weight.

The scope also excludes finished merchandise containing aluminum extrusions as parts that are fully and permanently assembled and completed at the time of entry, such as finished windows with glass, doors with glass or vinyl, picture frames with glass pane and backing material, and solar panels. The scope also excludes finished goods containing aluminum extrusions that are entered unassembled in a "finished goods kit." A finished goods kit is understood to mean a packaged combination of parts that contains, at the time of importation, all of the necessary parts to fully assemble a final finished good and requires no further finishing or fabrication, such as cutting or punching, and is assembled "as is" into a finished product. An imported product will not be considered a "finished goods kit" and therefore excluded from the scope of the *Orders* merely by including fasteners such as

Department's Request for Further Information," dated February 19, 2019 (Second Anti-Circumvention Ruling Request).

¹⁰ See Letter, "Re: Aluminum Windows from the Dominican Republic/Air Master Awing (sic) LLC," placed on the record by Commerce in a Memorandum dated April 25, 2019.

¹¹ See Petitioner's Letter, "Aluminum Extrusions from the People's Republic of China: Letter in Support of Air Master Awning LLC's Request for an Anti-Circumvention Inquiry," dated April 18, 2019.

¹² 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 these segments of the proceedings have been extended by 40 days.

¹³ See Memorandum, "Aluminum Extrusions from the People's Republic of China—Extension of Time to Determine Whether to Initiate Anti-Circumvention Inquiry," dated November 9, 2018; Memorandum, "Aluminum Extrusions from the People's Republic of China—Extension of Time to Determine Whether to Initiate Anti-Circumvention Inquiry," dated December 20, 2018; Memorandum, "Aluminum Extrusions from the People's Republic of China—Extension of Time to Determine Whether to Initiate Anti-Circumvention Inquiry," dated April 5, 2019; Memorandum, "Aluminum Extrusions from the People's Republic of China—Extension of Time to Determine Whether to Initiate Anti-Circumvention Inquiry," dated April 12, 2019; and Memorandum, "Aluminum Extrusions from the People's Republic of China—Extension of Time to Determine Whether to Initiate Anti-Circumvention Inquiry," dated April 26, 2019.

screws, bolts, *etc.* in the packaging with an aluminum extrusion product.

The scope also excludes aluminum alloy sheet or plates produced by other than the extrusion process, such as aluminum products produced by a method of casting. Cast aluminum products are properly identified by four digits with a decimal point between the third and fourth digit. A letter may also precede the four digits. The following Aluminum Association designations are representative of aluminum alloys for casting: 208.0, 295.0, 308.0, 355.0, C355.0, 356.0, A356.0, A357.0, 360.0, 366.0, 380.0, A380.0, 413.0, 443.0, 514.0, 518.1, and 712.0. The scope also excludes pure, unwrought aluminum in any form.

The scope also excludes collapsible tubular containers composed of metallic elements corresponding to alloy code 1080A as designated by the Aluminum Association where the tubular container (excluding the nozzle) meets each of the following dimensional characteristics: (1) Length of 37 millimeters (“mm”) or 62 mm, (2) outer diameter of 11.0 mm or 12.7 mm, and (3) wall thickness not exceeding 0.13 mm.

Also excluded from the scope of the *Orders* are finished heat sinks. Finished heat sinks are fabricated heat sinks made from aluminum extrusions the design and production of which are organized around meeting certain specified thermal performance requirements and which have been fully, albeit not necessarily individually, tested to comply with such requirements.

Imports of the subject merchandise are provided for under the following categories of the Harmonized Tariff Schedule of the United States (HTSUS): 8541.90.00.00, 8708.10.30.50, 8708.99.68.90, 6603.90.8100, 7616.99.51, 8479.89.94, 8481.90.9060, 8481.90.9085, 9031.90.9195, 8424.90.9080, 9405.99.4020, 9031.90.90.95, 7616.10.90.90, 7609.00.00, 7610.10.00, 7610.90.00, 7615.10.30, 7615.10.71, 7615.10.91, 7615.19.10, 7615.19.30, 7615.19.50, 7615.19.70, 7615.19.90, 7615.20.00, 7616.99.10, 7616.99.50, 8479.89.98, 8479.90.94, 8513.90.20, 9403.10.00, 9403.20.00, 7604.21.00.00, 7604.29.10.00, 7604.29.30.10, 7604.29.30.50, 7604.29.50.30, 7604.29.50.60, 7608.20.00.30, 7608.20.00.90, 8302.10.30.00, 8302.10.60.30, 8302.10.60.60, 8302.10.60.90, 8302.20.00.00, 8302.30.30.10, 8302.30.30.60, 8302.41.30.00, 8302.41.60.15, 8302.41.60.45, 8302.41.60.50, 8302.41.60.80, 8302.42.30.10, 8302.42.30.15, 8302.42.30.65,

8302.49.60.35, 8302.49.60.45, 8302.49.60.55, 8302.49.60.85, 8302.50.00.00, 8302.60.90.00, 8305.10.00.50, 8306.30.00.00, 8414.59.60.90, 8415.90.80.45, 8418.99.80.05, 8418.99.80.50, 8418.99.80.60, 8419.90.10.00, 8422.90.06.40, 8473.30.20.00, 8473.30.51.00, 8479.90.85.00, 8486.90.00.00, 8487.90.00.80, 8503.00.95.20, 8508.70.00.00, 8515.90.20.00, 8516.90.50.00, 8516.90.80.50, 8517.70.00.00, 8529.90.73.00, 8529.90.97.60, 8536.90.80.85, 8538.10.00.00, 8543.90.88.80, 8708.29.50.60, 8708.80.65.90, 8803.30.00.60, 9013.90.50.00, 9013.90.90.00, 9401.90.50.81, 9403.90.10.40, 9403.90.10.50, 9403.90.10.85, 9403.90.25.40, 9403.90.25.80, 9403.90.40.05, 9403.90.40.10, 9403.90.40.60, 9403.90.50.05, 9403.90.50.10, 9403.90.50.80, 9403.90.60.05, 9403.90.60.10, 9403.90.60.80, 9403.90.70.05, 9403.90.70.10, 9403.90.70.80, 9403.90.80.10, 9403.90.80.15, 9403.90.80.20, 9403.90.80.41, 9403.90.80.51, 9403.90.80.61, 9506.11.40.80, 9506.51.40.00, 9506.51.60.00, 9506.59.40.40, 9506.70.20.90, 9506.91.00.10, 9506.91.00.20, 9506.91.00.30, 9506.99.05.10, 9506.99.05.20, 9506.99.05.30, 9506.99.15.00, 9506.99.20.00, 9506.99.25.80, 9506.99.28.00, 9506.99.55.00, 9506.99.60.80, 9507.30.20.00, 9507.30.40.00, 9507.30.60.00, 9507.90.60.00, and 9603.90.80.50.

The subject merchandise entered as parts of other aluminum products may be classifiable under the following additional Chapter 76 subheadings: 7610.10, 7610.90, 7615.19, 7615.20, and 7616.99, as well as under other HTSUS chapters. In addition, fin evaporator coils may be classifiable under HTSUS numbers: 8418.99.80.50 and 8418.99.80.60. While HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of the *Orders* is dispositive.

Merchandise Subject to the Anti-Circumvention and Scope Inquiries

These anti-circumvention and scope inquiries cover aluminum jalousie shutters exported from the Dominican Republic that are manufactured from window frame extrusions produced in China. Commerce intends to consider whether these inquiries should apply to all exports of extruded aluminum products from the Dominican Republic that meet the description of the *Orders*.

Allegations Supporting Initiation of Anti-Circumvention Proceedings: Merchandise Completed or Assembled in Other Foreign Countries

Section 781(b)(1) of the Act provides that Commerce may find circumvention of an AD or CVD order when merchandise of the same class or kind subject to the order is completed or assembled in a foreign country other than the country to which the order applies. In conducting an anti-circumvention inquiry, under section 781(b)(1) of the Act, Commerce relies on the following criteria: (A) Merchandise imported into the United States is of the same class or kind as any merchandise produced in a foreign country that is the subject of an AD or CVD order or finding; (B) before importation into the United States, such imported merchandise is completed or assembled in another foreign country from merchandise which is subject to the order or merchandise which is produced in the foreign country that is subject to the order; (C) the process of assembly or completion in the foreign country referred to in section (B) is minor or insignificant; (D) the value of the merchandise produced in the foreign country to which the AD or CVD order applies is a significant portion of the total value of the merchandise exported to the United States; and (E) the administering authority determines that action is appropriate to prevent evasion of such order or finding. As discussed below, Air Master provided evidence with respect to these criteria.

A. Merchandise of the Same Class or Kind

Air Master claims that aluminum jalousie shutters exported to the United States are of the same class or kind as that covered by the *Orders* and substantiated its claim with evidence showing that the merchandise from the Dominican Republic enters the United States under the same tariff classification as subject merchandise.¹⁴

B. Completion of Merchandise in a Foreign Country

Section 781(b)(1)(B)(ii) of the Act requires that Commerce must determine whether, “before importation into the United States, such imported merchandise is completed or assembled in another foreign country from merchandise which . . . is produced in the foreign country with respect to which such an order or finding applies.” Air Master presented evidence from United Nations Commodity Trade

¹⁴ See Anti-Circumvention Ruling Request at 7 and 18.

Statistics Database (UN COMTRADE) showing substantial imports of Chinese doors, windows, and frames into the Dominican Republic following imposition of the *Orders* in 2011.¹⁵ Air Master also provided evidence from the ITC's Trade Dataweb showing that imports into Puerto Rico of aluminum windows and frames from China significantly decreased after the imposition of the *Orders*,¹⁶ and that imports into Puerto Rico of aluminum windows and frames from the Dominican Republic decreased significantly after imposition of the *Orders*. However, imports increased again beginning in March 2018, when Air Master alleges the circumvention began.¹⁷

C. Minor or Insignificant Process

Air Master maintains that the process for manufacturing aluminum jalousie shutters from window frame extrusions represents a minor alteration.¹⁸ Under section 781(b)(2) of the Act, Commerce considers five factors in determining whether the process of assembly or completion in the foreign country is minor or insignificant: (1) The level of investment in the foreign country in which the merchandise is completed or assembled; (2) the level of research and development in the foreign country in which the merchandise is completed or assembled; (3) the nature of the production process in the foreign country in which the merchandise is completed or assembled; (4) the extent of production facilities in the foreign country in which the merchandise is completed or assembled, and (5) whether the value of the processing performed in the foreign country in which the merchandise is completed or assembled represents a small proportion of the value of the merchandise imported into the United States.

(1) Level of Investment

Air Master contends that the level of investment necessary to support the assembly operations of Dominican companies that can produce aluminum jalousie shutters from window frame extrusions in the Dominican Republic is insignificant.¹⁹ In support of its contention, Air Master compares the investment necessary to perform the finishing operations in the Dominican

Republic with the investment necessary to produce window frame extrusions.²⁰ Air Master's analysis included the building and all equipment.²¹ According to Air Master, even the smallest extruder in China would require an initial investment at least 2,000 times greater than the investment required to perform the finishing operations in the Dominican Republic.²² Air Master concludes, therefore, that in comparison to the investment necessary to extrude aluminum in China, the cost of the finishing operations in the Dominican Republic is insignificant.²³

(2) Level of Research and Development

Air Master asserts that there is no research or development for aluminum jalousie shutters taking place in the Dominican Republic, as aluminum jalousie shutters are not a technologically advanced or sophisticated product.²⁴ According to Air Master, there has been no significant technological advancement in the product itself or in its production for years.²⁵

(3) Nature of Production Process

According to Air Master, the finishing operations performed in the Dominican Republic consist of merely cutting to length and screwing together Chinese window frame extrusions.²⁶ This process, Air Master argues, constitutes approximately 15 percent of the value of an aluminum jalousie shutter,²⁷ and is, thus, only a minor alteration of the merchandise.²⁸

(4) Extent of Production Facilities in the Dominican Republic Air Master asserts that the production facilities for aluminum jalousie shutters in the Dominican Republic are limited to the operations that assemble Chinese window frame extrusions into aluminum jalousie shutters that are then exported to Puerto Rico.²⁹ Air Master also states that there are only three such production facilities in the Dominican Republic.³⁰

(5) Value of Processing in the Dominican Republic

Air Master asserts that producing window frame extrusions in China

accounts for a large percentage of the total value of aluminum jalousie shutters that are produced in the Dominican Republic using window frame extrusions from China.³¹ Using its own costs as a reference, Air Master estimates that the aluminum window frame extrusions account for at least 85 percent of the cost of the aluminum jalousie shutter assembled in the Dominican Republic.³²

D. Additional Factors To Consider in Determining Whether Action Is Necessary

Section 781(b)(3) of the Act directs Commerce to consider additional factors in determining whether to include merchandise assembled or completed in a foreign country within the scope of the order, such as: "(A) The pattern of trade, including sourcing patterns; (B) whether the manufacturer or exporter of the merchandise . . . is affiliated with the person who uses the merchandise . . . to assemble or complete in the foreign country the merchandise that is subsequently imported into the United States; and (C) whether imports into the foreign country of the merchandise . . . have increased after the initiation of the investigation which resulted in the issuance of such order or finding."

Regarding patterns of trade, Air Master contends that publicly available import data from UN COMTRADE document that imports of Chinese aluminum doors, windows, and frames into the Dominican Republic have increased significantly in recent years.³³ It also states that the ITC Trade Dataweb shows that there has been a surge in imports of aluminum windows and frames from the Dominican Republic into Puerto Rico starting in March 2018.³⁴ Air Master did not provide evidence that Chinese exporters of window frame extrusions are affiliated with the Dominican finishers.

Allegations Supporting Initiation of Anti-Circumvention Proceedings: Minor Alterations of Merchandise

Section 781(c)(1) of the Act provides that Commerce may find circumvention of an AD or CVD order when products which are of the class or kind of merchandise subject to an AD or CVD order have been "altered in form or appearance in minor respects . . . whether or not included in the same tariff classification." Section 781(c)(2) of the Act provides an exception that "[p]aragraph 1 shall not apply with

¹⁵ *Id.* at 18. Air Master notes that because UN COMTRADE data does not report imports at the 10-digit statistical subheading level, it is not possible to obtain data specific to aluminum windows and frames.

¹⁶ *Id.* at 6.

¹⁷ *Id.* at 18.

¹⁸ *Id.* at 2.

¹⁹ *Id.* at 12.

²⁰ *Id.* at 12–14.

²¹ *Id.*

²² *Id.* at 14.

²³ *Id.*

²⁴ *Id.* at 16.

²⁵ *Id.*

²⁶ *Id.* at 9.

²⁷ *Id.* at 15.

²⁸ *Id.* at 9.

²⁹ *Id.* at 17.

³⁰ *Id.*; see also First Supplement to Anti-Circumvention Ruling Request at 2.

³¹ See Anti-Circumvention Ruling Request at 15.

³² *Id.*

³³ *Id.* at 18.

³⁴ *Id.* at 18–19.

respect to altered merchandise if the administering authority determines that it would be unnecessary to consider the altered merchandise within the scope of the {AD or CVD} order{.}”

Although the statute is silent as to what factors to consider in determining whether alterations are properly considered “minor,” the legislative history of this provision indicates that there are certain factors which should be considered before reaching an anti-circumvention determination. In conducting an anti-circumvention inquiry under section 781(c) of the Act, Commerce has generally relied upon “such criteria as the overall physical characteristics of the merchandise, the expectations of the ultimate users, the use of the merchandise, the channels of marketing and the cost of any modification relative to the total value of the imported product.”³⁵ Commerce will examine these factors in evaluating an allegation of minor alteration under section 781(c) of the Act and 19 CFR 351.225(i). Still, because each case is highly dependent on the facts on the record, each must be analyzed in light of the specific facts. Moreover, although not specified in the statute, Commerce has also considered additional factors as part of its anti-circumvention analysis.³⁶

A. Overall Physical Characteristics

Air Master contends that the window frame extrusions are shipped in profiles that dedicate them for use only as frames and other components of a window.³⁷ Furthermore, Air Master alleges that when exported from China, the window frame extrusions are already powder coated in the color of the jalousie shutter.³⁸ Thus, Air Master argues, the dedicated profile of the window frame extrusion, the powder-coated finish, and the basic assembly steps performed to assemble a jalousie shutter, establish that the window frame

extrusions already have the essential characteristics of a jalousie shutter.³⁹

Moreover, Air Master notes that, because window frame extrusions and jalousie shutters are both classified under the same HTS subheading (*i.e.*, 7610.10.00.10), the assembly into a jalousie shutter does not transform the window frame extrusion into a different article for Customs purposes.⁴⁰

B. Expectations of the Ultimate Users

Air Master argues that, as explained above, window frame extrusions have only one purpose: to be assembled into aluminum jalousie shutters.⁴¹ Thus, Air Master states, the ultimate customers have the same expectations for window frame extrusions as they have for aluminum jalousie shutters.⁴²

C. Channels of Marketing

Air Master contends that, prior to issuance of the *Orders*, window frame extrusions imported from China were sold in Puerto Rico through an aluminum extrusions broker, but that the issuance of the *Orders* put an end to that direct channel of sales and marketing.⁴³ Air Master further states that, at present, the same broker imports and sells aluminum jalousie shutters in Puerto Rico that are assembled in the Dominican Republic from Chinese-origin window frame extrusions.⁴⁴ In this way, Air Master argues, the customs broker has developed a scheme to circumvent the *Orders* by diverting window frame extrusions to the Dominican Republic, where they undergo a minor alteration before re-exportation to Puerto Rico.⁴⁵ With respect to the Puerto Rico channel of marketing, Air Master contends that the channels for marketing window frame extrusions and aluminum jalousie shutters are identical.⁴⁶

D. Cost of Modification

Air Master contends that the cost of assembling window frame extrusions into aluminum jalousie shutters is low relative to the cost to produce a jalousie shutter, and must be viewed relative to: (1) The cost of the investment required to support the assembly operations of Dominican companies relative to the investment required to produce a window frame extrusion; and (2) the direct cost of assembling a jalousie

shutter relative to the total cost of a jalousie shutter.⁴⁷

With respect to the relative cost of initial investment, Air Master compares the investment necessary to perform the finishing operations in the Dominican Republic with the investment necessary to produce window frame extrusions.⁴⁸ Air Master’s analysis includes the building and all equipment.⁴⁹ According to Air Master, even the smallest extruder in China would require an initial investment at least 2,000 times greater than the investment required to perform the finishing operations in the Dominican Republic.⁵⁰ Air Master concludes, therefore, that, in comparison to the investment necessary to extrude aluminum in China, the cost of the finishing operations in the Dominican Republic is insignificant.⁵¹

With respect to the direct cost of assembly of a jalousie shutter compared to the direct cost to produce a window frame extrusion, Air Master asserts that producing window frame extrusions in China accounts for a large percentage of the total value of aluminum jalousie shutters that are produced in the Dominican Republic using window frame extrusions from China.⁵² Using its own costs as a reference, Air Master estimates that the aluminum window frame extrusions account for at least 85 percent of the cost of the aluminum jalousie shutter assembled in the Dominican Republic.⁵³

E. Additional Factors To Consider in Determining Whether Action Is Necessary

Air Master argues that, in addition to the factors above, Commerce may also consider several of the factors set forth in 781(b) of the Act with respect to determining whether merchandise completed or assembled in third countries is circumventing the AD and CVD *Orders*. According to Air Master, several of these factors mirror those in a “minor alteration” analysis brought under 781(c) of the Act, while others do not, but, nonetheless, support a conclusion that assembling aluminum jalousie shutters in the Dominican Republic is merely a minor alteration of Chinese window frame extrusions.⁵⁴

(1) Level of Research and Development

Air Master asserts that there is no research or development for aluminum

³⁵ See S. Rep. No. 71, 100th Cong., 1st Sess. 100 (1987) (“In applying this provision, the Commerce Department should apply practical measurements regarding minor alterations, so that circumvention can be dealt with effectively, even where such alterations to an article technically transform it into a differently designated article”).

³⁶ See, e.g., *Brass Sheet and Strip from West Germany; Negative Preliminary Determination of Circumvention of Antidumping Duty Order*, 55 FR 32655 (August 10, 1990), unchanged in *Brass Sheet and Strip from Germany; Negative Final Determination of Circumvention of Antidumping Duty Order*, 56 FR 65884 (December 19, 1991); see also *Small Diameter Graphite Electrodes from the People’s Republic of China: Initiation of Anticircumvention Inquiry*, 77 FR 37873, 37876 (June 25, 2012).

³⁷ See Anti-Circumvention Ruling Request at 9–10.

³⁸ *Id.* at 10.

³⁹ *Id.*

⁴⁰ *Id.*

⁴¹ *Id.*

⁴² *Id.* at 10–11.

⁴³ *Id.* at 11.

⁴⁴ *Id.*

⁴⁵ *Id.*

⁴⁶ *Id.*

⁴⁷ *Id.* at 12.

⁴⁸ *Id.* at 12–14.

⁴⁹ *Id.*

⁵⁰ *Id.* at 14.

⁵¹ *Id.*

⁵² *Id.* at 15.

⁵³ *Id.*

⁵⁴ *Id.* at 16.

jalousie shutters taking place in the Dominican Republic, as aluminum jalousie shutters are not a technologically advanced or sophisticated product.⁵⁵ According to Air Master, there has been no significant technological advancement in the product itself, or in its production, for years.⁵⁶

(2) Aluminum Facilities in the Dominican Republic Manufacture Only for Export Markets

Air Master asserts that the production facilities for aluminum jalousie shutters in the Dominican Republic are limited to the operations that assemble Chinese window frame extrusions into aluminum jalousie shutters that are then exported to Puerto Rico.⁵⁷ Air Master also states that there are only three such production facilities in the Dominican Republic.⁵⁸

(3) Pattern of Trade

Air Master contends that publicly available import data from UN COMTRADE document that imports of Chinese aluminum doors, windows, and frames into the Dominican Republic have increased significantly in recent years.⁵⁹ Air Master also states that the ITC Trade Dataweb shows that there has been a surge in imports of aluminum windows and frames from the Dominican Republic into Puerto Rico starting in March 2018.⁶⁰

Analysis of the Allegations

Based on our analysis of the information provided by Air Master, Commerce finds that there exists a sufficient basis to initiate anti-circumvention inquiries, pursuant to sections 781(b) and (c) of the Act. Commerce will determine whether the merchandise subject to the inquiries (identified in the “Merchandise Subject to the Anti-Circumvention Inquiries and Scope Inquiries” section, above) involves merchandise either completed or assembled in other foreign countries which can be considered subject to the *Orders*, and/or represents a minor alteration to subject merchandise in such minor respects that it should be subject to the *Orders*.

Commerce intends to issue questionnaires to solicit information from Dominican producers and exporters identified by Air Master concerning their shipments of

aluminum jalousie shutters to the United States and the origin of the imported window frame extrusions being processed into aluminum jalousie shutters.⁶¹ A company’s failure to respond completely to Commerce’s requests for information may result in the application of partial or total facts available, pursuant to section 776(a) of the Act, which may include adverse inferences, pursuant to section 776(b) of the Act.

While we find that sufficient factual information has been submitted by Air Master supporting its request for inquiries, we do not find that the record supports the simultaneous issuance of a preliminary ruling. Such inquiries are, by their nature, typically complicated and can require information regarding production in both the country subject to the order and the third country completing the product. As noted above, Commerce intends to request additional information regarding the statutory criteria to determine whether shipments of aluminum jalousie shutters from the Dominican Republic are circumventing the *Orders*. Thus, with further development of the record required before a preliminary ruling can be issued, Commerce does not find it appropriate to issue a preliminary ruling at this time.

Initiation of Scope Inquiries

The scope of the *Orders* states that the scope “{e}xcludes finished merchandise containing aluminum extrusions as parts that are fully and permanently assembled and completed at the time of entry, such as finished windows with glass, doors with glass or vinyl, picture frames with glass pane and backing material, and solar panels.”

Air Master states that both the window frame extrusions exported from China and the aluminum jalousie shutters exported from the Dominican Republic are not finished merchandise, and are subject to the *Orders*.⁶² However, because the scope of the *Orders* provides that certain types of windows are not subject to the *Orders*, we find it appropriate to self-initiate scope inquiries, in accordance with 19 CFR 351.225(b), to determine whether the aluminum jalousie shutters at issue constitute subject merchandise.

Notification to Interested Parties

In accordance with 19 CFR 351.225(e), Commerce finds that the issue of whether a product is included

within the scope of an order cannot be determined based solely upon the application and the descriptions of the merchandise. Accordingly, Commerce will notify by mail all parties on Commerce’s scope service list of the initiation of these proceedings.

In addition, in accordance with 19 CFR 351.225(f)(1)(i) and (ii), in this notice of initiation issued under 19 CFR 351.225(e), we have included a description of the product that is the subject of these proceedings (*i.e.*, aluminum extrusions) and an explanation of the reasons for Commerce’s decision to initiate these inquiries, as provided above.

Furthermore, in accordance with 19 CFR 351.225(l)(2), if Commerce issues preliminary affirmative determinations, we will then instruct U.S. Customs and Border Protection to suspend liquidation and require a cash deposit of estimated antidumping and countervailing duties, at the applicable rate, for each unliquidated entry of the merchandise at issue, entered or withdrawn from warehouse for consumption on or after the date of initiation of the inquiries.

Moreover, in the event we issue preliminary affirmative determinations of circumvention, pursuant to section 781(b) of the act (Merchandise Completed or Assembled in Other Foreign Countries), we intend to notify the ITC, in accordance with section 781(b)(1) of the Act and 19 CFR 351.225(f)(7)(i)(B), if applicable.

Commerce will, following consultation with interested parties, establish a schedule for questionnaires and comments on the issues. In accordance with 19 CFR 351.225(f)(5), Commerce intends to issue its final scope ruling within 120 days of this initiation. In accordance with section 781(f) of the Act and 19 CFR 351.225(f)(5), Commerce intends to issue its final anti-circumvention determinations within 300 days of the date of publication of this initiation.

This notice is published in accordance with sections 781(b) and (c) of the Act and 19 CFR 351.225(h) and (i).

Dated: April 30, 2019.

Jeffrey I. Kessler,

Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2019–09214 Filed 5–3–19; 8:45 am]

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⁵⁵ *Id.*

⁵⁶ *Id.*

⁵⁷ *Id.* at 17.

⁵⁸ *Id.*; see also First Supplement to Anti-Circumvention Ruling Request at 2.

⁵⁹ See Anti-Circumvention Ruling Request at 18.

⁶⁰ *Id.* at 18–19.

⁶¹ *Id.* at 4; see also First Supplement to Anti-Circumvention Ruling Request at 2.

⁶² See Anti-Circumvention Ruling Request at 5–6; see also Air Master Second Anti-Circumvention Ruling Request at 2 and 5.

DEPARTMENT OF COMMERCE**International Trade Administration****[A–201–842, A–580–868, C–580–869]****Large Residential Washers From Mexico and the Republic of Korea: Continuation of Antidumping Duty Order (Mexico) and Revocation of Antidumping and Countervailing Duty Orders (Korea)****AGENCY:** Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: As a result of the determinations by the Department of Commerce (Commerce) and the International Trade Commission (ITC) that revocation of the antidumping (AD) duty order on large residential washers (washers) from Mexico would likely lead to continuation or recurrence of dumping and material injury to an industry in the United States, Commerce is publishing a notice of continuation of the AD duty order. In addition, as a result of the ITC's determination that revocation of the AD and countervailing duty (CVD) orders on washers from the Republic of Korea (Korea) is not likely to lead to continuation or recurrence of material injury to an industry in the United States, Commerce is revoking the AD and CVD orders on washers from Korea.

DATES: AD/CVD Revocation (Korea): Effective February 15, 2018; AD Continuation (Mexico): Effective May 6, 2019.

FOR FURTHER INFORMATION CONTACT: David Goldberger, AD/CVD Operations, Office II, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–4136.

SUPPLEMENTARY INFORMATION:**Background**

On February 15, 2013, Commerce published the AD orders on washers from Mexico and Korea and the CVD order on washers from Korea.¹ On January 2, 2018, Commerce initiated² and the ITC instituted³ five-year (“sunset”) reviews of the AD orders on washers from Mexico and Korea and the

CVD order on washers from Korea, pursuant to section 751(c) of the Tariff Act of 1930, as amended (the Act). As a result of its reviews, Commerce determined that revocation of the CVD order on washers from Korea would be likely to lead to continuation or recurrence of countervailable subsidies and notified the ITC of the magnitude of the subsidy rates likely to prevail were the order revoked, and Commerce determined that revocation of the AD orders on washers from Mexico and Korea would likely lead to continuation or recurrence of dumping and notified the ITC of the magnitude of the margins of dumping likely to prevail were the orders revoked.⁴

On April 30, 2019, the ITC published its determinations, pursuant to sections 751(c) and 752(a) of the Act, that revocation of the AD order on washers from Mexico would likely lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time, but that revocation of the AD and CVD orders on washers from Korea would not be likely to lead to continuation or recurrence of material injury within a reasonably foreseeable time.⁵

Scope of the Orders

The products covered by the orders are all large residential washers and certain subassemblies thereof. For purposes of the orders, the term “large residential washers” denotes all automatic clothes washing machines, regardless of the orientation of the rotational axis, except as noted below, with a cabinet width (measured from its widest point) of at least 24.5 inches (62.23 cm) and no more than 32.0 inches (81.28 cm).

Also covered are certain subassemblies used in large residential washers, namely: (1) all assembled cabinets designed for use in large

residential washers which incorporate, at a minimum: (a) At least three of the six cabinet surfaces; and (b) a bracket; (2) all assembled tubs⁶ designed for use in large residential washers which incorporate, at a minimum: (a) a tub; and (b) a seal; (3) all assembled baskets⁷ designed for use in large residential washers which incorporate, at a minimum: (a) a side wrapper;⁸ (b) a base; and (c) a drive hub;⁹ and (4) any combination of the foregoing subassemblies.

Excluded from the scope are stacked washer-dryers and commercial washers. The term “stacked washer-dryers” denotes distinct washing and drying machines that are built on a unitary frame and share a common console that controls both the washer and the dryer. The term “commercial washer” denotes an automatic clothes washing machine designed for the “pay per use” market meeting either of the following two definitions:

(1) (a) It contains payment system electronics;¹⁰ (b) it is configured with an externally mounted steel frame at least six inches high that is designed to house a coin/token operated payment system (whether or not the actual coin/token operated payment system is installed at the time of importation); (c) it contains a push button user interface with a maximum of six manually selectable wash cycle settings, with no ability of the end user to otherwise modify water temperature, water level, or spin speed for a selected wash cycle setting; and (d) the console containing the user interface is made of steel and is assembled with security fasteners;¹¹ or

(2) (a) it contains payment system electronics; (b) the payment system electronics are enabled (whether or not the payment acceptance device has been installed at the time of importation)

⁶ A “tub” is the part of the washer designed to hold water.

⁷ A “basket” (sometimes referred to as a “drum”) is the part of the washer designed to hold clothing or other fabrics.

⁸ A “side wrapper” is the cylindrical part of the basket that actually holds the clothing or other fabrics.

⁹ A “drive hub” is the hub at the center of the base that bears the load from the motor.

¹⁰ “Payment system electronics” denotes a circuit board designed to receive signals from a payment acceptance device and to display payment amount, selected settings, and cycle status. Such electronics also capture cycles and payment history and provide for transmission to a reader.

¹¹ A “security fastener” is a screw with a non-standard head that requires a non-standard driver. Examples include those with a pin in the center of the head as a “center pin reject” feature to prevent standard Allen wrenches or Torx drivers from working.

¹ See *Large Residential Washers from Mexico and the Republic of Korea: Antidumping Duty Orders*, 78 FR 11148 (February 15, 2013) (*AD Orders*). See also *Large Residential Washers from the Republic of Korea: Countervailing Duty Order*, 78 FR 11154 (February 15, 2013) (*CVD Order*).

² See *Initiation of Five-Year (Sunset) Reviews*, 83 FR 100 (January 2, 2018) (*Initiation*).

³ See *Certain Large Residential Washers from Korea and Mexico: Institution of Five-Year Reviews*, 83 FR 145 (January 2, 2018).

⁴ See *Large Residential Washers from the Republic of Korea: Final Results of Expedited First Sunset Review of the Countervailing Duty Order*, 83 FR 19222 (May 2, 2018) (*Korea Washers CVD*), and accompanying Issues and Decision Memorandum; *Large Residential Washers from Mexico: Final Results of the Expedited First Five-Year Sunset Review of the Antidumping Duty Order*, 83 FR 21764 (May 10, 2018), and accompanying Issues and Decision Memorandum (Mexico IDM); and *Large Residential Washers from the Republic of Korea: Final Results of the First Five-Year Sunset Review of the Antidumping Duty Order*, 83 FR 52803 (October 18, 2018), and accompanying Issues and Decision Memorandum (Korea AD IDM).

⁵ See *Certain Large Residential Washers from Korea and Mexico* (Inv. Nos. 701–TA–488 and 731–TA–1199–1200 (Review)), 84 FR 18319 (April 30, 2019). See also *Large Residential Washers from Korea and Mexico* (Inv. Nos. 701–TA–488 and 731–TA–1199–1200 (Review)), USITC Publication 4882 (April 2019).

such that, in normal operation,¹² the unit cannot begin a wash cycle without first receiving a signal from a *bona fide* payment acceptance device such as an electronic credit card reader; (c) it contains a push button user interface with a maximum of six manually selectable wash cycle settings, with no ability of the end user to otherwise modify water temperature, water level, or spin speed for a selected wash cycle setting; and (d) the console containing the user interface is made of steel and is assembled with security fasteners.

Also excluded from the scope are automatic clothes washing machines with a vertical rotational axis and a rated capacity of less than 3.70 cubic feet, as certified to the U.S. Department of Energy pursuant to 10 CFR 429.12 and 10 CFR 429.20, and in accordance with the test procedures established in 10 CFR part 430.

The products are currently classifiable under subheadings 8450.20.0040 and 8450.20.0080 of the Harmonized Tariff System of the United States (HTSUS). Products subject to this order may also enter under HTSUS subheadings 8450.11.0040, 8450.11.0080, 8450.90.2000, and 8450.90.6000. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the merchandise subject to the scope is dispositive.

Continuation of the AD Order on Washers From Mexico

As a result of the determinations by Commerce and the ITC that revocation of the AD order on washers from Mexico would likely lead to a continuation or a recurrence of dumping and of material injury to an industry in the United States, pursuant to section 751(d)(2) of the Act and 19 CFR 351.218(a), Commerce hereby orders the continuation of the AD order on washers from Mexico. U.S. Customs and Border Protection (CBP) will continue to collect AD cash deposits at the rates in effect at the time of entry for all imports of subject merchandise. The effective date of the continuation of the order will be the date of publication in the **Federal Register** of this notice of continuation. Pursuant to section 751(c)(2) of the Act, Commerce intends to initiate the next five-year review of this order not later than 30 days prior to the fifth anniversary of the effective date of continuation.

¹² "Normal operation" refers to the operating mode(s) available to end users (*i.e.*, not a mode designed for testing or repair by a technician).

Revocation of the AD and CVD Orders on Washers From Korea

As a result of the determination by the ITC that revocation of the AD and CVD orders on washers from Korea would not be likely to lead to continuation or recurrence of material injury to an industry in the United States, pursuant to section 751(d)(2) of the Act and 19 CFR 351.218(a), Commerce is revoking the AD and CVD orders on washers from Korea. Pursuant to section 751(d)(3) of the Act and 19 CFR 351.222(i)(2)(i), the effective date of revocation is February 15, 2018 (*i.e.*, the fifth anniversary of the date of publication in the **Federal Register** of the notice of the AD and CVD orders).¹³

Cash Deposits and Assessment of Duties on Washers From Korea

Commerce intends to notify CBP, 15 days after publication of this notice, to terminate the suspension of liquidation and to discontinue the collection of AD and CVD cash deposits on entries of washers from Korea, entered or withdrawn from warehouse, on or after February 15, 2018. Commerce intends to further instruct CBP to refund with interest all cash deposits on unliquidated entries made on or after February 15, 2018. Entries of subject merchandise prior to the effective date of revocation will continue to be subject to suspension of liquidation and AD and CVD deposit requirements and assessments.

Administrative Protective Order

This notice also serves as the only reminder to parties subject to administrative protective order (APO) of their responsibility concerning the return/destruction or conversion to judicial protective order of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Failure to comply is a violation of the APO which may be subject to sanctions.

These five-year (sunset) reviews and this notice are in accordance with sections 751(c) and (d)(2) of the Act, and published in accordance with section 777(i) the Act and 19 CFR 351.218(f)(4).

Dated: April 30, 2019.

Jeffrey I. Kessler,

Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2019-09213 Filed 5-3-19; 8:45 am]

BILLING CODE 3510-DS-P

¹³ See *AD Orders and CVD Order*.

DEPARTMENT OF COMMERCE

International Trade Administration

[A-533-824]

Polyethylene Terephthalate Film, Sheet, and Strip From India: Notice of Correction of Final Results of Antidumping Duty Administrative Review; 2016-2017

AGENCY: Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) is correcting the final results of the administrative review of the antidumping duty order on polyethylene terephthalate film, sheet, and strip (PET film) from India. The period of review (POR) is July 1, 2016, through June 30, 2017.

DATES: Applicable May 6, 2019.

FOR FURTHER INFORMATION CONTACT: Jacqueline Arrowsmith at (202) 482-5255, AD/CVD Operations, Office VII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

Background

On March 13, 2019, Commerce published in the **Federal Register** the *Final Results* of the 2016-2017 administrative review on the antidumping duty order on PET film from India.¹ Commerce is correcting the *Final Results* to address the inadvertent omission of the non-selected respondent companies from the rate table.

Scope of the Order

The merchandise subject to the order is PET film. The PET film subject to the order is currently classifiable under subheading 3920.62.00.90 of the Harmonized Tariff Schedule of the United States.²

Correction to Final Results

Commerce inadvertently did not include the names of five non-selected respondent companies in the table listing the weighted-average dumping margins in the *Final Results*. Therefore,

¹ See *Polyethylene Terephthalate Film, Sheet, and Strip from India: Final Results of Antidumping Duty Administrative Review; 2016-2017*, 84 FR 9092 (March 13, 2019) (*Final Results*).

² A full description of the scope of the order is contained in the Final Issues and Decision Memorandum. See "Issues and Decision Memorandum for the Final Results: Polyethylene Terephthalate Film, Sheet, and Strip from India; 2016-2017 Administrative Review" (which was adopted March 5, 2019); see also *Final Results*.

Commerce is correcting the *Final Results* to include the names of these companies. As Jindal Poly Films Limited of India (Jindal)'s rate was the only calculated rate for these *Final Results*, the rate for the non-selected respondent companies is derived from Jindal's final weighted-average dumping duty margin of 5.95 percent.³

As a result of this review, we determine the following weighted-average dumping margins for the five non-selected respondent companies for the period July 1, 2016, through June 30, 2017:

Manufacturer/Exporter	Weighted-average margin (percent)
Garware Polyester Ltd	5.95
Chiripal Poly Films Limited ...	5.95
Polyplex Corporation Ltd	5.95
Ester Industries Limited	5.95
Vacmet India Limited	5.95

Antidumping Duty Assessment

As noted in the *Final Results*, upon completion of this administrative review, Commerce shall determine and U.S. Customs and Border Protection (CBP) shall assess antidumping duties on all appropriate entries. If a respondent's weighted-average dumping margin is not zero or *de minimis* (i.e., less than 0.5 percent) in the final results of this review, we will calculate importer-specific *ad valorem* assessment rates on the basis of the ratio of the total amount of dumping calculated for an importer's examined sales and the total entered value of such sales in accordance with 19 CFR 351.212(b)(1). Where either the respondent's weighted-average dumping margin is zero or *de minimis* within the meaning of 19 CFR 351.106(c), or an importer-specific rate is zero or *de minimis*, we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties.

We already issued instructions to CBP for Jindal and SRF Limited/SRF Limited of India, 15 days after publication of the final results of this review. For the five non-selected respondent companies: Garware Polyester Ltd., Chiripal Poly Films Limited, Polyplex Corporation Ltd., Ester Industries Limited, Vacmet India Limited, we intend to issue instructions to CBP 15 days after the publication of this corrected final results of review.

Cash Deposit Requirements

The following cash deposit requirements will be effective

retroactively for all shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after March 13, 2019, the date of publication of the *Final Results* of this administrative review, as provided for by section 751(a)(2)(C) of the Act: (1) The cash deposit rate for Garware Polyester Ltd., Chiripal Polyfilms Limited, Polyplex Corporation Ltd., Ester Industries Limited, Vacmet India Limited will be equal to the rates established in this notice of correction of final results of review; (2) for previously reviewed or investigated companies, including those for which Commerce may have determined they had no shipments during the POR, 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 or another completed segment of this proceeding, but the manufacturer is, then the cash deposit rate will be the rate established for the most recently completed segment of this proceeding for the manufacturer of the merchandise; and (4) if neither the exporter nor the manufacturer is a firm covered in this or any previously completed segment of this proceeding, then the cash deposit rate will be the "all-others" rate of 5.71 percent established in the less-than-fair-value investigation.⁴ These deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this POR. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping and/or countervailing duties occurred 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.

This correction to the *Final Results* is published in accordance with section 735(d), 736(a), and 777(i) of the Act, as amended.

Dated: April 30, 2019.

Christian Marsh,

Deputy Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2019-09215 Filed 5-3-19; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648-XH022

South Atlantic Fishery Management Council; Public Meetings

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

ACTION: Notice of public meetings.

SUMMARY: The South Atlantic Fishery Management Council's will hold a meeting of its Habitat Protection and Ecosystem-Based Management Advisory Panel (AP).

DATES: The Habitat Protection and Ecosystem-Based Management AP meeting will take place May 21, 2019, from 9 a.m. to 4:30 p.m., and May 22, 2019, from 9 a.m. until 4:30 p.m.

ADDRESSES: *Meeting address:* The meeting will be held at Crowne Plaza, 4831 Tanger Outlet Blvd., Charleston, SC 29418; phone: (866) 358-6255 or (843) 744-4422.

Council address: South Atlantic Fishery Management Council, 4055 Faber Place Drive, Suite 201, N. Charleston, SC 29405.

FOR FURTHER INFORMATION CONTACT: Kim Iverson, Public Information Officer, SAFMC; phone: (843) 571-4366 or toll free (866) SAFMC-10; fax: (843) 769-4520; email: kim.iverson@safmc.net.

SUPPLEMENTARY INFORMATION:

The Habitat Protection and Ecosystem-Based Management AP meeting is open to the public and will be available via webinar as it occurs. Registration is required. Webinar registration information and other meeting materials will be posted to the

⁴ See Notice of Amended Final Antidumping Duty Determination of Sales at Less Than Fair Value and Antidumping Duty Order: Polyethylene Terephthalate Film, Sheet, and Strip from India, 67 FR 44175 (July 1, 2002) (Amended Final Determination).

³ See *Final Results*.

Council's website at: <http://safmc.net/safmc-meetings/current-advisory-panel-meetings/> as it becomes available.

The Habitat Protection and Ecosystem-Based Management AP meeting agenda includes the following: South Atlantic Deep Water Ecosystem Mapping/Characterization—2019 Activities; ecosystem considerations—prey supporting Dolphin Wahoo fisheries; the Council's Citizen Science Program; the Southeast Connectivity and Adaptation Strategy; State activities addressing climate resiliency; documenting occurrence and impacts of extreme weather events; energy development activities in the South Atlantic; regional fishery independent research update; NOAA Fisheries Ecosystem-Based Fishery Management activities for the South Atlantic region; Status and timelines for completion of deliverables supporting the Council's Fishery Ecosystem Plan (EFP) II; and the FEP II Implementation Plan—Two Year Roadmap. The AP meeting will include a lunch webinar on Anthropogenic Sound Sources—Pile Driving and Wind Turbines. The AP will also discuss applying innovative technologies to characterize fish habitat and spawning events; Southeast Coastal Ocean Observing Regional Association (SECOORA) Regional Coastal Ocean Observing Plan; and the South Atlantic Ecopath with Ecosim Model. The AP will develop recommendations as necessary for consideration by the Council's Habitat Protection and Ecosystem-Based Management Committee.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for auxiliary aids should be directed to the Council office (see **ADDRESSES**) 3 days prior to the meeting.

Note: The times and sequence specified in this agenda are subject to change.

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

Dated: May 1, 2019.

Tracey L. Thompson,

Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.
[FR Doc. 2019-09191 Filed 5-3-19; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648-XH023

Pacific Fishery Management Council; Public Meeting

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

ACTION: Notice of a public meeting.

SUMMARY: The Pacific Fishery Management Council's (Pacific Council) Ad Hoc Southern Resident Killer Whale (SRKW) Workgroup (Workgroup) will hold a meeting that is open to the public. This is a public meeting and not a public hearing. Public comments will be taken at the discretion of the Workgroup chair as time allows. The Workgroup will be focused solely on Pacific Council-area ocean salmon fisheries.

DATES: The meeting will be held Thursday, May 23 and Friday, May 24, 2019. The meeting will start at 10 a.m. and will end at 5 p.m. on May 23. The meeting will continue on May 24 at 9 a.m. and will end at 2 p.m., or until business is complete.

ADDRESSES: The meeting will be held at the Embassy Suites by Hilton Portland Airport, Oak Meeting Room, 7900 NE 82nd Avenue, Portland, OR 97220; telephone: (503) 460-3000.

Council address: Pacific Fishery Management Council, 7700 NE Ambassador Place, Suite 101, Portland, OR 97220.

FOR FURTHER INFORMATION CONTACT: Ms. Robin Ehlke, Pacific Council; telephone: (503) 820-2410.

SUPPLEMENTARY INFORMATION: At the March 2019 Pacific Council meeting, the National Marine Fisheries Service (NMFS) announced plans to reinstate Endangered Species Act (ESA) consultation on the effect of Pacific Council-area ocean salmon fisheries on SRKW. NMFS and the Pacific Council agreed on a collaborative approach and began establishing work plans and a tentative schedule. At the April 2019 meeting, the Pacific Council formed the Workgroup to reassess the effects of Pacific Council-area ocean salmon fisheries on the Chinook salmon prey base of SRKW. A draft Terms of Reference was reviewed by the Pacific Council which describes the purpose of the Workgroup, a proposed timeline to accomplish this task, and a list of participants. Supporting documents can be found in the Pacific Council's April

2019 Briefing Book (Agenda Item F.3.a, Supplemental NMFS Report 1, April 2019 and Agenda Item D.6.a, Supplemental NMFS Report 1, April 2019).

The primary purpose of this first work session is to review the purpose of the Workgroup, discuss the current status of SRKW, exchange ideas regarding risk assessment methods and criteria for evaluating Pacific Council salmon fisheries, and to develop a work plan for the first draft of a risk assessment report. The Workgroup may also discuss and consider other items of interest on the Pacific Council's June 2019 meeting agenda. Although non-emergency issues not contained in the Workgroup meeting agenda may come before the Workgroup for discussion, those issues may not be the subject of formal action during this meeting. The Workgroup will provide a summary of this meeting to the Pacific Council, its advisory bodies, and the public at the June 2019 Pacific Council meeting in San Diego, CA.

Although non-emergency issues not contained in the meeting agenda may be discussed, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically listed in this document and any issues arising after publication of this document that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the intent to take final action to address the emergency.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Mr. Kris Kleinschmidt, (503) 820-2411, at least 10 business days prior to the meeting date.

Dated: May 1, 2019.

Tracey L. Thompson,

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

[FR Doc. 2019-09192 Filed 5-3-19; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648-XH016

New England Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and

Atmospheric Administration (NOAA), Commerce.

ACTION: Notice; public meeting.

SUMMARY: The New England Fishery Management Council (Council) is scheduling a public meeting of its Scallop Committee to consider actions affecting New England fisheries in the exclusive economic zone (EEZ). Recommendations from this group will be brought to the full Council for formal consideration and action, if appropriate.

DATES: This meeting will be held on Thursday, May 23, 2019 at 9 a.m.

ADDRESSES: The meeting will be held at the Hilton Providence, 21 Atwells Avenue, Providence, RI 02903; phone: (401) 831-3900.

Council address: New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950.

FOR FURTHER INFORMATION CONTACT: Thomas A. Nies, Executive Director, New England Fishery Management Council; telephone: (978) 465-0492.

SUPPLEMENTARY INFORMATION:

Agenda

The Scallop Committee will review input from the Amendment 21 scoping process and provide direction on next steps for this action. They will develop research recommendations for the 2020/21 Scallop Research Set-Aside (RSA) federal funding announcement. The committee will also receive an update on Scallop Committee tasking re: Measures to reduce bycatch of yellowtail flounder. They plan to consider the scope of the 2020/21 Scallop Specifications (slow growing scallops). They will discuss the Council's RSA Program Review: Discuss findings and develop input to the Council. (Note: The AP will discuss this on May 21, 2019 at the Scallop RSA Share Day) Other business may be discussed as necessary.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during these meetings. Action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other

auxiliary aids should be directed to Thomas A. Nies, Executive Director, at (978) 465-0492, at least 5 days prior to the meeting date. This meeting will be recorded. Consistent with 16 U.S.C. 1852, a copy of the recording is available upon request.

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

Dated: May 1, 2019.

Tracey L. Thompson,

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

[FR Doc. 2019-09190 Filed 5-3-19; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; Evaluations of Coastal Zone Management Act Programs: State Coastal Management Programs and National Estuarine Research Reserves

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce, 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.

DATES: Written comments must be submitted on or before July 5, 2019.

ADDRESSES: Direct all written comments to Jennifer Jessup, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6616, 14th and Constitution Avenue NW, Washington, DC 20230 (or via the internet at PRAComments@doc.gov).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Carrie Hall (240) 533-0730 or carrie.hall@noaa.gov.

SUPPLEMENTARY INFORMATION:

I. Abstract

This request is for revision and extension of a currently approved information collection. A few questions will be rewritten to improve the usefulness of information collected.

The Coastal Zone Management Act of 1972, as amended (CZMA; 16 U.S.C. 1451 *et seq.*) requires that state coastal

management programs and national estuarine research reserves developed pursuant to the CZMA and approved by the Secretary of Commerce be evaluated periodically. This request is for to collect information to accomplish those evaluations.

NOAA's Office for Coastal Management (OCM) conducts periodic evaluations of the 34 coastal management programs and 29 research reserves and produces written findings for each evaluation. OCM has access to documents submitted in cooperative agreement applications, performance reports, and certain documentation required by the CZMA and implementing regulations.

However, additional information from each coastal management program and research reserve, as well as information from the program and reserve partners and stakeholders with whom each works, is necessary to evaluate against statutory and regulatory requirements. Different information collection subsets are necessary for (1) coastal management programs, (2) their partners and stakeholders, (3) research reserves, and (4) their partners and stakeholders.

II. Method of Collection

Coastal program and reserve manager respondents will receive information requests/questionnaires via email, and submittals will be made via email.

Partners and stakeholders of coastal management programs and of reserves will receive a link to a web-based survey tool and respond through the survey tool.

As part of this submission, a few questions will be modified to clarify the information that should be provided as part of the information requests/questionnaires sent to the coastal program and reserve managers. A few questions will be revised to clarify and improve the usefulness of responses for the partners and stakeholders' surveys.

III. Data

OMB Control Number: 0648-0661.

Form Number(s): None.

Type of Review: Regular (revision and extension of a current information collection).

Affected Public: Business or other for-profit organizations; not-for-profit institutions; state, local, or tribal government; federal government.

Estimated Number of Respondents: 209.

Estimated Time per Response: 71 hours per CZMA program manager's evaluation; 15 minutes per partner/stakeholder response.

Estimated Total Annual Burden Hours: 831.

Estimated Total Annual Cost to Public: \$0 in recordkeeping/reporting costs.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Sheleen Dumas,

Departmental Lead PRA Officer, Office of the Chief Information Officer, Commerce Department.

[FR Doc. 2019-09159 Filed 5-3-19; 8:45 am]

BILLING CODE 3510-08-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; Antarctic Marine Living Resources Conservation and Management Measures

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce, 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.

DATES: Written comments must be submitted on or before July 5, 2019.

ADDRESSES: Direct all written comments to Jennifer Jessup, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6616, 14th and Constitution Avenue NW, Washington, DC 20230 (or via the internet at PRAComments@doc.gov).

FOR FURTHER INFORMATION CONTACT:

Requests for additional information or copies of the information collection instrument and instructions should be directed to Mi Ae Kim, Office of International Affairs and Seafood Inspection, 1315 East-West Hwy., Silver Spring, MD 20910, telephone number ((301) 427-8365), and email address (mi.ae.kim@noaa.gov).

SUPPLEMENTARY INFORMATION:

I. Abstract

The 1982 Convention on the Conservation of Antarctic Marine Living Resources (Convention) established the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR). The United States is a Contracting Party to the Convention. The Antarctic Marine Living Resources Convention Act (AMLRCA) directs and authorizes the United States to take actions necessary to meet its treaty obligations as a Contracting Party to the Convention. The regulations implementing AMLRCA are at 50 CFR part 300, subpart G. The record keeping and reporting requirements at 50 CFR part 300 form the basis for this collection of information. This collection of information concerns research in, and the harvesting and importation/re-exportation of, marine living resources regulated by CCAMLR related to ecosystem research, U.S. harvesting permit application and/or harvesting vessel operators, and to importers and re-exporters of Antarctic marine living resources. The collection is necessary in order for the United States to meet its treaty obligations as a contracting party to the Convention.

II. Method of Collection

Paper applications, electronic reports, satellite-linked vessel monitoring devices, radio and telephone calls, gear and vessel markings are required from participants and methods of transmittal include internet, satellite, facsimile, and mail transmission of forms, reports, and information.

III. Data

OMB Control Number: 0648-0194.

Form Number(s): None.

Type of Review: Regular submission, extension of a current information collection.

Affected Public: Individuals; business or other for-profit organizations; not-for-profit institutions.

Estimated Number of Respondents: 1 research entity; 2 vessel owners; 50 dealers.

Estimated Time per Response: One hour to apply for a CCAMLR Ecosystem Monitoring Program (CEMP) research

permit; 1 hour to report on research; 28 hours to supply information on potential new or exploratory fishing; 2 hours to apply for a harvesting permit; 2 minutes to transmit information by radio; 4 hours to install a vessel monitoring device (VMS); 2 hours for annual VMS maintenance; 45 minutes to mark a vessel; 40 minutes to mark buoys; 10 hours to mark pot gear; 6 minutes to mark trawl nets; 15 minutes to provide notice of transshipment within the Convention Area; 15 minutes to apply for a permit to be a first receiver of Antarctic marine living resources; 15 minutes to complete and submit a toothfish catch document; 15 minutes to apply for pre-approval of toothfish imports; 15 minutes to complete and submit re-export catch documents; 15 minutes to submit import tickets.

Estimated Total Annual Burden Hours: 200 hours.

Estimated Total Annual Cost to Public: \$86,000.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Sheleen Dumas,

Departmental Lead PRA Officer, Office of the Chief Information Officer, Commerce Department.

[FR Doc. 2019-09160 Filed 5-3-19; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****National Sea Grant Advisory Board (Board); Public Meeting of the National Sea Grant Advisory Board**

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Office of Oceanic and Atmospheric Research (OAR), Department of Commerce (DOC).

ACTION: Notice of public meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the National Sea Grant Advisory Board (Board). Board members will discuss and provide advice on the National Sea Grant College Program (Sea Grant) in the areas of program evaluation, strategic planning, education and extension, science and technology programs, and other matters as described in the agenda found on the Sea Grant website.

DATES: The meeting will be held Tuesday, June 18, 2019 from 8:00 a.m. ET to 5:30 p.m. ET.

ADDRESSES: The meeting will be held virtually and in Silver Spring, MD. The physical location of the meeting is still being determined. Please check the agenda on the Sea Grant website <http://seagrant.noaa.gov/WhoWeAre/Leadership/NationalSeaGrantAdvisoryBoard/UpcomingAdvisoryBoardMeetings.aspx> for updates. For more information and, for virtual access, see below in the **FOR FURTHER INFORMATION CONTACT** section.

FOR FURTHER INFORMATION CONTACT: Ms. Donna Brown, National Sea Grant College Program, National Oceanic and Atmospheric Administration, 1315 East-West Highway, SSMC 3, Room 11717, Silver Spring, Maryland 20910. Phone Number: 301-734-1088, Fax Number: 301-713-1031, Email: Donna.Brown@noaa.gov or to attend in person or virtually, please R.S.V.P by Wednesday, June 12, 2019.

SUPPLEMENTARY INFORMATION: The Board, which consists of a balanced representation from academia, industry, state government and citizens groups, was established in 1976 by Section 209 of the Sea Grant Improvement Act (Pub. L. 94-461, 33 U.S.C. 1128). The Board advises the Secretary of Commerce and the Director of Sea Grant with respect to operations under the Act, and such other matters as the Secretary refers to them for review and advice.

Matters to be Considered: Board members will discuss and provide advice on Sea Grant in the areas of

program evaluation, strategic planning, education and extension, science and technology programs, and other matters as described in the agenda found on the Sea Grant website. <http://seagrant.noaa.gov/WhoWeAre/Leadership/NationalSeaGrantAdvisoryBoard/UpcomingAdvisoryBoardMeetings.aspx>.

Status: The meeting will be open to public participation with a 15-minute public comment period on June 18th from 11:30–11:45 p.m. ET. (Check agenda using link in the Matters to be Considered section to confirm time.) The Board expects that public statements presented at its meetings will not be repetitive of previously submitted verbal or written statements. In general, each individual or group making a verbal presentation will be limited to a total time of three (3) minutes. Written comments should be received by Ms. Donna Brown by Wednesday, June 5, 2019 to provide sufficient time for Board review. Written comments received after the deadline will be distributed to the Board, but may not be reviewed prior to the meeting date. Seats for the meeting will be available on a first-come, first-served basis.

Special Accommodations: The Board meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Ms. Donna Brown by Friday, May 31, 2019.

Dated: April 22, 2019.

David Holst,

Chief Financial Officer/Administrative Officer, Office of Oceanic and Atmospheric Research, National Oceanic and Atmospheric Administration.

[FR Doc. 2019-09130 Filed 5-3-19; 8:45 am]

BILLING CODE 3510-KA-P

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration**

RIN 0648-XH012

South Atlantic Fishery Management Council; Public Meetings

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

ACTION: Notice of public meetings.

SUMMARY: The South Atlantic Fishery Management Council (Council) will hold a meeting of its Law Enforcement Advisory Panel (AP).

DATES: The Law Enforcement AP meeting will take place May 23, 2019,

from 1:30 p.m. to 5 p.m., and May 24, 2019, from 8:30 a.m. until 12 p.m.

ADDRESSES:

Meeting address: The meeting will be held at the Town and Country Inn, 2008 Savannah Highway, Charleston, SC 29407.

Council address: South Atlantic Fishery Management Council, 4055 Faber Place Drive, Suite 201, N. Charleston, SC 29406.

FOR FURTHER INFORMATION CONTACT: Kim Iverson, Public Information Officer, SAFMC; phone: (843) 571-4366 or toll free 866/SAFMC-10; fax: (843) 769-4520; email: kim.iverson@safmc.net.

SUPPLEMENTARY INFORMATION: The Law Enforcement AP meeting is open to the public and will be available via webinar as it occurs. Registration is required. Webinar registration information, a public comment form, and other meeting materials will be posted to the Council's website at: <http://safmc.net/safmc-meetings/current-advisory-panel-meetings/> as it becomes available.

Agenda items for the Law Enforcement AP meeting include the following: A review and update on amendments to fishery management plans that are currently under development by the Council or undergoing Secretarial review; a review and discussion of draft Regulatory Amendment 29 to the Snapper Grouper Fishery Management Plan (FMP) addressing best fishing practices; priorities for Joint Enforcement Agreements; and an update on outreach efforts for the For-Hire Electronic Reporting Amendment. The AP will also review regulations on the harvest of dolphin onboard for-hire vessels in the Mid-Atlantic and New England regions, provide guidance on prohibition on retention of species in state waters when harvest in federal waters is closed for federally-permitted for-hire vessels, and discuss the requirement that heads and fins be intact for snapper grouper species.

The AP will also elect a new Chair and Vice-Chair. The AP will develop recommendations as necessary for consideration by the Council's Law Enforcement Committee.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for auxiliary aids should be directed to the council office (see **ADDRESSES**) 3 days prior to the public hearings.

Note: The times and sequence specified in this agenda are subject to change.

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

Dated: May 1, 2019.

Tracey L. Thompson,

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

[FR Doc. 2019-09189 Filed 5-3-19; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF EDUCATION

[Docket No.: ED-2019-ICCD-0057]

Agency Information Collection Activities; Comment Request; National Student Loan Data System (NSLDS)

AGENCY: Federal Student Aid (FSA), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, ED is proposing a revision of an existing information collection.

DATES: Interested persons are invited to submit comments on or before July 5, 2019.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use <http://www.regulations.gov> by searching the Docket ID number ED-2019-ICCD-0057. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at <http://www.regulations.gov> by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. If the www.regulations.gov site is not available to the public for any reason, ED will temporarily accept comments at ICDocketMgr@ed.gov. Please include the docket ID number and the title of the information collection request when requesting documents or submitting comments. *Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 550 12th Street SW, PCP, Room 9086, Washington, DC 20202-0023.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Valerie Sherrer, 202-377-3547.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed,

revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: National Student Loan Data System (NSLDS).

OMB Control Number: 1845-0035.

Type of Review: A revision of an existing information collection.

Respondents/Affected Public: State, Local, and Tribal Governments; Private Sector.

Total Estimated Number of Annual Responses: 25,728.

Total Estimated Number of Annual Burden Hours: 60,300.

Abstract: The United States Department of Education will collect data through the National Student Loan Data System (NSLDS) from Federal Perkins Loan holders (or their servicers) and Guaranty Agencies (GA) about Federal Perkins, Federal Family Education, and William D. Ford Direct Student Loans to be used to manage the federal student loan programs, develop policy, and determine eligibility for programs under title IV of the Higher Education Act of 1965, as amended (HEA). NSLDS also holds data about Federal Grants, including PELL, ACG/SMART, and TEACH. NSLDS is used for research, policy analysis, monitoring student enrollment, calculating default rates, monitoring program participants and verifying student eligibility. This revision includes updates to the systems with which NSLDS collects and shares data. We have also updated the associations with which we consult to ensure reporting requirements meet with institutional capabilities.

Dated: April 30, 2019.

Kate Mullan,

PRA Coordinator, Information Collection Clearance Program, Information Management Branch, Office of the Chief Information Officer.

[FR Doc. 2019-09133 Filed 5-3-19; 8:45 am]

BILLING CODE 4000-01-P

DEPARTMENT OF EDUCATION

[Docket No.: ED-2019-ICCD-0055]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Application Package for Grants Under the Minority Science and Engineering Improvement Program (MSEIP)

AGENCY: Office of Postsecondary Education (OPE), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, ED is proposing a reinstatement of a previously approved information collection.

DATES: Interested persons are invited to submit comments on or before June 5, 2019.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use <http://www.regulations.gov> by searching the Docket ID number ED-2019-ICCD-0055. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at <http://www.regulations.gov> by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. If the www.regulations.gov site is not available to the public for any reason, ED will temporarily accept comments at ICDocketMgr@ed.gov. Please include the docket ID number and the title of the information collection request when requesting documents or submitting comments. *Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 550 12th Street SW, PCP, Room 9086, Washington, DC 20202-0023.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Bernadette Hence, 202-453-7913.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: Application Package for Grants under the Minority Science and Engineering Improvement Program (MSEIP).

OMB Control Number: 1840-0109.

Type of Review: A reinstatement of a previously approved information collection.

Respondents/Affected Public: State, Local, and Tribal Governments; Private Sector.

Total Estimated Number of Annual Responses: 200.

Total Estimated Number of Annual Burden Hours: 8,000.

Abstract: The purpose of the Minority Science and Engineering Improvement Program (MSEIP) is to effect long-range improvement in science and engineering education at predominantly minority institutions and to increase the flow of underrepresented ethnic minorities, particularly minority women, into scientific and technological careers. MSEIP supports the Federal Government's efforts to improve and expand the scientific and technological capacity of the United States to support its technological and economic competitiveness.

This application package includes program background, application instructions, and forms needed to

submit a complete application to the Department of Education.

Dated: April 30, 2019.

Kate Mullan,

PRA Coordinator, Information Collection Clearance Program, Information Management Branch, Office of the Chief Information Officer.

[FR Doc. 2019-09142 Filed 5-3-19; 8:45 am]

BILLING CODE 4000-01-P

DEPARTMENT OF EDUCATION

[Docket No.: ED-2019-ICCD-0006]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Cancer Treatment Deferment

AGENCY: Federal Student Aid (FSA), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, ED is proposing an extension of an existing information collection.

DATES: Interested persons are invited to submit comments on or before June 5, 2019.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use <http://www.regulations.gov> by searching the Docket ID number ED-2019-ICCD-0006. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at <http://www.regulations.gov> by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. If the regulations.gov site is not available to the public for any reason, ED will temporarily accept comments at ICDocketMgr@ed.gov. Please include the docket ID number and the title of the information collection request when requesting documents or submitting comments. *Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 550 12th Street SW, PCP, Room 9086, Washington, DC 20202-0023.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Beth Grebeldinger, 202-377-4018.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in

accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: Cancer Treatment Deferment.

OMB Control Number: 1845-0154.

Type of Review: An extension of an existing information collection.

Respondents/Affected Public: Individuals or Households

Total Estimated Number of Annual Responses: 5,000.

Total Estimated Number of Annual Burden Hours: 833.

Abstract: The Department of Education (Department) is requesting an extension of this information collection. This collection will be used to obtain information from federal student loan borrowers to determine eligibility for a deferment of repayment of their federal student loan while receiving cancer treatment and for the 6-month period after such treatment. Section 309 of the Consolidated Appropriations Act, 2019, included a provision for the Department to implement this new basis for deferment.

Dated: May 1, 2019.

Kate Mullan,

PRA Coordinator, Information Collection Clearance Program, Information Management Branch, Office of the Chief Information Officer.

[FR Doc. 2019-09187 Filed 5-3-19; 8:45 am]

BILLING CODE 4000-01-P

DEPARTMENT OF EDUCATION**[Docket No.: ED–2019–ICCD–0058]****Agency Information Collection Activities; Comment Request; Health Education Assistance Loan (HEAL) Program Regs****AGENCY:** Federal Student Aid (FSA), Department of Education (ED).**ACTION:** Notice.**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, ED is proposing a revision of an existing information collection.**DATES:** Interested persons are invited to submit comments on or before July 5, 2019.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use <http://www.regulations.gov> by searching the Docket ID number ED–2019–ICCD–0058. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at <http://www.regulations.gov> by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. If the [regulations.gov](http://www.regulations.gov) site is not available to the public for any reason, ED will temporarily accept comments at ICDocketMgr@ed.gov. Please include the docket ID number and the title of the information collection request when requesting documents or submitting comments. *Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 550 12th Street SW, PCP, Room 9086, Washington, DC 20202–0023.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Beth Grebeldinger, 202–377–4018.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested

data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: Health Education Assistance Loan (HEAL) Program Regs.

OMB Control Number: 1845–0125.

Type of Review: A revision of an existing information collection.

Respondents/Affected Public: State, Local, and Tribal Governments; Individuals or Households.

Total Estimated Number of Annual Responses: 128,945.

Total Estimated Number of Annual Burden Hours: 23,950.

Abstract: The Health Education Assistance Loan (HEAL) Program regulatory requirements for reporting, recordkeeping and notification are approved under OMB 1845–0125 after the transfer from the U.S. Department of Health and Human Services to the U.S. Department of Education in 2014. The HEAL program provided federally insured loans to students for certain health programs. No new loans have been made since 1998. However, loans are still outstanding and being collected, therefore the regulatory requirements for reporting, recordkeeping and notification continue to be needed to administer the program. These regulations work to ensure that participants in the program follow sound management procedures in the administration of the federal loan program. The HEAL regulations were added to 34 CFR 681 on November 15, 2017, when limited technical changes were made to the regulations.

Dated: April 30, 2019.

Kate Mullan,

PRA Coordinator, Information Collection Clearance Program, Information Management Branch, Office of the Chief Information Officer.

[FR Doc. 2019–09134 Filed 5–3–19; 8:45 am]

BILLING CODE 4000–01–P

ELECTION ASSISTANCE COMMISSION**Federal Advisory Committee Act; Board of Advisors, the Standards Board and the Technical Guidelines Development Committee Charter Renewals****AGENCY:** Election Assistance Commission.**ACTION:** Notice of Federal Advisory Committee Charter Renewals.

SUMMARY: In accordance with the Federal Advisory Committee Act, the purpose of this notice is to announce that the Election Assistance Commission (EAC) has renewed the charters for the Board of Advisors, the Standards Board and the Technical Guidelines Development Committee for a two-year period through April 13, 2021. The Board of Advisors, the Standards Board, and the Technical Guidelines Development Committee are federal advisory committees under the Federal Advisory Committee Act and created by the Help America Vote Act of 2002.

DATES: Renewed through April 13, 2021.

ADDRESSES: Election Assistance Commission, 1335 East-West Highway, Suite 4300, Silver Spring, Maryland 20910.

To Obtain a Copy of the Charters: A complete copy of the Charters are available from the EAC in electronic format. An electronic copy can be downloaded in PDF format on the EAC's website, <http://www.eac.gov>. In order to obtain a paper copy of the Charters, please mail a written request to the Committee Management Officer U.S. Election Assistance Commission, 1335 East-West Highway, Suite 4300, Silver Spring, Maryland 20910.

FOR FURTHER INFORMATION CONTACT: Christy McCormick, Chairwoman of the Election Assistance Commission, at 866–747–1471 (toll free) or 301–563–3919. Email: facaboards@eac.gov.

SUPPLEMENTARY INFORMATION: The Board of Advisors, the Standards Board, and the Technical Guidelines Development Committee are Federal advisory committees created by statute whose mission is to advise the EAC through review of the voluntary voting systems guidelines; through review of voluntary guidance; and review of best practices recommendations. In accordance with the Federal Advisory Committee Act, Public Law 92–463, as amended, this

notice advises interested persons of the renewal of these Charters.

Clifford D. Tatum,

General Counsel, U.S. Election Assistance Commission.

[FR Doc. 2019-07765 Filed 5-3-19; 8:45 am]

BILLING CODE 6820-KF-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP19-99-000]

Notice of Schedule for Environmental Review of the Natural Gas Pipeline Company of America Gulf Coast Southbound Project

On February 28, 2019, Natural Gas Pipeline Company of America (Natural) filed an application in Docket No. CP19-99-000 requesting a Certificate of Public Convenience and Necessity and Abandonment Authority pursuant to Sections 7(c) and 7(b) of the Natural Gas Act to construct, operate, and abandon certain natural gas pipeline facilities. The proposed project, known as the Gulf Coast Southbound Project (Project), would expand the southbound transportation capacity of Natural's Gulf Coast Mainline System by 300,000 dekatherms per day through modifications at five existing natural gas compressor stations in the state of Texas.

On March 6, 2019, the Federal Energy Regulatory Commission (Commission or FERC) issued its Notice of Application for the Project. Among other things, that notice alerted agencies issuing federal authorizations of the requirement to complete all necessary reviews and to reach a final decision on a request for a federal authorization within 90 days of the date of issuance of the Commission staff's Environmental Assessment (EA) for the Project. This instant notice identifies the FERC staff's planned schedule for the completion of the EA for the Project.

Schedule for Environmental Review

Issuance of EA—October 23, 2019
90-day Federal Authorization Decision Deadline—January 21, 2020

If a schedule change becomes necessary, additional notice will be provided so that the relevant agencies are kept informed of the Project's progress.

Project Description

As part of the Project, Natural would conduct the following activities (all locations are in the state of Texas):

- Install one new electric motor driven compressor unit with a rating of 10,000 horsepower, abandon two existing compressor units, and add cooling equipment and a new filter separator at existing Compressor Station 300 in Victoria County.
- Install one Solar Mars 100 turbine with a rating of 15,900 horsepower, add cooling equipment, and replace two filter separators at existing Compressor Station 301 in Wharton County.
- Install two Solar Titan 130 turbines with a rating of 23,470 horsepower each, abandon in place 10 existing compressor units, and add cooling equipment and filter separators at existing Compressor Station 304 in Harrison County.
- Install gas coolers and filter separators at existing Compressor Stations 303 and 394 in Angelina and Cass Counties, respectively.

Background

On April 9, 2019, the Commission issued a *Notice of Intent to Prepare an Environmental Assessment for the Proposed Gulf Southbound Project and Request for Comments on Environmental Issues* (NOI). The NOI was sent to affected landowners; federal, state, and local government agencies; elected officials; Native American tribes; other interested parties; and local libraries and newspapers. All substantive comments received will be addressed in the EA. As of the date of issuance of this notice, no comments have been received.

Additional Information

In order to receive notification of the issuance of the EA and to keep track of all formal issuances and submittals in specific dockets, the Commission offers a free service called eSubscription. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. Go to www.ferc.gov/docs-filing/esubscription.asp.

Additional information about the Project is available from the Commission's Office of External Affairs at (866) 208-FERC or on the FERC website (www.ferc.gov). Using the "eLibrary" link, select "General Search" from the eLibrary menu, enter the selected date range and "Docket Number" excluding the last three digits (i.e., CP19-99), and follow the instructions. For assistance with access to eLibrary, the helpline can be reached at (866) 208-3676, TTY (202) 502-8659, or at FERCOnlineSupport@ferc.gov. The eLibrary link on the FERC website also

provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rule makings.

Dated: April 29, 2019.

Kimberly D. Bose,
Secretary.

[FR Doc. 2019-09198 Filed 5-3-19; 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 Number: PR18-81-001.

Applicants: Agua Blanca, LLC.

Description: Tariff filing per 284.123(b),(e)/: Amendment to 2 to be effective 7/1/2018.

Filed Date: 4/25/19.

Accession Number: 201904255104.

Comments/Protests Due: 5 p.m. ET 5/16/19.

Docket Numbers: RP19-1149-000.

Applicants: Algonquin Gas Transmission, LLC.

Description: § 4(d) Rate Filing: Negotiated Rates—Various Releases to BBPC eff 5-1-2019 to be effective 5/1/2019.

Filed Date: 4/25/19.

Accession Number: 20190425-5004.

Comments Due: 5 p.m. ET 5/7/19.

Docket Numbers: RP19-1150-000.

Applicants: Alliance Pipeline L.P.

Description: § 4(d) Rate Filing: April 2019 Negotiated Rate Cleanup Filing to be effective 5/28/2019.

Filed Date: 4/25/19.

Accession Number: 20190425-5020.

Comments Due: 5 p.m. ET 5/7/19.

Docket Numbers: RP19-1152-000.

Applicants: El Paso Natural Gas Company, L.L.C.

Description: § 4(d) Rate Filing: Non-Conforming Negotiated Rate Agreement Update (SoCal June 19) to be effective 6/1/2019.

Filed Date: 4/25/19.

Accession Number: 20190425-5087.

Comments Due: 5 p.m. ET 5/7/19.

Docket Numbers: RP19-1153-000.

Applicants: Texas Eastern Transmission, LP.

Description: § 4(d) Rate Filing: Negotiated Rate—Chevron 911109 5-1-19 Release to be effective 5/1/2019.

Filed Date: 4/25/19.

Accession Number: 20190425-5105.

Comments Due: 5 p.m. ET 5/7/19.
Docket Numbers: RP19–1154–000.
Applicants: Gulf South Pipeline Company, LP.

Description: § 4(d) Rate Filing: Create New Rate Schedule Option PAL–CB to be effective 6/1/2019.

Filed Date: 4/26/19.

Accession Number: 20190426–5002.

Comments Due: 5 p.m. ET 5/8/19.

Docket Numbers: RP19–1155–000.

Applicants: Dominion Energy Transmission, Inc.

Description: § 4(d) Rate Filing: DETI—April 26, 2019 Negotiated Rate Agreements to be effective 5/1/2019.

Filed Date: 4/26/19.

Accession Number: 20190426–5009.

Comments Due: 5 p.m. ET 5/8/19.

Docket Numbers: RP19–1156–000.

Applicants: Millennium Pipeline Company, LLC.

Description: § 4(d) Rate Filing: Negotiated Rate Agmt—Cabot to be effective 5/1/2019.

Filed Date: 4/26/19.

Accession Number: 20190426–5150.

Comments Due: 5 p.m. ET 5/8/19.

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 date(s). 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 30, 2019.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2019–09195 Filed 5–3–19; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. TS19–2–000]

Notice of Filing; City of Grand Island, Nebraska, Grand Island Utilities

Take notice that on December 10, 2018, pursuant to section 358.1(d) of the

Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure,¹ the City of Grand Island, Nebraska, Grand Island Utilities Department (GUID), filed a request for waiver of the Commission Standards of Conduct requirements that may apply to GUID under part 358 of the Commission's regulations,² and Order Nos. 717,³ 888,⁴ 889,⁵ and 2004.⁶

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. On or before the comment date, it is not necessary to serve motions to intervene or protests on persons other than the Applicant.

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,

¹ 18 CFR 358.1(d) (2015).

² 18 CFR part 358.

³ Standards of Conduct for Transmission Providers, Order No. 717, FERC Stats. & Regs. ¶ 31,280 (2008), order on reh'g, Order No. 717–A, FERC Stats. & Regs. ¶ 31,297, order on reh'g Order No. 717–B, 129 FERC ¶ 61,123 (2009), on reh'g, Order No. 717–C, 131 FERC ¶ 61,045 (2010).

⁴ Promoting Wholesale Competition Through Open Access Non-Discriminatory Transmission Services by Public Utilities; Recovery of Stranded Costs by Public Utilities and Transmitting Utilities, Order No. 888, FERC Stats. & Regs. ¶ 31,036 (1996), order on reh'g, Order No. 888–A, FERC Stats. & Regs. ¶ 31,048 (1997), order on reh'g, Order No. 888–B, 81 FERC ¶ 61,248 (1997), order on reh'g, Order No. 888–C, 82 FERC ¶ 61,046 (1998), aff'd in relevant part sub nom. *Transmission Access Policy Study Group, et al. v. FERC*, 225 F.3d 667 (D.C. Cir. 2000), aff'd sub nom. *New York v. FERC*, 535 U.S. 1 (2002).

⁵ Open Access Same-Time Information System and Standards of Conduct, Order No. 889, FERC Stats. & Regs. ¶ 31,035 (1996), order on reh'g, Order No. 889–A, FERC Stats. & Regs. ¶ 31,049 (1997), reh'g denied, Order No. 889–B, 81 FERC ¶ 61,253 (1997).

⁶ Standards of Conduct for Transmission Providers, Order No. 2004, 68 FR 69134 (Dec. 11, 2003), FERC Stats. & Regs. ¶ 31,155 (2003), order on reh'g, Order No. 2004–A, 69 FR 23562 (Apr. 29, 2004), FERC Stats. & Regs. ¶ 31,161 (2004), order on reh'g, Order No. 2004–B, 69 FR 48371 (Aug. 10, 2004), FERC Stats. & Regs. ¶ 31,166 (2004), order on reh'g, Order No. 2004–C, 70 FR 284 (Jan. 4, 2005), FERC Stats. & Regs. ¶ 31,172 (2004), order on reh'g, Order No. 2004–D, 110 FERC ¶ 61,320 (2005), vacated in part sub nom. *Nat'l Fuel Gas Supply Corp. v. FERC*, 468 F.3d 831 (D.C. Cir. 2006).

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 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 29, 2019.

Dated: April 29, 2019.

Kimberly D. Bose,
Secretary.

[FR Doc. 2019–09197 Filed 5–3–19; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RM98–1–000]

Records Governing Off-the-Record Communications; Public Notice

This constitutes notice, in accordance with 18 CFR 385.2201(b), of the receipt of prohibited and exempt off-the-record communications.

Order No. 607 (64 FR 51222, September 22, 1999) requires Commission decisional employees, who make or receive a prohibited or exempt off-the-record communication relevant to the merits of a contested proceeding, to deliver to the Secretary of the Commission, a copy of the communication, if written, or a summary of the substance of any oral communication.

Prohibited communications are included in a public, non-decisional file associated with, but not a part of, the decisional record of the proceeding. Unless the Commission determines that the prohibited communication and any responses thereto should become a part of the decisional record, the prohibited off-the-record communication will not be considered by the Commission in reaching its decision. Parties to a proceeding may seek the opportunity to respond to any facts or contentions made in a prohibited off-the-record communication, and may request that the Commission place the prohibited communication and responses thereto in the decisional record. The Commission will grant such a request

only when it determines that fairness so requires. Any person identified below as having made a prohibited off-the-record communication shall serve the document on all parties listed on the official service list for the applicable proceeding in accordance with Rule 2010, 18 CFR 385.2010.

Exempt off-the-record communications are included in the decisional record of the proceeding,

unless the communication was with a cooperating agency as described by 40 CFR 1501.6, made under 18 CFR 385.2201(e) (1) (v).

The following is a list of off-the-record communications recently received by the Secretary of the Commission. The communications listed are grouped by docket numbers in ascending order. These filings are available for electronic 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, please contact FERC Online Support at FERCOnlineSupport@ferc.gov or toll free at (866) 208-3676, or for TTY, contact (202) 502-8659.

Docket Nos.	File date	Presenter or requester
Prohibited:		
1. CP17-495-000	4/17/2019	FERC Staff. ¹
2. CP18-46-000	4/17/2019	FERC Staff. ²
Exempt:		
1. CP17-495-000	4/12/2019	U.S. Congress. ³
2. CP17-495-000	4/18/2019	U.S. House of Representative Ken Buck.
3. CP17-495-000	4/18/2019	U.S. House of Representative Scott Tipton.
4. CP17-495-000	4/18/2019	U.S. Senator John Barrasso, M.D.
5. CP17-495-000	4/19/2019	U.S. House of Representative Liz Cheney.
6. CP17-495-000	4/19/2019	Oregon House of Representative Caddy McKeown.
7. CP17-495-000	4/19/2019	Oregon House of Representative Gary Leif.
8. CP17-495-000	4/19/2019	Oregon State Senator Dennis Linthicum.
9. CP17-495-000	4/19/2019	Oregon State Senator Arnie Roblan.
10. CP17-495-000	4/19/2019	Oregon House of Representative E. Werner Reschke.
11. CP17-495-000	4/19/2019	Oregon House of Representative David Brock Smith.
12. CP17-495-000	4/19/2019	Oregon State Senator Dallas Heard.
13. CP15-115-000	4/23/2019	Seneca Nation of Indians.

Dated: April 30, 2019.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2019-09196 Filed 5-3-19; 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 corporate filings:

Docket Numbers: EC19-83-000.

Applicants: Michigan Electric Transmission Company, Consumers Energy Company.

Description: Joint Application for Authorization Under Section 203 of the Federal Power Act, *et al.* of Michigan

Electric Transmission Company, LLC, *et al.*

Filed Date: 4/30/19.

Accession Number: 20190430-5173.

Comments Due: 5 p.m. ET 5/21/19.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER10-1915-010; ER10-1963-010.

Applicants: Bayswater Peaking Facility, LLC, Jamaica Bay Peaking Facility, LLC.

Description: Notification of Change in Status of Bayswater Peaking Facility, LLC, *et al.*

Filed Date: 4/29/19.

Accession Number: 20190429-5343.

Comments Due: 5 p.m. ET 5/20/19.

Docket Numbers: ER13-1589-004.

Applicants: RockGen Energy LLC.

Description: Compliance filing: Informational Filing Regarding Upstream Change in Control to be effective N/A.

Filed Date: 4/30/19.

Accession Number: 20190430-5185.

Comments Due: 5 p.m. ET 5/21/19.

Docket Numbers: ER15-2735-005.

Applicants: Garrison Energy Center LLC.

Description: Compliance filing: Informational Filing Regarding

Upstream Change in Control and Request for Waiver to be effective N/A.

Filed Date: 4/30/19.

Accession Number: 20190430-5183.

Comments Due: 5 p.m. ET 5/21/19.

Docket Numbers: ER19-1201-000.

Applicants: Midcontinent Independent System Operator, Inc., Ameren Illinois Company.

Description: Report Filing: 2019-04-29_SA 2004 Ameren-City of Kahoka 1st Rev WDS Supplement to be effective N/A.

Filed Date: 4/29/19.

Accession Number: 20190429-5263.

Comments Due: 5 p.m. ET 5/20/19.

Docket Numbers: ER19-1365-001.

Applicants: Midcontinent Independent System Operator, Inc.

Description: Tariff Amendment: 2019-04-30_SA 3268 Astoria Substation BSSB In Out Sub MPFCA (J493 J510) OTP NSP to be effective 3/19/2019.

Filed Date: 4/30/19.

Accession Number: 20190430-5226.

Comments Due: 5 p.m. ET 5/10/19.

Docket Numbers: ER19-1367-001.

Applicants: Midcontinent Independent System Operator, Inc.

Description: Tariff Amendment: 2019-04-30_SA 3270 Johnson Junction-

¹ Email correspondence dated 4/16/2019 with Debra New of North Bend, OR.

² Email correspondence dated 4/16/2019 with Rose Merrigan, Tom Cuce, and Neighbors of Bucks County, PA, West Rockhill Township.

³ Senator Ron Wyden and Representative Peter DeFazio.

Ortonville Line Sub MPFCA (J493 J526) OTP to be effective 3/19/2019.

Filed Date: 4/30/19.

Accession Number: 20190430–5286.

Comments Due: 5 p.m. ET 5/10/19.

Docket Numbers: ER19–1690–000.

Applicants: California Independent System Operator Corporation.

Description: Compliance filing: 2019–04–26 Petition for Limited Tariff Waiver—Calculate EFC Values for PDR to be effective N/A.

Filed Date: 4/26/19.

Accession Number: 20190426–5216.

Comments Due: 5 p.m. ET 5/10/19.

Docket Numbers: ER19–1718–000.

Applicants: Duke Energy Florida, LLC.

Description: § 205(d) Rate Filing: DEF IA Annual Cost Factor Update (2019) to be effective 5/1/2019.

Filed Date: 4/30/19.

Accession Number: 20190430–5022.

Comments Due: 5 p.m. ET 5/21/19.

Docket Numbers: ER19–1719–000.

Applicants: Virginia Electric and Power Company, PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Dominion submits a WDSA, Service Agreement No. 5304 with Gloucester Solar to be effective 4/8/2019.

Filed Date: 4/30/19.

Accession Number: 20190430–5074.

Comments Due: 5 p.m. ET 5/21/19.

Docket Numbers: ER19–1720–000.

Applicants: New England Power Pool Participants Committee.

Description: § 205(d) Rate Filing: May 2019 Membership Filing to be effective 4/1/2019.

Filed Date: 4/30/19.

Accession Number: 20190430–5237.

Comments Due: 5 p.m. ET 5/21/19.

Docket Numbers: ER19–1721–000.

Applicants: Public Service Company of Colorado.

Description: § 205(d) Rate Filing: 20190430_Non-conforming Market Based Rate Agreement to be effective 7/1/2019.

Filed Date: 4/30/19.

Accession Number: 20190430–5242.

Comments Due: 5 p.m. ET 5/21/19.

Docket Numbers: ER19–1722–000.

Applicants: Duke Energy Carolinas, LLC.

Description: § 205(d) Rate Filing: DEC-Revised Rate Schedule Nos 329 and 333 (Towns of Prosperity and Due West, SC) to be effective 1/1/2018.

Filed Date: 4/30/19.

Accession Number: 20190430–5274.

Comments Due: 5 p.m. ET 5/21/19.

Docket Numbers: ER19–1723–000.

Applicants: Wisconsin Electric Power Company.

Description: Tariff Cancellation: Notice of Cancellation to be effective 4/1/2019.

Filed Date: 4/30/19.

Accession Number: 20190430–5276.

Comments Due: 5 p.m. ET 5/21/19.

Docket Numbers: ER19–1724–000.

Applicants: Duke Energy Carolinas, LLC.

Description: § 205(d) Rate Filing: DEC-Central EPC (RS No. 336) Revised PPA to be effective 1/1/2018.

Filed Date: 4/30/19.

Accession Number: 20190430–5282.

Comments Due: 5 p.m. ET 5/21/19.

Docket Numbers: ER19–1725–000.

Applicants: Pacific Gas and Electric Company.

Description: § 205(d) Rate Filing: Q1 2019 Quarterly Filing of City and County of San Francisco's WDT SA (SA 275) to be effective 3/31/2019.

Filed Date: 4/30/19.

Accession Number: 20190430–5284.

Comments Due: 5 p.m. ET 5/21/19.

Docket Numbers: ER19–1726–000.

Applicants: Southwest Power Pool, Inc.

Description: § 205(d) Rate Filing: 3549 WAPA & Minnkota Power Coop Interconnection Agreement to be effective 4/26/2019.

Filed Date: 4/30/19.

Accession Number: 20190430–5294.

Comments Due: 5 p.m. ET 5/21/19.

Docket Numbers: ER19–1727–000.

Applicants: Southwestern Public Service Company.

Description: § 205(d) Rate Filing: LP&L Production Template Update to be effective 6/1/2019.

Filed Date: 4/30/19.

Accession Number: 20190430–5314.

Comments Due: 5 p.m. ET 5/21/19.

Docket Numbers: ER19–1728–000.

Applicants: Wisconsin Public Service Corporation.

Description: Tariff Cancellation: Notice of Cancellation to be effective 4/1/2019.

Filed Date: 4/30/19.

Accession Number: 20190430–5326.

Comments Due: 5 p.m. ET 5/21/19.

Docket Numbers: ER19–1729–000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Amendment to Original WMPA SA No. 5095; Queue No. AB2–022 to be effective 5/21/2018.

Filed Date: 4/30/19.

Accession Number: 20190430–5340.

Comments Due: 5 p.m. ET 5/21/19.

Docket Numbers: ER19–1730–000.

Applicants: Wind Park Bear Creek, L.L.C.

Description: Baseline eTariff Filing: Rate Schedule for Reactive Supply and

Voltage Control to be effective 6/29/2019.

Filed Date: 4/30/19.

Accession Number: 20190430–5373.

Comments Due: 5 p.m. ET 5/21/19.

Docket Numbers: ER19–1731–000.

Applicants: California Power Exchange Corporation.

Description: § 205(d) Rate Filing: Rate Filing for Rate Period 35 to be effective 7/1/2019.

Filed Date: 4/30/19.

Accession Number: 20190430–5380.

Comments Due: 5 p.m. ET 5/21/19.

Docket Numbers: ER19–1732–000.

Applicants: Talen Energy Marketing, LLC.

Description: § 205(d) Rate Filing: Market-Based Rate Tariff Revisions to be effective 5/1/2019.

Filed Date: 4/30/19.

Accession Number: 20190430–5386.

Comments Due: 5 p.m. ET 5/21/19.

Take notice that the Commission received the following qualifying facility filings:

Docket Numbers: QF19–1140–000.

Applicants: Chevron U.S.A. Inc.

Description: Form 556 of Chevron U.S.A. Inc. [Richmond Refinery STG–3640].

Filed Date: 4/30/19.

Accession Number: 20190430–5230.

Comments Due: None-Applicable.

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 30, 2019.

Nathaniel J. Davis, Sr.,
Deputy Secretary.

[FR Doc. 2019–09194 Filed 5–3–19; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL-9993-18-OECA]

See the Item Specific Docket Numbers Provided in the Text; Proposed Information Collection Request; Comment Request; See Item Specific ICR Titles Provided in the Text

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) is planning to submit the below listed information collection requests (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*). Before doing so, EPA is soliciting public comments on specific aspects of the proposed information collection as described below. These are proposed extensions of 41 currently approved ICRs. 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.

DATES: Comments must be submitted on or before July 5, 2019.

ADDRESSES: Submit your comments, referencing the Docket ID numbers provided for each item in the text, online using www.regulations.gov (our preferred method), by email to docket.oeca@epa.gov, or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: Patrick Yellin, Monitoring, Assistance, and Media Programs Division, Office of Compliance, (Mail Code 2227A), Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: (202) 564-2970; fax number: (202) 564-0050; email address: yellin.patrick@epa.gov.

SUPPLEMENTARY INFORMATION: Supporting documents which explain in detail the information that the EPA will be collecting are available in the public docket for this ICR. The docket can be viewed online at www.regulations.gov or in person at the EPA Docket Center,

WJC West, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is 202-566-1744. For additional information about EPA's public docket, visit <http://www.epa.gov/dockets>.

Pursuant to section 3506(c)(2)(A) of the PRA, EPA is soliciting comments and information to enable it to: (i) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility; (ii) evaluate the accuracy of the Agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (iii) enhance the quality, utility, and clarity of the information to be collected; and (iv) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses. Burden is defined at 5 CFR 1320.03(b). EPA will consider the comments received and amend the ICR as appropriate. The final ICR package will then be submitted to OMB for review and approval. At that time, EPA will issue another **Federal Register** notice to announce the submission of the ICR to OMB and the opportunity to submit additional comments to OMB.

General Abstract: For all the listed ICRs in this notice, owners and operators of affected facilities are required to comply with reporting and record keeping requirements for the general provisions of 40 CFR part 60, subpart A or part 63, subpart A, as well as the applicable specific standards. This includes submitting initial notifications, performance tests and periodic reports and results, and maintaining records of maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility, or any period during which the monitoring system is inoperative. These reports are used by EPA to determine compliance with the standards.

(1) Docket ID Number: EPA-HQ-OECA-2012-0646; NSPS for Incinerators (40 CFR part 60, subpart E) (Renewal); EPA ICR Number 1058.13; OMB Control Number 2060-0040; Expiration date November 30, 2019.

Respondents: Incinerators that charge more than 45 metric tons per day (50 tons per day) of solid waste.

Respondent's obligation to respond: Mandatory (40 CFR part 60, subpart E).

Estimated number of respondents: 82.
Frequency of response: Initially.
Estimated annual burden: 8,490 hours.

Estimated annual cost: \$717,000, includes \$205,000 annualized capital or operations & maintenance (O&M) costs.

Changes in estimates: There is no change in burden hours from the previous ICR.

(2) Docket ID Number: EPA-HQ-OECA-2012-0499; NSPS for Industrial-Commercial-Institutional Steam Generating Units (40 CFR part 60, subpart Db) (Renewal); EPA ICR Number 1088.15; OMB Control Number 2060-0072; Expiration date November 30, 2019.

Respondents: Industrial/commercial/institutional steam generating units (boilers).

Respondent's obligation to respond: Mandatory (40 CFR part 60, subpart Db).

Estimated number of respondents: 1846.

Frequency of response: Initially, quarterly, and semiannually.

Estimated annual burden: 1,690,000 hours.

Estimated annual cost: \$210,000,000, includes \$35,100,000 annualized capital or O&M costs.

Changes in estimates: There is a projected increase in burden due to an increase in the number of sources subject to the regulation.

(3) Docket ID Number: EPA-HQ-OECA-2012-0662; NESHAP for Gasoline Distribution Facilities (40 CFR part 63, subpart R) (Renewal); EPA ICR Number 1659.10; OMB Control Number 2060-0325; Expiration date November 30, 2019.

Respondents: Bulk gasoline terminals with throughputs greater than 75,700 liters/day.

Respondent's obligation to respond: Mandatory (40 CFR part 63, subpart R).

Estimated number of respondents: 492.

Frequency of response: Initially and semiannually.

Estimated annual burden: 15,900 hours.

Estimated annual cost: \$2,000,000, includes \$357,000 annualized capital or O&M costs.

Changes in estimates: There is no change in burden hours from the previous ICR.

(4) Docket ID Number: EPA-HQ-OECA-2012-0664; NESHAP for Commercial Ethylene Oxide Sterilization and Fumigation Operations (40 CFR part 63, subpart O) (Renewal); EPA ICR Number 1666.11; OMB Control Number 2060-0283; Expiration date November 30, 2019.

Respondents: Commercial ethylene oxide sterilization and fumigation operations.

Respondent's obligation to respond: Mandatory (40 CFR part 63, subpart O).

Estimated number of respondents: 125.

Frequency of response: Initially, occasionally, and semiannually.

Estimated annual burden: 9,200 hours.

Estimated annual cost: \$1,630,000, includes \$681,000 annualized capital or O&M costs.

Changes in estimates: There is a projected increase in burden due to an increase in the number of sources subject to the regulation.

(5) Docket ID Number: EPA-HQ-OECA-2012-0681; NSPS for Commercial and Industrial Solid Waste Incineration Units (40 CFR part 60, subpart CCC) (Renewal); EPA ICR Number 1926.08; OMB Control Number 2060-0450; Expiration date November 30, 2019.

Respondents: Commercial and industrial solid waste incineration units.

Respondent's obligation to respond: Mandatory (40 CFR part 60, subpart CCC).

Estimated number of respondents: 30.

Frequency of response: Initially, occasionally, semiannually and annually.

Estimated annual burden: 6,520 hours.

Estimated annual cost: \$1,080,000, includes \$406,000 annualized capital or O&M costs.

Changes in estimates: There is no change in burden hours from the previous ICR.

(6) Docket ID Number: EPA-HQ-OECA-2012-0685; Emission Guidelines for Existing Commerce and Industrial Solid Waste Incineration Units (40 CFR part 60, subpart DDDD) (Renewal); EPA ICR Number 1927.08; OMB Control Number 2060-0451; Expiration date November 30, 2019.

Respondents: Commercial and industrial solid waste incineration units.

Respondent's obligation to respond: Mandatory (40 CFR part 60, subpart DDDD).

Estimated number of respondents: 90.

Frequency of response: Initially, occasionally, semiannually, and annually.

Estimated annual burden: 19,700 hours.

Estimated annual cost: \$3,250,000, includes \$1,220,000 annualized capital or O&M costs.

Changes in estimates: There is no change in burden hours from the previous ICR.

(7) Docket ID Number: EPA-HQ-OECA-2012-0686; NESHAP for Organic Liquids Distribution (Non-Gasoline) Facilities (40 CFR part 63, subpart EEEE) (Renewal); EPA ICR Number 1963.07; OMB Control Number 2060-0539; Expiration date November 30, 2019.

Respondents: Organic liquids (non-gasoline) distribution facilities.

Respondent's obligation to respond: Mandatory (40 CFR part 63, subpart EEEE).

Estimated number of respondents: 381.

Frequency of response: Initially and semiannually.

Estimated annual burden: 115,000 hours.

Estimated annual cost: \$20,500,000, includes \$8,560,000 annualized capital or O&M costs.

Changes in estimates: There is no change in burden hours from the previous ICR.

(8) Docket ID Number: EPA-HQ-OECA-2012-0687; NESHAP for Stationary Combustion Turbines (40 CFR part 63, subpart YYYY) (Renewal); EPA ICR Number 1967.07; OMB Control Number 2060-0540; Expiration date November 30, 2019.

Respondents: Stationary combustion turbines.

Respondent's obligation to respond: Mandatory (40 CFR part 63, subpart YYYY).

Estimated number of respondents: 131.

Frequency of response: Initially, semiannually, and annually.

Estimated annual burden: 2,220 hours.

Estimated annual cost: \$239,000, includes \$9,700 annualized capital or O&M costs.

Changes in estimates: There is a projected increase in burden due to an increase in the number of sources subject to the regulation.

(9) Docket ID Number: EPA-HQ-OECA-2012-0690; NESHAP for Automobile and Light-duty Truck Surface Coating (40 CFR part 63, subpart IIII) (Renewal); EPA ICR Number 2045.07; OMB Control Number 2060-0550; Expiration date November 30, 2019.

Respondents: Facilities that perform surface coating on automobiles and light-duty trucks.

Respondent's obligation to respond: Mandatory (40 CFR part 63, subpart IIII).

Estimated number of respondents: 65.

Frequency of response: Initially, occasionally, and semiannually.

Estimated annual burden: 26,700 hours.

Estimated annual cost: \$2,830,000, includes \$78,000 annualized capital or O&M costs.

Changes in estimates: There is a projected decrease in burden due to anticipated shutdown of existing sources.

(10) Docket ID Number: EPA-HQ-OECA-2012-0695; NESHAP for Site Remediation (40 CFR part 63, subpart GGGG) (Renewal); EPA ICR Number 2062.07; OMB Control Number 2060-0534; Expiration date November 30, 2019.

Respondents: Facilities with site remediation activities.

Respondent's obligation to respond: Mandatory (40 CFR part 63, subpart GGGG).

Estimated number of respondents: 286.

Frequency of response: Initially and semiannually.

Estimated annual burden: 140,000 hours.

Estimated annual cost: \$13,900,000, includes \$582,000 annualized capital or O&M costs.

Changes in estimates: There is no change in burden hours from the previous ICR.

(11) Docket ID Number: EPA-HQ-OECA-2012-0697; NESHAP for Iron and Steel Foundries (40 CFR part 63, subpart EEEEE) (Renewal); EPA ICR Number 2096.07; OMB Control Number 2060-0543; Expiration date November 30, 2019.

Respondents: Iron and steel foundries.

Respondent's obligation to respond: Mandatory (40 CFR part 63, subpart EEEEE).

Estimated number of respondents: 98.

Frequency of response: Initially, occasionally, and semiannually.

Estimated annual burden: 30,000 hours.

Estimated annual cost: \$3,490,000, includes \$400,000 annualized capital or O&M costs.

Changes in estimates: There is no change in burden hours from the previous ICR.

(12) Docket ID Number: EPA-HQ-OECA-2012-0701; NESHAP for Miscellaneous Coating Manufacturing (40 CFR part 63, subpart HHHHH) (Renewal); EPA ICR Number 2115.06; OMB Control Number 2060-0535; Expiration date November 30, 2019.

Respondents: Facilities that manufacture a miscellaneous coating, including inks, paints, or adhesives.

Respondent's obligation to respond: Mandatory (40 CFR part 63, subpart HHHHH).

Estimated number of respondents: 44.

Frequency of response: Initially, occasionally, and semiannually.

Estimated annual burden: 55,800 hours.

Estimated annual cost: \$6,690,000, includes \$928,000 annualized capital or O&M costs.

Changes in estimates: There is no change in burden hours from the previous ICR.

(13) Docket ID Number: EPA–HQ–OECA–2013–0318; NSPS for Magnetic Tape Coating Facilities (40 CFR part 60, subpart SSS) (Renewal); EPA ICR Number 1135.13; OMB Control Number 2060–0171; Expiration date January 31, 2020.

Respondents: Magnetic tape coating facilities constructed or modified after January 22, 1986.

Respondent's obligation to respond: Mandatory (40 CFR part 60, subpart SSS).

Estimated number of respondents: 6.

Frequency of response: Initially, quarterly, and semiannually.

Estimated annual burden: 2,030 hours.

Estimated annual cost: \$295,000, includes \$86,400 annualized capital or O&M costs.

Changes in estimates: There is no change in burden hours from the previous ICR.

(14) Docket ID Number: EPA–HQ–OECA–2013–0334; NSPS for Secondary Brass and Bronze Production, Primary Copper Smelters, Primary Zinc Smelters, Primary Lead Smelters, Primary Aluminum Reduction Plants, and Ferroalloy Production Facilities (40 CFR part 60, subparts M, P, Q, R, S, Z) (Renewal); EPA ICR Number 1604.12; OMB Control Number 2060–0110; Expiration date January 31, 2020.

Respondents: Secondary brass and bronze production, primary copper smelters, primary zinc smelters, primary lead smelters, primary aluminum reduction plants, and ferroalloy production facilities.

Respondent's obligation to respond: Mandatory (40 CFR part 60, subparts M, P, Q, R, S, and Z).

Estimated number of respondents: 18.

Frequency of response: Initially, monthly, semiannually, and annually.

Estimated annual burden: 3,880 hours.

Estimated annual cost: \$527,000, includes \$127,000 annualized capital or O&M costs.

Changes in estimates: There is no change in burden hours from the previous ICR.

(15) Docket ID Number: EPA–HQ–OECA–2013–0336; NESHAP for Off-Site Waste and Recovery Operations (40 CFR part 63, subpart DD) (Renewal); EPA ICR Number 1717.12; OMB Control Number 2060–0313; Expiration date January 31, 2020.

Respondents: Off-Site waste management and recovery operations.

Respondent's obligation to respond: Mandatory (40 CFR part 63, subpart DD).

Estimated number of respondents: 45.

Frequency of response: Initially, occasionally, and semiannually.

Estimated annual burden: 40,600 hours.

Estimated annual cost: \$5,060,000, includes \$874,000 annualized capital or O&M costs.

Changes in estimates: There is no change in burden hours from the previous ICR.

(16) Docket ID Number: EPA–HQ–OECA–2012–0676; NESHAP for Phosphoric Acid Manufacturing and Phosphate Fertilizers Production (40 CFR part 63, subparts AA and BB) (Renewal); EPA ICR Number 1790.09; OMB Control Number 2060–0361; Expiration date January 31, 2020.

Respondents: Phosphoric acid manufacturing and phosphate fertilizer production facilities.

Respondent's obligation to respond: Mandatory (40 CFR part 63, subparts AA and BB).

Estimated number of respondents: 13.

Frequency of response: Initially, quarterly, annually, and semiannually.

Estimated annual burden: 2,200 hours.

Estimated annual cost: \$413,000, includes \$186,000 annualized capital or O&M costs.

Changes in estimates: There is no change in burden hours from the previous ICR.

(17) Docket ID Number: EPA–HQ–OECA–2012–0679; NESHAP for Petroleum Refineries: Catalytic Cracking Units, Reforming and Sulfur Units (40 CFR part 63, subpart UUU) (Renewal); EPA ICR Number 1844.09; OMB Control Number 2060–0554; Expiration date January 31, 2020.

Respondents: Fluid catalytic cracking units, catalytic reforming units, and sulfur recovery units at petroleum refineries.

Respondent's obligation to respond: Mandatory (40 CFR part 63, subpart UUU).

Estimated number of respondents: 142.

Frequency of response: Initially, occasionally and semiannually.

Estimated annual burden: 20,200 hours.

Estimated annual cost: \$10,900,000, includes \$8,820,000 annualized capital or O&M costs.

Changes in estimates: There is no change in burden hours from the previous ICR.

(18) Docket ID Number: EPA–HQ–OECA–2013–0338; NESHAP for the

Manufacture of Amino/Phenolic Resins (40 CFR part 63, subpart OOO)

(Renewal); EPA ICR Number 1869.11; OMB Control Number 2060–0434;

Expiration date January 31, 2020.

Respondents: Manufacturers of amino/phenolic resins.

Respondent's obligation to respond: Mandatory (40 CFR part 63, subpart OOO).

Estimated number of respondents: 19.

Frequency of response: Initially, occasionally, and semiannually.

Estimated annual burden: 23,300 hours.

Estimated annual cost: \$3,360,000, includes \$958,000 annualized capital or O&M costs.

Changes in estimates: There is no change in burden hours from the previous ICR.

(19) Docket ID Number: EPA–HQ–OECA–2013–0339; NESHAP for Boat Manufacturing (40 CFR part 63, subpart VVVV) (Renewal); EPA ICR Number 1966.07; OMB Control Number 2060–0546; Expiration date January 31, 2020.

Respondents: Boat manufacturing facilities.

Respondent's obligation to respond: Mandatory (40 CFR part 63, subpart VVVV).

Estimated number of respondents: 144.

Frequency of response: Initially, occasionally, quarterly, and semiannually.

Estimated annual burden: 23,500 hours.

Estimated annual cost: \$2,430,000, includes \$800 annualized capital or O&M costs.

Changes in estimates: There is a projected decrease in burden due to anticipated shutdown of existing sources.

(20) Docket ID Number: EPA–HQ–OECA–2013–0341; NESHAP for Plywood and Composite Wood Products (40 CFR part 63, subpart DDDD) (Renewal); EPA ICR Number 1984.07; OMB Control Number 2060–0552; Expiration date January 31, 2020.

Respondents: Plywood and composite wood products (PCWP) facilities.

Respondent's obligation to respond: Mandatory (40 CFR part 63, subpart DDDD).

Estimated number of respondents: 228.

Frequency of response: Initially, occasionally, and semiannually.

Estimated annual burden: 11,900 hours.

Estimated annual cost: \$1,250,000, includes \$16,000 annualized capital or O&M costs.

Changes in estimates: There is no change in burden hours from the previous ICR.

(21) Docket ID Number: EPA-HQ-OECA-2013-0345; NESHAP for Metal Can Manufacturing Surface Coating (40 CFR part 63, subpart KKKK) (Renewal); EPA ICR Number 2079.07; OMB Control Number 2060-0541; Expiration date January 31, 2020.

Respondents: Metal can manufacturing facilities that use 5,700 liters (1,500 gallons) per year or more of surface coatings.

Respondent's obligation to respond: Mandatory (40 CFR part 63, subpart KKKK).

Estimated number of respondents: 5.
Frequency of response: Initially, occasionally, and semiannually.

Estimated annual burden: 1,940 hours.

Estimated annual cost: \$206,000, includes \$6,000 annualized capital or O&M costs.

Changes in estimates: There is no change in burden hours from the previous ICR.

(22) Docket ID Number: EPA-HQ-OECA-2013-0310; NSPS for Sewage Sludge Treatment Plants (40 CFR part 60, subpart O) (Renewal); EPA ICR Number 1063.14; OMB Control Number 2060-0035; Expiration date March 31, 2020.

Respondents: Incinerators at sewage sludge treatment plants.

Respondent's obligation to respond: Mandatory (40 CFR part 60, subpart O).

Estimated number of respondents: 86.
Frequency of response: Initially and semiannually.

Estimated annual burden: 9,690 hours.

Estimated annual cost: \$4,050,000, includes \$3,050,000 annualized capital or O&M costs.

Changes in estimates: There is a projected decrease in burden due to anticipated shutdown of existing sources.

(23) Docket ID Number: EPA-HQ-OECA-2013-0314; NSPS for Phosphate Rock Plants (40 CFR part 60, subpart NN) (Renewal); EPA ICR Number 1078.12; OMB Control Number 2060-0111; Expiration date March 31, 2020.

Respondents: Phosphate rock plants.

Respondent's obligation to respond: Mandatory (40 CFR part 60, subpart NN).

Estimated number of respondents: 15.
Frequency of response: Initially and semiannually.

Estimated annual burden: 1,860 hours.

Estimated annual cost: \$333,000, includes \$141,000 annualized capital or O&M costs.

Changes in estimates: There is a projected increase in burden due to an increase in the number of sources subject to the regulation.

(24) Docket ID Number: EPA-HQ-OECA-2013-0329; NSPS for Rubber Tire Manufacturing (40 CFR part 60, subpart BBB) (Renewal); EPA ICR Number 1158.13; OMB Control Number 2060-0156; Expiration date March 31, 2020.

Respondents: Rubber tire manufacturers.

Respondent's obligation to respond: Mandatory (40 CFR part 60, subpart BBB).

Estimated number of respondents: 41.

Frequency of response: Initially, occasionally, semiannually, and annually.

Estimated annual burden: 17,700 hours.

Estimated annual cost: \$1,850,000, includes \$16,400 annualized capital or O&M costs.

Changes in estimates: There is no change in burden hours from the previous ICR.

(25) Docket ID Number: EPA-HQ-OECA-2013-0335; NESHAP for Aerospace Manufacturing and Rework Facilities (40 CFR part 63, subpart GG) (Renewal); EPA ICR Number 1687.12; OMB Control Number 2060-0314; Expiration date March 31, 2020.

Respondents: Aerospace manufacturing and rework facilities.

Respondent's obligation to respond: Mandatory (40 CFR part 63, subpart GG).

Estimated number of respondents: 144.

Frequency of response: Initially, occasionally, and semiannually.

Estimated annual burden: 115,000 hours.

Estimated annual cost: \$12,000,000, includes \$108,000 annualized capital or O&M costs.

Changes in estimates: There is no change in burden hours from the previous ICR.

(26) Docket ID Number: EPA-HQ-OECA-2013-0342; NESHAP for Lime Manufacturing (40 CFR part 63, subpart AAAAA) (Renewal); EPA ICR Number 2072.07; OMB Control Number 2060-0544; Expiration date March 31, 2020.

Respondents: Lime manufacturing plants.

Respondent's obligation to respond: Mandatory (40 CFR part 63, subpart AAAAA).

Estimated number of respondents: 68.

Frequency of response: Initially, occasionally, and semiannually.

Estimated annual burden: 16,300 hours.

Estimated annual cost: \$2,010,000, includes \$325,000 annualized capital or O&M costs.

Changes in estimates: There is a projected increase in burden due to an

increase in the number of sources subject to the regulation.

(27) Docket ID Number: EPA-HQ-OECA-2013-0301; NESHAP for Beryllium (40 CFR part 61, subpart C) (Renewal); EPA ICR Number 0193.13; OMB Control Number 2060-0092; Expiration date March 31, 2020.

Respondents: Facilities processing beryllium ore, beryllium, beryllium oxides, beryllium alloys, or beryllium-containing waste.

Respondent's obligation to respond: Mandatory (40 CFR part 61, subpart C).

Estimated number of respondents: 33.

Frequency of response: Initially, occasionally, and monthly.

Estimated annual burden: 2,670 hours.

Estimated annual cost: \$310,000, includes \$35,000 annualized capital or O&M costs.

Changes in estimates: There is no change in burden hours from the previous ICR.

(28) Docket ID Number: EPA-HQ-OECA-2013-0340; NESHAP for Stationary Reciprocating Internal Combustion Engines (40 CFR part 63, subpart ZZZZ) (Renewal); EPA ICR Number 1975.11; OMB Control Number 2060-0548; Expiration date April 30, 2020.

Respondents: Stationary reciprocating internal combustion engines (RICE).

Respondent's obligation to respond: Mandatory (40 CFR part 63, subpart ZZZZ).

Estimated number of respondents: 906,640.

Frequency of response: Initially, quarterly, semiannually, and annually.

Estimated annual burden: 3,610,000 hours.

Estimated annual cost: \$407,000,000, includes \$35,100,000 annualized capital or O&M costs.

Changes in estimates: There is a projected increase in burden due to an increase in the number of sources subject to the regulation.

(29) Docket ID Number: EPA-HQ-OECA-2013-0313; NSPS for Stationary Gas Turbines (40 CFR part 60, subpart GG) (Renewal); EPA ICR Number 1071.13; OMB Control Number 2060-0028; Expiration date May 31, 2020.

Respondents: Stationary gas turbines.

Respondent's obligation to respond: Mandatory (40 CFR part 60, subpart GG).

Estimated number of respondents: 535.

Frequency of response: Initially and semiannually.

Estimated annual burden: 69,100 hours.

Estimated annual cost: \$7,130,000, includes \$0 annualized capital or O&M costs.

Changes in estimates: There is no change in burden hours from the previous ICR.

(30) Docket ID Number: EPA-HQ-OECA-2013-0302; NSPS for the Graphic Arts Industry (40 CFR part 60, subpart QQ) (Renewal); EPA ICR Number 0657.13; OMB Control Number 2060-0105; Expiration date May 31, 2020.

Respondents: Facilities with publication rotogravure printing presses.

Respondent's obligation to respond: Mandatory (40 CFR part 60, subpart QQ).

Estimated number of respondents: 21.

Frequency of response: Initially and semiannually.

Estimated annual burden: 1,920 hours.

Estimated annual cost: \$198,000, includes \$0 annualized capital or O&M costs.

Changes in estimates: There is a projected increase in burden due to an increase in the number of new or modified sources subject to the regulation.

(31) Docket ID Number: EPA-HQ-OECA-2013-0319; NSPS for VOC Emissions from Petroleum Refinery Wastewater Systems (40 CFR part 60, subpart QQQ) (Renewal); EPA ICR Number 1136.13; OMB Control Number 2060-0172; Expiration date June 30, 2020.

Respondents: Petroleum refinery wastewater systems.

Respondent's obligation to respond: Mandatory (40 CFR part 60, subpart QQQ).

Estimated number of respondents: 149.

Frequency of response: Initially, occasionally, and semiannually.

Estimated annual burden: 10,200 hours.

Estimated annual cost: \$1,070,000, includes \$19,400 annualized capital or O&M costs.

Changes in estimates: There is no change in burden hours from the previous ICR.

(32) Docket ID Number: EPA-HQ-OECA-2013-0321; NSPS for Sewage Sludge Incinerators (40 CFR part 60, subpart LLLL) (Renewal); EPA ICR Number 2369.05; OMB Control Number 2060-0658; Expiration date June 30, 2020.

Respondents: Sewage sludge incineration units.

Respondent's obligation to respond: Mandatory (40 CFR part 60, subpart LLLL).

Estimated number of respondents: 5.

Frequency of response: Initially, occasionally, semiannually, and annually.

Estimated annual burden: 1,270 hours.

Estimated annual cost: \$825,000, includes \$694,000 annualized capital or O&M costs.

Changes in estimates: There is a projected increase in burden due to an increase in the number of sources subject to the regulation.

(33) Docket ID Number: EPA-HQ-OECA-2013-0317; NESHAP for Gold Mine Ore Processing (40 CFR part 63, subpart EEEEEEE) (Renewal); EPA ICR Number 2383.05; OMB Control Number 2060-0659; Expiration date June 30, 2020.

Respondents: Gold mine ore processing and production facilities.

Respondent's obligation to respond: Mandatory (40 CFR part 63, subpart EEEEEEE).

Estimated number of respondents: 21.

Frequency of response: Initially, occasionally, semiannually, and annually.

Estimated annual burden: 2,840 hours.

Estimated annual cost: \$521,000, includes \$227,000 annualized capital or O&M costs.

Changes in estimates: There is no change in burden hours from the previous ICR.

(34) Docket ID Number: EPA-HQ-OECA-2013-0325; NESHAP for Benzene Emission from Benzene Storage Vessels and Coke Oven By-Product Recovery Plants (40 CFR part 61, subparts L and Y) (Renewal); EPA ICR Number 1080.16; OMB Control Number 2060-0185; Expiration date August 31, 2020.

Respondents: Owners and operators of benzene storage vessels and coke oven by-product recovery plants.

Respondent's obligation to respond: Mandatory (40 CFR part 61, subparts L and Y).

Estimated number of respondents: 21.

Frequency of response: Initially, occasionally, semiannually, and annually.

Estimated annual burden: 3,220 hours.

Estimated annual cost: \$332,000, includes \$0 annualized capital or O&M costs.

Changes in estimates: There is no change in burden hours from the previous ICR.

(35) Docket ID Number: EPA-HQ-OECA-2013-0315; NSPS for Commercial and Industrial Solid Waste Incineration (CISWI) units (40 CFR part 60, subpart CCCC) (Renewal); EPA ICR Number 2384.05; OMB Control Number 2060-0662; Expiration date August 31, 2020.

Respondents: Commercial and industrial solid waste incineration units.

Respondent's obligation to respond: Mandatory (40 CFR part 60, subpart CCCC).

Estimated number of respondents: 8.

Frequency of response: Initially, occasionally, semiannually, and annually.

Estimated annual burden: 1,450 hours.

Estimated annual cost: \$779,000, includes \$630,000 annualized capital or O&M costs.

Changes in estimates: There is a projected increase in burden due to an increase in the number of sources subject to the regulation.

(36) Docket ID Number: EPA-HQ-OECA-2014-0063; NESHAP for Polyether Polyols Production (40 CFR part 63, subpart PPP) (Renewal); EPA ICR Number 1811.11; OMB Control Number 2060-0415; Expiration date September 30, 2020.

Respondents: Polyether polyols production facilities.

Respondent's obligation to respond: Mandatory (40 CFR part 63, subpart PPP).

Estimated number of respondents: 23.

Frequency of response: Initially, occasionally, and semiannually.

Estimated annual burden: 3,710 hours.

Estimated annual cost: \$383,000, includes \$0 annualized capital or O&M costs.

Changes in estimates: There is no change in burden hours from the previous ICR.

(37) Docket ID Number: EPA-HQ-OECA-2013-0350; The Consolidated Air Rule (CAR) for the Synthetic Organic Chemical Manufacturing Industry (SOCMI) (Renewal); EPA ICR Number 1854.11; OMB Control Number 2060-0443; Expiration date September 30, 2020.

Respondents: Synthetic organic chemical manufacturing facilities.

Respondent's obligation to respond: Mandatory (40 CFR part 65).

Estimated number of respondents: 5,198.

Frequency of response: Initially, occasionally, semiannually and annually.

Estimated annual burden: 2,210,000 hours.

Estimated annual cost: \$337,000,000, includes \$105,000,000 annualized capital or O&M costs.

Changes in estimates: There is a projected increase in burden due to an increase in the number of sources subject to the regulation.

(38) Docket ID Number: EPA-HQ-OECA-2013-0353; NSPS for Stationary

Spark Ignition Internal Combustion Engines (40 CFR part 60, subpart JJJJ) (Renewal); EPA ICR Number 2227.06; OMB Control Number 2060–0610; Expiration date September 30, 2020.

Respondents: Stationary spark ignition internal combustion engines.

Respondent's obligation to respond: Mandatory (40 CFR part 60, subpart JJJJ).

Estimated number of respondents: 18,570.

Frequency of response: Initially and annually.

Estimated annual burden: 35,100 hours.

Estimated annual cost: \$6,140,000, includes \$2,480,000 annualized capital or O&M costs.

Changes in estimates: There is a projected increase in burden due to an increase in the number of sources subject to the regulation.

(39) Docket ID Number: EPA–HQ–OECA–2016–0009; NESHP for Group IV Polymers and Resins (40 CFR part 63, subpart JJJ) (Renewal); EPA ICR Number 2457.04; OMB Control Number 2060–0682; Expiration date September 30, 2020.

Respondents: Thermoplastic resin production facilities.

Respondent's obligation to respond: Mandatory (40 CFR part 63, subpart JJJ).

Estimated number of respondents: 31.

Frequency of response: Initially, occasionally, quarterly, and semiannually.

Estimated annual burden: 177,000 hours.

Estimated annual cost: \$28,000,000, includes \$9,350,000 annualized capital or O&M costs.

Changes in estimates: There is no change in burden hours from the previous ICR.

(40) Docket ID Number: EPA–HQ–OECA–2014–0034; NSPS for Kraft Pulp Mills (40 CFR part 60, subpart BB) (Renewal); EPA ICR Number 2485.04; OMB Control Number 2060–0690; Expiration date September 30, 2020.

Respondents: Kraft pulp mills.

Respondent's obligation to respond: Mandatory (40 CFR part 60, subpart BB).

Estimated number of respondents: 10.

Frequency of response: Initially, occasionally, and semiannually.

Estimated annual burden: 3,950 hours.

Estimated annual cost: \$1,230,000, includes \$821,000 annualized capital or O&M costs.

Changes in estimates: There is a projected increase in burden due to an increase in the number of sources subject to the regulation.

(41) Docket ID Number: EPA–HQ–OECA–2013–0303; NSPS for Equipment Leaks of VOC in Petroleum Refineries

(40 CFR part 60, subparts GGG and GGGa) (Renewal); EPA ICR Number 0983.16; OMB Control Number 2060–0067; Expiration date September 30, 2020.

Respondents: Petroleum refineries.

Respondent's obligation to respond: Mandatory (40 CFR part 60, subparts GGG and GGGa).

Estimated number of respondents: 116.

Frequency of response: Initially and semiannually.

Estimated annual burden: 183,400 hours.

Estimated annual cost: \$18,940,000, includes \$0 annualized capital or O&M costs.

Changes in estimates: There is no change in burden hours from the previous ICR.

Dated: April 17, 2019.

Martha Segall,

Acting Director, Monitoring, Assistance and Media Programs Division, Office of Compliance.

[FR Doc. 2019–09229 Filed 5–3–19; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2009–0361; FRL–9992–96]

Glyphosate Proposed Interim Registration Review Decision; Notice of Availability

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This document announces the availability of EPA's Proposed Interim Registration Review Decision for glyphosate and opens a 60-day public comment period on the proposed decision.

DATES: Comments must be received on or before July 5, 2019.

ADDRESSES: Submit your comments, identified by the docket identification (ID) number for the specific pesticide of interest provided in the Table in Unit IV, 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: For pesticide specific information, contact: The glyphosate registration review email address identified in the Table in Unit IV.

For general information on the registration review program, contact: Dana Friedman, Pesticide Re-Evaluation Division (7508P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; telephone number: (703) 347–8827; email address: friedman.dana@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

This action is directed to the public in general and may be of interest to a wide range of stakeholders including environmental, human health, farm worker, and agricultural advocates; the chemical industry; pesticide users; and members of the public interested in the sale, distribution, or use of pesticides. Since others also may be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the applicability of this action to a particular entity, contact the glyphosate registration review email address and phone number identified in the Table in Unit IV.

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](http://www.regulations.gov) or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information on 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

Registration review is EPA's periodic review of pesticide registrations to ensure that each pesticide continues to satisfy the statutory standard for registration, that is, the pesticide can perform its intended function without unreasonable adverse effects on human health or the environment. As part of the registration review process, the Agency has completed a proposed interim registration review decision for the pesticide glyphosate. Through this program, EPA is ensuring that each pesticide's registration is based on current scientific and other knowledge,

including its effects on human health and the environment.

III. Authority

EPA is conducting its registration review of the chemical listed in the Table in Unit IV pursuant to section 3(g) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), 7 U.S.C. 136a *et seq.*, and the Procedural Regulations for Registration Review at 40 CFR part 155, subpart C. FIFRA section 3(g) provides, among other things, that the registrations of pesticides are to be reviewed every 15 years. Under FIFRA, a pesticide product may be registered or remain registered only if it meets the statutory standard for registration given in FIFRA section 3(c)(5) (7 U.S.C. 136a(c)(5)). When used

in accordance with widespread and commonly recognized practice, the pesticide product must perform its intended function without unreasonable adverse effects on the environment; that is, without any unreasonable risk to man or the environment, or a human dietary risk from residues that result from the use of a pesticide in or on food.

IV. What action is the Agency taking?

Pursuant to 40 CFR 155.58, this document announces the availability of EPA's proposed interim registration review decision for the pesticide shown in the following table and opens a 60-day public comment period on the proposed interim registration review decision.

Registration review case name and No.	Docket ID No.	Email and phone contact information
Glyphosate Case 0178	EPA-HQ-OPP-2009-0361	glyphosateRegReview@epa.gov , 703-347-0292.

The registration review docket for a pesticide includes earlier documents related to the registration review case. For example, the review opened with a Preliminary Work Plan, for public comment. A Final Work Plan was placed in the docket following public comment on the Preliminary Work Plan.

Glyphosate is a broad-spectrum systemic herbicide registered for use in various agricultural and non-agricultural settings. Agricultural use sites include glyphosate-resistant (transgenic) crops such as canola, corn, cotton, soybean, and sugar beet. Non-agricultural use sites include residential areas, turf, rights of ways, and aquatic areas. In 2017, EPA published comprehensive ecological and human health risk assessments for glyphosate. No human health risks were identified. The agency determined that glyphosate is not carcinogenic to humans. Potential ecological risks were identified for terrestrial and aquatic plants, birds, and mammals, primarily from exposure to spray drift. To ensure pollinators and their habitat are adequately protected from glyphosate, EPA included an evaluation of risk to pollinators and milkweed in the ecological risk assessment. Available data (laboratory and field-based) indicate no risk to pollinators. EPA is taking steps to protect pollinators and their habitat. In its proposed interim registration review decision for glyphosate, EPA is proposing spray drift management measures (e.g., release height, droplet size, and wind speed restrictions) to reduce off-site exposure to non-target wildlife. EPA is also proposing weed

resistance management labeling (e.g., information on mode of action, scouting instructions, and reporting instructions for weed resistance) to preserve glyphosate as a valuable tool for growers.

The documents in the docket describe EPA's rationales for conducting risk assessments for the registration review of glyphosate, as well as the Agency's subsequent risk findings and consideration of possible risk mitigation measures. This proposed interim registration review decision is supported by the rationales included in those documents. Following public comment, the Agency will issue interim or final registration review decisions for glyphosate.

The registration review final rule at 40 CFR 155.58(a) provides for a minimum 60-day public comment period on all proposed interim registration review decisions. This comment period is intended to provide an opportunity for public input and a mechanism for initiating any necessary amendments to the proposed interim registration review decision. All comments should be submitted using the methods in **ADDRESSES** and must be received by EPA on or before the closing date. These comments will become part of the docket for glyphosate. Comments received after the close of the comment period will be marked "late." EPA is not required to consider these late comments.

The Agency will carefully consider all comments received by the closing date and may provide a "Response to Comments Memorandum" in the

docket. The interim registration review decision will explain the effect that any comments had on the interim decision and provide the Agency's response to significant comments.

Background on the registration review program is provided at: <http://www.epa.gov/pesticide-reevaluation>.

Authority: 7 U.S.C. 136 *et seq.*

Dated: April 24, 2019.

Charles Smith,

Acting Director, Pesticide Re-Evaluation Division, Office of Pesticide Programs.

[FR Doc. 2019-09222 Filed 5-3-19; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OPP-2019-0066; FRL-9992-10]

Petition To Modify the Tolerance and Product Labels for Glyphosate With Regard to Oats; Notice of Filing

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA is seeking public comment on a September 27, 2018 petition from the Environmental Working Group (EWG), Ben & Jerry's Homemade, Inc., Happy Family Organics, MegaFood, MOM's Organic Market, National Co-op Grocers, Nature's Path Foods Inc., One Degree Organic Foods USA, Inc., and Stonyfield Farms, Inc. requesting that the agency reduce the tolerance of the pesticide glyphosate in or on oats and

require glyphosate-containing product labels to explicitly prohibit preharvest use on oats. The petitioners have submitted this petition under the Federal Food, Drug, and Cosmetic Act (FFDCA) and the Administrative Procedure Act (APA) and as comments for consideration during the registration review of glyphosate under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA).

DATES: Comments must be received on or before June 5, 2019.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA-HQ-OPP-2019-0066, 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: Khue Nguyen, Pesticide Re-evaluation Division (7508P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460-0001; main telephone number: 703-347-0248; email address: nguyen.khue@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

This action is directed to the public in general, and may be of interest to a wide range of stakeholders, including environmental, human health, and agricultural advocates, the chemical industry, pesticide users, agricultural producers, food manufacturers, pesticide manufacturers, and members of the public interested in the sale, distribution, or use of pesticides. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

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

B. 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 seeks public comment during the next 30 days on a pesticide petition dated September 27, 2018 (available in docket number EPA-HQ-OPP-2019-0066 at <http://www.regulations.gov>) from the EWG, Ben & Jerry's Homemade, Inc., Happy Family Organics, MegaFood, MOM's Organic Market, National Co-op Grocers, Nature's Path Foods Inc., One Degree Organic Foods USA, Inc., and Stonyfield Farms, Inc. The petitioners request that EPA reduce the glyphosate

tolerance for oats from 30 parts per million (ppm) to 0.1 ppm and prohibit preharvest use on oats. The petition also requests that EPA require glyphosate-containing product labels to explicitly prohibit the use of glyphosate as a preharvest desiccant on oats. The petition is filed pursuant to section 408 of the FFDCA and section 553(e) of the Administrative Procedures Act.

As part of their petition, the petitioners have submitted results of residue testing from the EWG of glyphosate levels in various granola, instant oat, breakfast cereal, and snack commodities. The petitioners claim that glyphosate is a possible carcinogen and that the current 30 ppm glyphosate tolerance on oats is not adequately protective of children. In addition, the petitioners request revisions to glyphosate labels that they believe will reduce the potential for children's dietary exposure to glyphosate in oat products.

Background materials related to the FIFRA Scientific Advisory Panel (SAP) meeting to discuss the carcinogenic potential of glyphosate, including the transcript, the March 16, 2017 "Transmission of Meeting Minutes and Final Report of the December 13-16, 2016 FIFRA SAP Meeting Held to Consider and Review Scientific Issues Associated with EPA's Evaluation of the Carcinogenic Potential of Glyphosate", and EPA's December 12, 2017 "Response to the Final Report of the Federal Insecticide, Fungicide, and Rodenticide Act Scientific Advisory Panel (FIFRA SAP) on the Evaluation of the Human Carcinogenic Potential of Glyphosate" are available online at: https://cfpub.epa.gov/si/si_public_record_Report.cfm?Lab=OPP&dirEntryId=337935.

EPA's December 12, 2017 "Revised Glyphosate Issue Paper: Evaluation of Carcinogenic Potential, its December 12, 2017 Glyphosate Draft Human Health Risk Assessment for Registration Review", and its September 8, 2015 "Registration Review—Preliminary Ecological Risk Assessment for Glyphosate and its Salts" are available online at: <https://www.epa.gov/ingredients-used-pesticide-products/draft-human-health-and-ecological-risk-assessments-glyphosate>. The Agency's Proposed Interim Registration Review Decision for glyphosate is also available for public comment in docket EPA-HQ-OPP-2009-0361 at <http://www.regulations.gov>.

Dated: April 24, 2019.

Charles Smith,

*Acting Director, Pesticide Re-evaluation
Division, Office of Pesticide Programs.*

[FR Doc. 2019-09221 Filed 5-3-19; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

**[EPA-HQ-OECA-2011-0824; FRL-9993-
28-OECA]**

Proposed Information Collection Request; Comment Request; Pesticide Registration Application, Notification and Report for Pesticide-Producing Establishments

AGENCY: Environmental Protection
Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency is planning to submit an information collection request (ICR), "Pesticide Registration Application, Notification and Report for Pesticide-Producing Establishments" (EPA ICR No. 0160.12, OMB Control No. 2070-0078) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. Before doing so, EPA is soliciting public comments on specific aspects of the proposed information collection as described below. This ICR is scheduled to expire on January 31, 2020. 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.

DATES: Comments must be submitted on or before July 5, 2019.

ADDRESSES: Submit your comments, referencing Docket ID No. EPA-HQ-OECA-2011-0824, online using www.regulations.gov (our preferred method), by email to docket.oeca@epa.gov or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: Michelle Yaras, Office of Compliance, Monitoring, Assistance, and Media Programs Division, Pesticides, Waste &

Toxics Branch (2227A), Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: (202) 564-4153; email: yaras.michelle@epa.gov.

SUPPLEMENTARY INFORMATION:

Supporting documents which explain in detail the information that the EPA will be collecting are available in the public docket for this ICR. The docket can be viewed online at www.regulations.gov or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is 202-566-1744. For additional information about EPA's public docket, visit <http://www.epa.gov/dockets>.

Pursuant to section 3506(c)(2)(A) of the PRA, EPA is soliciting comments and information to enable it to: (i) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility; (ii) evaluate the accuracy of the Agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (iii) enhance the quality, utility, and clarity of the information to be collected; and (iv) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses. EPA will consider the comments received and amend the ICR as appropriate. The final ICR package will then be submitted to OMB for review and approval. At that time, EPA will issue another **Federal Register** notice to announce the submission of the ICR to OMB and the opportunity to submit additional comments to OMB.

Abstract: The Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) Section 7(a) requires that any person who produces pesticides, active ingredients or devices subject to the Act must register with the Administrator of EPA the establishment in which the pesticide, active ingredient or device is produced. This Section further requires that application for registration of any establishment shall include the name and address of the establishment and of the producer who operates such an establishment. EPA Form 3540-8, Application for Registration of Pesticide-Producing and Device-Producing Establishments, is used to

collect the establishment registration information required by this Section.

FIFRA Section 7(c) requires that any producer operating an establishment registered under Section 7 report to the Administrator within 30 days after it is registered, and annually thereafter by March 1st for certain pesticide or device production and sales or distribution information. The producers must report which types and amounts of pesticides, active ingredients, or devices are currently being produced, were produced during the past year, sold or distributed in the past year. The supporting regulations at 40 CFR part 167 provide the requirements and time schedules for submitting production information. EPA Form 3540-16, Pesticide Report for Pesticide-Producing and Device-Producing Establishments, is used to collect the pesticide production information required by Section 7(c) of FIFRA.

Establishment registration information, collected on EPA Form 3540-8, is a one-time requirement for all pesticide-producing and device-producing establishments. Pesticide and device production information, reported on EPA Form 3540-16, is required to be submitted within 30 days after the company is notified of their pesticide-producing or device-producing establishment number, and annually thereafter on or before March 1st. Pesticide-producing and device-producing establishments optionally can electronically enter and submit their establishment registration information and pesticide production information through EPA's Central Data Exchange (CDX).

Form Numbers: 3540-8 and 3540-16.

Respondents/affected entities:

Establishments registering pesticides.

Respondent's obligation to respond:

Mandatory (40 CFR part 167).

Estimated number of respondents:

14,730.

Frequency of response: Annually.

Total estimated burden: 21,274 hours (per year). Burden is defined at 5 CFR 1320.03(b).

Total estimated cost: \$1,680,644 (per year), includes no annualized capital or operation & maintenance costs.

Changes in estimates: There is no change in hours at present, but we will be revising the estimates in the 2nd FR notice before we submit to OMB.

Dated: April 29, 2019.

Martha Segall,

*Acting Director, Monitoring, Assistance and
Media Programs Division, Office of
Compliance.*

[FR Doc. 2019-09230 Filed 5-3-19; 8:45 am]

BILLING CODE 6560-50-P

FEDERAL DEPOSIT INSURANCE CORPORATION

Receiver) as Receiver for the institution listed below intends to terminate its receivership for said institution.

Notice to All Interested Parties of Intent To Terminate Receivership

Notice is hereby given that the Federal Deposit Insurance Corporation (FDIC or

NOTICE OF INTENT TO TERMINATE RECEIVERSHIP

Fund	Receivership name	City	State	Date of appointment of receiver
10175	Charter Bank	Santa Fe	NM	01/22/2010

The liquidation of the assets for the receivership has been completed. To the extent permitted by available funds and in accordance with law, the Receiver will be making a final dividend payment to proven creditors.

Based upon the foregoing, the Receiver has determined that the continued existence of the receivership will serve no useful purpose. Consequently, notice is given that the receivership shall be terminated, to be effective no sooner than thirty days after the date of this notice. If any person wishes to comment concerning the termination of the receivership, such comment must be made in writing, identify the receivership to which the

comment pertains, and sent within thirty days of the date of this notice to: Federal Deposit Insurance Corporation, Division of Resolutions and Receiverships, Attention: Receivership Oversight Department 34.6, 1601 Bryan Street, Dallas, TX 75201.

No comments concerning the termination of this receivership will be considered which are not sent within this time frame.

Dated at Washington, DC, on May 1, 2019.
Federal Deposit Insurance Corporation.

Robert E. Feldman,
Executive Secretary.

[FR Doc. 2019-09161 Filed 5-3-19; 8:45 am]

BILLING CODE 6714-01-P

FEDERAL DEPOSIT INSURANCE CORPORATION**Notice of Termination of Receiverships**

The Federal Deposit Insurance Corporation (FDIC or Receiver), as Receiver for each of the following insured depository institutions, was charged with the duty of winding up the affairs of the former institutions and liquidating all related assets. The Receiver has fulfilled its obligations and made all dividend distributions required by law.

NOTICE OF TERMINATION OF RECEIVERSHIPS

Fund	Receivership name	City	State	Termination date
10278	Butte Community Bank	Chico	CA	5/1/2019
10283	Pacific State Bank	Stockton	CA	5/1/2019
10442	Farmers' & Traders' State Bank	Shabbona	IL	5/1/2019

The Receiver has further irrevocably authorized and appointed FDIC-Corporate as its attorney-in-fact to execute and file any and all documents that may be required to be executed by the Receiver which FDIC-Corporate, in its sole discretion, deems necessary, including but not limited to releases, discharges, satisfactions, endorsements, assignments, and deeds. Effective on the termination dates listed above, the Receiverships have been terminated, the Receiver has been discharged, and the Receiverships have ceased to exist as legal entities.

Dated at Washington, DC, on May 1, 2019.
Federal Deposit Insurance Corporation.

Robert E. Feldman,
Executive Secretary.

[FR Doc. 2019-09164 Filed 5-3-19; 8:45 am]

BILLING CODE 6714-01-P

FEDERAL ELECTION COMMISSION**Sunshine Act Meeting**

TIME AND DATE: Thursday, May 9, 2019 at 10:00 a.m.

PLACE: 1050 First Street NE, Washington, DC (12th Floor).

STATUS: This meeting will be open to the public.

MATTERS TO BE CONSIDERED:

Draft Advisory Opinion 2018-12:
Defending Digital Campaigns, Inc.
Draft Advisory Opinion 2019-05:
System73

Motion to Amend Directive 68 to
Establish Deadlines for the Timely
Processing of Enforcement Matters
2019 Meeting Dates
Management and Administrative
Matters

CONTACT PERSON FOR MORE INFORMATION:

Judith Ingram, Press Officer, Telephone: (202) 694-1220.

Individuals who plan to attend and require special assistance, such as sign language interpretation or other reasonable accommodations, should contact Dayna C. Brown, Secretary and Clerk, at (202) 694-1040, at least 72 hours prior to the meeting date.

Dayna C. Brown,

Secretary and Clerk of the Commission.

[FR Doc. 2019-09371 Filed 5-2-19; 4:15 pm]

BILLING CODE 6715-01-P

FEDERAL RESERVE SYSTEM**Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company**

The notificants listed below have applied under the Change in Bank Control Act ("Act") (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than May 21, 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, individually voting shares of Krause Financial, Inc., Winnebago, Minnesota (Company), and thereby indirectly retain shares of First Financial Bank in Winnebago, Winnebago, Minnesota (Bank). In addition, *Amanda Hair, Sioux Falls, South Dakota*; to join the Krause family shareholder group acting in concert, by retaining voting shares of Company and thereby indirectly retaining shares of Bank.

B. Federal Reserve Bank of Dallas (Robert L. Triplett III, Senior Vice President) 2200 North Pearl Street, Dallas, Texas 75201-2272:

1. *Blayn Barnard Smith, Dallas, Texas*; *Mary Blayr Garland Barnard, Oglesby, Texas*; *Douglas Landrum, Oglesby, Texas*; *the Zachary Sterling Jackson 2009 Trust, Dallas, Texas*; *the Mitchell Scott Jackson 2003 Trust, Dallas, Texas*; *the Hannah Elizabeth Jackson 2005 Trust, Dallas, Texas*; *Dana Donahoe, Dallas, Texas*; and *the minor children of Mary Blayr Garland Barnard, as a group acting in concert*; to acquire voting shares of National United Bancshares, Inc., and thereby indirectly acquire shares of National United, both of Gatesville, Texas.

Board of Governors of the Federal Reserve System, May 1, 2019.

Yao-Chin Chao,

Assistant Secretary of the Board.

[FR Doc. 2019-09216 Filed 5-3-19; 8:45 am]

BILLING CODE P

FEDERAL RESERVE SYSTEM**Change in Bank Control Notices; Acquisitions of Shares of an Insured Depository or Institution Holding Company**

The notificants listed below have applied under the Change in Bank Control Act ("Act") (12 U.S.C. 1817(j)) to acquire shares of an insured depository institution or 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 20, 2019.

A. Federal Reserve Bank of Minneapolis (Mark A. Rauzi, Vice President), 90 Hennepin Avenue, Minneapolis, Minnesota 55480-0291:

1. *Heather M. Plumski, Avon, Minnesota, as a trustee of the Stearns Financial Services, Inc., Employee Stock Ownership Plan and Trust, Saint Cloud, Minnesota, (ESOP)*; to acquire voting shares of the ESOP, and thereby indirectly acquire voting shares of Stearns Financial Services, Inc., Saint Cloud, Minnesota, and thereby indirectly acquire shares of Stearns Bank National Association, Saint Cloud, Minnesota, Stearns Bank of Upsala National Association, Upsala, Minnesota, and Stearns Bank of Holdingford National Association, Holdingford, Minnesota.

B. Federal Reserve Bank of San Francisco (Gerald C. Tsai, Director, Applications and Enforcement) 101 Market Street, San Francisco, California 94105-1579:

1. *Raymond Louis Craemer and Julia Craemer, Palos Verdes Estates, California*, *Sarah Rae Craemer, Austin, Texas*, *Elana Marianne Craemer, Long Beach, California*, and *the Julia and Ray Craemer Family Foundation, Torrance, California*; to acquire additional voting shares of Malaga Financial Corporation and thereby indirectly acquire shares of Malaga Bank, FSB, both of Palos Verdes Estates, California.

Board of Governors of the Federal Reserve System, April 30, 2019.

Yao-Chin Chao,

Assistant Secretary of the Board.

[FR Doc. 2019-09131 Filed 5-3-19; 8:45 am]

BILLING CODE P

DEPARTMENT OF HEALTH AND HUMAN SERVICES**Administration for Children and Families****Submission for OMB Review; Child Care and Development Fund Plan for Tribes for FY 2020-2022 (ACF-118A)**

AGENCY: Office of Child Care; Administration for Children and Families, HHS.

ACTION: Request for public comment.

SUMMARY: The Administration for Children and Families (ACF) is requesting revision of the ACF-118A (OMB # 0970-0198, with expiration 06/30/2019), with minor modifications.

DATES: *Comments due within 30 days of publication.* OMB is required to make a decision concerning the collection of information 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.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent directly to the following: Office of Management and Budget, Paperwork Reduction Project, Email: OIRA_SUBMISSION@OMB.EOP.GOV, Attn: Desk Officer for the Administration for Children and Families.

Copies of the proposed collection may be obtained by emailing infocollection@acf.hhs.gov. Alternatively, copies can also be obtained by writing to the Administration for Children and Families, Office of Planning, Research, and Evaluation, 330 C Street SW, Washington, DC 20201, Attn: OPRE Reports Clearance Officer. All requests, emailed or written, should be identified by the title of the information collection.

SUPPLEMENTARY INFORMATION:

Description: The Child Care and Development Fund (CCDF) Plan (the Plan) for Tribes is required from each CCDF Tribal Lead agency in accordance with Section 658E of the Child Care and Development Block Grant Act of 1990 (CCDBG Act), as amended, CCDBG Act of 2014 (Pub. L. 113-186), and 42 U.S.C. 9858. The Plan, submitted on the ACF-118A, is required triennially, and remains in effect for three years. The Plan provides ACF and the public with a description of, and assurance about the States' and Territories' child care programs. These Plans are the applications for CCDF funds.

This Notice is required by the Paperwork Reduction Act (PRA). The PRA requires Federal agencies to

request approval from the Office of Management and Budget (OMB) Office of Information and Regulatory Affairs (OIRA) for any information collection that will ask the same question of ten or more persons. The process includes publication of an initial **Federal Register** Notice (FRN) allowing 60 days for public comments on the initial plan for information collection, the publication of a second FRN allowing

30 days for public comment on the final proposed information collection, and review and approval by the OMB Office of Information and Regulatory Affairs.

The Office of Child Care (OCC) has given thoughtful consideration to the comments received and have made changes to the Plan Preprint document following the publication of the 60-day public comment period. The comments and changes are addressed in the

request package to OMB. Consistent with the statute and regulations, ACF requests revision of the ACF-118A with minor modifications. This 30-day second Public Comment Period provides an opportunity for the public to submit comments to the OMB.

Respondents: CCDF Tribal Lead agencies.

ANNUAL BURDEN ESTIMATES

Instrument	Total number of respondents	Number of responses per respondent	Average burden hours per response	Annual burden hours
ACF-118A Part I (for all tribes)	260	0.33	120	10,296
ACF-118A Part II (for medium and large tribes only)	106	0.33	24	840

Estimated Total Annual Burden Hours: 11,136.

Authority: 42 U.S.C. 9858c.

Mary B. Jones,

ACF/OPRE Certifying Officer.

[FR Doc. 2019-09163 Filed 5-3-19; 8:45 am]

BILLING CODE 4184-81-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA-2019-N-1620]

Pediatric Oncology Subcommittee of the Oncologic Drugs Advisory Committee; Notice of Meeting; Establishment of a Public Docket; Request for Comments

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice; establishment of a public docket; request for comments.

SUMMARY: The Food and Drug Administration (FDA or Agency) announces a forthcoming public advisory committee meeting of the Pediatric Oncology Subcommittee of the Oncologic Drugs Advisory Committee. The general function of the committee is to provide advice and recommendations to FDA on regulatory issues. The meeting will be open to the public. FDA is establishing a docket for public comment on this document.

DATES: The meeting will be held on June 20, 2019, from 8 a.m. to 4:30 p.m.

ADDRESSES: FDA White Oak Campus, 10903 New Hampshire Ave., Bldg. 31 Conference Center, the Great Room (Rm. 1503), Silver Spring, MD 20993-0002. Answers to commonly asked questions including information regarding special accommodations due to a disability,

visitor parking, and transportation may be accessed at: <https://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm408555.htm>.

FDA is establishing a docket for public comment on this meeting. The docket number is FDA-2019-N-1620. The docket will close on June 19, 2019. Submit either electronic or written comments on this public meeting by June 19, 2019. Please note that late, untimely filed comments will not be considered. Electronic comments must be submitted on or before June 19, 2019. The <https://www.regulations.gov> electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of June 19, 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.

Comments received on or before June 6, 2019, will be provided to the committee. Comments received after that date will be taken into consideration by FDA.

You may submit comments 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-N-1620 for "Pediatric Oncology Subcommittee of the Oncologic Drugs Advisory Committee; Notice of Meeting; Establishment of a Public Docket; Request for Comments." 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.” FDA 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 the 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:

Lauren D. Tesh, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 31, Rm. 2417, Silver Spring, MD 20993-0002, 301-796-9001, Fax: 301-847-8533, email: ODAC@fda.hhs.gov; or FDA Advisory Committee Information Line, 1-800-741-8138 (301-443-0572 in the Washington, DC area). A notice in the **Federal Register** about last minute modifications that impact a previously announced advisory committee meeting cannot always be published quickly enough to provide timely notice. Therefore, you should always check the FDA’s website at <https://www.fda.gov/AdvisoryCommittees/default.htm> and scroll down to the appropriate advisory committee meeting link, or call the

advisory committee information line to learn about possible modifications before coming to the meeting.

SUPPLEMENTARY INFORMATION:

Agenda: During the morning session, the particular matter for this meeting will be review and discussion of the FDA Reauthorization Act of 2017 (FDARA) mandated Relevant Pediatric Molecular Target List now posted on the FDA website: <https://www.fda.gov/AboutFDA/CentersOffices/OfficeofMedicalProductsandTobacco/OCE/ucm544641.htm>. FDA is required by statute to review and update the previously approved and published lists. The focus of the discussion will be limited to two target “classes” included in the Relevant Pediatric Molecular Target List: (1) Targets linked to cell lineage and (2) targets on normal immune cells and cells in the tumor microenvironment. Planned introductory presentations will be on: (1) Cell-based therapy approaches to childhood cancer and (2) novel membrane antigen determinants in pediatric tumors.

During the afternoon session, information will be presented to gauge investigator interest in exploring potential pediatric development plans for two products in various stages of development for adult cancer indications. The subcommittee will consider and discuss issues concerning diseases to be studied, patient populations to be included, and possible study designs in the development of these products for pediatric use. The discussion will also provide information to the Agency pertinent to the formulation of written requests for pediatric studies, if appropriate. The products under consideration are: (1) ONC201, presentation by Oncoceutics Inc., and (2) CD24Fc, presentation by OncoImmune, Inc.

FDA intends to make background material available to the public no later than 2 business days before the meeting. If FDA is unable to post the background material on its website prior to the meeting, the background material will be made publicly available at the location of the advisory committee meeting, and the background material will be posted on FDA’s website after the meeting. Background material is available at <https://www.fda.gov/AdvisoryCommittees/Calendar/default.htm>. Scroll down to the appropriate advisory committee meeting link.

Procedure: Interested persons may present data, information, or views, orally or in writing, on issues pending

before the subcommittee. All electronic and written submissions submitted to the docket (see **ADDRESSES**) on or before June 6, 2019, will be provided to the committee. Oral presentations from the public will be scheduled between approximately 9:35 a.m. and 10:05 a.m., 1:10 p.m. and 1:25 p.m., and 3:10 p.m. and 3:25 p.m. Those individuals interested in making formal oral presentations should notify the contact person (see **FOR FURTHER INFORMATION CONTACT**) and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation on or before May 29, 2019. Time allotted for each presentation may be limited. If the number of registrants requesting to speak is greater than can be reasonably accommodated during the scheduled open public hearing session, FDA may conduct a lottery to determine the speakers for the scheduled open public hearing session. The contact person will notify interested persons regarding their request to speak by May 30, 2019.

Persons attending FDA’s advisory committee meetings are advised that FDA is not responsible for providing access to electrical outlets.

For press inquiries, please contact the Office of Media Affairs at fdaoma@fda.hhs.gov or 301-796-4540.

FDA welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with disabilities. If you require accommodations due to a disability, please contact Lauren Tesh (see **FOR FURTHER INFORMATION CONTACT**) at least 7 days in advance of the meeting.

FDA is committed to the orderly conduct of its advisory committee meetings. Please visit our website at <https://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm111462.htm> for procedures on public conduct during advisory committee meetings.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: May 1, 2019.

Lowell J. Schiller,

Principal Associate Commissioner for Policy.

[FR Doc. 2019-09212 Filed 5-3-19; 8:45 am]

BILLING CODE 4164-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA-2019-D-0849]

Attention Deficit Hyperactivity Disorder: Developing Stimulant Drugs for Treatment; 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 “Attention Deficit Hyperactivity Disorder: Developing Stimulant Drugs for Treatment.” The purpose of this draft guidance is to assist sponsors in the clinical development of stimulant drugs for treatment of attention deficit hyperactivity disorder (ADHD) in pediatric and adult patients. Specifically, this draft guidance addresses the Agency’s current recommendations regarding the development programs for methylphenidate and amphetamine products, as well as for novel (*i.e.*, new molecular entity (NME)) stimulant drugs.

DATES: Submit either electronic or written comments on the draft guidance by July 5, 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-0849 for “Attention Deficit Hyperactivity Disorder: Developing Stimulant Drugs for Treatment.” 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. 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:

Tiffany Farchione, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 22, Rm. 4110, Silver Spring, MD 20993, 301-796-2260.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a draft guidance for industry entitled “Attention Deficit Hyperactivity Disorder: Developing Stimulant Drugs for Treatment.” The purpose of this draft guidance is to assist sponsors in the clinical development of stimulant drugs for treatment of ADHD in pediatric and adult patients. Specifically, this draft guidance addresses the Agency’s current recommendations regarding the development programs for methylphenidate and amphetamine products, as well as for novel (*i.e.*, NME) stimulant drugs.

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 “Attention Deficit Hyperactivity Disorder: Developing Stimulant Drugs for Treatment.” 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 under 21 CFR part 312 (Investigational New Drug Application) have been approved under OMB control number 0910–0014. The collections of information in 21 CFR parts 50 and 56 (Protection of Human Subjects: Informed Consent; Institutional Review Boards) have been approved under OMB control number 0910–0755. The collection of information in 21 CFR part 314, including the submission of labeling under 21 CFR 314.50(e)(2)(ii) and (l)(1)(i), has been approved under OMB control number 0910–0001. The submission of prescription drug labeling under 21 CFR 201.56 and 201.57 has been approved under OMB control number 0910–0572.

III. Electronic Access

Persons with access to the internet may obtain the draft guidance at either <https://www.fda.gov/Drugs/GuidanceComplianceRegulatoryInformation/Guidances/default.htm> or <https://www.regulations.gov>.

Dated: May 1, 2019.

Lowell J. Schiller,

Principal Associate Commissioner for Policy.

[FR Doc. 2019–09193 Filed 5–3–19; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2019–N–1422]

Advisory Committee; Medical Imaging Drugs Advisory Committee; Renewal

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice; renewal of advisory committee.

SUMMARY: The Food and Drug Administration (FDA) is announcing the renewal of the Medical Imaging Drugs Advisory Committee by the Commissioner of Food and Drugs (the Commissioner). The Commissioner has determined that it is in the public interest to renew the Medical Imaging Drugs Advisory Committee for an additional 2 years beyond the charter

expiration date. The new charter will be in effect until May 18, 2021.

DATES: Authority for the Medical Imaging Drugs Advisory Committee will expire on May 18, 2019, unless the Commissioner formally determines that renewal is in the public interest.

FOR FURTHER INFORMATION CONTACT:

Jennifer Shepherd, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 31, Rm. 2417, Silver Spring, MD 20993–0002, 301–796–9001, and email: MIDAC@fda.hhs.gov.

SUPPLEMENTARY INFORMATION: Pursuant to 41 CFR 102–3.65 and approval by the Department of Health and Human Services pursuant to 45 CFR part 11 and by the General Services Administration, FDA is announcing the renewal of the Medical Imaging Drugs Advisory Committee (the Committee). The committee is a discretionary Federal advisory committee established to provide advice to the Commissioner.

The Committee advises the Commissioner or designee in discharging responsibilities as they relate to helping to ensure safe and effective drugs for human use and, as required, any other product for which FDA has regulatory responsibility.

The Committee reviews and evaluates data concerning the safety and effectiveness of marketed and investigational human drug products for use in diagnostic and therapeutic procedures using radioactive pharmaceuticals and contrast media used in diagnostic radiology and makes appropriate recommendations to the Commissioner.

The Committee shall consist of a core of 12 voting members including the Chair. Members and the Chair are selected by the Commissioner or designee from among authorities knowledgeable in the fields of nuclear medicine, radiology, epidemiology or statistics, and related specialties. Members will be invited to serve for overlapping terms of up to four years. Almost all non-Federal members of this committee serve as Special Government Employees. The core of voting members may include one technically qualified member, selected by the Commissioner or designee, who is identified with consumer interests and is recommended by either a consortium of consumer-oriented organizations or other interested persons. In addition to the voting members, the Committee may include one non-voting member who is identified with industry interests.

Further information regarding the most recent charter and other

information can be found at <https://www.fda.gov/AdvisoryCommittees/CommitteesMeetingMaterials/Drugs/MedicalImagingDrugsAdvisoryCommittee/ucm273284.htm> or by contacting the Designated Federal Officer (see **FOR FURTHER INFORMATION CONTACT**). In light of the fact that no change has been made to the committee name or description of duties, no amendment will be made to 21 CFR 14.100.

This document is issued under the Federal Advisory Committee Act (5 U.S.C. app.). For general information related to FDA advisory committees, please check <https://www.fda.gov/AdvisoryCommittees/default.htm>.

Dated: May 1, 2019.

Lowell J. Schiller,

Principal Associate Commissioner for Policy.

[FR Doc. 2019–09217 Filed 5–3–19; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Mental Health; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Mental Health Initial Review Group; Mental Health Services Research Committee.

Date: June 11, 2019.

Time: 8:30 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hotel Monaco, 700 F Street NW, Washington, DC 20001.

Contact Person: Aileen Schulte, Ph.D., Scientific Review Officer, Division of Extramural Activities, National Institute of Mental Health, NIH, Neuroscience Center, 6001 Executive Blvd., Room 6136, MSC 9606, Bethesda, MD 20852, 301–443–1225, aschulte@mail.nih.gov.

(Catalogue of Federal Domestic Assistance Program No. 93.242, Mental Health Research Grants, National Institutes of Health, HHS)

Dated: May 1, 2019.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019-09202 Filed 5-3-19; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the National Advisory Council on Aging, May 21, 2019, 3:00 p.m. to May 22, 2019, 12:45 p.m., National Institutes of Health, Building 60, Lecture Hall, One Cloister Court, Bethesda, MD 20892 which was published in the **Federal Register** on February 15, 2019, 84 FR 4504.

The meeting notice is amended to change the previously listed incorrect institution name from NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES to NATIONAL INSTITUTE ON AGING. The meeting is partially Closed to the public.

Dated: May 1, 2019.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019-09199 Filed 5-3-19; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the National Advisory Council on Aging, September 10, 2019, 3:00 p.m. to September 11, 2019, 1:00 p.m., National Institutes of Health, Neuroscience Center Building (NSC), North Bethesda, 6001 Executive Boulevard, Rockville, MD 28052 which was published in the **Federal Register** on February 15, 2019, 84 FR 4503.

The meeting notice is amended to change the previously listed incorrect institution name from NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES to NATIONAL INSTITUTE ON AGING. The meeting is partially Closed to the public.

Dated: May 1, 2019.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019-09200 Filed 5-3-19; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Arthritis and Musculoskeletal and Skin Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Arthritis and Musculoskeletal and Skin Diseases Special Emphasis Panel; CCCR P30 Review Meeting.

Date: May 8-9, 2019.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Residence Inn by Marriott Bethesda, 7335 Wisconsin Ave, Bethesda, MD 20814.

Contact Person: Yin Liu, MD, Ph.D., Scientific Review Branch, National Institutes of Health, National Institute of Arthritis and Musculoskeletal and Skin Diseases, 6701 Democracy Blvd. Room 824, Bethesda, MD 20892, 301-594-8919, 301-402-2406 (fax).

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

(Catalogue of Federal Domestic Assistance Program Nos. 93.846, Arthritis, Musculoskeletal and Skin Diseases Research, National Institutes of Health, HHS)

Dated: April 30, 2019.

Sylvia L. Neal,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019-09201 Filed 5-3-19; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG-2019-0040]

Collection of Information Under Review by Office of Management and Budget; OMB Control Number: 1625-0112

AGENCY: Coast Guard, DHS.

ACTION: Thirty-day notice requesting comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 the U.S. Coast Guard is forwarding an Information Collection Request (ICR), abstracted below, to the Office of Management and Budget (OMB), Office of Information and Regulatory Affairs (OIRA), requesting approval for reinstatement, without change, of the following collection of information: 1625-0112, Enhanced Maritime Domain Awareness via Electronic Transmission of Vessel Transit Data. Our ICR describes the information we seek to collect from the public. Review and comments by OIRA ensure we only impose paperwork burdens commensurate with our performance of duties.

DATES: Comments must reach the Coast Guard and OIRA on or before June 5, 2019.

ADDRESSES: You may submit comments identified by Coast Guard docket number [USCG-2019-0040] to the Coast Guard using the Federal eRulemaking Portal at <https://www.regulations.gov>. Alternatively, you may submit comments to OIRA using one of the following means:

(1) *Email:* dhsdeskofficer@omb.eop.gov.

(2) *Mail:* OIRA, 725 17th Street NW, Washington, DC 20503, attention Desk Officer for the Coast Guard.

A copy of the ICR is available through the docket on the internet at <https://www.regulations.gov>. Additionally, copies are available from: Commandant (CG-612), ATTN: Paperwork Reduction Act Manager, U.S. Coast Guard, 2703 Martin Luther King Jr. Ave. SE, STOP 7710, Washington, DC 20593-7710.

FOR FURTHER INFORMATION CONTACT: Mr. Anthony Smith, Office of Information Management, telephone 202-475-3532, or fax 202-372-8405, for questions on these documents.

SUPPLEMENTARY INFORMATION:

Public Participation and Request for Comments

This notice relies on the authority of the Paperwork Reduction Act of 1995;

44 U.S.C. chapter 35, as amended. An ICR is an application to OIRA seeking the approval, extension, or renewal of a Coast Guard collection of information (Collection). The ICR contains information describing the Collection's purpose, the Collection's likely burden on the affected public, an explanation of the necessity of the Collection, and other important information describing the Collection. There is one ICR for each Collection. The Coast Guard invites comments on whether this ICR should be granted based on the Collection being necessary for the proper performance of Departmental functions. In particular, the Coast Guard would appreciate comments addressing: (1) The practical utility of the Collection; (2) the accuracy of the estimated burden of the Collection; (3) ways to enhance the quality, utility, and clarity of information subject to the Collection; and (4) ways to minimize the burden of the Collection on respondents, including the use of automated collection techniques or other forms of information technology. Consistent with the requirements of Executive Order 13771, Reducing Regulation and Controlling Regulatory Costs, and Executive Order 13777, Enforcing the Regulatory Reform Agenda, the Coast Guard is also requesting comments on the extent to which this request for information could be modified to reduce the burden on respondents. These comments will help OIRA determine whether to approve the ICR referred to in this notice.

We encourage you to respond to this request by submitting comments and related materials. Comments to Coast Guard or OIRA must contain the OMB Control Number of the ICR. They must also contain the docket number of this request, [USCG-2019-0040], and must be received by June 5, 2019.

Submitting Comments

We encourage you to submit comments through the Federal eRulemaking Portal at <https://www.regulations.gov>. If your material cannot be submitted using <https://www.regulations.gov>, contact the person in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions. Documents mentioned in this notice, and all public comments, are 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.

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, you may review a Privacy Act notice regarding the Federal Docket Management System in the March 24, 2005, issue of the **Federal Register** (70 FR 15086).

OIRA posts its decisions on ICRs online at <https://www.reginfo.gov/public/do/PRAMain> after the comment period for each ICR. An OMB notice of Action on each ICR will become available via a hyperlink in the OMB Control Number: 1625-0112.

Previous Request for Comments

This request provides a 30-day comment period required by OIRA. The Coast Guard published the 60-day notice (84 FR 7089, March 1, 2019) required by 44 U.S.C. 3506(c)(2). That notice elicited no comments. Accordingly, no changes have been made to the Collections.

Information Collection Request

Title: Enhanced Maritime Domain Awareness via Electronic Transmission of Vessel Transit Data.

OMB Control Number: 1625-0112.

Summary: The Coast Guard collects, stores, and analyzes data transmitted by LRIT and AIS to enhance maritime domain awareness (MDA). Awareness and threat knowledge are critical for securing the maritime domain and the key to preventing adverse events. Data is also used for marine safety and environmental protection purposes.

Need: To ensure port safety and security and to ensure the uninterrupted flow of commerce.

Forms: None.

Respondents: Owners or operators of certain vessels.

Frequency: On occasion.

Hour Burden Estimate: The estimated burden has increased from 47,245 hours to 52,728 hours a year due to an increase in the estimated annual number of responses.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. chapter 35, as amended.

Dated: April 30, 2019.

James D. Roppel,

U.S. Coast Guard, Chief, Office of Information Management.

[FR Doc. 2019-09183 Filed 5-3-19; 8:45 am]

BILLING CODE 9110-04-P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA-4424-DR; Docket ID FEMA-2019-0001]

Ohio; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of Ohio (FEMA-4424-DR), dated April 8, 2019, and related determinations.

DATES: The declaration was issued April 8, 2019.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646-2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated April 8, 2019, the President issued a major disaster declaration under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the "Stafford Act"), as follows:

I have determined that the damage in certain areas of the State of Ohio resulting from severe storms, flooding, and landslides during the period of February 5 to February 13, 2019, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the "Stafford Act"). Therefore, I declare that such a major disaster exists in the State of Ohio.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Public Assistance in the designated areas and Hazard Mitigation throughout the State. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Hazard Mitigation will be limited to 75 percent of the total eligible costs. Federal funds provided under the Stafford Act for Public Assistance also will be limited to 75 percent of the total eligible costs, with the exception of projects that meet the eligibility criteria for a higher Federal cost-sharing percentage under the Public Assistance Alternative Procedures Pilot Program for Debris Removal implemented pursuant to section 428 of the Stafford Act.

Further, you are authorized to make changes to this declaration for the approved assistance to the extent allowable under the Stafford Act.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Steven W. Johnson, of FEMA is appointed to act as the Federal Coordinating Officer for this major disaster.

The following areas of the State of Ohio have been designated as adversely affected by this major disaster:

Adams, Athens, Brown, Gallia, Guernsey, Hocking, Jackson, Jefferson, Lawrence, Meigs, Monroe, Morgan, Muskingum, Noble, Perry, Pike, Ross, Scioto, Vinton, and Washington for Public Assistance.

All areas within the State of Ohio are eligible for assistance under the Hazard Mitigation Grant Program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Pete Gaynor,

Acting Administrator, Federal Emergency Management Agency.

[FR Doc. 2019–09169 Filed 5–3–19; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4417–DR; Docket ID FEMA–2019–0001]

Kansas; Amendment No. 2 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for State of Kansas (FEMA–4417–DR), dated February 25, 2019, and related determinations.

DATES: This change occurred on April 8, 2019.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency

Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Heather R. Smith, of FEMA is appointed to act as the Federal Coordinating Officer for this disaster.

This action terminates the appointment of Constance C. Johnson-Cage as Federal Coordinating Officer for this disaster.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Pete Gaynor,

Acting Administrator, Federal Emergency Management Agency.

[FR Doc. 2019–09172 Filed 5–3–19; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4425–DR; Docket ID FEMA–2019–0001]

Soboba Band of Luiseño Indians; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the Soboba Band of Luiseño Indians (FEMA–4425–DR), dated April 8, 2019, and related determinations.

DATES: The declaration was issued April 8, 2019.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated April

8, 2019, the President issued a major disaster declaration under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the “Stafford Act”), as follows:

I have determined that the damage to the lands associated with the Soboba Band of Luiseño Indians resulting from severe storms and flooding during the period of February 14 to February 15, 2019, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the “Stafford Act”). Therefore, I declare that such a major disaster exists for the Soboba Band of Luiseño Indians.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Public Assistance and Hazard Mitigation for the Soboba Band of Luiseño Indians. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Hazard Mitigation will be limited to 75 percent of the total eligible costs. Federal funds provided under the Stafford Act for Public Assistance also will be limited to 75 percent of the total eligible costs, with the exception of projects that meet the eligibility criteria for a higher Federal cost-sharing percentage under the Public Assistance Alternative Procedures Pilot Program for Debris Removal implemented pursuant to Section 428 of the Stafford Act.

Further, you are authorized to make changes to this declaration for the approved assistance to the extent allowable under the Stafford Act.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Mark Wingate, of FEMA is appointed to act as the Federal Coordinating Officer for this major disaster.

The following areas have been designated as adversely affected by this major disaster:

The Soboba Band of Luiseño Indians for Public Assistance.

The Soboba Band of Luiseño Indians is eligible to apply for assistance under the Hazard Mitigation Grant Program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals

and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Pete Gaynor,

Acting Administrator, Federal Emergency Management Agency.

[FR Doc. 2019–09167 Filed 5–3–19; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4420–DR; Docket ID FEMA–2019–0001]

Nebraska; Amendment No. 2 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Nebraska (FEMA–4420–DR), dated March 21, 2019, and related determinations.

DATES: This amendment was issued April 5, 2019.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the State of Nebraska is hereby amended to include permanent work under the Public Assistance program for those areas determined to have been adversely affected by the event declared a major disaster by the President in his declaration of March 21, 2019.

Boone, Buffalo, Butler, Cass, Colfax, Custer, Dodge, Douglas, Knox, Nemaha, Richardson, Sarpy, and Washington Counties for Public Assistance [Categories C–G] (already designated for Individual Assistance and assistance for debris removal and emergency protective measures [Categories A and B], including direct federal assistance, under the Public Assistance program).

Adams, Antelope, Blaine, Box Butte, Boyd, Burt, Cedar, Cuming, Dakota, Dixon, Fillmore, Frontier, Furnas, Gage, Garfield, Gosper, Greeley, Hall, Holt, Howard, Jefferson, Johnson, Lancaster, Logan, Loup, Madison, Morrill, Nance, Otoe, Pawnee, Pierce, Platte, Saline, Sherman, Valley, Wayne, and Wheeler Counties for Public Assistance [Categories C–G] (already designated for debris removal and emergency protective measures [Categories A and B], including direct federal assistance, under the Public assistance program).

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050 Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Pete Gaynor,

Acting Administrator, Federal Emergency Management Agency.

[FR Doc. 2019–09174 Filed 5–3–19; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4373–DR; Docket ID FEMA–2019–0001]

Oklahoma; Amendment No. 1 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Oklahoma (FEMA–4373–DR), dated June 25, 2018, and related determinations.

DATES: This amendment was issued February 15, 2019.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, pursuant to the Consolidated Appropriations Act, 2019, the Federal share of assistance, including direct Federal assistance, provided under sections 403 and 407 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170b and 42 U.S.C. 5173), with respect to a major disaster declared pursuant to such Act for damages resulting from a wildfire in calendar year 2018, shall be not less than 90 percent of the eligible costs under such section. The adjustment to the Federal share applies to assistance provided before, on, or after the date of enactment

of the Act. The major disaster declared on June 25, 2018, for the State of Oklahoma is amended as follows:

Federal funds for debris removal and emergency protective measures (Categories A and B), including direct federal assistance, under the Public Assistance program are authorized at 90 percent of total eligible costs.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Pete Gaynor,

Acting Administrator, Federal Emergency Management Agency.

[FR Doc. 2019–09180 Filed 5–3–19; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4423–DR; Docket ID FEMA–2019–0001]

Cahuilla Band of Indians; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the Cahuilla Band of Indians (FEMA–4423–DR), dated March 28, 2019, and related determinations.

DATES: The declaration was issued March 28, 2019.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated March 28, 2019, the President issued a major disaster declaration under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the “Stafford Act”), as follows:

I have determined that the damage to the lands associated with the Cahuilla Band of Indians resulting from severe storms and flooding on February 14, 2019, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the “Stafford Act”). Therefore, I declare that such a major disaster exists for the Cahuilla Band of Indians.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to Public Assistance and Hazard Mitigation for the Cahuilla Band of Indians. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Hazard Mitigation will be limited to 75 percent of the total eligible costs. Federal funds provided under the Stafford Act for Public Assistance also will be limited to 75 percent of the total eligible costs, with the exception of projects that meet the eligibility criteria for a higher Federal cost-sharing percentage under the Public Assistance Alternative Procedures Pilot Program for Debris Removal implemented pursuant to Section 428 of the Stafford Act.

Further, you are authorized to make changes to this declaration for the approved assistance to the extent allowable under the Stafford Act.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Mark Wingate, of FEMA is appointed to act as the Federal Coordinating Officer for this major disaster.

The following areas have been designated as adversely affected by this major disaster:

Public Assistance for Cahuilla Bands of Indians.

The Cahuilla Band of Indians is eligible to apply for assistance under the Hazard Mitigation Grant Program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance

(Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Pete Gaynor,

Acting Administrator, Federal Emergency Management Agency.

[FR Doc. 2019–09168 Filed 5–3–19; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4382–DR; Docket ID FEMA–2019–0001]

California; Amendment No. 5 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of California (FEMA–4382–DR), dated August 4, 2018, and related determinations.

DATES: This amendment was issued February 15, 2019.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, pursuant to the Consolidated Appropriations Act, 2019, the Federal share of assistance, including direct Federal assistance, provided under sections 403 and 407 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170b and 42 U.S.C. 5173), with respect to a major disaster declared pursuant to such Act for damages resulting from a wildfire in calendar year 2018, shall be not less than 90 percent of the eligible costs under such section. The adjustment to the Federal share applies to assistance provided before, on, or after the date of enactment of the Act. The major disaster declared on August 4, 2018, for the State of California is amended as follows:

Federal funds for debris removal and emergency protective measures (Categories A and B), including direct federal assistance, under the Public Assistance program are authorized at 90 percent of total eligible costs.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA);

97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Pete Gaynor,

Acting Administrator, Federal Emergency Management Agency.

[FR Doc. 2019–09182 Filed 5–3–19; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4420–DR; Docket ID FEMA–2019–0001]

Nebraska; Amendment No. 4 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Nebraska (FEMA–4420–DR), dated March 21, 2019, and related determinations.

DATES: This amendment was issued April 10, 2019.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the incident period for this disaster is closed effective April 1, 2019.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance

(Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Pete Gaynor,

Acting Administrator, Federal Emergency Management Agency.

[FR Doc. 2019-09170 Filed 5-3-19; 8:45 am]

BILLING CODE 9111-23-P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA-4422-DR; Docket ID FEMA-2019-0001]

La Jolla Band of Luiseño Indians; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the La Jolla Band of Luiseño Indians (FEMA-4422-DR), dated March 26, 2019, and related determinations.

DATES: The declaration was issued March 26, 2019.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646-2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated March 26, 2019, the President issued a major disaster declaration under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the “Stafford Act”), as follows:

I have determined that the damage to the lands associated with the La Jolla Band of Luiseño Indians resulting from severe storms, flooding, landslides, and mudslides during the period of February 14 to February 15, 2019, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the “Stafford Act”). Therefore, I declare that such a major disaster exists for the La Jolla Band of Luiseño Indians.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide assistance for debris removal (Category A) and permanent work (Categories C-G) under the Public Assistance program and Hazard Mitigation. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Hazard Mitigation will be limited to

75 percent of the total eligible costs. Federal funds provided under the Stafford Act for Public Assistance also will be limited to 75 percent of the total eligible costs, with the exception of projects that meet the eligibility criteria for a higher Federal cost-sharing percentage under the Public Assistance Alternative Procedures Pilot Program for Debris Removal implemented pursuant to Section 428 of the Stafford Act.

Further, you are authorized to make changes to this declaration for the approved assistance to the extent allowable under the Stafford Act.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Mark Wingate, of FEMA is appointed to act as the Federal Coordinating Officer for this major disaster.

The following areas have been designated as adversely affected by this major disaster:

The La Jolla Band of Luiseño Indians for debris removal (Category A) and permanent work (Categories C-G) under the Public Assistance program.

The La Jolla Band of Luiseño Indians is eligible to apply for assistance under the Hazard Mitigation Grant Program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Pete Gaynor,

Acting Administrator, Federal Emergency Management Agency.

[FR Doc. 2019-09166 Filed 5-3-19; 8:45 am]

BILLING CODE 9111-23-P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA-4407-DR; Docket ID FEMA-2019-0001]

California; Amendment No. 3 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of California (FEMA-4407-DR), dated November 12, 2018, and related determinations.

DATES: This amendment was issued February 15, 2019.

FOR FURTHER INFORMATION CONTACT:

Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646-2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, pursuant to the Consolidated Appropriations Act, 2019, the Federal share of assistance, including direct Federal assistance, provided under sections 403 and 407 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170b and 42 U.S.C. 5173), with respect to a major disaster declared pursuant to such Act for damages resulting from a wildfire in calendar year 2018, shall be not less than 90 percent of the eligible costs under such section. The adjustment to the Federal share applies to assistance provided before, on, or after the date of enactment of the Act. The major disaster declared on November 12, 2018, for the State of California is amended as follows:

Federal funds for debris removal and emergency protective measures (Categories A and B), including direct federal assistance, under the Public Assistance program are authorized at 90 percent of total eligible costs.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Pete Gaynor,

Acting Administrator, Federal Emergency Management Agency.

[FR Doc. 2019-09181 Filed 5-3-19; 8:45 am]

BILLING CODE 9111-23-P

DEPARTMENT OF HOMELAND SECURITY**Federal Emergency Management Agency**

[Internal Agency Docket No. FEMA-4421-DR; Docket ID FEMA-2019-0001]

Iowa; Amendment No. 1 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Iowa (FEMA-4421-DR), dated March 23, 2019, and related determinations.

DATES: This amendment was issued April 5, 2019.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646-2833.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the State of Iowa is hereby amended to include permanent work under the Public Assistance program for those areas determined to have been adversely affected by the event declared a major disaster by the President in his declaration of March 23, 2019.

Fremont, Harrison, Mills, and Monona Counties for Public Assistance [Categories C-G] (already designated for Individual Assistance and assistance for debris removal and emergency protective measures [Categories A and B], including direct federal assistance, under the Public Assistance program).

Buena Vista, Cherokee, Crawford, Dallas, Franklin, Greene, Ida, Jasper, Lyon, Marshall, Polk, Pottawattamie, Shelby, Sioux, Winnebago, and Wright Counties for Public Assistance [Categories C-G] (already designated for debris removal and emergency protective measures [Categories A and B], including direct federal assistance, under the Public assistance program).

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance

(Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Pete Gaynor,

Acting Administrator, Federal Emergency Management Agency.

[FR Doc. 2019-09177 Filed 5-3-19; 8:45 am]

BILLING CODE 9111-23-P

DEPARTMENT OF HOMELAND SECURITY**Federal Emergency Management Agency**

[Internal Agency Docket No. FEMA-4403-DR; Docket ID FEMA-2019-0001]

Kansas; Amendment No. 2 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Kansas (FEMA-4403-DR), dated October 19, 2018, and related determinations.

DATES: This change occurred on April 3, 2019.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646-2833.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Heather R. Smith, of FEMA is appointed to act as the Federal Coordinating Officer for this disaster.

This action terminates the appointment of Constance C. Johnson-Cage as Federal Coordinating Officer for this disaster.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance

(Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Pete Gaynor,

Acting Administrator, Federal Emergency Management Agency.

[FR Doc. 2019-09173 Filed 5-3-19; 8:45 am]

BILLING CODE 9111-23-P

DEPARTMENT OF HOMELAND SECURITY**Federal Emergency Management Agency**

[Internal Agency Docket No. FEMA-4411-DR; Docket ID FEMA-2019-0001]

Virginia; Amendment No. 2 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for Commonwealth of Virginia (FEMA-4411-DR), dated December 18, 2018, and related determinations.

DATES: This change occurred on April 4, 2019.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646-2833.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Dolph A. Diemont, of FEMA is appointed to act as the Federal Coordinating Officer for this disaster.

This action terminates the appointment of Donald L. Keldsen as Federal Coordinating Officer for this disaster.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance

(Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Pete Gaynor,

Acting Administrator, Federal Emergency Management Agency.

[FR Doc. 2019-09179 Filed 5-3-19; 8:45 am]

BILLING CODE 9111-23-P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA-4401-DR; Docket ID FEMA-2019-0001]

Virginia; Amendment No. 4 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for Commonwealth of Virginia (FEMA-4401-DR), dated October 15, 2018, and related determinations.

DATES: This change occurred on April 4, 2019.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646-2833.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Dolph A. Diemont, of FEMA is appointed to act as the Federal Coordinating Officer for this disaster.

This action terminates the appointment of Donald L. Keldsen as Federal Coordinating Officer for this disaster.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance

(Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Pete Gaynor,

Acting Administrator, Federal Emergency Management Agency.

[FR Doc. 2019-09178 Filed 5-3-19; 8:45 am]

BILLING CODE 9111-23-P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA-4421-DR; Docket ID FEMA-2019-0001]

Iowa; Amendment No. 2 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Iowa (FEMA-4421-DR), dated March 23, 2019, and related determinations.

DATES: This amendment was issued April 11, 2019.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646-2833.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the State of Iowa is hereby amended to include the following areas among those areas determined to have been adversely affected by the event declared a major disaster by the President in his declaration of March 23, 2019.

Adair, Boone, Butler, Cass, Emmet, Guthrie, Kossuth, O'Brien, Osceola, Plymouth, Tama, and Union Counties for Public Assistance [Categories C-G] (already designated for debris removal and emergency protective measures [Categories A and B], including direct federal assistance, under the Public assistance program).

Woodbury County for Public Assistance [Categories C-G] (already designated for Individual Assistance and assistance for debris removal and emergency protective measures [Categories A and B], including direct federal assistance, under the Public Assistance program).

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049,

Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050 Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Pete Gaynor,

Acting Administrator, Federal Emergency Management Agency.

[FR Doc. 2019-09176 Filed 5-3-19; 8:45 am]

BILLING CODE 9111-23-P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA-4420-DR; Docket ID FEMA-2019-0001]

Nebraska; Amendment No. 3 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Nebraska (FEMA-4420-DR), dated March 21, 2019, and related determinations.

DATES: This amendment was issued April 10, 2019.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646-2833.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the State of Nebraska is hereby amended to include the following areas among those areas determined to have been adversely affected by the event declared a major disaster by the President in his declaration of March 21, 2019.

Antelope, Boyd, Burt, Cuming, Hall, Howard, Madison, Nance, Pierce, Platte, and Saline Counties for Individual Assistance (already designed for Public Assistance).

Stanton County for Individual Assistance (already designated for debris removal and emergency protective measures [Categories A and B], including direct federal assistance, under the Public assistance program).

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially

Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050 Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Pete Gaynor,

Acting Administrator, Federal Emergency Management Agency.

[FR Doc. 2019-09171 Filed 5-3-19; 8:45 am]

BILLING CODE 9111-23-P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA-4420-DR; Docket ID FEMA-2019-0001]

Nebraska; Amendment No. 5 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Nebraska (FEMA-4420-DR), dated March 21, 2019, and related determinations.

DATES: This amendment was issued April 15, 2019.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646-2833.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the State of Nebraska is hereby amended to include the following areas among those areas determined to have been adversely affected by the event declared a major disaster by the President in his declaration of March 21, 2019.

Banner, Cheyenne, Dawes, Deuel, Franklin, Garden, Kimball, Phelps, Sheridan, Sioux, and Webster Counties for Public Assistance.

Saunders, Stanton, and Thurston Counties for Public Assistance [Categories C-G] (already designated for Individual Assistance and assistance for debris removal and emergency protective measures [Categories A and B], including direct federal assistance, under the Public Assistance program).

Brown, Harlan, Keya Paha, Lincoln, Merrick, and Rock Counties for Public Assistance [Categories C-G] (already designated for debris removal and emergency protective measures [Categories A and B], including direct federal assistance, under the Public assistance program).

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used

for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050 Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Pete Gaynor,

Acting Administrator, Federal Emergency Management Agency.

[FR Doc. 2019-09188 Filed 5-3-19; 8:45 am]

BILLING CODE 9111-23-P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA-4421-DR; Docket ID FEMA-2019-0001]

Iowa; Amendment No. 3 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Iowa (FEMA-4421-DR), dated March 23, 2019, and related determinations.

DATES: This amendment was issued April 12, 2019.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646-2833.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the State of Iowa is hereby amended to include the following areas among those areas determined to have been adversely affected by the event declared a major disaster by the President in his declaration of March 23, 2019.

Pottawattamie and Shelby Counties for Individual Assistance (already designated for Public assistance).

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant;

97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050 Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Pete Gaynor,

Acting Administrator, Federal Emergency Management Agency.

[FR Doc. 2019-09175 Filed 5-3-19; 8:45 am]

BILLING CODE 9111-23-P

DEPARTMENT OF HOMELAND SECURITY

U.S. Immigration and Customs Enforcement

[OMB Control Number 1653-0045]

Agency Information Collection Activities; Extension, Without Change, of a Currently Approved Collection: Affidavit in Lieu of Lost Receipt of United States ICE for Collateral Accepted as Security; Correction

AGENCY: U.S. Immigration and Customs Enforcement, Department of Homeland Security.

ACTION: 30-Day notice, correction.

SUMMARY: On April 29, 2019, ICE published in the **Federal Register** a request for comments on the Affidavit in Lieu of Lost Receipt of the United States ICE for Collateral Accepted as Security that contained an error regarding the burden estimates. The burden estimates provided in this notice correction represent the actual burden estimates.

DATES: Comments are encouraged and will be accepted until June 5, 2019.

ADDRESSES: Interested person are invited to submit written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the OMB Desk Officer for Immigration and Customs Enforcement, Department of Homeland Security, and sent via electronic mail to dhsdeskofficer@omb.eop.gov. All submissions must include the words “Department of Homeland Security” and the OMB Control Number 1653-0045.

CORRECTION

In the **Federal Register** on April 29, 2019 at 84 FR 18073, the burden

estimates were listed as 10 responses at 30 minutes per response with 300 annual burden hours and \$87,500 annual cost burden. The actual burden estimates are 3,500 annual responses at 30 minutes per response with 1,750 annual burden hours and \$27,930 annual cost burden.

Comments

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information 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 agencies 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:* Extension, Without Change, of a Currently Approved Collection.

(2) *Title of the Form/Collection:* Affidavit in Lieu of Lost Receipt of United States ICE Collateral Accepted as Security.

(3) *Agency form number, if any, and the applicable component of the Department of Homeland Security sponsoring the collection:* I-395; U.S. Immigration and Customs Enforcement

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: State, Local, or Tribal Government. Section 404(b) of the Immigration and Nationality Act (8 U.S.C. 1101 note) provides for the reimbursement of States and localities for assistance provided in meeting an immigration emergency. This collection of information allows for State or local governments to request reimbursement.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* 3,500 responses at .50 hours (30 minutes) per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 1,750 annual burden hours.

(7) *An estimate of the total public burden (in cost) associated with the collection:* The estimated annual cost burden associated with this collection of information is \$27,930.

Dated: May 1, 2019.

Scott Elmore,

PRA Clearance Officer, Office of the Chief Information Officer, U.S. Immigration and Customs Enforcement, Department of Homeland Security.

[FR Doc. 2019-09162 Filed 5-3-19; 8:45 am]

BILLING CODE 9111-28-P

DEPARTMENT OF HOMELAND SECURITY

Transportation Security Administration

Intent To Request Approval From OMB of One New Public Collection of Information: TSA Reimbursable Screening Services Program (RSSP) Application

AGENCY: Transportation Security Administration, DHS.

ACTION: 60-Day notice.

SUMMARY: The Transportation Security Administration (TSA) invites public comment on a new Information Collection Request (ICR) abstracted below that we will submit to the Office of Management and Budget (OMB) for approval in compliance with the Paperwork Reduction Act (PRA). The ICR describes the nature of the information collection and its expected burden. The collection involves an application completed by public and private entities requesting participation in TSA's Reimbursable Screening Services Program (RSSP), currently a pilot program for up to eight locations to obtain TSA security screening services outside of an existing primary passenger airport terminal screening area where screening services are currently provided or would be eligible to be provided under TSA's annually appropriated passenger screening program.

DATES: Send your comments by July 5, 2019.

ADDRESSES: Comments may be emailed to TSAPRA@tsa.dhs.gov or delivered to the TSA PRA Officer, Information Technology (IT), TSA-11, Transportation Security Administration, 601 South 12th Street, Arlington, VA 20598-6011.

FOR FURTHER INFORMATION CONTACT:

Christina A. Walsh at the above address, or by telephone (571) 227-2062.

SUPPLEMENTARY INFORMATION:

Comments Invited

In accordance with the Paperwork Reduction Act of 1995 (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 unless it displays a valid OMB control number. The ICR documentation will be available at <http://www.reginfo.gov> upon its submission to OMB. Therefore, in preparation for OMB review and approval of the following information collection, TSA is soliciting comments to—

(1) Evaluate whether the proposed information requirement 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;

(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 using appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Consistent with the requirements of Executive Order (E.O.) 13771, Reducing Regulation and Controlling Regulatory Costs, and E.O. 13777, Enforcing the Regulatory Reform Agenda, TSA is also requesting comments on the extent to which this request for information could be modified to reduce the burden on respondents.

Information Collection Requirement

The RSSP is authorized by section 225, Division A, of H.R. 648—Consolidated Appropriations Act, 2019. Under this provision, TSA may establish a pilot for public or private entities regulated by TSA to request reimbursable screening services outside of an existing primary passenger terminal screening area where screening services are currently provided or eligible to be provided under TSA's annually appropriated passenger screening program. The authority available under this section is effective for fiscal years 2019 through 2021 and currently may be used at not more than eight locations for transportation security purposes. TSA is collecting this information to establish an application process for public and private entities regulated by TSA to request screening services under the RSSP.

Purpose and Description of Data Collection

Public or private entities regulated by TSA interested in participating in the RSSP may submit an application to the TSA Administrator requesting that TSA provide screening services outside of an existing primary passenger terminal screening area where screening services are currently provided or eligible to be provided under TSA's annually appropriated passenger screening program as a primary passenger terminal screening area. The request may only be submitted to TSA after consultation with the relevant local airport authority. The application is used to identify basic information to grant approval or denial.

The likely respondents to this proposed information collection request are public or private entities regulated by TSA requesting the screening services at an airport that is a commercial service airport (as defined by 49 U.S.C. 47107(7)). TSA estimates the annual respondents for fiscal year 2019 to be no more than 12. The annual burden for the information collection related to providing screening services is estimated to be 154 hours.

Use of Results

TSA will acknowledge receipt of the application, review for completeness, and provide an official response granting approval, or denying the request. If the application is approved by TSA, TSA will enter into a contract with the entity, under which the requesting entity agrees in writing to the scope of the screening services to be provided and agrees to compensate TSA for all reasonable personnel and non-personnel costs, including overtime, of providing the screening services.

Dated: April 30, 2019.

Christina A. Walsh,
TSA Paperwork Reduction Act Officer,
Information Technology.

[FR Doc. 2019-09208 Filed 5-3-19; 8:45 am]

BILLING CODE 9110-05-P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-6162-N-01]

Notice of HUD-Held Healthcare Loan Sale (HLS 2019-1)

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Notice of sale of six healthcare mortgage loans.

SUMMARY: This notice announces HUD's intention to sell six unsubsidized healthcare mortgage loans, without Federal Housing Administration (FHA) insurance, in a competitive, sealed bid sale on or about June 12, 2019 (HLS 2019-1 or Loan Sale). This notice also describes generally the bidding process for the sale and certain persons who are ineligible to bid.

DATES: A Bidder's Information Package (BIP) will be made available on or about May 15, 2019. Bids for the loans must be submitted on the bid date, which is currently scheduled for June 12, 2019, between certain specified hours. HUD anticipates that an award or awards will be made on or before June 14, 2019. Closing is expected to take place between June 24, 2019 and June 28, 2019.

ADDRESSES: To become a qualified bidder and receive the BIP, prospective bidders must complete, execute, and submit a Confidentiality Agreement and a Qualification Statement acceptable to HUD. Both documents will be available on the HUD website at www.hud.gov/fhaloansales. Please fax or email as well as mail executed original documents to: JS Watkins Realty Partners, LLC; JS Watkins Realty Partners, LLC, c/o The Debt Exchange, 133 Federal Street, 10th Floor, Boston, MA 02111, Attention: HLS 2019-1 Sale Coordinator, Fax: 1-978-967-8607, Email: hls2019-1@debtx.com.

FOR FURTHER INFORMATION CONTACT: John Lucey, Director, Asset Sales Office, Room 3136, U.S. Department of Housing and Urban Development, 451 Seventh Street SW, Washington, DC 20410-8000; telephone 202-402-3927. Hearing- or speech-impaired individuals may call 202-708-4594 (TTY). These are not toll-free numbers.

SUPPLEMENTARY INFORMATION: HUD announces its intention to sell in HLS 2019-1, six (6) unsubsidized mortgage loans (Mortgage Loans), consisting of five (5) first lien healthcare notes and one (1) associated second lien note secured by assisted living facilities located in various locations in Connecticut, Illinois, Maine, Ohio and Pennsylvania. The Mortgage Loans are non-performing mortgage loans. The listing of the Mortgage Loans is included in the BIP. The Mortgage Loans will be sold without FHA insurance and with HUD servicing released. HUD will offer qualified bidders an opportunity to bid competitively on the Mortgage Loans. Qualified bidders may submit bids on one or more of the Mortgage Loans.

The Mortgage Loans will be stratified for bidding purposes into several

mortgage loan pools. Each pool will contain Mortgage Loans that generally have similar performance, property type, geographic location, lien position and other characteristics. Qualified bidders may submit bids on one or more pools of Mortgage Loans or may bid on individual loans.

The Qualification Statement describes the entities/individuals that may be qualified to bid on the Mortgage Loans if they meet certain requirements as detailed in the Qualification Statement. Some entities/individuals must meet additional requirements in order to be qualified to bid, including but not limited to:

Any mortgagee/servicer who originated one or more of the Mortgage Loans; a mortgagor or an operator, with respect to any HUD insured or subsidized mortgage loan (excluding the Mortgage Loans being offered in the Loan Sale) who is currently in default, violation, or noncompliance with one or more of HUD's requirements or business agreements; and a limited partner, nonmanaging member, investor and/or shareholder who owns a 1 percent or less interest in one or more of the Mortgage Loans, or in the project securing one or more of the Mortgage Loans; and any of the aforementioned entities'/individuals' principals, affiliates, family members, and assigns.

Interested entities/individuals who fall into one of these categories should review the Qualification Statement to determine whether they are eligible to qualify to submit a bid on the Mortgage Loans. Other entities/individuals not described herein may also be restricted from bidding on the Mortgage Loans, as fully detailed in the Qualification Statement.

The Bidding Process

The BIP describes in detail the procedure for bidding in HLS 2019-1. The BIP also includes a standardized non-negotiable loan sale agreement (Loan Sale Agreement).

As part of its bid, each bidder must submit a minimum deposit of the greater of One Hundred Thousand Dollars (\$100,000) or ten percent (10%) of the aggregate bid prices for all of such Bidder's bids. In the event the Bidder's aggregate bid is less than One Hundred Thousand Dollars (\$100,000), the minimum deposit shall be not less than fifty percent (50%) of the Bidder's aggregate bid. HUD will evaluate the bids submitted and determine the successful bid(s) in its sole and absolute discretion. If a bidder is successful, the bidder's deposit will be non-refundable and will be applied toward the purchase price, with any amount beyond the

purchase price being returned to the bidder. Deposits will be returned to unsuccessful bidders after notification to successful bidders on or before June 17, 2019. Closings are expected to take place between June 24, 2019 and June 28, 2019.

These are the essential terms of sale. The Loan Sale Agreement, which is included in the BIP, contains additional terms and details. To ensure a competitive bidding process, the terms of the bidding process and the Loan Sale Agreement are not subject to negotiation.

Due Diligence Review

The BIP describes the due diligence process for reviewing loan files in HLS 2019–1. Qualified bidders will be able to access loan information remotely via a high-speed internet connection. Further information on performing due diligence review of the Mortgage Loans is provided in the BIP.

Mortgage Loan Sale Policy

HUD reserves the right to add Mortgage Loans to or delete Mortgage Loans from HLS 2019–1 at any time prior to the Award Date. HUD also reserves the right to reject any and all bids, in whole or in part, without prejudice to HUD's right to include the Mortgage Loans in a later sale. The Mortgage Loans will not be withdrawn after the award date except as is specifically provided for in the Loan Sale Agreement.

This is a sale of unsubsidized mortgage loans, pursuant to Section 204(a) of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act of 1997, (12 U.S.C. 1715z–11a(a)).

Mortgage Loan Sale Procedure

HUD selected a competitive sale as the method to sell the Mortgage Loans. This method of sale optimizes HUD's return on the sale of these Mortgage Loans, affords the greatest opportunity for all qualified bidders to bid on the Mortgage Loans, and provides the most efficient vehicle for HUD to dispose of the Mortgage Loans.

Bidder Eligibility

In order to bid in the sale, a prospective bidder must complete, execute and submit both a Confidentiality Agreement and a Qualification Statement acceptable to HUD. The following individuals and entities are among those INELIGIBLE to bid on the Mortgage Loans being sold in HLS 2019–1:

1. A mortgagor or operator, including its principals, affiliates, family members, and assigns, with respect to one or more of the Mortgage Loans being offered in the Loan Sale, or an Active Shareholder (as such term is defined in the Qualification Statement);

2. With respect to any other HUD multifamily and/or healthcare mortgage loan not offered in the Loan Sale, any mortgagor or operator, including any Related Party of either, that has failed to file financial statements or is otherwise in default under such mortgage loan or is in violation or noncompliance of any regulatory or business agreements with HUD and that fails to cure such default or violation by no later than June 1, 2019;

3. Any individual or entity that is debarred, suspended, or excluded from doing business with HUD pursuant to Title 2 of the Code of Federal Regulations, part 2424;

4. Any contractor, subcontractor and/or consultant or advisor (including any agent, employee, partner, director, principal or affiliate of any of the foregoing) who performed services for, or on behalf of, HUD in connection with HLS 2019–1;

5. Any employee of HUD, a member of such employee's family, or an entity owned or controlled by any such employee or member of such an employee's family;

6. Any individual or entity that uses the services, directly or indirectly, of any person or entity ineligible under provisions (3) through (5) above to assist in preparing its bid on any Mortgage Loan;

7. An FHA-approved mortgagee, including any principals, affiliates, or assigns thereof, that has received FHA insurance benefits for one or more of the Mortgage Loans being offered in the Loan Sale;

8. An FHA-approved mortgagee and/or loan servicer, including any principals, affiliates, or assigns thereof, that originated one or more of the Mortgage Loans being offered in the Loan Sale if the Mortgage Loan defaulted within two years of origination and resulted in the payment of an FHA insurance claim;

9. Any affiliate, principal or employee of any person or entity that, within the two-year period prior to June 1, 2019, serviced any Mortgage Loan or performed other services for or on behalf of HUD;

10. Any contractor or subcontractor to HUD that otherwise had access to information concerning any Mortgage Loan on behalf of HUD or provided services to any person or entity which, within the two-year period prior to June

1, 2019, had access to information with respect to the Mortgage Loan on behalf of HUD; and/or

11. Any employee, officer, director or any other person that provides or will provide services to the prospective bidder with respect to the Mortgage Loans during any warranty period established for the Loan Sale, that serviced the Mortgage Loans or performed other services for or on behalf of HUD or within the two-year period prior to June 1, 2019, provided services to any person or entity which serviced, performed services or otherwise had access to information with respect to any Mortgage Loan for or on behalf of HUD.

Other entities/individuals not described herein may also be restricted from bidding on the Mortgage Loans, as fully detailed in the Qualification Statement.

The Qualification Statement provides further details pertaining to eligibility requirements. Prospective bidders should carefully review the Qualification Statement to determine whether they are eligible to submit bids on the Mortgage Loans in HLS 2019–1.

Freedom of Information Act Requests

HUD reserves the right, in its sole and absolute discretion, to disclose information regarding HLS 2019–1, including, but not limited to, the identity of any successful bidder and its bid price or bid percentage for the Mortgage Loans, upon the closing of the sale of the Mortgage Loans. Even if HUD elects not to publicly disclose any information relating to HLS 2019–1, HUD will have the right to disclose any information that HUD is obligated to disclose pursuant to the Freedom of Information Act and all regulations promulgated thereunder.

Scope of Notice

This notice applies to HLS 2019–1 and does not establish HUD's policy for the sale of other mortgage loans.

Dated: April 25, 2019.

Brian D. Montgomery,

Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 2019–09237 Filed 5–3–19; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-7018-N-03]

60 Day Notice of Proposed Information Collection; Accountability in the Provision of HUD Assistance “Applicant/Recipient Disclosure/Update Report—HUD 2880”

AGENCY: Office of Strategic Planning and Management, HUD.

ACTION: Notice.

SUMMARY: HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comment from all interested parties on the proposed collection of information. The purpose of this notice is to allow for 60 days of public comment.

DATES: *Comments Due Date:* July 5, 2019.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW, Room 4176, Washington, DC 20410-5000; telephone 202-402-3400 (this is not a toll-free number) or email at Colette.Pollard@hud.gov for a copy of the proposed form. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877-8339.

Electronic Submission of Comments. Interested persons may also submit comments electronically through the Federal eRulemaking Portal at www.regulations.gov. HUD strongly encourages commenters to submit comments electronically. Electronic submission of comments allows the commenter maximum time to prepare and submit a comment, ensures timely receipt by HUD, and enables HUD to make them immediately available to the public. Comments submitted electronically through the www.regulations.gov website can be viewed by other commenters and interested members of the public. Commenters should follow the instructions provided on that site to submit comments electronically.

Note: To receive consideration as public comments, comments must be submitted through one of the methods specified above. Again, all submissions must refer to the docket number and title of the notice.

FOR FURTHER INFORMATION CONTACT: Ann vom Eigen, Grants Management and Oversight Division, Office of Strategic Planning and Management, Department of Housing and Urban Development, 451 Seventh St. SW, Room 3156, Washington, DC 20410 or by email Ann.H.vomEigen@hud.gov or telephone 202-402-2146. This is not a toll-free number. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877-8339.

Copies of the proposed data collection form may be requested from Ms. Pollard.

SUPPLEMENTARY INFORMATION: This notice informs the public that the Department will submit the proposed information collection to OMB for review, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended). HUD is seeking approval from OMB for the information collection described in Section A.

A. Overview of Information Collection

Title of Proposal: Accountability in the Provision of HUD Assistance “Applicant/Recipient Disclosure/Update Report”.

Type of Request: Extension of a currently approved collection.

OMB Control Number, if applicable: 2501-0032.

“Accountability in the Provision of HUD Assistance “Applicant/Recipient Disclosure/Update Report”(HUD 2880).

Description of the need for the information and proposed use: Section 102 of the Department of Housing and Urban Development Reform Act of 1989 (HUD Reform Act) requires the Department to ensure greater accountability and integrity in the provision of assistance administered by the Department. One feature of the statute requires certain disclosures by applicants seeking assistance from HUD, from states and units of local government, and for other assistance used to carry out activities funded with the assistance. The disclosure includes the financial interests of persons in the activities, the sources of funds to be

made available for the activities, and the proposed uses of the funds.

Each applicant that submits an application for assistance, within the jurisdiction of HUD, to a state or to a unit of general local government for a specific project or activity must disclose this information whenever the dollar threshold is met. This information must be kept updated during the application review process and while the assistance is being provided.

Members of affected public:

Applicants for HUD competitively funded assistance requiring a match must file this form. The form, HUD 2880, must be submitted as part of an applicant’s application for competitively funded assistance for several programs which vary according to annual funding but can include the following:

- Section 202 Supportive Housing for the Elderly Program;
- Section 811 Supportive Housing for Persons with Disabilities program;
- Multifamily Service Coordinator Program;
- Self-Help Homeownership Program;
- Continuum of Care Program;
- Rural Capacity Building for Community Development;
- Community Compass Technical Assistance and Capacity Building Program;
- Research and Evaluation Notices of Funding Availability;
- Fair Housing Initiatives program;
- Youth Homeless Demonstration program;
- Healthy Homes and Lead Hazard programs;
- Family Supportive Services programs;
- Mainstream Voucher Program and Family Unification Program; and
- Jobs Plus Program.

Estimation of the total numbers of hours needed to prepare the information collection including number of respondents, frequency of response, and hours of response: The form is used by entities when they apply for grants. As HUD receives roughly 14,000 applications on an annual basis, we expect that there will be 14,000 respondents who may need to use this form. HUD estimates that it will take two hours to complete the form, at \$60.74 per hour.¹ The total estimated burden on respondents would thus reach \$1,700,720 on an annual basis. This is shown in the following table.

¹ Estimated cost for respondents is calculated from the June 2018 Department of Labor Bureau of Labor Statistics report on Employer Costs for

Employee Compensation determined that the hourly rate of management, professional and related wages and salaries averaged \$41.71 per hour plus

\$19.03 per hour for fringe benefits for a total \$60.74 per hour.

Form	Number of respondents	Frequency	Hours per respondent	Total hours	Total cost
2880	14,000	1.0	2.0	28,000	\$1,700,720

Estimation of the Cost to the Federal Government: The following table shows the estimated burden of Federal financial assistance review. HUD

estimates the cost of the maximum burden on HUD staff would total at most \$1,412,740.00. This estimate is based on the assumption that each form would be

reviewed for one hour by a GS13 step 5 performing a review, and then by a GS 14 and a GS15 who will look at summary results on an annual basis.²

Estimated Respondents	Frequency	Estimated number of responses	Estimated burden hours per review	Estimated burden hours per year	Total estimated burden ²
14,000	1	14,000	1.50 hrs.	21,000	\$1,412,740.00

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affecting agencies concerning the proposed collection of information to: (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; (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 collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Authority: The Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35, as amended.

Dated: April 25, 2019.

Christopher Walsh,

Presidential Management Fellows, Office of Business Transformation.

[FR Doc. 2019-09239 Filed 5-3-19; 8:45 am]

BILLING CODE 4210-67-P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-7019-N-01]

60-Day Notice of Proposed Information Collection: Office of Lead Hazard Control and Healthy Homes Grant Programs; Data Collection and Progress Reporting

AGENCY: Office of Lead Hazard Control and Healthy Homes, HUD.

ACTION: Notice.

SUMMARY: HUD is seeking approval from the Office of Management and Budget (OMB) for renewal of the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comment from all interested parties on the proposed collection of information. The purpose of this notice is to allow for 60 days of public comment.

DATES: *Comments Due Date:* July 5, 2019.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Anna P. Guido, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW, Room 4176, Washington, DC 20410-5000; telephone 202-402-5535 (this is not a toll-free number) or email at Anna.P.Guido@hud.gov for a copy of the proposed forms or other available information. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877-8339.

FOR FURTHER INFORMATION CONTACT:

Anna P. Guido, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410; email Anna P. Guido at Anna.P.Guido@hud.gov or telephone 202-402-5535. This is not a toll-free number. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877-8339.

Copies of available documents submitted to OMB may be obtained from Ms. Guido.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for renewal of the information collection described in Section A.

A. Overview of Information Collection

Title of Information Collection: Office of Lead Hazard Control and Healthy Homes Grant Programs Data Collection and Progress Reporting.

OMB Approval Number: 2539-0008.

Type of Request: Extension with some changes due to program changes.

Form Number: HUD 96006 (electronic equivalent).

Description of the need for the information and proposed use: Collect data on the progress of grantees' programs.

Respondents: Grantees of the Office of Lead Hazard Control and Healthy Homes.

The revised hour burden estimates are presented in the table below. All respondents' expenses are covered by grant funds.

² Federal staff time is estimated for a GS-13 step 5 hourly rate at \$52.66 per hour (from the Office of Personnel Management and the table with

Washington-Baltimore-Arlington locality pay), plus 16% fringe benefit for a total of \$61.08 per hour, as well as 15 minutes each for a GS 14 and a GS

15 based on similar calculations bringing the blended total to \$100.91/hr.

Information collection	Number of respondents	Frequency of response	Responses per annum	Burden hour per response	Annual burden hours	Hourly cost per response	Annual cost
Total	500	Quarterly	4	12	24,000	none	none.

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

HUD encourages interested parties to submit comments in response to these questions.

C. Authority

Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

Date: April 23, 2019.

Warren Friedman,

Senior Advisor to the Director for the Office of Lead Hazard Control and Healthy Homes.

[FR Doc. 2019-09238 Filed 5-3-19; 8:45 am]

BILLING CODE 4210-67-P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-7011-C-12]

14-Day Notice of Emergency Approval of Information Collection: The Housing Counseling Program; Correction

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Correction.

SUMMARY: On April 25, 2019 at 84 FR 17419, HUD published a 14-day emergency notice of proposed information collection entitled, "The Housing Counseling Program" (FR-7011-N-12) (FR Doc. 2019-08371). The notice contained the incorrect burden hours. The correct burden hours should be 20,224. Today's notice corrects the

14-day notice published on April 25, 2019.

FOR FURTHER INFORMATION CONTACT:

Colette Pollard, Reports Management Officer, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410; email Colette.pollard@hud.gov or telephone (202) 402-3400. This is not a toll-free number. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877-8339.

Dated: April 30, 2019.

Colette Pollard,

Department Reports Management Officer, Office of the Chief Information Officer.

[FR Doc. 2019-09236 Filed 5-3-19; 8:45 a.m.]

BILLING CODE 4210-67-P

DEPARTMENT OF THE INTERIOR

Geological Survey

[GX19LC00BM6BB00; OMB Control Number 1028-0082]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Bird Banding and Band Recovery Reports

AGENCY: U.S. Geological Survey, Interior.

ACTION: Notice of Information Collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, we, the U.S. Geological Survey (USGS) are proposing to renew an information collection with revisions.

DATES: Interested persons are invited to submit comments on or before June 5, 2019.

ADDRESSES: Send written comments on this information collection request (ICR) to the Office of Management and Budget's Desk Officer for the Department of the Interior by email at OIRA_Submission@omb.eop.gov; or via facsimile to (202) 395-5806. Please provide a copy of your comments to USGS, Information Collections Clearance Officer, 12201 Sunrise Valley Drive, MS 159, Reston, VA 20192; or by email to gs-info_collections@usgs.gov. Please reference OMB Control Number 1028-0082 in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact Bruce Peterjohn, Patuxent Wildlife Research Center by email at bpeterjohn@usgs.gov, or by telephone at 301-497-5646. You may also view the ICR at <http://www.reginfo.gov/public/do/PRAMain>.

SUPPLEMENTARY INFORMATION: We, the USGS, in accordance with the Paperwork Reduction Act of 1995, provide the general public and other Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

A **Federal Register** notice with a 60-day public comment period soliciting comments on this collection of information was published on December 6, 2018 (83 FR 62882). 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 USGS; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the USGS enhance the quality, utility, and clarity of the information to be collected; and (5) how might the USGS minimize the burden of this collection on the respondents, including through the use of information technology.

Comments that you submit in response to this notice are a matter of public record. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you may ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Abstract: The Bird Banding Program is the responsibility of the U.S. Geological Survey (USGS) Bird Banding

Laboratory (BBL). The BBL has a critical role in storing and maintaining data on banded and marked birds, particularly to facilitate coordination between banders and people who later encounter the marked birds, and to ensure the data are available for later analyses.

To achieve these goals, the BBL collects information using three forms: (1) The Application for Federal Bird Banding or Marking Permit, (2) The Federal Bird Banding or Marking Permit Renewal Form, and (3) The Bird Banding Recovery Report.

We will protect information from respondents considered proprietary under the Freedom of Information Act (5 U.S.C. 552) and its implementing regulations (43 CFR part 2), and under regulations at 30 CFR 250.197, "Data and information to be made available to the public or for limited inspection." Responses are voluntary. No questions of a "sensitive" nature are asked.

Title of Collection: Bird Banding and Band Recovery Reports.

OMB Control Number: 1028-0082.

Form Number: NA.

Type of Review: Revision of a currently approved collection.

Respondents/Affected Public: General Public.

Total Estimated Number of Annual Respondents: 74,000.

Total Estimated Number of Annual Responses: 74,620.

Estimated Completion Time per Response: 3 to 30 minutes, depending on form used. The band recovery form receives approximately 74,100 responses annually. The permit application form receives approximately 80 and the permit renewal form receives approximately 440.

Total Estimated Number of Annual Burden Hours: 3,759.

Respondent's Obligation: None. Participation is voluntary.

Frequency of Collection: On occasion.

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.*).

John French,

Center Director, Patuxent Wildlife Research Center.

[FR Doc. 2019-09220 Filed 5-3-19; 8:45 am]

BILLING CODE 4338-11-P

INTERNATIONAL TRADE COMMISSION

Notice of Receipt of Complaint; Solicitation of Comments Relating to the Public Interest

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has received a complaint entitled *Certain Lithium Ion Batteries, Battery Cells, Battery Modules, Battery Packs, Components Thereof, and Production and Testing Systems and Processes Therefor*, DN 3383; the Commission is soliciting comments on any public interest issues raised by the complaint or complainant's filing pursuant to the Commission's Rules of Practice and Procedure.

FOR FURTHER INFORMATION CONTACT: Lisa R. Barton, Secretary to the Commission, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205-2000. The public version of the complaint can be accessed on the Commission's Electronic Document Information System (EDIS) at <https://edis.usitc.gov>, and will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205-2000.

General information concerning the Commission may also be obtained by accessing its internet server at United States International Trade Commission (USITC) at <https://www.usitc.gov>. The public record for this investigation may be viewed on the Commission's Electronic Document Information System (EDIS) at <https://edis.usitc.gov>. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205-1810.

SUPPLEMENTARY INFORMATION: The Commission has received a complaint and a submission pursuant to § 210.8(b) of the Commission's Rules of Practice and Procedure filed on behalf of LG Chem, Ltd. and LG Chem Michigan, Inc. on April 29, 2019. The complaint alleges violations of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain lithium ion batteries, battery cells, battery modules, battery packs, components thereof, and

production and testing systems and processes therefor. The complaint names as respondents: SK Innovation Co., Ltd. of South Korea; SK Battery America, Inc. of Atlanta, GA; and SK Battery Hungary Kft of Hungary. The complainant requests that the Commission issue a limited exclusion order, cease and desist orders, and a bond upon respondents' alleged infringing articles during the 60-day Presidential review period pursuant to 19 U.S.C. 1337(j).

Proposed respondents, other interested parties, and members of the public are invited to file comments, not to exceed five (5) pages in length, inclusive of attachments, on any public interest issues raised by the complaint or § 210.8(b) filing. Comments should address whether issuance of the relief specifically requested by the complainant in this investigation would affect the public health and welfare in the United States, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, or United States consumers.

In particular, the Commission is interested in comments that:

- (i) Explain how the articles potentially subject to the requested remedial orders are used in the United States;
- (ii) Identify any public health, safety, or welfare concerns in the United States relating to the requested remedial orders;
- (iii) Identify like or directly competitive articles that complainant, its licensees, or third parties make in the United States which could replace the subject articles if they were to be excluded;
- (iv) Indicate whether complainant, complainant's licensees, and/or third party suppliers have the capacity to replace the volume of articles potentially subject to the requested exclusion order and/or a cease and desist order within a commercially reasonable time; and
- (v) Explain how the requested remedial orders would impact United States consumers.

Written submissions on the public interest must be filed no later than by close of business, eight calendar days after the date of publication of this notice in the **Federal Register**. There will be further opportunities for comment on the public interest after the issuance of any final initial determination in this investigation. Any written submissions on other issues should be filed no later than by close of business nine calendar days after the

date of publication of this notice in the **Federal Register**. Complainant may file a reply to any written submission no later than the date on which complainant's reply would be due under § 210.8(c)(2) of the Commission's Rules of Practice and Procedure (19 CFR 210.8(c)(2)).

Persons filing written submissions must file the original document electronically on or before the deadlines stated above and submit 8 true paper copies to the Office of the Secretary by noon the next day pursuant to § 210.4(f) of the Commission's Rules of Practice and Procedure (19 CFR 210.4(f)). Submissions should refer to the docket number ("Docket No. 3383") in a prominent place on the cover page and/or the first page. (See Handbook for Electronic Filing Procedures, Electronic Filing Procedures¹). Persons with questions regarding filing should contact the Secretary (202–205–2000).

Any person desiring to submit a document to the Commission in confidence must request confidential treatment. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. See 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. See 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. All information, including confidential business information and documents for which confidential treatment is properly sought, submitted to the Commission for purposes of this Investigation may be disclosed to and used: (i) By the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel,² solely for cybersecurity purposes. All nonconfidential written submissions will be available for public

inspection at the Office of the Secretary and on EDIS.³

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and of §§ 201.10 and 210.8(c) of the Commission's Rules of Practice and Procedure (19 CFR 201.10, 210.8(c)).

By order of the Commission.

Issued: April 30, 2019.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2019–09138 Filed 5–3–19; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

[CPCLO Order No. 003–2019]

Privacy Act of 1974; Systems of Records

AGENCY: Federal Bureau of Prisons, United States Department of Justice.

ACTION: Notice of a Modified System of Records.

SUMMARY: Pursuant to the Privacy Act of 1974 and Office of Management and Budget (OMB) Circular No. A–108, notice is hereby given that the Federal Bureau of Prisons (hereinafter Bureau or BOP), a component within the United States Department of Justice (DOJ or Department), proposes to modify a system of records notice titled, "Inmate Central Records System," JUSTICE/BOP–005, last modified on May 25, 2017.

DATES: In accordance with 5 U.S.C. 552a(e)(4) and (11), this notice is effective upon publication, subject to a 30-day period in which to comment on the routine uses, described below. Please submit any comments by June 5, 2019.

ADDRESSES: The public, OMB, and Congress are invited to submit any comments by mail to the United States Department of Justice, Office of Privacy and Civil Liberties, ATTN: Privacy Analyst, National Place Building, 1331 Pennsylvania Avenue NW, Suite 1000, Washington, DC 20530, by facsimile at 202–307–0693, or by email at privacy.compliance@usdoj.gov. To ensure proper handling, please reference the above CPCLO Order No. on your correspondence.

FOR FURTHER INFORMATION CONTACT: Eugene Baime, Supervisory Attorney, Freedom of Information Act and Privacy Act Section, Office of General Counsel, Federal Bureau of Prisons, 320 First

Street NW, Suite 924A, Washington, DC 20534, OGC_EFOIA@BOP.GOV.

SUPPLEMENTARY INFORMATION: The BOP is modifying the system of records to consolidate previously published modifications of the system of records into one document to promote transparency. For a detailed list of previously published modifications, please review the "History" section below. Additionally, modifications to the system of records have been made to incorporate OMB guidance, technological advancements, and a new routine use. Pursuant to OMB Circular No. A–108, various sections were rearranged and various section titles were edited. BOP moves the System Manager(s) section in the system of records notice, as well as edited Policies and Practices for Storing, Retrieving, Accessing, Retaining, and Disposing of Records in the System: Storage, Retrievability, Safeguards, and Retention and Disposal to the following section titles: Policies and Practices for Storage of Records; Policies and Practices for Retrieval of Records; Policies and Practices for Retrieval of Records; Policies and Practices for Retention and Disposal of Records; and Administrative, Technical, and Physical Safeguards. Technological advancements, such as the ability to store records in the cloud and creation of stronger authentication methods, and institutional changes led the BOP to modify and update the Policies and Practices for Storage of Records, Policies and Practices for Retrieval of Records, Administrative, Technical, and Physical Safeguards, System Location, and System Manager(s), and Addresses sections. The new routine use will help the Department of Treasury ensure only eligible inmates receive federal benefits in accordance with the Improper Payments Elimination and Recovery Improvement Act of 2012. Additionally, as part of the consolidation, previously published routine uses on breach procedures have been added to the Routine Use section. Although exemptions from (e)(4)(G) and (e)(4)(I) were previously added for law enforcement purposes, guidance on retrievability and access procedures remain. The Record Access Procedures section is updated to reduce the risk of unauthorized disclosures of information.

The component adds a routine use: Routine use (x) will permit BOP to disclose records to the Department of Treasury for the purpose of conducting computer matches on behalf of federal agencies to determine the eligibility of or validate the entitlement of Bureau

¹ Handbook for Electronic Filing Procedures: https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf.

² All contract personnel will sign appropriate nondisclosure agreements.

³ Electronic Document Information System (EDIS): <https://edis.usitc.gov>.

inmates to receive federal benefits pursuant to applicable federal law. One example of such a federal law is the Improper Payments Elimination and Recovery Improvement Act of 2012.

BOP continues to assert the same Privacy Act exemptions as previously published in 28 CFR 16.97(j) and (k). Additional exemptions from 5 U.S.C. 552a(e)(4)(G) and (e)(4)(I) were added for law enforcement purposes. 77 FR 24982 (April 26, 2012).

Pursuant to updated OMB Guidance, BOP has made administrative edits to the order and titles of sections in the notice. The BOP makes a slight change in the "System Location" section by adding Archive Centers to the list of locations. The BOP updates the "System Manager(s)" and **ADDRESSES** section to reflect administrative changes. Additionally, the BOP makes a slight change in the "Policies and Practices for Storage of Records" section by adding a secure cloud as a location files may be stored. The BOP updates the "Policies and Practices for Retrieval of Records" section to include additional identifying particulars. The BOP makes a slight change in the "Administrative, Technical, and Physical Safeguards" section to clarify that access to data is facilitated via strong authentication and data is segregated to limit staff's ability to update data absent authorization. The BOP updates the "Record Access Procedures" to include more detail on how one may access records.

In accordance with 5 U.S.C. 552a(r), the Department has provided a report to OMB and Congress on this new system of records.

Dated: April 30, 2019.

Peter A. Winn,

Acting Chief Privacy and Civil Liberties Officer, United States Department of Justice.

JUSTICE/BOP—005

SYSTEM NAME AND NUMBER:

Inmate Central Records System, JUSTICE/BOP—005.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Records may be retained at any Department of Justice authorized location, including the Central Office, Regional Offices, any of the Federal Bureau of Prisons (Bureau) and/or any contractor-operated correctional facilities, and National Archive Centers. A list of Bureau locations may be found at 28 CFR part 503 and on the internet at <http://www.bop.gov>. Records may also be maintained in secure cloud computing environments.

SYSTEM MANAGER(S):

Senior Deputy Assistant Director/ Chief Information Officer, Information, Policy and Public Affairs Division, Federal Bureau of Prisons, 320 First Street NW, Washington, DC 20534.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

This system is established and maintained under the authority of 18 U.S.C. 3621, 4042, 5003 (state inmates), and section 11201 of Chapter 1 of Subtitle C of Title XI of the National Capital Revitalization and Self-Government Improvement Act of 1997 (Pub. L. 105–33; 111 Stat. 740).

PURPOSE(S) OF THE SYSTEM:

This system assists the Attorney General and the Bureau of Prisons in meeting statutory responsibilities for the safekeeping, care, and custody of incarcerated persons. It serves as the primary record system on these individuals and includes information critical to the continued safety and security of not only incarcerated persons, but also the federal prisons and the public.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals currently or formerly under the custody of the Attorney General and/or the Director of the Bureau of Prisons, including those individuals under custody for criminal and civil commitments.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system contains records relating to the care, classification, subsistence, protection, discipline, and programs of federal inmates. Such records may include:

(1) Computation of sentence and supporting documentation; (2) correspondence and other documentation concerning pending charges, and wanted status, including warrants; (3) requests from other federal and non-federal law enforcement agencies for notification prior to release; (4) records of the allowance, forfeiture, withholding and restoration of good time; (5) information concerning present offense, prior criminal background, sentence and parole; (6) identification data including date of birth, Social Security number, driver's license number, alien registration number, passports, physical description, sex, race, religious preference, photographs, fingerprints, digital image, biometric identifiers, drug testing and DNA samples and analysis records; (7) institution designation and housing assignments, including separation orders, and supporting documentation;

(8) work and payroll records and benefits information; (9) program selections, assignment and performance or progress reports; (10) prison conduct records, including information concerning disciplinary actions, participation in escapes, assaults, and disturbances; (11) economic, social, and religious background, including special religious dietary requirements; (12) educational data, including industrial and vocational training; (13) physical and mental health data; (14) United States Parole Commission orders, actions and related forms; (15) correspondence regarding the inmate, including his or her release, adjustment and violations; (16) transfer information, including orders and transportation arrangements; (17) mail, visiting and telephone records; (18) personal property records; (19) safety reports and rules; (20) release processing forms and certificates; (21) interview requests; (22) litigation related records; (23) investigatory information; (24) institution tracking records to locate archived files; (25) referrals of non-federal inmates to Bureau custody and/or referrals of Bureau inmates to state custody.

RECORD SOURCE CATEGORIES:

Records are generated by: (1) Individual currently or formerly under custody; (2) federal, state, local, territorial, tribal, foreign and international law enforcement agencies and personnel; (3) federal and state prosecutors, courts and probation services; (4) educational institutions; (5) health care providers; (6) relatives, friends, and other interested individuals or groups in the community; (7) former or future employers; (8) state, local and private corrections staff; and (9) Bureau staff and institution contractors and volunteers.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b), all or a portion of the records or information contained in this system of records may be disclosed as a routine use pursuant to 5 U.S.C. 552a(b)(3) under the circumstances or for the purposes described below, to the extent such disclosures are compatible with the purposes for which the information was collected:

(a) To officers and employees of the Bureau of Prisons and the Department of Justice who have a need for the information in the performance of their duties;

(b) To federal, state, local, territorial, tribal, foreign and international law enforcement agencies and court officials for law enforcement and court-related purposes such as investigations, possible criminal prosecutions, civil court actions, or regulatory or parole proceedings, and, prior to release of an inmate, to the chief law enforcement officer of the state and local jurisdiction in which the released inmate will reside, as required by 18 U.S.C. 4042(b);

(c) To a court or adjudicative body before which the Department of Justice or the Bureau is authorized to appear, or to a private attorney authorized by the Department of Justice to represent a Bureau employee, when any of the following is a party to litigation or has an interest in litigation and such records are determined by the Bureau to be arguably relevant to the litigation: (1) The Bureau, or any subdivision thereof, or the Department of Justice, or (2) any Department of Justice or Bureau employee in his or her official capacity, or (3) any Department of Justice or Bureau employee in his or her individual capacity where the Department of Justice has agreed to provide representation for the employee, or (4) the United States, where the Bureau determines that the litigation is likely to affect it or any of its subdivisions;

(d) In an appropriate proceeding before a court or administrative or regulatory body when records are determined by the Department of Justice to be arguably relevant to the proceeding, including federal, state, and local licensing agencies or associations which require information concerning the suitability or eligibility of an individual for a license, permit, or similar authorization;

(e) To contractors, grantees, experts, consultants, students, and others performing or working on a contract, service, grant, cooperative agreement, or other assignment for the Federal Government, when necessary to accomplish an agency function related to this system of records;

(f) To victims and/or witnesses, pursuant to federal victim/witness legislation and policy requiring the release of information relating to an inmate's furlough, parole (including appearance before the United States Parole Commission), transfer to a community corrections center, mandatory release, expiration of sentence, escape (including apprehension), death, and other such release-related information;

(g) To state agencies and authorities, pursuant to Public Law 98-135, for the purpose of matching the data against

state records to review eligibility of these inmates for unemployment compensation; the requesting state is to erase the Bureau data after this determination has been made;

(h) To the Social Security Administration (SSA), pursuant to Public Law 96-473, for the purpose of matching the data against SSA records to enable the SSA to determine the eligibility of Bureau inmates to receive benefits under the Social Security Act and for the purpose of assisting SSA in providing inmate data to the states administering federal benefit programs such as Food Stamps; SSA is to erase the Bureau data after the match has been made;

(i) To the United States Department of Veterans Affairs (VA), for the purpose of matching the records against VA records to determine the eligibility or potential eligibility of Bureau inmates to receive veterans' benefits and/or services;

(j) To the Federal Aviation Administration (FAA), pursuant to Public Law 100-690, for the purpose of matching the data against FAA records to determine the eligibility of Bureau inmates to hold and obtain airmen certification and qualification;

(k) To the Internal Revenue Service (IRS) for the purposes of matching the data against IRS records for fraud detection;

(l) To the news media and the public pursuant to 28 CFR 50.2 unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy;

(m) To a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record;

(n) To the National Archives and Records Administration and General Services Administration in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906;

(o) To any person or entity to the extent necessary to prevent immediate loss of life or serious bodily injury;

(p) To a former employee of the Department, pursuant to subsection (b)(3) of the Privacy Act, for purposes of: Responding to an official inquiry by a federal, state, or local government entity or professional licensing authority, in accordance with applicable Department regulations; or facilitating communications with a former employee that may be necessary for personnel-related or other official purposes where the Department requires

information and/or consultation assistance from the former employee regarding a matter within that person's former area of responsibility;

(q) To the United States Sentencing Commission (USSC) for the purpose of providing inmate identification data to enable the USSC to perform research and conduct studies;

(r) To the news media and the public, including disclosures of matters solely of general public record, including name, offense, sentence data, current and past institution confinements, and release date, unless it is determined that release of the specific information would constitute an unwarranted invasion of personal privacy;

(s) To such recipients and under such circumstances and procedures as are mandated by federal statute or treaty;

(t) To federal, state or community health care agencies and professionals, including physicians, psychiatrists, psychologists, and state and federal medical facility personnel, who are providing treatment for a pre-existing condition to former federal inmates, and to federal, state, or local health care agencies and professionals for the purpose of securing medical or mental health after-care for current federal inmates;

(u) To the Department of State (DOS), for the purpose of matching the data against DOS records for detection/prevention of criminal activity under 18 U.S.C. 1544;

(v) To appropriate agencies, entities, and persons when (1) the Department suspects or has confirmed that there has been a breach of the system of records; (2) the Department has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, DOJ (including its information systems, programs, and operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the Department's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm;

(w) To another Federal agency or Federal entity, when the Department determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach; and

(x) To the Department of Treasury for the purpose of matching federal records on behalf of federal agencies, to determine the eligibility of or validate the entitlement of Bureau inmates to receive federal benefits pursuant to applicable federal law.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Information maintained in the system is stored in electronic format via a configuration of personal computer, client/server, mainframe systems, and/or cloud architecture and may be accessed by only those staff with a need-to-know at all Bureau and contractor facilities. Some information may be stored on computerized media, *e.g.*, hard disk, magnetic tape, digital recordings, and/or Compact or Digital Video Discs (CD/DVDs). Documentary (paper) records are maintained in manual file folders.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Records are retrieved by identifying particulars of the persons covered by this system, including name, inmate register number, **Federal Register** number, Social Security number, alien registration number, system-generated identification number, passport number, vendor number, claim number, email address, miscellaneous identification number, telephone number or mailing address. Records are also retrievable by institution, date, or type of incident.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

Records in this system are retained for a period of thirty (30) years after the expiration of the sentence. Records of an unsentenced inmate are retained for a period of ten (10) years after the inmate's release from confinement. Documentary records are destroyed by shredding; computer records are destroyed by degaussing and/or shredding.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

System records are maintained in secured access space in BOP-controlled facilities and offices. Computerized data requires user authentication for access and all session traffic is encrypted. All BOP personnel are required to pass an extensive background investigation. The information in the system is accessed only by authorized DOJ personnel or by non-DOJ personnel properly authorized to access the system. The system employs role-based access and authentication controls and enforcement mechanisms so that each user can access only the information appropriate

for their role. Some data may be stored in a secure cloud environment by a provider authorized under the Federal Risk and Authorization Management Program (FedRAMP). Authorized system users are subject to adequate physical security controls and built-in system controls to protect against unauthorized personnel gaining access to the equipment and/or the information stored in it. All authorized users are required to agree to Rules of Behavior and Terms of Use limiting use of the information in the system to official purposes. System audit logs are created and monitored to detect any misuse of the system.

RECORD ACCESS PROCEDURES:

The Attorney General has exempted this system of records from the notification, access, amendment, and contest procedures of the Privacy Act. These exemptions apply only to the extent that the information in this system is subject to exemption pursuant to 5 U.S.C. 552a(j) or (k). Where compliance would not appear to interfere with or adversely affect the purposes of the system, or the overall law enforcement/intelligence process, the applicable exemption (in whole or in part) may be waived by the BOP in its sole discretion.

All requests for records may be made by writing to the Director, Federal Bureau of Prisons, 320 First Street NW, Washington, DC 20534, and should be clearly marked "Privacy Act Request." In addition, the requester must provide a notarized statement or an unsworn declaration made in accordance with 28 U.S.C. 1746, in the following format: If executed outside the United States: "I declare (or certify, verify, or state) under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on [date]. [Signature]." If executed within the United States, its territories, possessions, or commonwealths: "I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on [date]. [Signature]."

While no specific form is required, requesters may obtain a form (Form DOJ-361) for use in certification of identity, available at https://www.bop.gov/inmates/docs/certification_of_identity.pdf. In the initial request, the requester may also include any other identifying data that the requester may wish to furnish to assist the BOP in making a reasonable search. The request should include a return address for use by the BOP in responding; requesters are also encouraged to include a telephone

number to facilitate BOP contacts related to processing the request. A determination of whether a record may be accessed will be made after a request is received.

CONTESTING RECORD PROCEDURES:

Individuals seeking to contest or amend records maintained in this system of records must direct their requests to the address indicated in the "RECORD ACCESS PROCEDURES" section, above. All requests to contest or amend records must be in writing and the envelope and letter should be clearly marked "Privacy Act Amendment Request." All requests must state clearly and concisely what record is being contested, the reasons for contesting it, and the proposed amendment to the record. Some information may be exempt from the amendment provisions as described in the "EXEMPTIONS PROMULGATED FOR THE SYSTEM" section, below. An individual who is the subject of a record in this system of records may contest or amend those records that are not exempt. A determination of whether a record is exempt from the amendment provisions will be made after a request is received.

More information regarding the Department's procedures for amending or contesting records in accordance with the Privacy Act can be found at 28 CFR 16.46, "Requests for Amendment or Correction of Records."

NOTIFICATION PROCEDURES:

Individuals may be notified if a record in this system of records pertains to them when the individuals request information utilizing the same procedures as those identified in the "RECORD ACCESS PROCEDURES" section, above.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

The Attorney General has exempted this system from subsections (c)(3) and (4); (d); (e)(1), (2), (3), (4)(G), (H), and (I), (5), (8); (f); and (g) of the Privacy Act pursuant to 5 U.S.C. 552a(j). The Attorney General has also exempted this system from subsections (c)(3); (d); (e)(1), (e)(4)(G), (H), and (I); and (f) of the Privacy Act pursuant to 5 U.S.C. 552a(k)(2). The exemptions will be applied only to the extent that the information in the system is subject to exemption pursuant to 5 U.S.C. 552a(j) and (k)(2). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553(b), (c) and (e), and have been published in the **Federal Register**.

HISTORY:

67 FR 31371 (May 9, 2002): Last published in full;

72 FR 3410 (January 25, 2007): Added a routine use;

77 FR 24982 (April 26, 2012): Added routine uses and claimed exemptions;

81 FR 22639 (April 18, 2016): Added a routine use; and

82 FR 24147 (May 25, 2017): Rescinded 72 FR 3410 and added routine uses.

[FR Doc. 2019-09204 Filed 5-3-19; 8:45 am]

BILLING CODE 4410-36-P

DEPARTMENT OF LABOR

Office of Workers' Compensation Programs

Advisory Board on Toxic Substances and Worker Health

ACTION: Solicitation for nominations to serve on the Advisory Board on Toxic Substances and Worker Health for Part E of the Energy Employees Occupational Illness Compensation Program Act (EEOICPA).

SUMMARY: Due to one recent vacancy, the Secretary of Labor (Secretary) invites interested parties to submit nominations for individuals to serve on the Advisory Board on Toxic Substances and Worker Health for Part E of the Energy Employees Occupational Illness Compensation Program Act (EEOICPA). The nominee shall serve as a member from the medical or the scientific community, under the Board's statute and Charter.

DATES: Nominations for individuals to serve on the Board must be submitted (postmarked, if sending by mail; submitted electronically; or received, if hand delivered) within 30 days of the date of this notice.

ADDRESSES: Nominations may be submitted, including attachments, by any of the following methods:

- *Electronically:* Send to: EnergyAdvisoryBoard@dol.gov (specify in the email subject line, "Advisory Board on Toxic Substances and Worker Health nomination").

- *Mail, express delivery, hand delivery, messenger, or courier service:* Submit one copy of the documents listed above to the following address: U.S. Department of Labor, Office of Workers' Compensation Programs, Advisory Board on Toxic Substances and Worker Health, Room S-3522, 200 Constitution Ave. NW, Washington, DC 20210.

Follow-up communications with nominees may occur as necessary through the process.

FOR FURTHER INFORMATION CONTACT: You may contact Douglas Fitzgerald,

Designated Federal Officer, at fitzgerald.douglas@dol.gov, or Carrie Rhoads, Alternate Designated Federal Officer, at rhoads.carrie@dol.gov, U.S. Department of Labor, 200 Constitution Avenue NW, Suite S-3524, Washington, DC 20210, telephone (202) 343-5580. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: The Advisory Board on Toxic Substances and Worker Health (the Board) is mandated by Section 3687 of EEOICPA. The Secretary of Labor established the Board under this authority and Executive Order 13699 (June 26, 2015) and in accordance with the provisions of the Federal Advisory Committee Act (FACA), as amended, 5 U.S.C. App. 2. The purpose of the Board is to advise the Secretary with respect to: (1) The Site Exposure Matrices (SEM) of the Department of Labor; (2) medical guidance for claims examiners for claims with the EEOICPA program, with respect to the weighing of the medical evidence of claimants; (3) evidentiary requirements for claims under Part B of EEOICPA related to lung disease; and (4) the work of industrial hygienists and staff physicians and consulting physicians of the Department of Labor and reports of such hygienists and physicians to ensure quality, objectivity, and consistency. In addition, the Board, when necessary, coordinates exchanges of data and findings with the Department of Health and Human Services' Advisory Board on Radiation and Worker Health, which advises the Department of Health and Human Services' National Institute for Occupational Safety and Health (NIOSH) on various aspects of causation in radiogenic cancer cases under Part B of the EEOICPA program.

The Board shall consist of 12-15 members, to be appointed by the Secretary. A Chair of the Board will be appointed by the Secretary from among the Board members. Pursuant to Section 3687(a)(2), the Advisory Board will reflect a reasonable balance of scientific, medical, and claimant members, to address the tasks assigned to the Advisory Board. The members serve two-year terms. At the discretion of the Secretary, members may be appointed to successive terms or removed at any time. The Board will meet no less than twice per year. On July 16, 2018, twelve members were appointed to the Board by the Secretary to two-year terms. One member from the medical community has recently resigned from the Board, creating a vacancy.

Pursuant to Section 3687(d), no Board member, employee, or contractor can have any financial interest,

employment, or contractual relationship (other than a routine consumer transaction) with any person who has provided or sought to provide, within two years of their appointment or during their appointment, goods or services for medical benefits under EEOICPA. A certification that this is true will be required with each nomination.

The Department of Labor is committed to equal opportunity in the workplace and seeks broad-based and diverse Advisory Board membership. Any interested person or organization may nominate one or more individuals for membership. Interested persons are also invited and encouraged to submit statements in support of nominees.

Nomination Process: If you would like to nominate an individual or yourself for appointment to the Board, please submit the following information:

- The nominee's contact information (name, title, business address, business phone, fax number, and/or business email address) and current employment or position;
- A copy of the nominee's resume or curriculum vitae;
- Category of membership that the nominee is qualified to represent (scientific or medical);
- A summary of the background, experience, and qualifications that addresses the nominee's suitability for the nominated membership category identified above;
- Articles or other documents the nominee has authored that indicate the nominee's knowledge, experience, and expertise in fields related to the EEOICPA program, particularly as pertains to industrial hygiene, toxicology, epidemiology, occupational medicine, lung conditions, or the nuclear facilities covered by the EEOICPA program;
- Documents or other supportive materials that demonstrate the nominee's familiarity, experience, or history of participation with the EEOICPA program or with the administration of a technically complex compensation program such as EEOICPA; and
- A signed statement that the nominee is aware of the nomination; is willing to regularly attend and participate in Advisory Board meetings; during the last 10 years, has not been convicted of a felony, has not been imprisoned, been on probation, or been on parole for a felony, and is not currently under charges for a felony; and has no conflicts of interest that would preclude membership on the Board.

Nominees will be appointed based on their demonstrated qualifications, professional experience, and knowledge of issues the Advisory Board may be asked to consider. Nominees will also be selected in accordance with statutory obligations under FACA and Section 3687 of EEOICPA regarding a balanced membership.

The activities of the Advisory Board may necessitate its members obtaining security clearance. Pursuant to Section 3687(f), the Secretary of Energy will ensure that the members and staff of the Board, and any contractors performing work in support of the Board, are afforded the opportunity to apply for a security clearance for any matter for which such a clearance is appropriate, and should provide a determination on eligibility for clearance within 180 days of receiving a completed application.

The new member shall be appointed to fill a vacancy occurring prior to the expiration of a resigning Board member's term, and shall be appointed for the remainder of such term: *i.e.*, a two-year term ending on July 15, 2020. The vacancy will be filled with a new member from the medical or the scientific community. As specified in Section 3687(i), the Advisory Board shall terminate ten (10) years after the date of the enactment of the legislation, which was December 19, 2014. Thus, the Advisory Board shall terminate on December 19, 2024.

Members are Special Government Employees (SGEs). Members will serve without compensation. However, members may each receive reimbursement for travel expenses for attending Board meetings, including per diem in lieu of subsistence, as authorized by the federal travel regulations.

Signed at Washington, DC, this 29th day of April, 2019.

Julia K. Hearthway,
Director, Office of Workers' Compensation Programs.

[FR Doc. 2019-09219 Filed 5-3-19; 8:45 am]

BILLING CODE 4510-24-P

MARINE MAMMAL COMMISSION

Sunshine Act Notice

TIME AND DATE: The Marine Mammal Commission and its Committee of Scientific Advisors on Marine Mammals will hold a public meeting on Tuesday, 21 May 2019 from 8:30 a.m. to 5:30 p.m.; Wednesday, 22 May 2019 from 8:30 a.m. to 5:45 p.m.; Thursday, 23 May 2019 from 9:30 a.m. to 1:30 p.m.

The Commission and the Committee also will meet in executive session on

Thursday, 23 May 2019, 8:30 to 9:30 a.m.

PLACE: Keauhou Ballroom, Sheraton Kona Resort and Spa at Keahou Bay, 78-128 Ehukai Street, Kailua-Kona, Hawaii.

STATUS: The executive session will be closed to the public in accordance with the provisions of the Government in the Sunshine Act (5 U.S.C. 552b) and applicable regulations. The session will be limited to discussions of internal agency practices, personnel, and the budget of the Commission. All other portions of the meeting will be open to the public. Public participation will be allowed as time permits and as determined to be desirable by the Chairman. The Commission will live-stream the meeting via a GoToMeeting webinar, limited space available. Webinar details will be posted by Monday, 20 May 2019, no registration required.

MATTERS TO BE CONSIDERED: The Commission and Committee will meet in public session to discuss a broad range of marine mammal science and conservation policy issues, with a particular focus on Spinner dolphins, Monk seals, fishery interactions, humpback whales, and the wider Pacific. The agenda for the meeting, along with webinar details, is posted on the Commission's website at <https://www.mmc.gov/events-meetings-and-workshops/marine-mammal-commission-annual-meetings/2019-annual-meeting/>.

CONTACT PERSON FOR MORE INFORMATION: Brady O'Donnell, Communications Officer, Marine Mammal Commission, 4340 East-West Highway, Room 700, Bethesda, MD 20814; (301) 504-0087; email: bodonnell@mmc.gov.

Dated: April 30, 2019.

Peter O. Thomas,
Executive Director.

[FR Doc. 2019-09274 Filed 5-2-19; 11:15 am]

BILLING CODE 6820-31-P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice: (19-025)]

NASA Advisory Council Human Exploration and Operations Committee; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Public Law 92-463, as amended, the National Aeronautics and Space Administration

(NASA) announces a meeting of the Human Exploration and Operations Committee of the NASA Advisory Council (NAC). This Committee reports to the NAC.

DATES: Tuesday, May 28, 2019, 9:30 a.m.–5:30 p.m.; Wednesday, May 29, 2019, 8:00 a.m.–12:00 noon, Eastern Time.

ADDRESSES: NASA Headquarters, 9H40, 9th Floor, 300 E Street SW, Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Dr. Bette Siegel, Designated Federal Officer, Human Exploration and Operations Mission Directorate, NASA Headquarters, Washington, DC 20546, (202) 358-2245, or bette.siegel@nasa.gov.

SUPPLEMENTARY INFORMATION: The meeting will be open to the public up to the seating capacity of the room. This meeting is also available telephonically and by WebEx. You must use a touch tone phone to participate in this meeting. Any interested person may dial the toll free access number 1-888-324-9238 or toll access number 1-517-308-9132, and then the numeric participant passcode: 3403297, to participate in this meeting by telephone on both days. *Note:* If dialing in, please mute your phone. The WebEx link is <https://nasaenterprise.webex.com/nasaenterprise/> the meeting number is 907 309 794 and the password is Exploration@2019 (case sensitive) on both days.

The agenda for the meeting includes the following topics:

- NASA Human Exploration and Operations Overview
- President's Proposed FY 2020 Budget Request
- Human Lunar Exploration Update
- Commercial Crew Program
- Exploration Systems Program
- International Space Station Update
- Evolving Space Communication and Navigation Technologies

Attendees will be required to sign a register and comply with NASA security requirements, including the presentation of a valid picture ID before receiving access to NASA Headquarters. Foreign nationals attending this meeting will be required to provide a copy of their passport and visa in addition to providing the following information no less than 10 days prior to the meeting: Full name; home address; gender; citizenship; date/city/country of birth; title, position or duties; visa information (number, type, expiration date); passport information (number, country, expiration date); employer/affiliation information (name of institution,

address, country, telephone) of the position of attendee; and home address to Dr. Bette Siegel via email at bette.siegel@nasa.gov. To expedite admittance, U.S. citizens and Permanent Residents (green card holders) can submit identifying information 3 working days prior to the meeting to Dr. Bette Siegel via email at bette.siegel@nasa.gov. It is imperative that the meeting be held on this date to accommodate the scheduling priorities of the key participants.

Patricia Rausch,

*Advisory Committee Management Officer,
National Aeronautics and Space
Administration.*

[FR Doc. 2019-09206 Filed 5-3-19; 8:45 am]

BILLING CODE 7510-13-P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice: (19-24)]

NASA Advisory Council Science Committee; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, as amended, the National Aeronautics and Space Administration (NASA) announces a meeting of the Science Committee of the NASA Advisory Council (NAC). This Committee reports to the NAC. The meeting will be held for the purpose of soliciting, from the scientific community and other persons, scientific and technical information relevant to program planning.

DATES: Tuesday, May 21, 2019, 9:30 a.m.–4:30 p.m.; and Wednesday, May 22, 2019, 8:30 a.m.–3:00 p.m., Eastern Time.

ADDRESSES: NASA Headquarters, Room 3H42, 300 E Street SW, Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Ms. KarShelia Henderson, Science Mission Directorate, NASA Headquarters, Washington, DC 20546, (202) 358-2355, fax (202) 358-2779, or khenderson@nasa.gov.

SUPPLEMENTARY INFORMATION: The meeting will be open to the public up to the capacity of the room. This meeting will also be available telephonically and by WebEx. You must use a touch-tone phone to participate in this meeting. Any interested person may dial the toll free number 1-888-469-1762 or toll number 1-212-287-1653, passcode 8281293 followed by the #

sign, on both days, to participate in this meeting by telephone. The WebEx link is <https://nasaenterprise.webex.com>; the meeting number is 906 407 923 and the password is SC@May2019 (case sensitive) for both days. The agenda for the meeting includes the following topics:

- Science Mission Directorate Missions, Programs and Activities
- Moon to Mars Initiative
- NASA Science Plan

Attendees will be requested to sign a register and to comply with NASA Headquarters security requirements, including the presentation of a valid picture ID to Security before access to NASA Headquarters. Foreign nationals attending this meeting will be required to provide a copy of their passport and visa in addition to providing the following information no less than 10 days prior to the meeting: Full name; gender; date/place of birth; citizenship; passport information (number, country, telephone); visa information (number, type, expiration date); employer/affiliation information (name of institution, address, country, telephone); title/position of attendee. To expedite admittance, U.S. citizens and Permanent Residents (green card holders) are requested to provide full name and citizenship status no less than 3 working days in advance. Information should be sent to Ms. KarShelia Henderson, via email at khenderson@nasa.gov or by fax at (202) 358-2779. It is imperative that the meeting be held on these dates to the scheduling priorities of the key participants.

Patricia Rausch,

*Advisory Committee Management Officer,
National Aeronautics and Space
Administration.*

[FR Doc. 2019-09205 Filed 5-3-19; 8:45 am]

BILLING CODE 7510-13-P

NUCLEAR REGULATORY COMMISSION

Meeting of the Advisory Committee on Reactor Safeguards (ACRS) Subcommittee on NuScale

The ACRS Subcommittee on NuScale will hold meetings on May 14–16, 2019, at U.S. Nuclear Regulatory Commission, Two White Flint North, Conference Room T2D10, 11545 Rockville Pike, Rockville, MD 20852.

The meeting will be open to public attendance with the exception of portions that may be closed to protect information that is proprietary pursuant to 5 U.S.C. 552b(c)(4). The agenda for the subject meeting shall be as follows:

Tuesday, May 14–Thursday, May 16, 2019—8:30 a.m. Until 5:00 p.m. Each Day

The Subcommittee will review the staff's evaluation of Chapter 3.9.2, "Dynamic Testing and Analysis of Systems, Components and Equipment," Chapter 14, "Initial Test Program and Inspections, Tests, Analyses and Acceptance Criteria," Chapter 19, "Probabilistic Risk Assessment and Severe Accident Evaluation," and Chapter 21, "Multi-Module Design Considerations." The Subcommittee will hear presentations by and hold discussions with the NRC staff, NuScale and other interested persons regarding this matter. The Subcommittee will gather information, analyze relevant issues and facts, and formulate proposed positions and actions, as appropriate, for deliberation by the Full Committee.

Members of the public desiring to provide oral statements and/or written comments should notify the Designated Federal Official (DFO), Michael Snodderly (Telephone 301-415-2241 or Email: Michael.Snodderly@nrc.gov) five days prior to the meeting, if possible, so that appropriate arrangements can be made. Thirty-five hard copies of each presentation or handout should be provided to the DFO thirty minutes before the meeting. In addition, one electronic copy of each presentation should be emailed to the DFO one day before the meeting. If an electronic copy cannot be provided within this timeframe, presenters should provide the DFO with a CD containing each presentation at least thirty minutes before the meeting. Electronic recordings will be permitted only during those portions of the meeting that are open to the public. The public bridgeline number for the meeting is 866-822-3032, passcode 8272423. Detailed procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on December 7, 2018 (83 FR 26506).

Detailed meeting agendas and meeting transcripts are available on the NRC website at <http://www.nrc.gov/reading-rm/doc-collections/acrs>. Information regarding topics to be discussed, changes to the agenda, whether the meeting has been canceled or rescheduled, and the time allotted to present oral statements can be obtained from the website cited above or by contacting the identified DFO. Moreover, in view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check

with these references if such rescheduling would result in a major inconvenience.

If attending this meeting, please enter through the One White Flint North building, 11555 Rockville Pike, Rockville, Maryland. After registering with Security, please contact Paula Dorm (Telephone 301-415-7799) to be escorted to the meeting room.

Dated: April 30, 2019.

Lawrence Burkhardt,

Chief, Technical Support Branch, Advisory Committee on Reactor Safeguards.

[FR Doc. 2019-09150 Filed 5-3-19; 8:45 am]

BILLING CODE 7590-01-P

PEACE CORPS

Information Collection Request; Submission for OMB Review

AGENCY: Peace Corps.

ACTION: 60-Day notice and request for comments.

SUMMARY: The Peace Corps will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval. The purpose of this notice is to allow 60 days for public comment in the **Federal Register** preceding submission to OMB. We are conducting this process in accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35).

DATES: Submit comments on or before July 5, 2019.

ADDRESSES: Comments should be addressed to Virginia Burke, FOIA/Privacy Act Officer. Virginia Burke can be contacted by telephone at 202-692-1887 or email at pcfpr@peacecorps.gov. Email comments must be made in text and not in attachments.

FOR FURTHER INFORMATION CONTACT: Virginia Burke at Peace Corps address above.

SUPPLEMENTARY INFORMATION:

Title: Peace Corps Volunteer Application.

OMB Control Number: 0420-0005.

Type of Request: Renewal.

Affected Public: Individuals.

Respondents Obligation to Reply: Voluntary.

Respondents: Potential Volunteers.

Burden to the Public:

a. *Estimated number of respondents:* 23,000.

b. *Estimated average burden per response:* 60 minutes.

c. *Frequency of response:* One Time.

d. *Annual reporting burden:* 23,000 hours.

General Description of Collection: The information collected by the Volunteer

Application is used by the Peace Corps to collect essential information from individual applicants, including technical and language skills, and availability for Peace Corps service. The information is used by the Peace Corps Office of VRS in its assessment of an individual's qualifications to serve as a Peace Corps Volunteer, including practical and cross-cultural experience, maturity, motivation and commitment. Selection for Peace Corps service is based on that assessment.

Request for Comment: Peace Corps invites comments on whether the proposed collections of information are necessary for proper performance of the functions of the Peace Corps, including whether the information will have practical use; the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the information to be collected; and, ways to minimize the burden of the collection of information on those who are to respond, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

This notice is issued in Washington, DC, on April 30, 2019.

Virginia Burke,

FOIA/Privacy Act Officer.

[FR Doc. 2019-09141 Filed 5-3-19; 8:45 am]

BILLING CODE 6051-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-85755; File No. SR-OCC-2019-004]

Self-Regulatory Organizations; The Options Clearing Corporation; Notice of Filing of Proposed Rule Change Related to the Introduction of a New Liquidation Cost Model in The Options Clearing Corporation's Margin Methodology

April 30, 2019.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Exchange Act" or "Act"),¹ and Rule 19b-4 thereunder,² notice is hereby given that on April 18, 2019, the Options Clearing Corporation ("OCC") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by OCC. The Commission is publishing this notice to

solicit comments on the proposed rule change from interested persons.

I. Clearing Agency's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change is filed in connection with proposed changes to OCC's Margins Methodology, Margin Policy, and Stress Testing and Clearing Fund Methodology Description to add a risk-based liquidation charge based on bid-ask spreads to adjust the value of positions to account for the costs of liquidating a defaulting Clearing Member's portfolio.

The proposed changes to OCC's Margins Methodology, Margin Policy, and Stress Testing and Clearing Fund Methodology Description are contained in confidential Exhibits 5A-5C of the filing. Material proposed to be added is marked by underlining and material proposed to be deleted is marked by strikethrough text. OCC also has included a summary of impact analysis of the proposed model changes in confidential Exhibit 3. The proposed changes are described in detail in Item II below.

The proposed rule change is available on OCC's website at <https://www.theocc.com/about/publications/bylaws.jsp>. All terms with initial capitalization that are not otherwise defined herein have the same meaning as set forth in the OCC By-Laws and Rules.³

II. Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, OCC 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. OCC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of these statements.

(A) Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

(1) Purpose

Background

OCC's margin methodology, the System for Theoretical Analysis and Numerical Simulations ("STANS"), is OCC's proprietary risk management system that calculates Clearing Member

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ OCC's By-Laws and Rules can be found on OCC's public website: <http://optionsclearing.com/about/publications/bylaws.jsp>.

margin requirements.⁴ STANS utilizes large-scale Monte Carlo simulations to forecast price and volatility movements in determining a Clearing Member's margin requirement.⁵ The STANS margin requirement is calculated at the portfolio level of Clearing Member legal entity marginable net positions tier account (tiers can be customer, firm, or market marker) and consists of an estimate of a 99% 2-day expected shortfall ("99% Expected Shortfall") and an add-on for model risk (the concentration/dependence stress test charge). The STANS methodology is used to measure the exposure of portfolios of options and futures cleared by OCC and cash instruments in margin collateral.

STANS margin requirements are comprised of the sum of several components, each reflecting a different aspect of risk. The base component of the STANS margin requirement for each account is obtained using a risk measure known as 99% Expected Shortfall. Under the 99% Expected Shortfall calculation, an account has a base margin excess (deficit) if its positions in cleared products, plus all existing collateral—whether of types included in the Monte Carlo simulation or of types subjected to traditional "haircuts"—would have a positive (negative) net worth after incurring a loss equal to the average of all losses beyond the 99% value at risk (or "VaR") point. This base component is then adjusted by the addition of a stress test component, which is obtained from consideration of the increases in 99% Expected Shortfall that would arise from market movements that are especially large and/or in which various kinds of risk factors exhibit perfect or zero correlations in place of their correlations estimated from historical data, or from extreme adverse idiosyncratic movements in individual risk factors to which the account is particularly exposed.⁶ STANS margin requirements are intended to cover potential losses due to price movements over a two-day risk horizon; however, the base and stress margin components do not cover the potential liquidation costs OCC may incur in closing out a defaulted Clearing Member's portfolio.⁷

Closing out positions in a defaulted Clearing Member's portfolio could entail selling longs at bid price and covering shorts at ask price. This means that additional liquidation costs may need to take into account the bid-ask price spreads.

Proposed Changes

OCC is proposing to enhance its margin methodology by introducing a new model to estimate the liquidation cost for all options and futures, as well as the securities in margin collateral. As noted above, closing out positions of a defaulted Clearing Member in the open market could entail selling longs at bid price and covering shorts at ask price. These closing-out costs are currently not taken into account in STANS for all options (with the exception of long-dated SPX index option series, as noted above).⁸ Therefore, the purpose of the proposed change is to add additional financial resources in the form of margin, based on liquidation cost grids calibrated using historical stressed periods, to guard against potential shortfalls in margin requirements that may arise due to the costs of liquidating Clearing Member portfolios in the event of a default. The liquidation cost charge would be applied as an add-on to all accounts incurring a STANS margin charge.

The proposed liquidation cost model calculates liquidation cost based on risk measures, gross contract volumes and market bid-ask spreads. In general, the proposed model would be used to calculate two risk-based liquidation costs for a portfolio, Vega⁹ liquidation cost ("Vega LC") and Delta liquidation cost ("Delta LC"), using "Liquidation Grids."¹⁰ Options products will incur both Vega and Delta LCs while Delta-one¹¹ products such as futures

contracts, Treasury securities and equity securities, will have only a Delta charge.

The proposed liquidation cost model described herein would include: (1) The decomposition of the defaulter's portfolio into sub-portfolios by underlying security; (2) the creation and calibration of Liquidation Grids used to determine liquidation costs; (3) the calculation of the Vega LC (including a minimum Vega LC charge) for options products; (4) the calculation of Delta LCs for both options and Delta-one products; (5) the calculation of Vega and Delta concentration factors; (6) the calculation of volatility correlations for Vega LCs; (7) the establishment of a STANS margin floor based on the liquidation cost; and (8) conforming changes to OCC's Margin Policy and Stress Testing and Clearing Fund Methodology Description.

The new liquidation cost model would cover the following cleared products in a Clearing Member's portfolio: Options on indices, equities, Exchange Traded Funds ("ETFs") and futures; FLEX options; future contracts; Treasury securities; and stock loan and collateral securities. The securities not included in STANS margin calculations would not be covered by the new model.

The proposed approach to calculating liquidation costs and the conforming changes to OCC's Margin Policy are described in further detail below.

1. Portfolio Decomposition and Creation of Sub-Portfolios

For a portfolio consisting of many contracts and underlyings, the proposed model would first divide (or decompose) the portfolio into sub-portfolios by underlying security such that all contracts with the same underlying are grouped into the same sub-portfolio. The Vega LC and Delta LC are first calculated at a sub-portfolio level and then aggregated to derive the final liquidation cost for the total portfolio. All the option positions with the same fundamental underlying would form one sub-portfolio because they share the same risk characteristics. The equity index, index future and index ETFs would all be categorized by the underlying index that is the basis for the index, future, and ETF-underlying securities. The corresponding options on the index, index future, and ETFs would therefore fall into the same sub-portfolio. In addition, FLEX options on the same underlying would be included in the same sub-portfolio of the regular options. Similarly, cash products such

results in a change of the same, or nearly the same, proportion in the value of the product.

⁴ See Securities Exchange Act Release No. 53322 (February 15, 2006), 71 FR 9403 (February 23, 2006) (SR-OCC-2004-20). A detailed description of the STANS methodology is available at <http://optionsclearing.com/risk-management/margins/>.

⁵ See OCC Rule 601.

⁶ STANS margins may also include other add on charges, which are considerably smaller than the base and stress test components, and many of which affect only a minority of accounts.

⁷ A liquidation cost model was introduced into STANS in 2012 as part of OCC's OTC clearing

initiatives. The model is only applied to long-dated options on the Standard & Poor's ("S&P") 500 index ("SPX") that have a tenor of three-years or greater. See Securities Exchange Act Release No. 34-70719 (October 18, 2013), 78 FR 63548 (October 24, 2013) (SR-OCC-2013-16). The existing liquidation model for long-dated SPX options would be replaced by this new model. OCC currently does not have any open interest in OTC options. OCC does currently clear similar exchange traded long-dated FLEX SPX options; however, these options make up less than 0.5% of SPX options open interest.

⁸ *Id.*

⁹ The Delta and Vega of an option represent the sensitivity of the option price with respect to the price and volatility of the underlying security, respectively.

¹⁰ "Liquidation Grids" would be comprised collectively of Vega Liquidation Grids, Vega Notional Grids, Delta Liquidation Grids, and Delta Notional Grids. Liquidation Grids are discussed in more detail below in the *Creation and Calibration of Liquidation Grids* section.

¹¹ "Delta one products" refer to products for which a change in the value of the underlying asset

as equities and futures would be grouped in the same sub-category based on their underlying symbols. All Treasury security positions would form one sub-portfolio. The calculation of Vega LC and Delta LC for each sub-portfolio is summarized in the next sections.

2. Creation and Calibration of Liquidation Grids

A key element of the proposed liquidation cost model is the “Liquidation Grids.” The calculations of Vega LC and Delta LC involve a number of liquidity-related quantities such as volatility bid-ask spreads, price bid-ask spreads, Vega notional, and Delta notional. The collection of these quantities would be used to create the following Liquidation Grids.

1. *Vega Liquidation Grids (or volatility grids):* The Vega Liquidation Grids would represent the level of bid-ask spreads on the implied volatility of option contracts for a given underlying. Since the volatility spreads of option contracts vary by the Delta and tenor of the option, OCC would divide the contracts into several Delta buckets by tenor buckets.¹² Each pair (Delta, tenor) is referred to as a Vega bucket. For each bucket, an average volatility spread is estimated and defined as the volatility grid for the bucket. The size of grid would essentially represent the cost for liquidating one unit of Vega risk in the bucket.

2. *Vega Notional Grid:* The Vega Notional Grid of an underlying security would be the average trading options volume weighted by the Vega of all options on the given underlying. The size of Vega Notional grids would indicate the average daily trading volume in terms of dollar Vegas (*i.e.*, the Vega multiplied by the volume of the option).

3. *Delta Liquidation Grid:* The Delta liquidation grid would represent an estimated bid-ask price spread (in percentage) on the underlying.¹³ It

represents the cost of liquidating one dollar unit of the underlying security. The Delta liquidation grid for Treasury securities represents bid-ask yield spreads, expressed in basis points.

4. *Delta Notional Grid:* The Delta Notional grid of an underlying security would represent the average trading volume in dollars of the security.¹⁴

Vega Notional Grids are calibrated at the security level; that is, each individual underlying security would have its own Vega Notional. The Delta Notional Grid and both Vega and Delta Liquidation Grids for all underlying securities are estimated at the levels of a fixed number of classes based on their liquidity level.¹⁵ All equity securities would be divided, based on their membership in commonly used market indices (including, but not limited to, the S&P 100 and 500 index) or other market liquidity measurements, into liquidity classes (which may include, but are not limited to, High Liquid Equities, Medium Liquid Equities and Low Liquid Equities). Any new equity security would generally default to the lowest liquidity classification unless otherwise assigned to a higher liquidity classification when deemed necessary. Major indices (*e.g.*, SPX or the Cboe Volatility Index (“VIX”)) may form their own index liquidity class, which may cover indices, index ETFs, and index futures. In addition, sector ETFs, ETFs on a major commodity (such as Gold, Crude/Natural Gas, Metals, and Electricity), and Treasury ETFs would generally each form individual classes of their own, subject to the availability of liquidation data. Pursuant to the proposed Margins Methodology, these liquidity classes would be reviewed annually or at a frequency determined by OCC’s MRWG and updated as needed, taking into consideration such factors including, but not limited to, changes in membership of the S&P 100 index and S&P 500 index, listing and

delisting of securities, and any corporate actions on the existing securities.

Because the bid-ask spreads can change daily, the use of spreads from current market conditions could cause liquidation costs to fluctuate dramatically with market volatility, especially during a stressed market period. To mitigate this procyclicality issue, Liquidation Grids would be calibrated from several historical stressed periods, which are selected based on the history of VIX index levels and would remain unchanged with time until a new stressed period is selected and added to the calibrations in accordance with the requirements of the proposed Margins Methodology.¹⁶

3. Vega Liquidation Cost

Vega Liquidation Cost Calculation

Vega LC is the main component of the proposed liquidation cost model. For a simple option contract, the Vega LC would be its position Vega multiplied by its respective bucket in the Vega Liquidation Grid. The result is approximately equal to one half of the bid-ask price spread. For a portfolio consisting of many contracts and underlyings, the model first divides the portfolio into sub-portfolios by underlying security such that all contracts with the same underlying are grouped into the same sub-portfolio (as described above). The Vega LCs for sub-portfolios are calculated first and then aggregated to derive the Vega LC for the total portfolio.

The Vega LC for a sub-portfolio, which consists of all the contracts with the same underlying security, would be calculated in several steps. First, the Liquidation Grids would be calibrated for Vega “buckets” that consist of Delta bins by tenor bins as discussed above. These Vega buckets are used to represent the volatility risk at the different areas on the implied volatility surface. Next, the Vega of each contract position in a given sub-portfolio would be calculated and bucketed into one of the Vega buckets. The Vegas falling into the same Vega bucket would then be netted. The Vega LC for each of the Vega buckets is calculated as the net Vega multiplied by the Vega grid of the buckets. Finally, the total liquidation cost for the sub-portfolio would be aggregated from these bucket Vega LCs by using correlations between the Vega buckets. Since the sub-portfolios are formed by the fundamental equity or index underlying the option, the Vega LCs of closely related but different

¹² Initially, Vega Liquidation Grids would consist of 5 Delta buckets by 5 tenor buckets, with a total of 25 pairs; however, the Vega Liquidation Grids would be reviewed annually or at a frequency determined by OCC’s Model Risk Working Group (“MRWG”) and updated as needed as determined by the MRWG. The MRWG is responsible for assisting OCC’s Management Committee in overseeing and governing OCC’s model-related risk issues and includes representatives from OCC’s Financial Risk Management department, Quantitative Risk Management department, Model Validation Group, and Enterprise Risk Management department.

¹³ Delta Liquidation Grids are comprised of several rows representing liquidity categories for the underlying security (initially 14 rows, subject to periodic review and modification) and one column representing the cost of liquidating one dollar unit

of the underlying security. The Delta Liquidation Grids would be reviewed annually or at a frequency determined by OCC’s MRWG and updated as needed as determined by the MRWG.

¹⁴ Delta Notional Grids are comprised of several rows representing liquidity categories for the underlying security (initially 14 rows, subject to periodic review and modification) and one column representing the average trading volume in dollars of the underlying security. The Delta Notional Grids would be reviewed annually or at a frequency determined by OCC’s MRWG and updated as needed as determined by the MRWG.

¹⁵ Within the same liquidity group, the Vega Notional can vary dramatically from name to name. Moreover, Vega risk can be much greater than Delta risk. As a result, OCC would calculate Vega Notionals at the security level as opposed to the liquidity level.

¹⁶ The Liquidation Grids will be reviewed annually or at a frequency determined by the MRWG.

underlying securities are allowed to net. For example, Vega LCs for SPX and related indices, futures, and ETFs that are based on the S&P 500 index would be allowed 100% netting.

The Vega LC for the total portfolio would be a similar correlation-based sum of Vega LCs of all the sub-portfolios, taking into account correlations between the products' implied volatility.¹⁷

Minimum Liquidation Cost

Because the proposed model allows risk netting across closely related option contracts, it is possible that a well-hedged option strategy could result in a very small or zero liquidation cost. To prevent this from happening, a minimum liquidation cost would be introduced to the Vega liquidation charges. The minimum liquidation cost for a sub-portfolio would be calculated as the gross number of option contracts multiplied by a minimum cost per contract value.¹⁸ The minimum cost amount would be calculated for the entire portfolio and would be used to floor the final total Vega LC. The proposal would not apply a minimum cost for Delta LC due to the immaterial impact a minimum Delta LC would have on the overall liquidation cost charge.

4. Delta Liquidation Cost

In addition to Vega risk, the model also considers the Delta risk presented in an entire portfolio. If a portfolio has positions in either options, futures, equities, or Treasury securities, it will contain some Delta risk. Under the proposed model, the liquidation cost due to Delta risk in a sub-portfolio (as defined by the underlying) would be approximated by the net dollar Delta of the sub-portfolio multiplied by its respective bucket in the Delta Liquidation Grid.

The proposed model would allow netting of Delta LC if the option contracts, futures, or equity positions belong to or are related to a top index (such as SPX or VIX). For example, in a portfolio, positions in SPX-related options, options on futures, futures, or collateral have their Delta LC netted.

Under the proposed model, U.S. dollar Treasury bonds would form one sub-portfolio. The Delta or DV01 (*i.e.*, dollar value of one basis point) of all the

bonds would be calculated and bucketed into six tenor buckets. For each bucket, the liquidation cost would be approximated by the absolute value of the net DV01 of the bucket multiplied by the Liquidation Grid (in basis points) in the corresponding tenor bucket. The total liquidation cost for the Treasury security sub-portfolio would then be a sum of the costs over all the buckets.

The Delta LC for the total portfolio would be simple sum of the Delta LCs over all sub-portfolios.

5. Concentration Charges

In addition to Vega and Delta LCs, the proposed model also would incorporate the potential risks involved in closing out large or concentrated positions in a portfolio. The "largeness" of an option position is typically measured in terms of Average Daily Volume ("ADV"). The Vega volume or notional, defined as "Vega-weighted ADV," is also a relevant measure of options trading volume. Closing out large or concentrated positions with one or more Vega notional may either take longer to liquidate or demand wider spreads, and therefore could incur additional cost. To cover this additional risk, the proposed model would use Vega concentration factors ("Vega CF") to scale the Vega LC for option positions. The Vega CFs would be equal to one for small positions that are less than one Vega notional, but may be scaled up for large positions as a function of the size of the positions. Similar to Vega CF, Delta concentration factors ("Delta CF") would be used to scale the Delta LC to account for the concentration risk associated with large Delta positions.

6. Volatility Correlations

Under the proposed model, the Vega LC for each underlying sub-portfolio is calculated using correlations between the Vega buckets. The correlation matrix from the most liquid product (SPX) would be used as the base and would be scaled for other underlyings based on their liquidity class. These would be calibrated from time periods that overlap the stress periods used to calculate Liquidation Grids.

To aggregate the liquidation cost at the portfolio level, the pair-wise correlations of implied volatilities between different underlyings are needed. OCC would use a single correlation value for all cross-underlying correlations rather than a correlation matrix for all cross-underlying correlations to simplify the calibration of the grids. To account for potential errors that may arise from using a single correlation value, OCC would calculate three single correlations

representing the minimum, average, and maximum correlation across the liquidity class to determine three different Vega LCs. The highest of these three Vega LCs would be used as the final Vega LC.

7. STANS Margin Floor

The proposed liquidation costs would be added to the base and stress margin components of STANS that are intended to cover the potential losses due to price movements over a two-day risk horizon. In certain cases, well-hedged portfolios may not experience any loss and the resultant STANS margin requirement is close to zero or may even become positive in some extreme cases. If the STANS requirement is positive, this may result in a credit instead of a charge for the Clearing Member. To account for the risk of potentially liquidating a portfolio at current (instead of two-day ahead) prices, no credit from the margin would be allowed so that the final margin requirement would not be lower than the amount of the liquidation cost.

8. Margin Policy and Stress Testing and Clearing Fund Methodology Description

OCC also would make conforming changes to its Margin Policy and Stress Testing and Clearing Fund Methodology Description to reflect the inclusion of the new liquidation cost charge as an add-on charge to the base STANS margin and how the liquidation cost charge add-on would be incorporated in Clearing Fund shortfall calculations.¹⁹

Clearing Member Outreach

To inform Clearing Members of the proposed change, OCC has provided overviews of its proposed liquidation cost model to the Financial Risk Advisory Council ("FRAC"), a working group comprised of exchanges, Clearing Members and indirect participants of OCC, and the OCC Roundtable, which was established to bring Clearing Members, exchanges and OCC together to discuss industry and operational issues,²⁰ during 2016 and 2017. OCC

¹⁹ The Stress Testing and Clearing Fund Methodology Description would be revised to note that the shortfall of a portfolio is calculated by offsetting its profit and loss ("PnL") in a stress scenario with its STANS margin assets, which include base margin (*i.e.*, 99% Expected Shortfall), excess net asset value related to long option premium, any non-collateral-in-margins haircut amounts, and various other Add-On Charges such as the proposed liquidation cost charges. Since the cost of liquidation is not considered in stress scenario PnL, a charge for liquidation costs using the same values as calculated for margins is included in shortfall calculations to ensure that the liquidation cost charge is part of the required total credit financial resources.

²⁰ The OCC Roundtable is comprised of representatives of the senior OCC staff, participant

¹⁷ See *infra*, Volatility Correlations section.

¹⁸ The minimum cost rate would initially be set as \$2 per contract, unless the position is long and the net asset value per contract is less than \$2. (For a typical option with a contract size of 100, this would occur if the option was priced below 0.02.) This value would be reviewed annually or at a frequency determined by OCC's MRWG and recalibrated as needed over time.

has also published Information Memos to all Clearing Members discussing the proposed change.

Under the proposed liquidation cost model, each Clearing Member/account would independently observe different levels of impact based on the composition of their cleared portfolios. Based on OCC's analysis to-date, directional portfolios containing more outright positions, which are more typically associated with customer accounts, are most likely to see the largest impact from the proposed liquidation cost charges, while more well-hedged portfolios, such as market maker accounts, would be less impacted (and are more likely to incur the minimum liquidation cost charge). In the aggregate, OCC expects the proposed liquidation cost charges to make up approximately 5–8% of total risk margin charges, with customer accounts accounting for roughly 60% of the proposed liquidation cost charges, and proprietary accounts and market makers generating approximately 25% and 15% of the proposed liquidation cost charges, respectively.

Given the magnitude of expected changes in margins, OCC expects to conduct an extended parallel implementation for Clearing Members prior to implementation. Additionally, OCC will perform additional outreach to the FRAC upon submission of its regulatory filings to remind Clearing Members of the pending changes and direct outreach with those Clearing Members that would be most impacted by the proposed change and would work closely with such Clearing Members to coordinate the implementation and associated funding for such Clearing Members resulting from the proposed change.²¹

Implementation Timeframe

OCC expects to implement the proposed changes no sooner than thirty (30) days and no later than one hundred eighty (180) days from the date that OCC receives all necessary regulatory approvals for the filings. OCC will announce the implementation date of the proposed change by an Information Memo posted to its public website at least two (2) weeks prior to implementation.

exchanges and Clearing Members, representing the diversity of OCC's membership in industry segments, OCC-cleared volume, business type, operational structure and geography.

²¹ Specifically, OCC will discuss with those Clearing Members how they plan to satisfy any increase in their margin requirements associated with the proposed change.

(2) Statutory Basis

OCC believes the proposed rule change is consistent with Section 17A of the Act²² and the regulations thereunder. Section 17A(b)(3)(F) of the Act,²³ requires, among other things, that the rules of a clearing agency be designed to promote the prompt and accurate clearance and settlement of securities transactions and, to the extent applicable, derivative agreements, contracts, and transactions, to assure the safeguarding of securities and funds which are in the custody or control of the clearing or agency or for which it is responsible, and, in general, to protect investors and the public interest. As described above, STANS margin requirements are comprised of the sum of several components, each reflecting a different aspect of risk. These margins are intended to cover the potential losses due to price movements over a two-day risk horizon; however, the base and stress margin components do not cover the potential liquidation cost OCC may incur in closing out a defaulted Clearing Member's portfolio. Closing out positions in a defaulted portfolio could entail selling longs at bid price and covering shorts at ask price. This means that additional liquidation costs may need to take into account the bid-ask price spreads. The proposed liquidation cost model would calculate liquidation costs for OCC's cleared products based on risk measures, gross contract volumes and market bid-ask spreads. The proposed model is designed to provide additional financial resources in the form of margin, based on liquidation costs and current market prices, to guard against potential shortfalls in margin requirements that may arise due to the costs of liquidating Clearing Member portfolios. OCC uses the margin it collects from a defaulting Clearing Member to protect other Clearing Members from losses they cannot anticipate or control as a result of such a default. As a result, OCC believes the proposed changes would reduce the overall level of risk to OCC, its Clearing Members, and the markets served by OCC. OCC believes that the proposed rule change is therefore designed, in general, to promote the prompt and accurate clearance and settlement of securities and derivatives transactions, assure the safeguarding of securities and funds which are in the custody or control of OCC or for which it is responsible, and protect investors

and the public interest in accordance with Section 17A(b)(3)(F) of the Act.²⁴

Rule 17Ad–22(b)(2)²⁵ requires, in part, that a registered clearing agency that performs central counterparty services establish, implement, maintain and enforce written policies and procedures reasonably designed to use margin requirements to limit its credit exposures to participants under normal market conditions and use risk-based models and parameters to set margin requirements. As described above, the proposed liquidation cost model is a risk-based model that calculates liquidation cost based on risk measures, gross contract volumes, and market bid-ask spreads. The proposed model is designed to provide additional financial resources in the form of margin, based on liquidation costs and current market prices, to guard against potential shortfalls in margin requirements that may arise due to the costs of liquidating Clearing Member portfolios, which currently are not taken into account in STANS for all of OCC's cleared products. Accordingly, the proposed risk-based model would be used to calculate margin requirements designed to limit OCC's credit exposures to participants under normal market conditions in a manner consistent with Rule 17Ad–22(b)(2).²⁶

Rule 17Ad–22(e)(6)(i)²⁷ further requires a covered clearing agency that provides central counterparty services to establish, implement, maintain and enforce written policies and procedures reasonably designed to cover its credit exposures to its participants by establishing a risk-based margin system that considers, and produces margin levels commensurate with, the risks and particular attributes of each relevant product, portfolio, and market. The proposed liquidation cost model is a risk-based model that would calculate additional margin charges designed to account for potential shortfalls in margin requirements that may arise due to the costs of liquidating Clearing Member portfolios by taking into consideration the risks and attributes associated with relevant products and portfolios cleared by OCC (*e.g.*, volatility bid-ask spreads, price bid-ask spreads, Vega notional, and Delta notional). Accordingly, OCC believes the proposed changes are consistent with Rule 17Ad–22(e)(6)(i).²⁸

The proposed rule changes are not inconsistent with the existing rules of

²⁴ *Id.*

²⁵ 17 CFR 240.17Ad–22(b)(2).

²⁶ *Id.*

²⁷ 17 CFR 240.17Ad–22(e)(6)(i).

²⁸ *Id.*

²² 17 U.S.C. 78q–1.

²³ 17 U.S.C. 78q–1(b)(3)(F).

OCC, including any other rules proposed to be amended.

(B) Clearing Agency's Statement on Burden on Competition

Section 17A(b)(3)(I) of the Act²⁹ requires that the rules of a clearing agency not impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. OCC believes that while the proposed rule change may have differing impacts on its Clearing Members, it would not impose a burden on competition. Moreover, OCC believes that any competitive impact imposed by the proposed liquidation cost model would be necessary and appropriate in furtherance of the purposes of Act.³⁰ As noted above, under the proposed liquidation cost model, each Clearing Member/account would independently observe different levels of impact based on the composition of their cleared portfolios. Based on OCC's analysis to-date, directional portfolios containing more outright positions, which are more typically associated with customer accounts, are most likely to see the largest impact from the proposed liquidation cost charges, while more well-hedged portfolios, such as market maker accounts, would be less impacted (and are more likely to incur the minimum liquidation cost charge). In the aggregate, OCC expects the proposed liquidation cost charges to make up approximately 5–8% of total risk margin charges, with customer accounts accounting for roughly 60% of the proposed liquidation cost charges, and proprietary accounts and market makers generating approximately 25% and 15% of the proposed liquidation cost charges, respectively.

The proposed changes are primarily designed to allow OCC to determine margin requirements that more accurately represent the risk presented by the extra cost in liquidating a portfolio due to the bid-ask spread. While the individual impact of the proposed changes will vary and depend on the composition of the portfolio in question, the proposed risk model enhancements are intended apply to all Clearing Members to address potential liquidation costs that OCC may incur in closing out a defaulted Clearing Member's portfolio. OCC does not believe that the proposed rule change would unfairly inhibit access to OCC's services or disadvantage or favor any particular user in relationship to another user. Accordingly, OCC believes that any competitive impact would be

necessary and appropriate in furtherance of the prompt and accurate clearance and settlement of securities transactions, the safeguarding of securities and funds which are in the custody or control of OCC or for which it is responsible, and in general, the protection of investors and the public interest.

(C) Clearing Agency's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Written comments on the proposed rule change were not and are not intended to be solicited with respect to the proposed rule change and none have been received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

- (A) By order approve or disapprove the proposed rule change, or
- (B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Exchange 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–OCC–2019–004 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–OCC–2019–004. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<http://www.sec.gov/>

[rules/sro.shtml](#)). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of OCC and on OCC's website at <https://www.theocc.com/about/publications/bylaws.jsp>.

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–OCC–2019–004 and should be submitted on or before May 28, 2019.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.³¹

Eduardo A. Aleman,
Deputy Secretary.

[FR Doc. 2019–09147 Filed 5–3–19; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–85752; File No. SR–MSRB–2019–09]

Self-Regulatory Organizations; Municipal Securities Rulemaking Board; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Eliminate MSRB Rule G–29, on Availability of Board Rules

April 30, 2019.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (“Act” or “Exchange Act”) ¹ and Rule 19b–4 thereunder,² notice is hereby given that on April 19, 2019 the Municipal Securities Rulemaking Board (“MSRB”) filed with the Securities and Exchange Commission (“SEC” or “Commission”) the proposed rule change as described

²⁹ 15 U.S.C. 78q–1(b)(3)(I).

³⁰ *Id.*

³¹ 17 CFR 200.30–3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b–4.

in Items I, II, and III below, which Items have been prepared by the MSRB. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The MSRB filed with the Commission a proposed rule change seeking to eliminate MSRB Rule G-29, requiring that each broker, dealer and municipal securities dealer shall keep in each office in which any of the activities set forth in rule G-3(a)(i)³ of the Board are conducted, a copy of all rules of the Board as from time to time in effect and shall make such rules available for examination by customers promptly upon request (the "proposed rule change" or "amendment").

The MSRB has designated the proposed rule change for immediate effectiveness and will be effective upon filing pursuant to Section 19(b)(3)(A) of the Act⁴ and Rule 19b-4(f)(6) thereunder.⁵ The operative date of the proposed rule change will not be less than 30 days from the date of filing and will be announced in an MSRB Notice to be published on the MSRB's website within 30 days of the date of this filing.

³ MSRB Rule G-3(a)(i) regarding professional qualification requirements provides:

(a) Municipal Securities Representative, Municipal Securities Sales Limited Representative and Limited Representative—Investment Company and Variable Contracts Products.

(i) Definitions.

(A) The term "municipal securities representative" means a natural person associated with a broker, dealer or municipal securities dealer, other than a person whose functions are solely clerical or ministerial, whose activities include one or more of the following:

(1) Underwriting, trading or sales of municipal securities;

(2) financial advisory or consultant services for issuers in connection with the issuance of municipal securities;

(3) research or investment advice with respect to municipal securities; or

(4) any other activities which involve communication, directly or indirectly, with public investors in municipal securities;

provided, however, that the activities enumerated in subparagraphs (3) and (4) above shall be limited to such activities as they relate to the activities enumerated in subparagraphs (1) and (2) above.

(B) The term "municipal securities sales limited representative" means a municipal securities representative whose activities with respect to municipal securities are limited exclusively to sales to and purchases from customers of municipal securities.

(C) The term "limited representative—investment company and variable contracts products" means a municipal securities representative whose activities with respect to municipal securities are limited exclusively to sales to and purchases from customers of municipal fund securities.

⁴ 15 U.S.C. 78s(b)(3)(A).

⁵ 17 CFR 240.19b-4(f)(6).

The text of the proposed rule change is available on the MSRB's website at www.msrb.org/Rules-and-Interpretations/SEC-Filings/2019-Filings.aspx, at the MSRB's principal office, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the MSRB included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The MSRB has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Background

Rule G-29 generally requires dealers to keep a copy of all MSRB rules in offices that conduct any of the municipal securities activities defined in Rule G-3(a)(i) and make them available for examination by their customers upon request. The rule was designed to facilitate compliance with MSRB rules and protect investors by ensuring municipal securities professionals⁶ and their customers have access to MSRB rules, including timely updates.⁷ The rule was originally adopted by the Board in 1977,⁸ and has been amended and interpreted, periodically as market practices evolved and other regulatory developments occurred, to ensure the rule remained current and achieved its goal of providing ready access to important MSRB rule information.

For example, when the MSRB published its rulebook electronically, the Board issued interpretive guidance noting that dealers could comply with Rule G-29 by giving customers access to the rules either in printed form, or electronically via the MSRB internet

⁶ As used therein, "municipal securities professional" means persons participating in the activities described in MSRB Rule G-3. *See also* note 3.

⁷ *See* Notice of Approval of Fair Practice Rules, [1977-1987 Transfer Binder] Municipal Securities Rulemaking Board Manual (CCH) ¶ 10,090 at 10,494 (Oct. 24, 1978).

⁸ *See* File No. SR-MSRB-77-12 (Sept. 20, 1977). The SEC approved Rule G-29 in Release No. 34-15247 (Oct. 19, 1978), 43 FR 50525 (Oct. 30, 1978).

website (www.msrb.org) or using third party software products.⁹ This guidance also reminded dealers that MSRB Rule G-27, on supervision, requires a dealer to supervise the conduct of its municipal securities business and the municipal securities activities of its associated persons to ensure compliance with Rule G-29, including how the dealer provides its offices with the most current version of the rules once they are in effect so that its municipal securities professionals are alerted to new developments. A short time later, the Board issued a notice highlighting the SEC's guidance regarding the delivery of electronic information.¹⁰ The notice again notes that electronic media may be used by dealers in satisfying their obligations under MSRB rules, including Rule G-29.¹¹

Most recently, as part of its retrospective rule review, the Board considered whether amendments to the rule were needed to address changing practices in the municipal securities market. In doing so, the Board recognized that while its interpretive guidance somewhat modernized how dealers could continue to comply with Rule G-29 (*i.e.*, providing for access to MSRB Rules via electronic media), the rule was no longer necessary for purposes of ensuring municipal securities professionals and their customers have ready access to current MSRB rules, which formed the basis for the proposed rule change.¹²

Proposed Rule Change

The proposed rule change seeks to eliminate Rule G-29 and would contribute to the MSRB's continuing efforts to improve market efficiency by eliminating unnecessary regulatory requirements that no longer serve their original purpose of helping to prevent a market harm.

⁹ *See* Rule G-29 Interpretive Notice—Availability of Board Rules, May 20, 1998, MSRB Reports, Vol. 18, No. 2 (August 1998) at 37. This notice was also updated, effective January 1, 2014, to reflect the discontinuation of the MSRB's printed version of the MSRB Rule Book.

¹⁰ On May 9, 1996, the Commission issued a Release expressing its views on the use of electronic media for delivery of information by, among others, brokers and dealers. The Commission stated that brokers, dealers and others may satisfy their delivery obligations under federal securities laws by using electronic media as an alternative to paper-based media within the framework established in the 1995 SEC Release on the use of electronic media for delivery purposes. Securities Act Release No. 7288, Exchange Act Release No. 37182 (May 9, 1996), 61 FR 24644 (May 15, 1996).

¹¹ *See* Rule G-32 Interpretation—Notice Regarding Electronic Delivery and Receipt of Information by Brokers, Dealers and Municipal Securities Dealers, November 20, 1998.

¹² *See* MSRB Informational Notice 2019-04.

Because access to the internet is more widespread and often necessary to conduct municipal securities activities in today's markets, MSRB rules and relevant updates, including on the MSRB's internet website, are more accessible and readily available to both municipal securities professionals and their customers than provided for under Rule G-29. That is, investors are currently more likely to access MSRB rules electronically on their own, as opposed to requesting to review them under the provisions of the rule. In addition, while Rule G-29 generally requires that dealers make MSRB rules available to customers, upon request, the rule is somewhat limiting in that a customer's access to the information likely depends on whether a customer knows they can access the information pursuant to the provisions under the rule. In other words, there currently is no requirement under Rule G-29 that dealers inform customers of their ability to request to review MSRB rules to which they are required to provide access. Additionally, there are other MSRB rules that promote ready access to MSRB rule information. For example, MSRB Rule G-10 generally requires, among other things, that once a year, dealers and municipal advisors, provide in writing (which may be electronic) to each customer, information on how to access the MSRB internet website, which provides access to all MSRB rules and updates. More specifically, under Rule G-10 customers and municipal advisory clients must be provided a statement that their dealers or municipal advisors are registered with the SEC and the MSRB, the MSRB's internet website address, and a statement about the availability of a brochure, posted on the MSRB's website, that describes the protections that may be provided by the MSRB's rules and how to file a complaint with an appropriate regulatory authority. The requirements set forth in Rule G-10 effectively remind customers and municipal advisory clients about the MSRB's website, which provides access to more than just the MSRB rule information specified under Rule G-29. For these reasons, the MSRB believes that the proposed rule change would have little effect on municipal securities professionals' or their customers' ability to access MSRB rules.

Finally, as previously discussed, MSRB guidance makes clear that MSRB Rule G-27, on supervision, requires each dealer to supervise the conduct of its municipal securities activities to ensure compliance with Rule G-29. It is the MSRB's understanding that dealers

typically comply with Rule G-29 by virtue of providing access to the internet in offices conducting municipal securities activities but may lack the required supervisory procedures detailing the process by which they ensure compliance with the rule.¹³ Thus, the MSRB believes that the proposed rule change will not only eliminate unnecessary rule provisions but will also reduce supervisory burdens for dealers, without hampering access to MSRB rule information for customers or municipal securities professionals' ability to comply with regulatory requirements.

2. Statutory Basis

The MSRB believes that the proposed rule change is consistent with the provisions of Section 15(b)(2)(C) of the Act,¹⁴ which provides that the MSRB's rules shall:

be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in municipal securities and municipal financial products, to remove impediments to and perfect the mechanism of a free and open market in municipal securities and municipal financial products, and, in general, to protect investors, municipal entities, obligated persons, and the public interest.

Specifically, the proposed rule change would remove regulatory burdens on dealers by recognizing that there is no longer a market harm that the rule seeks to prevent. By eliminating a rule that no longer resolves a market harm, the proposed rule change removes impediments to and perfects the mechanism of a free and open market by more appropriately responding to actual market practices, reducing regulatory burdens and thus focusing on compliance with a more appropriate and beneficial process by which MSRB rule information is made available and accessed consistent with current practices. Eliminating Rule G-29 also has no effect on investor protection because MSRB rule information remains readily available to municipal securities professionals and their customers.

B. Self-Regulatory Organization's Statement on Burden on Competition

Section 15(b)(2)(C) of the Act requires that MSRB rules not be

designed to impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.¹⁵ The MSRB notes that its policy on economic analysis limits its applications regarding rules for which the Board seeks immediate effectiveness.¹⁶ As previously discussed, the MSRB does not believe the proposed rule change would result in delayed access to MSRB rule information for customers or hamper municipal securities professionals' ability to comply with regulatory requirements but instead reduces a burden for dealers that is no longer deemed necessary.

The MSRB also considered the alternative of modernizing Rule G-29 but, given the ease with which the MSRB rulebook can be accessed electronically, the fact investors receive annual disclosures, including the location of the MSRB's internet website, under Rule G-10, and the widespread availability and use of the internet by both investors and those conducting municipal securities activities, the MSRB currently believes the existence of Rule G-29 would continue to result in unnecessary supervisory burdens, while providing limited benefits to municipal securities professionals or customers.

The MSRB also believes that the costs associated with compliance with the regulatory requirements and elimination of Rule G-29 are negligible, given the MSRB rulebook is accessible on its website at no cost, and internet services are universally available in municipal securities offices. However, the proposed rule change would nevertheless reduce costs for dealers as they would no longer be required to continue to maintain supervisory procedures and conduct supervisory reviews to ensure compliance with existing Rule G-29.

¹⁵ *Id.*

¹⁶ The scope of the Board's policy on the use of economic analysis in rulemaking provides that:

[t]his Policy addresses rulemaking activities of the MSRB that culminate, or are expected to culminate, in a filing of a proposed rule change with the SEC under Section 19(b) of the Exchange Act, other than a proposed rule change that the MSRB reasonably believes would qualify for immediate effectiveness under Section 19(b)(3)(A) of the Exchange Act if filed as such (e.g., fee filing or facility filing) or as otherwise provided under the exception process of this Policy.

Policy on the Use of Economic Analysis in MSRB Rulemaking, available at <http://msrb.org/Rules-and-Interpretations/Economic-Analysis-Policy.aspx>. For those rule changes which the MSRB seeks immediate effectiveness, the MSRB usually focuses exclusively its examination on the burden of competition on regulated entities.

¹³ The MSRB intends to include in the notice announcing the operative date of the elimination of Rule G-29 a statement that, to the extent any MSRB guidance references Rule G-29, that guidance, as it concerns Rule G-29 and any related supervisory requirements, will no longer be applicable.

¹⁴ 15 U.S.C. 78o-4(b)(2)(C).

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Exchange Act¹⁷ and Rule 19b-4(f)(6)¹⁸ thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include File Number SR-MSRB-2019-09 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090. All submissions should refer to File Number SR-MSRB-2019-09. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the

public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the MSRB. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR-MSRB-2019-09 and should be submitted on or before May 28, 2019.

For the Commission, pursuant to delegated authority.¹⁹

Eduardo A. Aleman,

Deputy Secretary.

[FR Doc. 2019-09146 Filed 5-3-19; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-85754; File No. SR-CBOE-2019-015]

Self-Regulatory Organizations; Cboe Exchange, Inc.; Order Approving a Proposed Rule Change To Allow \$1 Strike Price Intervals Above \$200 on Options on the QQQ and IWM Exchange-Traded Funds

April 30, 2019.

On March 6, 2019, Cboe Exchange, Inc. ("Exchange" or "Cboe") filed with the Securities and Exchange Commission ("Commission"), pursuant to Section 19(b)(1)¹ of the Securities Exchange Act of 1934 ("Act")² and Rule 19b-4 thereunder,³ a proposed rule change to allow Cboe to list QQQ and IWM options with \$1 strike price intervals instead of \$5 strike price intervals when the strike price of the option is greater than \$200. The proposed rule change was published for comment in the **Federal Register** on March 18, 2019.⁴ No comments on the proposed rule change have been received. This order approves the proposed rule change.

¹⁹ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 15 U.S.C. 78a.

³ 17 CFR 240.19b-4.

⁴ See Securities Exchange Act Release No. 85295 (Mar. 12, 2019), 84 FR 9851 ("Notice").

I. Description of the Proposed Rule Change

The Exchange's current rules provide that the interval between strike prices of series of options on exchange-traded funds may be \$5.00 or greater where the strike price is greater than \$200,⁵ except that the interval between strike prices of series of options on SPY, IVV, and DIA may be \$1 or greater where the strike price is greater than \$200.⁶ The Exchange proposes to expand that exception, also allowing \$1 strike price intervals where the strike price is above \$200 for options on IWM⁷ and QQQ.⁸

The Exchange notes that "\$1 intervals already exist below the \$200 price point" for options on both ETFs, and further notes "in the midst of current price trends," that "both QQQ and IWM have consistently inclined in price toward the \$200 level."⁹ In light of this, the Exchange "believes that continuing to maintain the current \$200 level (above which intervals increase 500% to \$5), may have a negative effect on investing, trading and hedging opportunities, and volume" particularly to the extent it impacts the ability of market participants to roll their positions once strike prices pass \$200.¹⁰

Accordingly, in light of the "slower movements of broad-based indices," the Exchange proposes to allow \$1 strike intervals above \$200 so that options on these two ETFs may be "more precisely aligned with the smaller, longer-term incremental increases in respective underlying ETFs."¹¹ In turn, the exchange believes that its proposal will "permit strikes to be set to more closely reflect the increasing values in the

⁵ See Interpretation and Policy .08(a) to Rule 5.5.

⁶ See *id.*

⁷ According to the Exchange, IWM is an index-based ETF designed to track the price and performance of the Russell 2000 Index ("RUT"), which represents the small capitalization sector of the U.S. equity market, and the value of IWM is designed to approximate 1/40 the value of the underlying RUT. See *id.* Cboe states that IWM is among the most actively traded ETFs on the market. See *id.*

⁸ According to the Exchange, the QQQ is designed to closely track the price and performance of a the Nasdaq-100 Index ("NDX"), which represents the largest and most active non-financial domestic and international issues listed on The Nasdaq Stock Market based on market capitalization, and the value of QQQ is designed to approximate 1/40 the value of the underlying NDX. See Notice, *supra* note 4, 84 FR at 9852. The Exchange states that QQQ is among the most actively traded ETFs on the market. See *id.*

⁹ *Id.*

¹⁰ *Id.* For example, the Exchange notes that "to move a position from a \$200 strike to a \$205 strike under the current rule, an investor would need for the underlying product to move 2.5%" whereas rolling an open position from a \$200 to a \$201 strike represents "only a 0.5% move for the underlying." *Id.*

¹¹ *Id.*

¹⁷ 15 U.S.C. 78s(b)(3)(A).

¹⁸ 17 CFR 240.19b-4(f)(6).

underlying indices and allow investors and traders to roll open positions from a lower strike to a higher strike in conjunction with the price movements of the underlying ETFs.”¹²

Cboe acknowledges that allowing series of QQQ and IWM options to be listed in \$1 intervals between strike prices over \$200 likely would increase the total number of options series available on the Exchange, but represents that: (1) It and the Options Price Reporting Authority (“OPRA”) have the necessary systems capacity to handle any potential additional traffic associated with this proposed rule change; (2) Trading Permit Holders would not have a capacity issue; and (3) the proposed expansion would not cause fragmentation of liquidity but, by providing more trading opportunities to market participants, instead would increase both available liquidity as well as price efficiency.¹³

II. Discussion and Commission Findings

After careful review, the Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange.¹⁴ In particular, the Commission finds that the proposed rule change is consistent with Section 6(b)(5) of the Act,¹⁵ which requires, among other things, that the rules of a national securities exchange be designed to promote just and equitable principles of trade, to prevent fraudulent and manipulative acts, 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. The Commission believes that the proposed change accommodates the current levels of the respective indexes tracked by QQQ and IWM. In particular, permitting \$1 strikes above \$200 in such ETFs may provide the investing public and other market participants with more flexibility in their investment and hedging decisions in QQQ and IWM options and is consistent with past precedent for other similar ETFs that track broad-based indexes.¹⁶

In approving this proposal, the Commission notes that the Exchange has represented that it and OPRA have the necessary systems capacity to handle the potential additional traffic associated with this proposed rule change.¹⁷ The Exchange further stated that it believes its members will not have a capacity issue as a result of the proposal and that it does not believe this expansion will cause fragmentation of liquidity.¹⁸

III. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act¹⁹ that the proposed rule change (SR-CBOE-2019-015) be, and hereby is, approved.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.²⁰

Eduardo A. Aleman,
Deputy Secretary.

[FR Doc. 2019-09148 Filed 5-3-19; 8:45 am]

BILLING CODE 8011-01-P

SMALL BUSINESS ADMINISTRATION

National Women's Business Council; Notice of Public Meeting

AGENCY: Small Business Administration, National Women's Business Council.

ACTION: Notice of open public meeting.

DATES: The public meeting will be held on Friday, May 17, 2019 from 9:30 a.m. to 12:30 p.m. EST.

ADDRESSES: The meeting will be held at the Women Presidents' Organization Headquarters located at 155 E 55th Street, Suite 4H, New York, NY 10022.

FOR FURTHER INFORMATION CONTACT: The meeting is open to the public; however, advance notice of attendance is requested. To RSVP or submit a written comment, the general public should email Ashley Judah at Ashley.Judah@sba.gov with subject line—“Response for 5/17/19 Public Meeting.” The agenda will allow for 20 minutes of public statements. This time will be awarded in 4-minute increments to the first 5 people who confirm attendance and request to speak. All other submitted statements will be included in the meeting record.

A conference line will be available for those unable to attend the meeting.

No. 1, Relating to SPY and DIA Options); and 72664 (Jul. 24, 2014), 79 FR 44231 (Jul. 30, 2014) (Notice of Filing of Proposed Rule Change, as Modified by Amendment No. 1, Relating to SPY and DIA Options).

¹⁷ See note 13 *supra*, and accompanying text.

¹⁸ See *id.*

¹⁹ 15 U.S.C. 78f(b)(2).

²⁰ 17 CFR 200.30-3(a)(12).

Please call 1-208-391-5817 at the aforementioned event time. When prompted, enter conference ID number 93326369. For more information, please visit the NWBC website at www.nwbc.gov or call 202-205-3850.

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C., Appendix 2), the National Women's Business Council (NWBC) announces its second public meeting of Fiscal Year 2019. The 1988 *Women's Business Ownership Act* established NWBC to serve as an independent source of advice and policy recommendations to the President, Congress, and the Administrator of the U.S. Small Business Administration (SBA) on issues of importance to women entrepreneurs.

This meeting will allow the newly formed Council to share its vision for the remainder of the fiscal year. Each of the Council's three subcommittees (Rural Women's Entrepreneurship, Women in S.T.E.M., and Access to Capital & Opportunity) will present their current priorities and initiatives to the full body.

Dated: April 30, 2019.

Nicole Nelson,

Committee Management Officer (Acting).

[FR Doc. 2019-09140 Filed 5-3-19; 8:45 am]

BILLING CODE 8025-01-P

TENNESSEE VALLEY AUTHORITY

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Tennessee Valley Authority.

ACTION: 30-Day notice of submission of information collection approval and request for comments.

SUMMARY: This is a renewal request for approval of the Application for Section 26a Permit (OMB No. 3316-0060). The information collection described below will be submitted to the Office of Management and Budget (OMB) at, oir_submission@omb.eop.gov, for review, as required by the Paperwork Reduction Act of 1995. The Tennessee Valley Authority is soliciting public comments on this proposed collection.

DATES: Comments should be sent to the TVA Senior Privacy Program Manager and the OMB Office of Information & Regulatory Affairs, Attention: Desk Officer for Tennessee Valley Authority, Washington, DC 20503, or email: oir_submission@omb.eop.gov, no later than June 5, 2019.

¹² *Id.*

¹³ See *id.* at 9852-3.

¹⁴ In approving the proposed rule change, the Commission has considered its impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

¹⁵ 15 U.S.C. 78f(b)(5).

¹⁶ See, e.g., Securities Exchange Act Release Nos. 72949 (Aug. 29, 2014), 79 FR 53089 (Sept. 5, 2014) (SR-Phlx-2014-46) (Order Granting Approval of Proposed Rule Change, as Modified by Amendment

ADDRESSES: Requests for information, including copies of the information collection proposed and supporting documentation, should be directed to the Senior Privacy Program Manager: Christopher A. Marsalis, Tennessee Valley Authority, 400 W. Summit Hill Dr. (WT 5D), Knoxville, Tennessee 37902-1401; telephone (865) 632-2467 or by email at camarsalis@tva.gov.

SUPPLEMENTARY INFORMATION:

Type of Request: Revision of a currently approved collection.

Title of Information Collection: Section 26a Permit Application.

OMB Approval Number: 3316-0060.
Current Expiration Date: August 31, 2019.

Frequency of Use: On occasion.

Type of Affected Public: Individuals or households, state or local governments, farms, businesses, or other for-profit, Federal agencies or employees, non-profit institutions, small businesses or organizations.

Small Businesses or Organizations Affected: Yes.

Federal Budget Functional Category Code: 452.

Estimated Number of Annual Responses: 2,600.

Estimated Total Annual Burden Hours: 5,200.

Estimated Average Burden Hours per Response: 2.0.

Need For and Use of Information: TVA Land Management activities and Section 26a of the Tennessee Valley Authority Act of 1933, as amended, require TVA to collect information relevant to projects that will impact TVA land and land rights and review and approve plans for the construction, operation, and maintenance of any dam, appurtenant works, or other obstruction affecting navigation, flood control, or public lands or reservations across, along, or in the Tennessee River or any of its tributaries. The information is collected via paper forms (e.g., Joint Application Form (TVA Form 17423), Section 26a Permit and Land Use Application: Applicant Disclosure Form (TVA Form 17423A), and Tennessee Valley Authority Floating Cabin Registration Form (TVA Form 21158)) and/or electronic submissions and is used to assess the impact of the proposed project on TVA land or land rights and statutory TVA programs to determine if the project can be approved. Rules for implementation of TVA's Section 26a responsibilities are published in 18 CFR part 1304.

Andrea S. Brackett,
Director, TVA Cybersecurity.

[FR Doc. 2019-09153 Filed 5-3-19; 8:45 am]

BILLING CODE 8120-01-P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

Agency Information Collection Activities: Information Collection Renewal; Comment Request; Minimum Security Devices and Procedures, Reports of Suspicious Activities, and Bank Secrecy Act Compliance Program

AGENCY: Office of the Comptroller of the Currency (OCC), Department of the Treasury.

ACTION: Notice and request for comments.

SUMMARY: The OCC, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other federal agencies to take this opportunity to comment on information collections as required by the Paperwork Reduction Act of 1995 (PRA).

In accordance with the requirements of the PRA, the OCC may not conduct or sponsor, and the 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 OCC is soliciting comment concerning renewal of its information collection titled, "Minimum Security Devices and Procedures, Reports of Suspicious Activities, and Bank Secrecy Act Compliance Program."

DATES: Written comments should be received on or before July 5, 2019.

ADDRESSES: Commenters are encouraged to submit comments by email, if possible. You may submit comments by any of the following methods:

- *Email:* prainfo@occ.treas.gov.
- *Mail:* Chief Counsel's Office,

Attention: Comment Processing, Office of the Comptroller of the Currency, Attention: 1557-0180, 400 7th Street SW, Suite 3E-218, Washington, DC 20219.

- *Hand Delivery/Courier:* 400 7th Street SW, Suite 3E-218, Washington, DC 20219.

- *Fax:* (571) 465-4326.

Instructions: You must include "OCC" as the agency name and "1557-0180" in your comment. In general, the OCC will publish your comment on www.reginfo.gov without change, including any business or personal information that you provide, 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 collection¹ 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 "1557-0180" or "Minimum Security Devices and Procedures, Reports of Suspicious Activities, and Bank Secrecy Act Compliance Program." 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.

FOR FURTHER INFORMATION CONTACT:

Shaquita Merritt, OCC Clearance Officer, Chief Counsel's Office, (202) 649-5490 or, for persons who are deaf or hearing impaired, TTY, (202) 649-5597, Office of the Comptroller of the Currency, Washington, DC 20219.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501-3520), federal agencies must obtain approval from the 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) to include agency requests or requirements that members of the public submit reports, keep records, or provide information to

¹ Following the close of the 60-day comment period for this notice, the OCC will publish a notice for 30 days of comment for this collection.

a third party. Section 3506(c)(2)(A) of title 44 requires federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, the OCC is publishing notice of the proposed collection of information set forth in this document.

Title: Minimum Security Devices and Procedures, Reports of Suspicious Activities, and Bank Secrecy Act Compliance Program.

OMB Control No.: 1557-0180.

Form Numbers: 8010-1/8010-9.

Abstract:

Minimum Security Devices and Procedures: Under 12 CFR 21.2, 21.4, 168.2, and 168.4, national banks and savings associations are required to designate a security officer who must develop and administer a written security program. The security officer shall report at least annually to the institution's board of directors on the effectiveness of the security program. The substance of the report shall be reflected in the board's minutes. These requirements ensure that the security officer is responsible for the security program and that institution management and the board of directors are aware of the content and effectiveness of the program. These requirements also ensure prudent institution management and institution safety and soundness.

Suspicious Activity Report (SAR): In 1992, the Department of the Treasury was granted broad authority to require suspicious transaction reporting under the Bank Secrecy Act (BSA). *See*, 31 U.S.C. 5318(g). The Financial Crimes Enforcement Network (FinCEN), which has been delegated the authority to administer the BSA, joined with the bank regulators in 1996 in requiring, on a consolidated form (*i.e.*, SAR), reports of suspicious transactions. *See*, 31 CFR 1020.320(a) (formerly 31 CFR 103.18(a)). The filing of SARs is necessary to prevent and detect crimes involving depository institution funds, institution insiders, criminal transactions, and money laundering. These requirements are necessary to ensure institution safety and soundness.

Banks and savings associations are required to maintain a copy of any SAR filed and the original or business record equivalent of any supporting documentation for a period of five years. The documents are necessary for criminal investigations and prosecutions.

FinCEN and the Federal financial institution supervisory agencies² adopted the SAR form to simplify the process through which depository institutions inform their regulators and law enforcement about suspected criminal activity. The SAR form was updated in 1998, 2000, 2003, 2006, 2011, 2012, 2015, and 2018.

Procedures for Monitoring Bank Secrecy Act Compliance: Under 12 CFR 21.21, national banks and savings associations are required to develop and provide for the continued administration of a program reasonably designed to assure and monitor their compliance with the BSA and applicable Treasury regulations. The compliance program must be in writing, approved by the board of directors, and reflected in the minutes of the national bank or savings association. These requirements are necessary to ensure institution compliance with the BSA and applicable Treasury regulations.

Type of Review: Regular.

Affected Public: Business, for-profit institutions, and non-profit.

Estimated Number of Respondents: 1,233.

Estimated Total Annual Burden: 615,130 hours.

Comments submitted in response to this notice will be summarized and 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 OCC, including whether the information shall have practical utility;

(b) The accuracy of the OCC'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.

² The Federal financial institution supervisory agencies are the Office of the Comptroller of the Currency (OCC), Board of Governors of the Federal Reserve System (Board), Federal Deposit Insurance Corporation (FDIC), and National Credit Union Administration (NCUA). The Office of Thrift Supervision, which was in existence at the time the SAR was adopted, was merged into the OCC in 2011.

Dated: April 30, 2019.

Theodore J. Dowd,

Deputy Chief Counsel, Office of the Comptroller of the Currency.

[FR Doc. 2019-09135 Filed 5-3-19; 8:45 am]

BILLING CODE 4810-33-P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

Agency Information Collection Activities: Information Collection Renewal; Submission for OMB Review; Community and Economic Development Entities, Community Development Projects, and Other Public Welfare Investments

AGENCY: Office of the Comptroller of the Currency (OCC), Treasury.

ACTION: Notice and request for comment.

SUMMARY: The OCC, 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 a continuing information collection as required by the Paperwork Reduction Act of 1995 (PRA).

An agency may not conduct or sponsor, and respondents are not required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number.

The OCC is soliciting comment concerning its information collection titled, "Community and Economic Development Entities, Community Development Projects, and Other Public Welfare Investments." The OCC also is giving notice that it has sent the collection to OMB for review.

DATES: Comments must be submitted on or before June 5, 2019.

ADDRESSES: Commenters are encouraged to submit comments by email, if possible. You may submit comments by any of the following methods:

- *Email:* prainfo@occ.treas.gov.
- *Mail:* Chief Counsel's Office,

Attention: Comment Processing, Office of the Comptroller of the Currency, Attention: 1557-0194, 400 7th Street SW, Suite 3E-218, Washington, DC 20219.

- *Hand Delivery/Courier:* 400 7th Street SW, Suite 3E-218, Washington, DC 20219.

- *Fax:* (571) 465-4326.

Instructions: You must include "OCC" as the agency name and "1557-0194" 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.

Additionally, please send a copy of your comments by mail to: OCC Desk Officer, 1557-0194, U.S. Office of Management and Budget, 725 17th Street NW, #10235, Washington, DC 20503 or by email to oir_submission@omb.eop.gov.

You may review comments and other related materials that pertain to this information collection¹ following the close of the 30-day comment period for this notice 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 "1557-0194" or "Community and Economic Development Entities, Community Development Projects, and Other Public Welfare Investments." 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.

FOR FURTHER INFORMATION CONTACT: Shaquita Merritt, Clearance Officer, (202) 649-5490 or, for persons who are

deaf or hearing impaired, TTY, (202) 649-5597, Chief Counsel's Office, Office of the Comptroller of the Currency, 400 7th Street SW, suite 3E-218, Washington, DC 20219.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501 *et seq.*), federal agencies must obtain approval from OMB for each collection of information that they conduct or sponsor. "Collection of information" is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) to include agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. The OCC requests that OMB extend its approval of this information collection.

Title: Community and Economic Development Entities, Community Development Projects, and Other Public Welfare Investments.

OMB Control No.: 1557-0194.

Description: This submission covers an existing regulation (12 CFR part 24), including the CD-1, National Bank Community Development Investments form, contained in the regulation, pursuant to which a national bank may notify the OCC, or request OCC approval, of certain community development investments.

Section 24.5(a) provides that an eligible national bank may make a public welfare investment without prior notification to, or approval by, the OCC if the bank submits an after-the-fact notification of an investment within 10 days of making the investment.

Section 24.4(a) provides that a national bank may submit a written request to the OCC to exceed five percent of its capital and surplus for its aggregate, outstanding public welfare investments. The OCC may grant permission to the bank to make subsequent public welfare investments up to the approved investment limit without prior notification to, or approval by, the OCC using the after-the-fact notification process consistent with § 24.5(a).

Section 24.5(a)(5) provides that a national bank that is not an eligible bank, consistent with § 24.2(e), but that is at least adequately capitalized and has a composite rating of at least 3 with improving trends under the Uniform Financial Institutions Rating System, may submit a letter to the OCC requesting authority to submit after-the-fact notices of its public welfare investments.

Section 24.5(b)(1) provides that if a national bank does not meet the requirements for after-the-fact notification, including if the bank's aggregate outstanding investments

exceed the five percent limit, unless previously approved by the OCC for subsequent public welfare investments, the bank must submit an investment proposal to the OCC seeking permission to make the public welfare investment.

Type of Review: Regular.

Affected Public: Individuals; Businesses or other for-profit.

Estimated Number of Respondents: 1,110.

Frequency of Response: On occasion.

Estimated Total Annual Burden: 1,632.52 hours.

On February 5, 2019, the OCC published a 60-day notice for this information collection, 84 FR 1821. No comments were received. Comments continue to be invited on:

(a) Whether the collection of information is necessary for the proper performance of the functions of the OCC, including whether the information has practical utility;

(b) The accuracy of the OCC'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 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.

Dated: April 30, 2019.

Theodore J. Dowd,

Deputy Chief Counsel, Office of the Comptroller of the Currency.

[FR Doc. 2019-09136 Filed 5-3-19; 8:45 am]

BILLING CODE P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

Agency Information Collection Activities: Information Collection Renewal; Comment Request; Lending Limits

AGENCY: Office of the Comptroller of the Currency (OCC), Treasury.

ACTION: Notice and request for comment.

SUMMARY: The OCC, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other federal agencies to take the opportunity to comment on the renewal of an information collection, as required by the Paperwork Reduction Act of 1995 (PRA).

¹ On February 5, 2019, the OCC published a 60-day notice for this information collection, 84 FR 1821.

An agency may not conduct or sponsor, and respondents are not required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number.

The OCC is soliciting comment concerning renewal of its information collection titled, "Lending Limits."

DATES: Comments must be submitted on or before July 5, 2019.

ADDRESSES: Commenters are encouraged to submit comments by email, if possible. You may submit comments by any of the following methods:

- *Email:* prainfo@occ.treas.gov.
- *Mail:* Chief Counsel's Office, Office of the Comptroller of the Currency, Attention: 1557-0221, 400 7th Street SW, Suite 3E-218, Washington, DC 20219.

- *Hand Delivery/Courier:* 400 7th Street SW, Suite 3E-218, Washington, DC 20219.

- *Fax:* (571) 465-4326.

Instructions: You must include "OCC" as the agency name and "1557-0221" 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 collection¹ 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 "1557-0221" or "Lending Limits." 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.

FOR FURTHER INFORMATION CONTACT:

Shaquita Merritt, Clearance Officer, (202) 649-5490 or, for persons who are deaf or hearing impaired, TTY, (202) 649-5597, Chief Counsel's Office, Office of the Comptroller of the Currency, 400 7th Street SW, Suite 3E-218, Washington, DC 20219.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501 *et seq.*), federal agencies must obtain approval from the OMB for each collection of information that they conduct or sponsor.

"Collection of information" is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) to include 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 title 44 requires federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, the OCC is publishing notice of the renewal of the collection of information set forth in this document.

Title: Lending Limits.

OMB Control No.: 1557-0221.

Affected Public: Businesses or other for-profit.

Type of Review: Extension of a currently approved collection.

Abstract: 12 CFR 32.7(a) provides that, in addition to the amount that a national bank or savings association may lend to one borrower under 12 CFR 32.3, an eligible national bank or savings association may make:

(1) Residential real estate loans or extensions of credit to one borrower in the lesser of the following two amounts: 10 percent of its capital and surplus; or the percent of its capital and surplus, in excess of 15 percent, that a state bank or savings association is permitted to lend under the state lending limit that

is available for residential real estate loans or unsecured loans in the state where the main office of the national bank or savings association is located;

(2) Small business loans or extensions of credit to one borrower in the lesser of the following two amounts: 10 percent of its capital and surplus; or the percent of its capital and surplus, in excess of 15 percent, that a state bank is permitted to lend under the state lending limit that is available for small business loans or unsecured loans in the state where the main office of the national bank or home office of the savings association is located; and

(3) Small farm loans or extensions of credit to one borrower in the lesser of the following two amounts: 10 percent of its capital and surplus; or the percent of its capital and surplus, in excess of 15 percent, that a state bank or savings association is permitted to lend under the state lending limit that is available for small farm loans or unsecured loans in the state where the main office of the national bank or savings association is located.

An eligible national bank or savings association must submit an application to, and receive approval from, its supervisory office before using the supplemental lending limits in § 32.7(a). The supervisory office may approve a completed application if it finds that approval is consistent with safety and soundness. Section 32.7(b) provides that the application must include:

(1) Certification that the national bank or savings association is an eligible bank or eligible savings association;

(2) Citations to relevant state laws or regulations;

(3) A copy of a written resolution by a majority of the bank's or savings association's board of directors approving the use of the limits and confirming the terms and conditions for use of this lending authority; and

(4) A description of how the board will exercise its continuing responsibility to oversee the use of this lending authority.

Twelve CFR 32.9(b) provides national banks and savings associations with three alternative methods for calculating the credit exposure of non-credit derivative transactions (the Internal Model Method, the Conversion Factor Matrix Method, and the Current Exposure Method) and two alternative methods for calculating such exposure for securities financing transactions. The OCC provided these alternative methods to reduce the practical burden of such calculations, particularly for small and mid-size banks and savings associations.

¹ Following the close of the 60-day comment period for this notice, the OCC will publish a notice for 30 days of comment for this collection.

Under 12 CFR 32.9(b)(1)(i)(C)(1), the use of a model (other than the model approved for purposes of the Advanced Measurement Approach in the capital rules) must be approved in advance and in writing by the OCC specifically for part 32 purposes. If a national bank or federal savings association proposes to use an internal model that has been approved by the OCC for purposes of the Advanced Measurement Approach, the institution must provide prior written notification to the OCC prior to use of the model for lending limits purposes. OCC approval also is required before any substantive revisions are made to a model that is used for lending limits purposes.

Estimated Number of Respondents: 295.

Estimated Annual Burden: 1,958 hours.

All comments will be considered in formulating the subsequent submission and 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 OCC, including whether the information has practical utility;

(b) The accuracy of the OCC's estimate of the information collection burden;

(c) Ways to enhance the quality, utility, and clarity of the information to be collected;

(d) Ways to minimize the burden of the collection 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.

Dated: April 30, 2019.

Theodore J. Dowd,

Deputy Chief Counsel, Office of the Comptroller of the Currency.

[FR Doc. 2019-09137 Filed 5-3-19; 8:45 am]

BILLING CODE 4810-33-P

DEPARTMENT OF THE TREASURY

Departmental Offices; Renewal of the Treasury Borrowing Advisory Committee of the Securities Industry and Financial Markets Association

ACTION: Notice of renewal.

SUMMARY: In accordance with the Federal Advisory Committee Act, with the concurrence of the General Services Administration, the Secretary of the Treasury is renewing the Treasury Borrowing Advisory Committee of the

Securities Industry and Financial Markets Association (the "Committee").

FOR FURTHER INFORMATION CONTACT: Fred Pietrangeli, Director, Office of Debt Management (202) 622-1876.

SUPPLEMENTARY INFORMATION: The purpose of the Committee is to provide informed advice as representatives of the financial community to the Secretary of the Treasury and Treasury staff, upon the Secretary of the Treasury's request, in carrying out Treasury responsibilities for Federal financing and public debt management. The Committee meets to consider and provide advice on special items pertaining to immediate Treasury funding requirements and longer term approaches to manage the national debt in a cost-effective manner. The Committee usually meets immediately before Treasury announces each quarter's funding operation, although special meetings also may be held. Membership consists of up to 20 representative or special government employee members who are appointed by Treasury. The members are senior-level officials who are employed by primary dealers, institutional investors, and other major participants in the government securities and financial markets as well as recognized experts in the fields of economics and finance, financial market analysis, or financial institutions and markets.

The Treasury Department transmitted copies of the Committee's renewal charter to the Senate Committee on Finance, the House Committee on Ways and Means, the Senate Committee on Banking, Housing and Urban Affairs, and the House Committee on Financial Services in Congress on or about April 22, 2019.

Dated: April 29, 2019.

Fred Pietrangeli,

Director of the Office of Debt Management.

[FR Doc. 2019-09227 Filed 5-3-19; 8:45 am]

BILLING CODE P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900-0800]

Agency Information Collection Activity: Airborne Hazards and Open Burn Pit Registry (AHOBPR) Web-Accessible Self-Assessment/Questionnaire

AGENCY: Veterans Health Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: Veterans Health Administration, Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to the notice.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before July 5, 2019.

ADDRESSES: Submit written comments on the collection of information through Federal Docket Management System (FDMS) at www.Regulations.gov or to Brian McCarthy, Office of Regulatory and Administrative Affairs (10B4), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420 or email to Brian.McCarthy4@va.gov. Please refer to "OMB Control No. 2900-0800" in any correspondence. During the comment period, comments may be viewed online through FDMS.

FOR FURTHER INFORMATION CONTACT: Brian McCarthy at (202) 615-9241.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995, Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VHA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VHA's functions, including whether the information will have practical utility; (2) the accuracy of VHA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Authority: Public Law 104-13; 44 U.S.C. 3501-3521.

Title: Airborne Hazards and Open Burn Pit Registry (AHOBPR) Web-accessible Self-Assessment/Questionnaire, VA Form 10-10066.

OMB Control Number: 2900-0800.

Type of Review: Reinstatement with change of a previously approved collection.

Abstract: Public Law 112–260 Section 201, enacted by President Obama on 10 January 2013, required Department of Veterans Affairs (VA) to establish and maintain an “Airborne Hazards and Open Burn Pit Registry (AHOBPR)” no later than one year from enactment. VA launched the AHOBPR in June 2014. There is no sunset date identified in the law. The Secretary of Veterans Affairs may “include any information in such registry that the Secretary of Veterans Affairs determines necessary to ascertain and monitor the health effects of the exposure of members of the Armed Forces to toxic airborne chemicals and fumes caused by open burn pits.” Currently, VA plans to operate the AHOBPR indefinitely, and we request approval to continue administering the questionnaire.

The Qarmat Ali (QA) program is a new request for a follow-up information collection for a subset of Veterans impacted by a specific airborne hazard. In the Spring and Summer of 2003, approximately 700 U.S. Servicemembers may have been impacted by a specific airborne hazard while serving at a water injection plant in Qarmat Ali, Iraq. The Department of Defense (DoD) was unable to determine specific exposure levels near the water treatment facility. In 2010, in response to DoD’s notification, the VA offered no-cost medical evaluations and encouraged the cohort to enroll in a new Qarmat Ali medical surveillance program within the Gulf War Registry. The QA cohort is also eligible to participate in the AHOBPR program due to their deployment to Iraq. As part of the planned 5-year periodic medical follow-up and surveillance program, self-reported information will be collected through the AHOBPR as outlined above. Information collected is voluntary and is used to provide outreach and quality health services to AHOBPR participants. Collected data contributes to VA’s ability to understand the potential health effects of the exposure to burn pit emissions and other airborne hazards during deployment, such as particulate matter.

Airborne Hazards and Open Burn Pit Registry (AHOBPR) Self-Assessment/Questionnaire:

Affected Public: Individuals and households.

Estimated Annual Burden: 33,333 hours.

Estimated Average Burden per Respondent: 40 minutes.

Frequency of Response: Once.

Estimated Number of Respondents: 50,000.

Subset of AHOBPR, Qarmat Ali Questionnaire:

Affected Public: Individuals and households.

Estimated Annual Burden: 114 hours.

Estimated Average Burden per Respondent: 10 minutes.

Frequency of Response: Once.

Estimated Number of Respondents: 686.

By direction of the Secretary.

Danny S. Green,

Interim VA Clearance Officer, Office of Quality, Performance and Risk (OQPR), Department of Veterans Affairs.

[FR Doc. 2019–09154 Filed 5–3–19; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0205]

Agency Information Collection Activity: Application for Health Professions Trainees

AGENCY: Veterans Health Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: Veterans Health Administration, Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to the notice.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before July 5, 2019.

ADDRESSES: Submit written comments on the collection of information through Federal Docket Management System (FDMS) at www.Regulations.gov or to Brian McCarthy, Office of Regulatory and Administrative Affairs (10B4), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420 or email to Brian.McCarthy4@va.gov. Please refer to “OMB Control No. 2900–0205” in any correspondence. During the comment period, comments may be viewed online through FDMS.

FOR FURTHER INFORMATION CONTACT: Brian McCarthy at (202) 615–9241.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995, Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VHA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VHA’s functions, including whether the information will have practical utility; (2) the accuracy of VHA’s estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Authority: Public Law 104–13; 44 U.S.C. 3501–3521.

Title: Application for Health Professions Trainees, VA Form 10–2850D

OMB Control Number: 2900–0205.

Type of Review: Extension of an approved collection.

Abstract: VA Form 10–2850D, Application for Health Professions Trainees, is part of a previously approved collection of forms under OMB control number 2900–0205. VA Form 10–2850D is designed specifically to elicit appropriate information about qualifications for each trainee participating in accredited educational programs with the Department of Veterans Affairs (VA). The 10–2850D form is used by all health professions trainees, including physician and dentist residents.

The collection of this information is authorized by 38 U.S.C. 7403, (Veterans’ Benefits), which provides that appointments of Title 38 employees will be made only after qualifications have been satisfactorily verified in accordance with regulations prescribed by the Secretary. Occupations listed in 38 U.S.C. 7401(1) and 7401(3) (Appointments in Veterans Health Administration) are appointed at a grade and step rate, or an assignment, based on careful evaluation of their education and experience.

The Veterans Health Administration (VHA) conducts education and training programs through partnerships with affiliated academic institutions and through VHA’s own sponsored programs. 38 U.S.C 7302 (Functions of Veterans Health Administration: health-

care personnel education and training programs) mandates that VHA assist in the training of health professionals for its own needs and for those of the nation.

The VA Form 10–2850D application will collect information from health professions trainees prior to VA appointment. All health professions trainees must provide information concerning their background, training, education, degrees, licensure, registrations, and other vital information to ensure appropriate qualifications for VA assignment.

Affected Public: Individuals and households.

Estimated Annual Burden: 60,500 hours.

Estimated Average Burden per Respondent: 30 minutes.

Frequency of Response: Annually.

Estimated Number of Respondents: 121,000.

By direction of the Secretary.

Danny S. Green,

Interim VA Clearance Officer, Office of Quality, Performance and Risk (OQPR), Department of Veterans Affairs.

[FR Doc. 2019–09132 Filed 5–3–19; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0781]

Agency Information Collection Activity: Disability Benefits Questionnaire (Group 4)

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: Veterans Benefits Administration, Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to the notice.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before July 5, 2019.

ADDRESSES: Submit written comments on the collection of information through Federal Docket Management System (FDMS) at www.Regulations.gov or to

Nancy J. Kessinger, Veterans Benefits Administration (20M33), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420 or email to nancy.kessinger@va.gov Please refer to “OMB Control No. 2900–0781” in any correspondence. During the comment period, comments may be viewed online through FDMS.

FOR FURTHER INFORMATION CONTACT: Danny S. Green at (202) 421–1354.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995, Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA’s functions, including whether the information will have practical utility; (2) the accuracy of VBA’s estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Authority: Public Law 104–13; 44 U.S.C. 3501–3521.

Title: Disability Benefits Questionnaire (Group 4).

OMB Control Number: 2900–0781.

Type of Review: Extension of a currently approved collection.

Abstract: The VA Form 21–0960 series will be used to gather necessary information from a claimant’s treating physician regarding the results of medical examinations. VA will gather medical information related to the claimant that is necessary to adjudicate the claim for VA disability benefits. The Disability Benefits Questionnaire title will include the name of the specific disability for which it will gather information. The Disability Benefit Questionnaire Group 4 includes the following forms: VA Form 21–0960C–3, *Cranial Nerve Conditions Disability Benefits Questionnaire*, will gather information related to the claimant’s diagnosis of any cranial nerve condition; VA Form 21–0960C–6, *Narcolepsy Disability Benefits Questionnaire*, will gather information related to the claimant’s diagnosis of narcolepsy; VA Form 21–0960C–7, *Fibromyalgia Disability Benefits*

Questionnaire, will gather information related to the claimant’s diagnosis of fibromyalgia; VA Form 21–0960C–11, *Seizure Disorders (Epilepsy) Disability Benefits Questionnaire*, will gather information related to the claimant’s diagnosis of any seizure disorder including epilepsy; VA Form 21–0960D–1, *Oral and Dental Conditions Including Mouth, Lips and Tongue (Other than Temporomandibular Joint Conditions) Disability Benefits Questionnaire*, will gather information related to the claimant’s diagnosis of any oral or dental conditions; VA Form 21–0960E–2, *Endocrine Diseases (Other than Thyroid, Parathyroid, or Diabetes Mellitus) Disability Benefits Questionnaire*, will gather information related to the claimant’s diagnosis of any endocrine disease including cushings and acromegaly, however it excludes diabetes; VA Form 21–0960E–3, *Thyroid and Parathyroid Conditions Disability Benefits Questionnaire*, will gather information related to the claimant’s diagnosis of any thyroid or parathyroid condition; VA Form 21–0960H–1, *Hernias (Including Abdominal, Inguinal, and Femoral hernias) Disability Benefits Questionnaire*, will gather information related to the claimant’s diagnosis of abdominal, inguinal, or femoral hernias; VA Form 21–0960I–2, *HIV-Related Illness Disability Benefits Questionnaire*, will gather information related to the claimant’s diagnosis of any HIV-related illness; VA Form 21–0960I–3, *Infectious Diseases Other Than HIV-Related Illness, Chronic Fatigue Syndrome, and Tuberculosis Disability Benefits Questionnaire*, will gather information related to the claimant’s diagnosis of any infectious diseases; VA Form 21–0960I–4, *Systemic Lupus Erythematosus (SLE) and other Autoimmune Diseases Disability Benefits Questionnaire*, will gather information related to the claimant’s diagnosis of lupus or other immune disorders; VA Form 21–0960I–5, *Nutritional Deficiencies Disability Benefits Questionnaire*, will gather information related to the claimant’s diagnosis of nutritional deficiencies; VA Form 21–0960J–4, *Urinary Tract (including Bladder & Urethra) Conditions (excluding Male Reproductive System) Disability Benefits Questionnaire*, will gather information related to the claimant’s diagnosis of any urinary tract or bladder condition; VA Form 21–0960L–1, *Respiratory Conditions (Other than Tuberculosis & Sleep Apnea) Disability Benefits Questionnaire*, will gather information related to the claimant’s diagnosis of any respiratory condition; VA Form 21–

0960N–3, *Loss of Sense of Smell and/or Taste Disability Benefits Questionnaire*, will gather information related to the claimant's loss of sense of smell and taste; VA Form 21–0960N–4, *Sinusitis/Rhinitis and Other Conditions of the Nose, Throat, Larynx, and Pharynx Disability Benefits Questionnaire*, will gather information related to the claimant's diagnosis of sinusitis/rhinitis or other diseases of the nose, throat, larynx, or pharynx; VA Form 21–

0960Q–1, *Chronic Fatigue Syndrome Disability Benefits Questionnaire*, will gather information related to the claimant's diagnosis of chronic fatigue syndrome.

Affected Public: Individuals and households.

Estimated Annual Burden: 53,750 hours.

Estimated Average Burden per Respondent: 18.5 minutes per form (17 forms).

Frequency of Response: One-time.

Estimated Number of Respondents: 160,000.

By direction of the Secretary.

Danny S. Green,

VA Interim Clearance Officer, Office of Quality, Performance and Risk, Department of Veterans Affairs.

[FR Doc. 2019–09203 Filed 5–3–19; 8:45 am]

BILLING CODE 8320–01–P



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Part II

Department of Defense

General Services Administration

National Aeronautics and Space Administration

48 CFR Chapter 1

Federal Acquisition Regulation; Federal Acquisition Circular 2019-02; Introduction; Special Emergency Procurement Authority; Governmentwide and Other Interagency Contracts; Technical Amendments and Small Entity Compliance Guide; Final Rules

DEPARTMENT OF DEFENSE**GENERAL SERVICES
ADMINISTRATION****NATIONAL AERONAUTICS AND
SPACE ADMINISTRATION****48 CFR Chapter 1**[Docket No. FAR 2019–0001, Sequence
No. 1]**Federal Acquisition Regulation;
Federal Acquisition Circular 2019–02;
Introduction****AGENCY:** Department of Defense (DoD),
General Services Administration (GSA),and National Aeronautics and Space
Administration (NASA).**ACTION:** Summary presentation of final
rules.**SUMMARY:** This document summarizes
the Federal Acquisition Regulation
(FAR) rules agreed to by the Civilian
Agency Acquisition Council and the
Defense Acquisition Regulations
Council (Councils) in this Federal
Acquisition Circular (FAC) 2019–02. A
companion document, the *Small Entity
Compliance Guide* (SECG), follows this
FAC. The FAC, including the SECG, is
available via the internet at [http://
www.regulations.gov](http://www.regulations.gov).**DATES:** For effective dates see the
separate documents, which follow.**FOR FURTHER INFORMATION CONTACT:** The
analyst whose name appears in the table
below in relation to the FAR case.
Please cite FAC 2019–02 and the
specific FAR case number. For
information pertaining to status or
publication schedules, contact the
Regulatory Secretariat Division at 202–
501–4755.**RULES LISTED IN FAC 2019–02**

Item	Subject	FAR case	Analyst
I	Special Emergency Procurement Authority	2017–009	Francis.
II	Governmentwide and Other Interagency Contracts	2018–015	Delgado.
III	Technical Amendments.		

SUPPLEMENTARY INFORMATION:Summaries for each FAR rule follow.
For the actual revisions and/or
amendments made by these rules, refer
to the specific item numbers and
subjects set forth in the documents
following these item summaries. FAC
2019–02 amends the FAR as follows:**Item I—Special Emergency
Procurement Authority (FAR Case
2017–009)**This final rule amends the FAR to
implement sections 816 and 1641 of the
National Defense Authorization Act
(NDAA) for Fiscal Year (FY) 2017 (Pub.
L. 114–328). These sections of the
NDAA allow for higher micro-purchase
and simplified acquisition thresholds
for acquisitions of supplies or services
which support international disaster
assistance, response to an emergency or
major disaster, or defense against or
recovery from a cyber attack.**Item II—Governmentwide and Other
Interagency Contracts (FAR Case 2018–
015)**DoD, GSA, and NASA are issuing a
final rule amending the FAR to
implement section 875 of the John S.
McCain NDAA for FY 2019. This
section removes the requirement for
agencies to make a determination that
the use of an interagency acquisition
represents the best procurementapproach. This final rule only removes
a requirement for agencies to make a
specific determination prior to utilizing
a certain contracting method. The
removal of this requirement only affects
the internal operating procedures of the
Government and has no impact on
contractors.**Item III—Technical Amendments**Editorial changes are made at FAR
1.105–3, 1.201–1, 2.101, 3.103–2, 3.104–
3, 3.301, 3.303, 3.405, 3.501–2, 3.502–1,
3.502–2, 3.8, 3.901, 3.907–7, subpart
4.1, 4.102, 4.201, 4.202, 4.402, 4.403,
4.404, 4.604, 4.607, 4.703, 4.801, 4.803,
4.804–1, 4.804–4, 4.804–5, 4.805,
4.1005–2, 4.1200, subpart 4.15, 4.1801,
5.207, 5.404–1, 5.501, 5.504, 5.601,
5.705, 6.001, 6.102, 6.202, 6.301, 6.302–
1, 6.302–2, 6.302–3, 6.302–5, 6.303–1,
6.303–2, 6.304, 6.401, 6.501, 7.102,
7.103, 7.105, 7.106, 7.107–5, 7.202,
7.203, 7.503, 8.005, 8.402, 8.405–6,
8.701, 8.703, 8.705–2, 8.714, 8.802,
8.1101, 8.1104, 9.102, 9.104–1, 9.104–7,
9.105–1, 9.107, 9.202, 9.204, 9.305,
9.306, 9.308–1, 9.401, 9.403, 9.406–1,
9.406–2, 9.406–3, 9.406–4, 9.407–1,
9.407–2, 9.407–3, 9.502, 9.505, 9.505–1,
9.505–2, 9.505–4, 9.507–1, 9.507–2,
9.508, 9.602, 11.102, 11.201, 11.604,
16.505, 17.703, 19.702, 22.1008–1,
26.205, 30.102, 31.101, 31.205–46,
45.602–3, 50.101–1, 52.212–5 and
53.107.

Dated: March 19, 2019.

William F. Clark,*Director, Office of Government-wide
Acquisition Policy, Office of Acquisition
Policy, Office of Government-wide Policy.*Federal Acquisition Circular (FAC) 2019–
02 is issued under the authority of the
Secretary of Defense, the Administrator of
General Services, and the Administrator for
the National Aeronautics and Space
Administration.Unless otherwise specified, all Federal
Acquisition Regulation (FAR) and other
directive material contained in FAC 2019–02
is effective May 6, 2019 except for Items I
and II, which are effective June 5, 2019.

Dated: March 27, 2019.

Kim Herrington,*Acting Principal Director, Defense Pricing
and Contracting.*

Dated: March 18, 2019.

Jeffrey A. Koses,*Senior Procurement Executive/Deputy CAO,
Office of Acquisition Policy, U.S. General
Services Administration.*

Dated: March 20, 2019.

William G. Roets, II,*Acting Assistant Administrator, Office of
Procurement, National Aeronautics and
Space Administration.*

[FR Doc. 2019–06621 Filed 5–3–19; 8:45 am]

BILLING CODE 6820–EP–P

DEPARTMENT OF DEFENSE**GENERAL SERVICES
ADMINISTRATION****NATIONAL AERONAUTICS AND
SPACE ADMINISTRATION****48 CFR Parts 2, 10, 12, 13, 18, and 26**[FAC 2019–02; FAR Case 2017–009; Item
I; Docket No. 2017–0009, Sequence No. 1]

RIN 9000–AN45

**Federal Acquisition Regulation:
Special Emergency Procurement
Authority**

AGENCY: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Final rule.

SUMMARY: DoD, GSA, and NASA are issuing a final rule amending the Federal Acquisition Regulation (FAR) to implement sections of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2017 to expand special emergency procurement authorities for acquisitions of supplies or services that facilitate defense against or recovery from cyber attack, provide international disaster assistance under the Foreign Assistance Act of 1961, or support response to an emergency or major disaster under the Robert T. Stafford Disaster Relief and Emergency Assistance Act.

DATES: *Effective Date:* June 5, 2019.

FOR FURTHER INFORMATION CONTACT: Ms. Camara Francis, Procurement Analyst, at 202–550–0935, for clarification of content. For information pertaining to status or publication schedules, contact the Regulatory Secretariat Division at 202–501–4755. Please cite FAC 2019–02, FAR Case 2017–009.

SUPPLEMENTARY INFORMATION:**I. Background**

DoD, GSA, and NASA published a proposed rule in the **Federal Register** at

83 FR 29736 on June 26, 2018, to implement sections 816 and 1641 of the NDAA for FY 2017 (Pub. L. 114–328). Sections 816 and 1641 modify 41 U.S.C. 1903, Special Emergency Procurement Authority. The revisions to 41 U.S.C. 1903 establish special emergency procurement authorities to allow for higher micro-purchase threshold (MPT) and simplified acquisition threshold (SAT) for acquisitions of supplies or services that facilitate defense against or recovery from cyber attack; support a request from the Secretary of State or the Administrator of the United States Agency for International Development to facilitate provision of international disaster assistance pursuant to 22 U.S.C. 2292 *et seq.*; or support responses to an emergency or major disaster (42 U.S.C. 5122), except that this new authority allows treatment of acquisitions, for property or a service, as a commercial item only for acquisitions to facilitate the defense against or recovery from a cyber attack against the United States.

II. Discussion and Analysis

No public comments were submitted in response to the proposed rule. Therefore, there are no changes made to the final rule.

III. Expected Impact of the Final Rule and Proposed Cost Savings

Prior to enactment of the NDAA for FY 2017, for acquisitions of supplies or services that are to be used to support a contingency operation, or to facilitate defense against or recovery from nuclear, biological, chemical, or radiological attack, agencies had the authority, as provided in FAR part 13, to utilize the higher MPT of \$20,000 in lieu of \$3,500 in the case of any contract to be awarded and performed, or purchase to be made, inside the United States; and \$30,000 in the case of any contract to be awarded and performed, or purchase to be made, outside the United States (except for acquisitions of construction subject to 40 U.S.C. chapter 31, subchapter IV, Wage Rate requirements (Construction)).

Additionally, prior to the enactment of the NDAA for FY 2017, agencies had the authority, as provided in FAR part 13, to utilize the higher SAT of \$750,000 in lieu of \$150,000 for any contract to be awarded and performed, or purchase to be made, inside the United States; and \$1.5 million for any contract to be awarded and performed, or purchase to be made, outside the United States; and utilize the higher threshold of \$13 million in lieu of \$7 million for use of simplified acquisition procedures (SAP) for the acquisition of commercial items (including acquisitions treated as acquisitions of commercial items to facilitate defense against or recovery from nuclear, biological, chemical or radiological attack).

This final rule expands the use of the special emergency procurement authorities to apply to acquisitions of supplies or services that facilitate defense against or recovery from a cyber attack; support a request from the Secretary of State or the Administrator of the United States Agency for International Development to facilitate provision of international disaster assistance pursuant to 22 U.S.C. 2292 *et seq.*; or support a response to an emergency or major disaster (42 U.S.C. 5122).

This rule will impact all businesses that submit offers in response to Federal solicitations for supplies or services covered by the expanded special emergency procurement authorities. Acquisitions with an estimated value between the MPT or SAT and the higher thresholds for the expanded special emergency procurement authorities will use simplified procedures, thereby reducing the requirements imposed on the offerors when responding to the solicitation.

DoD, GSA, and NASA have performed a regulatory cost analysis on this final rule. The following is a summary of the estimated public cost savings calculated in 2016 dollars at a 7-percent discount rate and in perpetuity:

Summary	Public	Government	Total
Present Value	– \$18,969,086	– \$3,342,671	– \$22,311,757
Annualized Costs	– 1,327,836	– 233,987	– 1,561,823
Annualized Value Costs (as of 2016 if Year 1 is 2019)	– 1,083,909	– 191,003	– 1,274,912

To access the full regulatory cost analysis for this rule, go to the Federal eRulemaking Portal at www.regulations.gov, search for “FAR Case 2017–009,” click “Open Docket,” and view “Supporting Documents.”

IV. Applicability to Contracts at or Below the Simplified Acquisition Threshold and for Commercial Items, Including Commercially Available Off-the-Shelf Items

This rule does not add any new solicitation provisions or clauses, or

impact any existing provisions or contract clauses.

V. Executive Orders 12866 and 13563

Executive Orders (E.O.s) 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 is not a significant regulatory action and, therefore, was not subject to review under section 6(b) of E.O. 12866, Regulatory Planning and Review, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

VI. Executive Order 13771

This final rule is considered to be an E.O. 13771 deregulatory action. The total annualized value of the cost savings is –\$1,274,912 (as of 2016 if Year 1 is 2019). Details on the estimated cost savings can be found in Section III of this preamble.

VII. Regulatory Flexibility Act

DoD, GSA, and NASA have prepared a Final Regulatory Flexibility Analysis (FRFA) consistent with the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.* The FRFA is summarized as follows:

This final rule implements sections 816 and 1641 of the NDAA for FY 2017 (Pub. L. 114–328), which amend 41 U.S.C. 1903.

The objective of this rule is to expand special emergency procurement authorities for acquisitions of supplies or services that—

- Facilitate defense against or recovery from cyber attack;
- Provide international disaster assistance under the Foreign Assistance Act of 1961; or
- Support response to an emergency or major disaster under the Robert T. Stafford Disaster Relief and Emergency Assistance Act.

There were no public comments. The requirements in the rule are not expected to have a significant economic impact on a substantial number of small entities because the rule merely expands existing flexibilities associated with contracting under the SAT to include defense against or recovery from cyber attacks, international disaster assistance, and response to emergencies or major disasters, in which a smaller percentage of small entities participate, as compared to other than small entities. Based on an average of contract actions reported in the Federal Procurement Data System data for fiscal years 2014–2016, this rule applies to less than 100 small entities that submit offers in response to solicitations for the acquisition of supplies or services—

- Between \$150,000 and \$750,000 to facilitate defense against or recovery from cyber attacks.
- Between \$3,500 and \$30,000 or between \$150,000 and \$1.5 million, to provide international disaster assistance under the Foreign Assistance Act of 1961; and

- Between \$3,500 and \$20,000 or between \$150,000 and \$750,000, to support response to emergencies or major disasters in the U.S.;

This rule reduces compliance requirements on small entities, resulting in estimated savings to affected small entities of approximately \$650,330 in the first year.

The rule contains no reporting, recordkeeping, or other compliance requirements on the vendor community.

DoD, GSA, and NASA have not identified any significant alternatives consistent with the statute that would further reduce impact on small entities.

Interested parties may obtain a copy of the FRFA from the Regulatory Secretariat Division. The Regulatory Secretariat Division has submitted a copy of the FRFA to the Chief Counsel for Advocacy of the Small Business Administration.

VIII. Paperwork Reduction Act

This final rule does not contain any information collection requirements that would require the approval of the Office of Management and Budget under the Paperwork Reduction Act (44 U.S.C. chapter 35).

List of Subjects in 48 CFR Parts 2, 10, 12, 13, 18, and 26

Government procurement.

Dated: March 19, 2019.

William F. Clark,

Director, Office of Government-Wide Acquisition Policy, Office of Acquisition Policy, Office of Government-Wide Policy.

Therefore, DoD, GSA, and NASA amend 48 CFR parts 2, 10, 12, 13, 18, and 26 as set forth below:

- 1. The authority citation for 48 CFR parts 2, 10, 12, 13, 18, and 26 continues to read as follows:

Authority: 40 U.S.C. 121(c); 10 U.S.C. chapter 137; and 51 U.S.C. 20113.

PART 2—DEFINITIONS OF WORDS AND TERMS

- 2. Amend section 2.101 in paragraph (b)(2) by—
- a. Adding in alphabetical order the definitions “Emergency” and “Major disaster”;
- b. Revising paragraph (3) introductory text of the definition “Micro-purchase threshold”; and
- c. Revising paragraph (1) introductory text of the definition “Simplified acquisition threshold”.

The additions and revisions read as follows:

2.101 Definitions.

- * * * * *
- (b) * * *
- (2) * * *

Emergency, as used in 6.208, 13.201, 13.500, 18.001, 18.202, 18.203, and

subpart 26.2, means any occasion or instance for which, in the determination of the President, Federal assistance is needed to supplement State and local efforts and capabilities to save lives and to protect property and public health and safety, or to lessen or avert the threat of a catastrophe in any part of the United States (42 U.S.C. 5122).

* * * * *

Major disaster, as used in 6.208, 13.201, 13.500, 18.001, 18.202, 18.203, and subpart 26.2, means any natural catastrophe (including any hurricane, tornado, storm, high water, winddriven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, snowstorm, or drought), or regardless of cause, any fire, flood, or explosion, in any part of the United States, which, in the determination of the President, causes damage of sufficient severity and magnitude to warrant major disaster assistance under the Stafford Act to supplement the efforts and available resources of States, local governments, and disaster relief organizations in alleviating the damage, loss, hardship, or suffering caused thereby (42 U.S.C. 5122).

* * * * *

Micro-purchase threshold * * *

(3) For acquisitions of supplies or services that, as determined by the head of the agency, are to be used to support a contingency operation; to facilitate defense against or recovery from cyber, nuclear, biological, chemical or radiological attack; to support a request from the Secretary of State or the Administrator of the United States Agency for International Development to facilitate provision of international disaster assistance pursuant to 22 U.S.C. 2292 *et seq.*; or to support response to an emergency or major disaster (42 U.S.C. 5122), as described in 13.201(g)(1), except for construction subject to 40 U.S.C. chapter 31, subchapter IV, Wage Rate Requirements (Construction) (41 U.S.C. 1903)—

* * * * *

Simplified acquisition threshold
* * *

(1) Acquisitions of supplies or services that, as determined by the head of the agency, are to be used to support a contingency operation; to facilitate defense against or recovery from cyber, nuclear, biological, chemical, or radiological attack; to support a request from the Secretary of State or the Administrator of the United States Agency for International Development to facilitate provision of international disaster assistance pursuant to 22 U.S.C. 2292 *et seq.*; or to support response to an emergency or major disaster (42

U.S.C. 5122), (41 U.S.C. 1903), the term means—

* * * * *

PART 10—MARKET RESEARCH

10.001 [Amended]

■ 3. Amend section 10.001 by removing from paragraph (a)(2)(vi)(A) “recovery from” and adding “recovery from cyber,” in its place.

PART 12—ACQUISITION OF COMMERCIAL ITEMS

12.102 [Amended]

■ 4. Amend section 12.102 by removing from paragraph (f)(1) “recovery from” and adding “recovery from cyber,” in its place.

PART 13—SIMPLIFIED ACQUISITION PROCEDURES

■ 5. Amend section 13.201 by revising paragraphs (g)(1) introductory text and (g)(2) to read as follows:

13.201 General.

* * * * *

(g)(1) For acquisitions of supplies or services that, as determined by the head of the agency, are to be used to support a contingency operation; to facilitate defense against or recovery from cyber, nuclear, biological, chemical, or radiological attack; to support a request from the Secretary of State or the Administrator of the United States Agency for International Development to facilitate provision of international disaster assistance pursuant to 22 U.S.C. 2292 *et seq.*; or to support response to an emergency or major disaster (42 U.S.C. 5122), the micro-purchase threshold is—

* * * * *

(2) Purchases using this authority must have a clear and direct relationship to the support of a contingency operation; or the defense against or recovery from cyber, nuclear, biological, chemical, or radiological attack; international disaster assistance; or an emergency or major disaster.

* * * * *

■ 6. Amend section 13.500 by revising paragraph (c)(1) to read as follows:

13.500 General.

* * * * *

(c) * * *

(1) The acquisition is for commercial items that, as determined by the head of the agency, are to be used in support of a contingency operation; to facilitate the defense against or recovery from cyber, nuclear, biological, chemical, or radiological attack; to support a request

from the Secretary of State or the Administrator of the United States Agency for International Development to facilitate provision of international disaster assistance; or to support response to an emergency or major disaster, or

* * * * *

PART 18—EMERGENCY ACQUISITIONS

■ 7. Amend section 18.001 by—

- a. Revising paragraph (b);
- b. Redesignating paragraph (c) as paragraph (d); and
- c. Adding a new paragraph (c).

The revision and addition read as follows:

18.001 Definition.

* * * * *

(b) To facilitate the defense against or recovery from cyber, nuclear, biological, chemical, or radiological attack against the United States;

(c) In support of a request from the Secretary of State or the Administrator of the United States Agency for International Development to facilitate the provision of international disaster assistance; or

* * * * *

■ 8. Revise section 18.202 to read as follows:

18.202 Defense or recovery from certain events.

(a) *Micro-purchase threshold.* The threshold increases when the head of the agency determines the supplies or services are to be used to facilitate defense against or recovery from cyber, nuclear, biological, chemical, or radiological attack; to facilitate provision of international disaster assistance; or to support response to an emergency or major disaster. (See 2.101.)

(b) *Simplified acquisition threshold.* The threshold increases when the head of the agency determines the supplies or services are to be used to facilitate defense against or recovery from cyber, nuclear, biological, chemical, or radiological attack; to facilitate provision of international disaster assistance; or to support response to an emergency or major disaster. (See 2.101.)

(c) *Treating certain items as commercial.* Contracting officers may treat any acquisition of supplies or services as an acquisition of commercial items if the head of the agency determines the acquisition is to be used to facilitate the defense against or recovery from cyber, nuclear, biological,

chemical, or radiological attack. (See 12.102(f)(1) and 13.500(c)(2).)

(d) *Simplified procedures for certain commercial items.* The threshold limits authorized for use of this authority may be increased when it is determined the acquisition is to facilitate defense against or recovery from cyber, nuclear, biological, chemical, or radiological attack; to facilitate provision of international disaster assistance; or to support response to an emergency or major disaster. (See 13.500(c).)

PART 26—OTHER SOCIOECONOMIC PROGRAMS

■ 9. Revise the heading for subpart 26.2 to read as follows:

Subpart 26.2—Major Disaster or Emergency Assistance Activities

* * * * *

■ 10. Amend section 26.202 by designating the undesignated paragraph as paragraph (a) and adding paragraph (b) to read as follows:

26.202 Local area preference.

* * * * *

(b) When using the authority under the Stafford Act, see the definitions of “micro-purchase threshold” and “simplified acquisition threshold” in 2.101 for the authority to use an increased micro-purchase threshold and simplified acquisition threshold.

[FR Doc. 2019-06620 Filed 5-3-19; 8:45 am]

BILLING CODE 6820-EP-P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 4, 8, 17, and 35

[FAC 2019-02; FAR Case 2018-015; Item II; Docket No. 2018-0015; Sequence No. 1]

RIN 9000-AN74

Federal Acquisition Regulation: Governmentwide and Other Interagency Contracts

AGENCY: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Final rule.

SUMMARY: DoD, GSA and NASA are issuing a final rule amending the Federal Acquisition Regulation (FAR) to implement a section of the John S.

McCain National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2019 that removes the requirement to make a best procurement approach determination to use an interagency acquisition.

DATES: *Effective Date:* June 5, 2019.

FOR FURTHER INFORMATION CONTACT: Ms. Zenaida Delgado, Procurement Analyst, at 202–969–7207 for clarification of content. For information pertaining to status or publication schedules, contact the Regulatory Secretariat Division at 202–501–4755. Please cite FAC 2019–02, FAR Case 2018–015.

SUPPLEMENTARY INFORMATION:

I. Background

Section 875 of the John S. McCain NDAA for FY 2019 (Pub. L. 115–232) amended section 865 of the Duncan Hunter NDAA for FY 2009 (Pub. L. 110–417) to remove the requirement for agencies to make a determination that the use of an interagency acquisition represents the best procurement approach. The determination is required prior to requesting another agency conduct an acquisition on its behalf, and before placing an order against another agency's indefinite-delivery contract vehicle. This requirement was implemented in FAR 17.502–1(a). The removal of the determination requirement as stated in section 865 will be implemented by the removal of the requirement at FAR 17.502–1(a) and references to the requirement in FAR parts 4, 8, and 35.

II. Applicability to Contracts at or Below the Simplified Acquisition Threshold and for Commercial Items, Including Commercially Available Off-the-Shelf Items

This rule does not add any new solicitation provisions or contract clauses, or impact any existing solicitation provisions or contract clauses. It does not add any new burdens.

III. Publication of This Final Rule for Public Comment is Not Required by Statute

The statute that applies to the publication of the FAR is the Office of Federal Procurement Policy statute (codified at Title 41 of the United States Code). Specifically, 41 U.S.C. 1707(a)(1) requires that a procurement policy, regulation, procedure, or form (including an amendment or modification thereof) must be published for public comment if it relates to the expenditure of appropriated funds, and has either a significant effect beyond the internal operating procedures of the

agency issuing the policy, regulation, procedure, or form, or has a significant cost or administrative impact on contractors or offerors. This final rule is not required to be published for public comment, because it only removes a requirement for agencies to make a specific determination prior to utilizing a certain contracting method. The removal of this requirement only affects the internal operating procedures of the Government.

IV. Executive Orders 12866 and 13563

Executive Orders (E.O.s) 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 rule is not a significant regulatory action and, therefore, was not subject to review under section 6(b) of E.O. 12866, Regulatory Planning and Review, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

V. Executive Order 13771

This rule is not subject to E.O. 13771, because this rule is not a significant regulatory action under E.O. 12866.

VI. Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) does not apply to this rule, because a notice of proposed rulemaking and an opportunity for public comment are not required to be given for this rule under 41 U.S.C. 1707(a)(1) (see section III. of this preamble).

Accordingly, no regulatory flexibility analysis is required and none has been prepared.

VII. Paperwork Reduction Act

This rule does not contain any information collection requirements that require the approval of the Office of Management and Budget under the Paperwork Reduction Act (44 U.S.C. chapter 35).

List of Subjects in 48 CFR Parts 4, 8, 17, and 35

Government procurement.

Dated: March 19, 2019.

William F. Clark,

Director, Office of Government-Wide Acquisition Policy, Office of Acquisition Policy, Office of Government-Wide Policy.

Therefore, DoD, GSA, and NASA amend 48 CFR parts 4, 8, 17, and 35 as set forth below:

■ 1. The authority citation for parts 4, 8, 17, and 35 continues to read as follows:

Authority: 40 U.S.C. 121(c); 10 U.S.C. chapter 137; and 51 U.S.C. 20113.

PART 4—ADMINISTRATIVE MATTERS

4.603 [Amended]

■ 2. Amend section 4.603 by removing from paragraph (c) “(see 17.502–1(b)(1))” and adding “(see 17.502–1(a)(1))” in its place.

PART 8—REQUIRED SOURCES OF SUPPLIES AND SERVICES

8.404 [Amended]

■ 3. Amend section 8.404 by removing the last sentence of paragraph (b)(2).

PART 17—SPECIAL CONTRACTING METHODS

17.502–1 [Amended]

■ 4. Amend section 17.502–1 by removing paragraph (a) and redesignating paragraphs (b) and (c) as paragraphs (a) and (b) respectively.

PART 35—RESEARCH AND DEVELOPMENT CONTRACTING

■ 5. Amend section 35.017–3 by revising paragraphs (b)(1) and (2) to read as follows:

35.017–3 Using an FFRDC.

* * * * *

(b) * * *

(1) The nonsponsoring agency shall provide the documentation required by 17.503(e) to the sponsoring agency.

(2) When a D&F is required pursuant to 17.502–2(c), the nonsponsoring agency shall prepare the D&F and provide the documentation required by 17.503(e) to the sponsoring agency.

* * * * *

[FR Doc. 2019–06625 Filed 5–3–19; 8:45 am]

BILLING CODE 6820–EP–P

DEPARTMENT OF DEFENSE**GENERAL SERVICES
ADMINISTRATION****NATIONAL AERONAUTICS AND
SPACE ADMINISTRATION**

48 CFR Parts 1, 2, 3, 4, 5, 6, 7, 8, 9, 11, 16, 17, 19, 22, 26, 30, 31, 45, 50, 52, and 53

[FAC 2019–02; Item III; Docket No. 2019–0002; Sequence No. 1]

**Federal Acquisition Regulation;
Technical Amendments**

AGENCIES: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Final rule.

SUMMARY: This document makes amendments to the Federal Acquisition Regulation (FAR) in order to make needed editorial changes.

DATES: *Effective:* May 6, 2019.

FOR FURTHER INFORMATION CONTACT: Ms. Lois Mandell, Regulatory Secretariat Division (MVCB), 1800 F Street NW, 2nd Floor, Washington, DC 20405, 202–501–4755. Please cite FAC 2019–02, Technical Amendments.

SUPPLEMENTARY INFORMATION: In order to update certain elements in 48 CFR parts 1, 2, 3, 4, 5, 6, 7, 8, 9, 11, 16, 17, 19, 22, 26, 30, 31, 45, 50, 52 and 53 this document makes editorial changes to the FAR.

List of Subjects in 48 CFR Parts 1, 2, 3, 4, 5, 6, 7, 8, 9, 11, 16, 17, 19, 22, 26, 30, 31, 45, 50, 52, and 53

Government procurement.

Dated: March 19, 2019.

William F. Clark,

Director, Office of Government-wide Acquisition Policy, Office of Acquisition Policy, Office of Government-wide Policy.

Therefore, DoD, GSA, and NASA amend 48 CFR parts 1, 2, 3, 4, 5, 6, 7, 8, 9, 11, 16, 17, 19, 22, 26, 30, 31, 45, 50, 52 and 53 as set forth below:

■ 1. The authority citation for 48 CFR parts 1, 2, 3, 4, 5, 6, 7, 8, 9, 11, 16, 17, 19, 22, 26, 30, 31, 45, 50, 52 and 53 continues to read as follows:

Authority: 40 U.S.C. 121(c); 10 U.S.C. chapter 137; and 51 U.S.C. 20113.

**PART 1—FEDERAL ACQUISITION
REGULATIONS SYSTEM**

■ 2. Revise section 1.105–3 to read as follows:

1.105–3 Copies.

Copies of the FAR in CFR form may be purchased from the Bookstore of the Government Publishing Office (GPO), Washington, DC 20402.

■ 3. Amend section 1.201–1 by—

■ a. Revising paragraph (b); and

■ b. Removing from paragraph (c) “the Defense Contract Management Agency, and the National Aeronautics and Space Administration” and adding “and the Defense Contract Management Agency” in its place.

The revision reads as follows:

1.201–1 The two councils.

* * * * *

(b) The chairperson of the CAA Council shall be the representative of the Administrator of General Services. The other members of this council shall be one each representative from the—

(1) Departments of Agriculture, Commerce, Education, Energy, Health and Human Services, Homeland Security, Housing and Urban Development, Interior, Justice, Labor, State, Transportation, and Treasury; and

(2) Environmental Protection Agency, National Aeronautics and Space Administration, Social Security Administration, Small Business Administration, and U.S. Agency for International Development.

* * * * *

**PART 2—DEFINITIONS OF WORDS
AND TERMS**

■ 4. Amend section 2.101 by—

■ a. Removing from paragraph (b) introductory text “(48 CFR chapter 1” and adding “(48 CFR chapter 1)” in its place; and

■ b. In paragraph (b)(2):

■ i. Revising the defined term “Computer software”;

■ ii. In the defined term “F.o.b.”, removing “* * *” and adding “. . .” in its place;

■ iii. In the defined term “May”, removing “* * *” and adding “. . .” in its place;

■ iv. In the defined term “Signature or signed”, removing “an individual which, when” and adding “an individual that, when” in its place;

■ v. In the defined term “Technical data”, removing “(See 41 U.S.C. 116))” and adding “(see 41 U.S.C. 116)” in its place;

■ vi. In the defined term “United States”, removing “Subpart” and “Part” and adding “subpart” and “part” in their places, wherever they appear; and

■ vii. Revising paragraph (1) of the defined term “Value engineering change proposal (VECP)”.

The revision reads as follows:

2.101 Definitions.

* * * * *

(b) * * *

(2) * * *

Computer software—(1) Means—

(i) Computer programs that comprise a series of instructions, rules, routines, or statements, regardless of the media in which recorded, that allow or cause a computer to perform a specific operation or series of operations; and

(ii) Recorded information comprising source code listings, design details, algorithms, processes, flow charts, formulas, and related material that would enable the computer program to be produced, created, or compiled.

(2) Does not include computer databases or computer software documentation.

Value engineering change proposal (VECP)—(1) Means a proposal that—

(i) Requires a change to the instant contract to implement; and

(ii) Results in reducing the overall projected cost to the agency without impairing essential functions or characteristics, provided, that it does not involve a change—

(A) In deliverable end item quantities only;

(B) In research and development (R&D) items or R&D test quantities that are due solely to results of previous testing under the instant contract; or

(C) To the contract type only.

* * * * *

**PART 3—IMPROPER BUSINESS
PRACTICES AND PERSONAL
CONFLICTS OF INTEREST****3.103–2 [Amended]**

■ 5. Amend section 3.103–2 by—

■ a. Removing from paragraph (a)(1) introductory text “subparagraph (a)(2)” and adding “paragraph (a)(2)” in its place;

■ b. Removing from paragraph (a)(2) introductory text “subparagraph (b)(2)” and adding “paragraph (b)(2)” in its place;

■ c. Removing from paragraph (b)(1) “modified subparagraph (a)(1) or (a)(3)” and adding “modified paragraph (a)(1) or (3)” in its place;

■ d. Removing from paragraph (b)(2) “modified subparagraph (a)(2)” and adding “modified paragraph (a)(2)” in its place;

■ e. Removing from paragraph (b)(3) “under subparagraph (1) or (2) above” and adding “under paragraph (b)(1) or (2) of this section” in its place; and

■ f. Removing from paragraph (b)(4) “under subparagraph (2) above” and adding “under paragraph (2) of this section” in its place.

3.104–3 [Amended]

■ 6. Amend section 3.104–3 by removing from paragraph (a) heading “information 41 U.S.C. 2102)” and adding “information (41 U.S.C. 2102)” in its place.

■ 7. Amend section 3.301 by revising paragraph (b) to read as follows:

3.301 General.

* * * * *

(b) Contracting personnel are an important potential source of investigative leads for antitrust enforcement and should therefore be sensitive to indications of unlawful behavior by offerors and contractors. Agency personnel shall report, in accordance with agency regulations, evidence of suspected antitrust violations in acquisitions for possible referral to—

(1) The Attorney General under 3.303; and

(2) The agency office responsible for contractor debarment and suspension under subpart 9.4.

3.303 [Amended]

■ 8. Amend section 3.303 by removing from paragraph (b), in the third sentence, “Paragraph (c) below” and adding “Paragraph (c) of this section” in its place.

3.405 [Amended]

■ 9. Amend section 3.405 by removing from paragraph (b) introductory text “paragraph (a) above” and adding “paragraph (a) of this section” in its place.

■ 10. Amend section 3.501–2 by revising paragraph (a) and removing from paragraph (c) “under ‘Formats for Submission of Line Item Summaries)’” and adding “under ‘Formats for Submission of Line Item Summaries)’” in its place.

The revision reads as follows:

3.501–2 General.

(a) Buying-in may decrease competition or result in poor contract performance. The contracting officer must take appropriate action to ensure buying-in losses are not recovered by the contractor through the pricing of—

(1) Change orders; or

(2) Follow-on contracts subject to cost analysis.

* * * * *

■ 11. Amend section 3.502–1 by removing from the defined term “Subcontract” “service” and adding “services” in its place and revising the definition of “Subcontractor” to read as follows:

3.502–1 Definitions.

* * * * *

Subcontractor—(1) Means any person, other than the prime contractor, who offers to furnish or furnishes any supplies, materials, equipment, or services of any kind under a prime contract or a subcontract entered into in connection with such prime contract; and

(2) Includes any person who offers to furnish or furnishes general supplies to the prime contractor or a higher tier subcontractor.

* * * * *

■ 12. Amend section 3.502–2 by—

■ a. Removing from paragraph (b) “subsection” and adding “section” in its place;

■ b. Revising paragraph (d)(2);

■ c. Removing from paragraph (d)(3) “subsection” and adding “section” in its place; and

■ d. Removing from paragraphs (e) and (f) “under subparagraph (d)(2) of this subsection” and adding “under paragraph (d)(2) of this section” in its place.

The revision reads as follows:

3.502–2 Subcontractor kickbacks.

* * * * *

(d) * * *

(2) The contracting officer may direct a prime contractor to withhold from any sums owed to a subcontractor under a subcontract of the prime contract the amount of any kickback which was or may be offset against the prime contractor under paragraph (d)(1) of this section; and

* * * * *

Subpart 3.8—[Amended]

■ 13. Amend the heading for subpart 3.8 by removing “To” and adding “to” in its place.

3.901 [Amended]

■ 14. Amend section 3.901 by removing from the defined term “Inspector General”, “DOD Inspector General” and adding “DoD Inspector General” in its place.

■ 15. Revise the heading of section 3.907–7 to read as follows:

3.907–7 Contract clause.

* * * * *

PART 4—ADMINISTRATIVE MATTERS

■ 16. Remove subpart heading “Subpart 4.1—Contract Execution” and add a subpart heading before section 4.101 to read as follow:

Subpart 4.1—Contract Execution**4.102 [Amended]**

■ 17. Amend section 4.102 by removing from paragraph (d) “paragraphs (a) through (c) above” and adding “paragraphs (a) through (c) of this section” in its place and removing from paragraph (e) “paragraphs (a) through (d) above” and adding “paragraphs (a) through (d) of this section” in its place.

■ 18. Amend section 4.201 by revising paragraph (e) to read as follows:

4.201 Procedures.

* * * * *

(e) Provide one copy of each contract or modification that requires audit service to the appropriate field audit office listed in the “Directory of Federal Contract Audit Offices” (see 42.103); and

* * * * *

4.202 [Amended]

■ 19. Amend section 4.202 by removing “prescribed in 4.201 above” and adding “prescribed in 4.201” in its place.

4.402 [Amended]

■ 20. Amend section 4.402 by—

■ a. Removing from paragraph (b) introductory text “requirements of these Executive Orders” and “DOD” and adding “requirements of these Executive orders” and “DoD” in their places, respectively; and

■ b. Removing from paragraphs (b)(1) and (2) “DOD” and adding “DoD” in their places, respectively.

■ 21. Amend section 4.403 by revising paragraph (b)(2) to read as follows:

4.403 Responsibilities of contracting officers.

* * * * *

(b) * * *

(2) Include—

(i) An appropriate Security Requirements clause in the solicitation (see 4.404); and

(ii) As appropriate, in solicitations and contracts when the contract may require access to classified information, a requirement for security safeguards in addition to those provided in the clause (52.204–2, Security Requirements).

* * * * *

4.404 [Amended]

■ 22. Amend section 4.404 by removing from paragraph (a) “paragraph (d) below” and adding “paragraphs (d) of this section” in its place.

4.604 [Amended]

■ 23. Amend section 4.604 by removing from paragraph (b)(3) “FAR subpart

18.2” and adding “subpart 18.2” in its place.

4.607 [Amended]

■ 24. Amend section 4.607 by removing from paragraph (b) “Unique Entity Identifier Number” and adding “Unique Entity Identifier” in its place.

■ 25. Amend section 4.703 by revising paragraph (a) and removing from paragraph (b)(3) “specified in subparagraph” and adding “specified in paragraph” in its place to read as follows:

4.703 Policy.

(a) Except as stated in 4.703(b), contractors shall make available records, which includes books, documents, accounting procedures and practices, and other data, regardless of type and regardless of whether such items are in written form, in the form of computer data, or in any other form, and other supporting evidence to satisfy contract negotiation, administration, and audit requirements of the contracting agencies and the Comptroller General for—

- (1) 3 years after final payment; or
- (2) For certain records, the period specified in 4.705 through 4.705–3, whichever of these periods expires first.

* * * * *

■ 26. Amend section 4.801 by revising paragraph (c)(3) to read as follows:

4.801 General.

* * * * *

(c) * * *

(3) A file such as a contractor general file, containing documents relating, for example, to—

- (i) No specific contract;
- (ii) More than one contract; or
- (iii) The contractor in a general way (e.g., contractor’s management systems, past performance, or capabilities).

■ 27. Amend section 4.803 by—

- a. Removing from paragraph (a)(10)(iii) “proposals;” and adding “proposals; and” in its place; and
- b. Revising paragraph (a)(26).

The revision reads as follows:

4.803 Contents of contract files.

* * * * *

(a) * * *

- (26) The original of—
 - (i) The signed contract or award;
 - (ii) All contract modifications; and
 - (iii) Documents supporting modifications executed by the contracting office.

* * * * *

■ 28. Amend section 4.804–1 by removing from paragraph (a) introductory text “paragraph (c) below” and adding “paragraph (c) of this

section” in its place and revising paragraph (c) to read as follows:

4.804–1 [Amended]

* * * * *

(c) A contract file shall not be closed if—

- (1) The contract is in litigation or under appeal; or
- (2) In the case of a termination, all termination actions have not been completed.

4.804–4 [Amended]

■ 29. Amend section 4.804–4 by removing from paragraph (a) introductory text “paragraph (b) below” and adding “paragraph (b) of this section” in its place.

4.804–5 [Amended]

■ 30. Amend section 4.804–5 by removing from paragraph (b) introductory text “paragraph (a) above” and adding “paragraph (a) of this section” in its place.

4.805 [Amended]

■ 31. Amend section 4.805 by removing from paragraph (a) “Part 4” and adding in its place “this part” and in Table 4–1, under the Record column, by adding a period to the end of paragraphs (c)(1) through (8).

4.1005–2 [Amended]

■ 32. Amend section 4.1005–2 by removing from paragraph (a)(1) “issuance: Accounting classification” and adding “issuance: accounting classification” in its place.

4.1200 [Amended]

■ 33. Amend section 4.1200 by removing from paragraph (b) “Government;” and adding “Government; and” in its place.

Subpart 4.15—[Reserved]

■ 34. Add reserved subpart 4.15.

4.1801 [Amended]

■ 35. Amend section 4.1801 by removing from the defined term “Immediate owner” “the following: Ownership” and adding “the following: ownership” in its place.

PART 5—PUBLICIZING CONTRACT ACTIONS

5.207 [Amended]

■ 36. Amend section 5.207 by removing from paragraph (a)(4) “Zip Code” and adding “ZIP Code” in its place.

■ 37. Amend section 5.404–1 by revising paragraph (b)(3) to read as follows:

5.404–1 Release procedures.

* * * * *

(b) * * *

(3) Each release states that—

- (i) The estimate is based on the best information available;
- (ii) The information is subject to modification and is in no way binding on the Government; and
- (iii) More specific information relating to any individual item or class of items will not be furnished until the proposed action is synopsisized through the GPE or the solicitation is issued;

* * * * *

■ 38. Amend section 5.501 by revising the defined term “Publication” to read as follows:

5.501 Definitions.

* * * * *

Publication means—

(1) The placement of an advertisement in a newspaper, magazine, trade or professional journal, or any other printed medium; or

(2) The broadcasting of an advertisement over radio or television.

■ 39. Amend section 5.504 by revising paragraph (c) to read as follows:

5.504 Use of advertising agencies.

* * * * *

(c) *Use of noncommission-paying media.* Some media do not grant advertising agencies a commission or discount, meaning the Government can obtain the same rate as the advertising agency. If the advertising agency agrees to place advertisements in noncommission-paying media as a no-cost service, the basic ordering agreement shall so provide. If the advertising agency will not agree to place advertisements at no cost, the agreement shall—

(1) Provide that the Government may place orders directly with the media; or

(2) Specify an amount that the Government will pay if the agency places the orders.

* * * * *

5.601 [Amended]

■ 40. Amend section 5.601 by removing from paragraphs (b)(1) and (2) “that website” and adding “that website” in their places, respectively.

■ 41. Amend section 5.705 by—

■ a. In paragraph (b)(1), adding a period after “fixed-price” and removing “Required” and adding “required” in its place;

■ b. In paragraphs (b)(2) and (3), adding a period after “Required”;

■ c. In paragraph (b)(4), adding a period after “IDIQ contract” and removing “(2) or (3)” and adding “paragraph (b)(2) or (3) of this section” in its place;

- d. In paragraph (b)(5), adding a period after “IDIQ contract” and removing “(e.g.)” and adding “(e.g.)” in its place;
- e. In paragraph (b)(6), adding a period after “issued” and removing “(2) or (3) above” and “(4) or (5) above” and adding “paragraph (b)(2) or (3) of this section” and “paragraph (b)(4) or (5) of this section” in their places, respectively; and
- f. In paragraph (b)(7):
- i. Removing “e.g.” and adding “e.g.” in its place, wherever it appears;
- ii. Adding a period after “program”;
- iii. Removing “non-competitive” and adding “noncompetitive” in its place.

PART 6—COMPETITION REQUIREMENTS

6.001 [Amended]

- 42. Amend section 6.001 by removing from paragraph (a) “source acquisition of commercial” and adding “source acquisitions of commercial” in its place.
- 43. Amend section 6.102 by revising paragraph (b) and removing from paragraph (d)(2)(ii) “peer of scientific” and adding “peer or scientific” in its place to read as follows:

6.102 Use of competitive procedures.

* * * * *

(b) *Competitive proposals.* (See 6.401(b).) If sealed bids are not appropriate under paragraph (a) of this section, contracting officers shall request competitive proposals or use the other competitive procedures under paragraph (c) or (d) of this section.

* * * * *

6.202 [Amended]

- 44. Amend section 6.202 by removing from paragraph (b)(1) “authority of paragraph (a) above” and adding “authority of paragraph (a) of this section” in its place and removing from paragraph (b)(3) “the authority in (a)(1) above” and adding “the authority in paragraph (a)(1) of this section” in its place.
- 45. Amend section 6.301 by—
- a. Removing from paragraph (a), in the second sentence, “National Aeronautics and Space Administration are subject to 41 U.S.C. 3304” and adding “National Aeronautics and Space Administration are subject to 10 U.S.C. 2304(c)” in its place; and
- b. Revising paragraph (c).

The revision reads as follows:

6.301 Policy.

* * * * *

(c) Contracting without providing for full and open competition shall not be justified on the basis of—

- (1) A lack of advance planning by the requiring activity; or
- (2) Concerns related to the amount of funds available (e.g., funds will expire) to the agency or activity for the acquisition of supplies or services.

* * * * *

■ 46. Amend section 6.302–1 by—

- a. Revising paragraphs (a)(2)(ii) and (iii);
- b. Removing from paragraph (b) introductory text “consitute” and adding “constitute” in its place; and
- c. Revising paragraph (b)(1).

The revisions read as follows:

6.302–1 Only one responsible source and no other supplies or services will satisfy agency requirements.

(a) * * *

(2) * * *

(ii) Supplies may be deemed to be available only from the original source in the case of a follow-on contract for the continued development or production of a major system or highly specialized equipment, including major components thereof, when it is likely that award to any other source would result in—

(A) Substantial duplication of cost to the Government that is not expected to be recovered through competition; or

(B) Unacceptable delays in fulfilling the agency’s requirements. (See 10 U.S.C. 2304(d)(1)(B) or 41 U.S.C. 3304(b)(2).)

(iii) For DoD, NASA, and the Coast Guard, services may be deemed to be available only from the original source in the case of follow-on contracts for the continued provision of highly specialized services when it is likely that award to any other source would result in—

(A) Substantial duplication of cost to the Government that is not expected to be recovered through competition; or

(B) Unacceptable delays in fulfilling the agency’s requirements. (See 10 U.S.C. 2304(d)(1)(B).)

(b) * * *

(1) When there is a reasonable basis to conclude that the agency’s minimum needs can only be satisfied by—

(i) Unique supplies or services available from only one source or only one supplier with unique capabilities; or

(ii) For DoD, NASA, and the Coast Guard, unique supplies or services available from only one or a limited number of sources or from only one or a limited number of suppliers with unique capabilities.

* * * * *

■ 47. Amend section 6.302–2 by—

- a. Revising paragraph (b);

- b. Removing from paragraphs (d)(2)(i) and (ii) “(d)(1)(ii)” and adding “paragraph (d)(1)(ii)” in its place; and
- c. Removing from paragraph (d)(3) “(d)(1) and (d)(2)” and adding “(d)(1) and (2)” in its place.

The revision reads as follows:

6.302–2 Unusual and compelling urgency.

* * * * *

(b) *Application.* This authority applies in those situations where—

(1) An unusual and compelling urgency precludes full and open competition; and

(2) Delay in award of a contract would result in serious injury, financial or other, to the Government.

* * * * *

6.302–3 [Amended]

■ 48. Amend section 6.302–3 by—

- a. Removing from paragraph (a)(2) introductory text “competition need not to be” and adding “competition need not be” in its place; and
- b. Removing from the ends of paragraphs (a)(2)(i) and (ii) the comma and adding a semicolon in its place;
- c. Removing from paragraph (b)(1) introductory text “(a)(2)(i) above” and adding “(a)(2)(i) of this section” in its place;
- d. Removing from paragraph (b)(2) introductory text “(a)(2)(ii) above” and adding “(a)(2)(ii) of this section” in its place; and
- e. Removing from paragraph (b)(2)(iii) “paragraphs (b)(2)(i) or (ii) above” and adding “paragraph (b)(2)(i) or (ii) of this section” in its place.

■ 49. Amend section 6.302–5 by—

- a. Revising paragraph (a)(2);
- b. Removing from the ends of paragraphs (b)(1) and (3) the semicolon and adding a period in its place;
- c. Removing from paragraph (c)(2)(i) “(a)(2)(ii) or (b)(2) of this subsection” and adding “paragraph (a)(2)(ii) or (b)(2) of this section”;
- d. Removing from paragraph (c)(2)(ii) “(a)(2)(i) of this subsection” and adding “paragraph (a)(2)(i) of this section”;
- e. Removing from paragraph (c)(2)(iii) “(b)(4) of this subsection” and adding “paragraph (b)(4) of this section” in its place; and
- f. Removing from paragraph (c)(3) “(a)(2)(ii) of this subsection” and adding “paragraph (a)(2)(ii) of this section” in its place.

The revision reads as follows:

6.302–5 Authorized or required by statute.

(a) * * *

(2) Full and open competition need not be provided for when—

(i) A statute expressly authorizes or requires that the acquisition be made

through another agency or from a specified source; or

(ii) The agency's need is for a brand name commercial item for authorized resale.

* * * * *

6.303–1 [Amended]

■ 50. Amend section 6.303–1 by removing from paragraph (d) “required by paragraph (a) above” and adding “required by paragraph (a) of this section” in its place.

6.303–2 [Amended]

■ 51. Amend section 6.303–2 by removing from paragraph (d)(3) “agency concerned.” and adding “agency concerned.” in its place.

6.304 [Amended]

■ 52. Amend section 6.304 by removing from paragraph (a)(2) “(a)(3) or (a)(4)” and adding “(a)(3) or (4)” in its place and removing from paragraph (a)(4) “Acquisition, Technology, and Logistics” and adding “Acquisition and Sustainment” in its place.

6.401 [Amended]

■ 53. Amend section 6.401 by—
■ a. Removing from the introductory text “Parts” and adding “parts” in its place and removing “Subparts” and “Subpart” and adding “subparts” and “subpart” in their places, respectively; and
■ b. Removing from paragraph (b)(1) “under paragraph (a) above” and adding “under paragraph (a) of this section” in its place.

6.501 [Amended]

■ 54. Amend section 6.501 by removing from paragraph (b) “inconsistent with 6.502 below” and adding “inconsistent with 6.502” in its place.

PART 7—ACQUISITION PLANNING

7.102 [Amended]

■ 55. Amend section 7.102 by removing from paragraph (a)(1) “41 U.S.C. 3307;” and adding “41 U.S.C. 3307;” in its place and removing from paragraph (a)(2) “Part” and adding “part” in its place.

7.103 [Amended]

■ 56. Amend section 7.103 by—
■ a. Removing from the introductory paragraph “procedures for—” and adding “procedures for the following:” in its place;
■ b. Removing from paragraph (a) “acquired (41 U.S.C. 3306(a)(1))” and adding “acquired (10 U.S.C. 2305(a)(1)(A) and 41 U.S.C. 3306(a)(1))” in its place;

■ c. Removing from the end of paragraph (b) “; and” and adding a period in its place;
■ d. Removing from the end of paragraphs (h), (i), and (k) the semicolon and adding a period in its place; and
■ e. Removing from the end of paragraph (l) “; and” and adding a period in its place.

■ 57. Amend section 7.105 by—

■ a. Removing from the introductory text “(see paragraph (b)(21) below)” and “paragraphs (a) and (b) below” and adding “(see paragraph (b)(21) of this section)” and “paragraphs (a) and (b) of this section” in their places, respectively;

■ b. Revising paragraph (a)(2);

■ c. Removing from paragraphs (b)(4) introductory text, (b)(10), (b)(14)(i), and (b)(20)(v) “Subpart” and adding “subpart” in their places, respectively; and

■ d. Removing from paragraph (b)(21) in the list “Evaluations of proposals,” and adding “Evaluation of proposals,” in its place.

The revision reads as follows:

7.105 Contents of written acquisition plans.

* * * * *

(a) * * *

(2) *Applicable conditions.* State all significant conditions affecting the acquisition, such as—

(i) Requirements for compatibility with existing or future systems or programs; and

(ii) Any known cost, schedule, and capability or performance constraints.

* * * * *

7.106 [Amended]

■ 58. Amend section 7.106 by removing from paragraph (c) “paragraphs (a) and (b) above” wherever it appears and adding “paragraphs (a) and (b) of this section” in its place.

7.107–5 [Amended]

■ 59. Amend section 7.107–5 by removing from paragraph (b)(1) “publish on its website” and adding “publish on its website” in its place and removing from paragraph (d) “on their agency website” and adding “on their agency website” in its place.

■ 60. Revise section 7.202 to read as follows:

7.202 Policy.

(a) Agencies are required by 10 U.S.C. 2384a and 41 U.S.C. 3310 to procure supplies in such quantity as—

(1) Will result in the total cost and unit cost most advantageous to the Government, where practicable; and

(2) Does not exceed the quantity reasonably expected to be required by the agency.

(b) Each solicitation for a contract for supplies is required, if practicable, to include a provision inviting each offeror responding to the solicitation—

(1) To state an opinion on whether the quantity of the supplies proposed to be acquired is economically advantageous to the Government; and

(2) If applicable, to recommend a quantity or quantities which would be more economically advantageous to the Government. Each such recommendation is required to include a quotation of the total price and the unit price for supplies procured in each recommended quantity.

■ 61. Revise section 7.203 to read as follows:

7.203 Solicitation provision.

Contracting officers shall insert the provision at 52.207–4, Economic Purchase Quantity—Supplies, in solicitations for supplies. The provision need not be inserted if the solicitation is for a contract under the General Services Administration's multiple award schedule contract program, or if the contracting officer determines that—

(a) The Government already has the data;

(b) The data is otherwise readily available; or

(c) It is impracticable for the Government to vary its future requirements.

■ 62. Amend section 7.503 by—

■ a. Removing from paragraph (c)(14) “conduct of Administrative” and adding “conduct of administrative” in its place;

■ b. Revising paragraph (c)(17) introductory text; and

■ c. Removing from paragraph (d)(3) “relate to analysis” and adding “relate to analyses” in its place.

The revision reads as follows:

7.503 Policy.

* * * * *

(c) * * *

(17) The collection, control, and disbursement of fees, royalties, duties, fines, taxes, and other public funds, unless authorized by statute, such as 31 U.S.C. 3718 (relating to private collection contractors and private attorney collection services), but not including—

* * * * *

PART 8—REQUIRED SOURCES OF SUPPLIES AND SERVICES

8.005 [Amended]

■ 63. Amend section 8.005 by removing “Purchase from” and “must” and

adding “Purchase From” and “shall” in their places, respectively.

8.402 [Amended]

- 64. Amend section 8.402 by—
- a. Removing from paragraph (c)(1) “Subpart” and adding “subpart” in its place;
- b. Removing from paragraph (e) “the following website” wherever it appears and adding “the following website” in its place; and
- c. Removing from paragraph (f)(1) “Part” and “Parts” and adding “part” and “parts” in their places, respectively.

8.405–6 [Amended]

- 65. Amend section 8.405–6 by—
- a. Removing from the introductory text “paragraphs” and adding “paragraph” in its place;
- b. Removing from paragraph (b)(3)(i)(C) “(b)(2)(i)” and “subsection” and adding “(b)(2)(i) of this section” and “section” in their places, respectively;
- c. Removing from paragraph (b)(4) “subsection” and adding “section” in its place;
- d. Removing from paragraph (d)(2) “(d)(3) or (d)(4)” and adding “(d)(3) or (4)” in its place;
- e. Adding at the end of paragraph (d)(3)(ii)(A) “or”; and
- f. Removing from paragraph (d)(4) “Acquisition, Technology, and Logistics” and adding “Acquisition and Sustainment” in its place.

8.701 [Amended]

- 66. Amend section 8.701 by removing from the defined term “Committee” “Purchase from” and adding “Purchase From” in its place and removing from the defined term “Ordering office”, “under the JWOD Program” and adding “under the AbilityOne Program” in its place.
- 67. Amend section 8.703 by revising the heading to read as follows:

8.703 Procurement List.

* * * * *

8.705–2 [Amended]

- 68. Amend section 8.705–2 by removing from the first sentence of the paragraph “directly to a AbilityOne” and adding “directly to an AbilityOne” in its place.

8.714 [Amended]

- 69. Amend section 8.714 by removing from paragraph (b) “addressed to the” and adding “addressed to:” in its place.

8.802 [Amended]

- 70. Amend section 8.802 by removing from paragraph (a) introductory text

“Government Printing Office (GPO)” and adding “Government Publishing Office (GPO)” in its place.

- 71. Amend section 8.1101 by revising the defined term “Motor vehicle” to read as follows:

8.1101 Definitions.

* * * * *

Motor vehicle means an item of equipment, mounted on wheels and designed for highway and/or land use, that—

- (1) Derives power from a self-contained power unit; or
- (2) Is designed to be towed by and used in conjunction with self-propelled equipment.

8.1104 [Amended]

- 72. Amend section 8.1104 by removing from paragraph (d) “(see subpart B of 41 CFR 102–34)” and adding “(see subpart B of 41 CFR part 102–34)” in its place.

PART 9—CONTRACTOR QUALIFICATIONS

- 73. Amend section 9.102 by revising paragraph (b) to read as follows:

9.102 Applicability.

* * * * *

(b) This subpart does not apply to proposed contracts with—

- (1) Foreign, State, or local governments;
- (2) Other U.S. Government agencies or their instrumentalities; or
- (3) Agencies for people who are blind or severely disabled (see subpart 8.7).

9.104–1 [Amended]

- 74. Amend section 9.104–1 by—
- a. Removing from paragraph (c) “(see 48 CFR 9.104–3(b) and part 42, subpart 42.15)” and adding “(see 9.104–3(b) and subpart 42.15)” in its place; and
- b. In paragraph (d), removing “Subpart” and adding “subpart” in its place and removing the period at the end and adding a semicolon in its place.

9.104–7 [Amended]

- 75. Amend section 9.104–7 by removing from paragraph (c)(2) “the provision 52.209–7” and adding “the provision at 52.209–7” in its place and removing from paragraph (e) “the following agencies: The” and adding “the following agencies: the” in its place.
- 76. Amend section 9.105–1 by revising paragraph (b)(1) to read as follows:

9.105–1 Obtaining information.

* * * * *

(b)(1) Generally, the contracting officer shall obtain information regarding the responsibility of prospective contractors, including requesting preaward surveys when necessary (see 9.106), promptly after a bid opening or receipt of offers. However, in negotiated contracting, especially when research and development is involved, the contracting officer may obtain this information before issuing the request for proposals. Requests for information shall ordinarily be limited to information concerning—

- (i) The low bidder; or
- (ii) Those offerors in range for award.

* * * * *

9.107 [Amended]

- 77. Amend section 9.107 by removing from paragraph (d) “Purchase from” and adding “Purchase From” in its place.

9.202 [Amended]

- 78. Amend section 9.202 by—
- a. Removing from paragraph (a)(2)(i) “qualified;” and adding “qualified; and” in its place;
- b. Removing from paragraph (a)(3) “If the services in (a)(2)(ii) above” and adding “If the services in paragraph (a)(2)(ii) of this section” in its place;
- c. Removing from paragraph (b), “requirements of 9.202(a)(1)(ii) through (4) above” and “9.202(a)(1)” and adding “requirements of paragraphs (a)(1)(ii) through (a)(4) of this section” and “paragraph (a)(1) of this section” in their place, respectively;
- d. Removing from paragraphs (c)(1) and (2) “DOD” wherever it appears and adding “DoD” in its place;
- e. Removing from paragraph (e) “9.202(a)” and adding “paragraph (a) of this section” in its place; and
- f. Removing from paragraph (f) “DOD”, “9.202(a)”, and “9.202(b)” wherever they appear and adding “DoD”, “paragraph (a) of this section”, and “paragraph (b) of this section” in their place, respectively.

9.204 [Amended]

- 79. Amend section 9.204 by removing from paragraph (d) “(see 9.202(a)(2)(i) above)” and adding “(see 9.202(a)(2)(i))” in its place.
- 80. Amend section 9.305 by removing the last sentence and adding in its place “Costs incurred based on this authorization are allocable to the contract for—” and adding paragraphs (a) and (b) to read as follows:

9.305 Risk.

* * * * *

- (a) Progress payments; and

(b) Termination settlements if the contract is terminated for the convenience of the Government.

9.306 [Amended]

- 81. Amend section 9.306 by—
- a. Removing from paragraph (a)(3) “test report.” and adding “test report;” in its place;
- b. Removing from paragraph (b)(2) “for approval.” and adding “for approval;” in its place;
- c. Removing from paragraph (c) “(see 52.209–3(h) and 52.209–4(i));” and adding “(see 52.209–3(h) and 52.209–4(i));” in its place;
- d. Removing from paragraph (d) “9.306(c)” and adding “paragraph (c) of this section” in its place;
- e. Removing from paragraph (f) “quantity (see 11.404)” and adding “quantity (see 11.403)” in its place;
- f. Removing from paragraph (g) “9.306(c)” and adding “paragraph (c) of this section” in its place;
- g. Removing from paragraph (h) “and”; and
- h. Removing from paragraph (i) “(when appropriate).” and adding “(when appropriate); and” in its place.
- 82. Amend section 9.308–1 by revising paragraphs (a)(1) and (b)(1) to read as follows:

9.308–1 Testing performed by the contractor.

(a)(1) The contracting officer shall insert the clause at 52.209–3, First Article Approval—Contractor Testing, in solicitations and contracts when a fixed-price contract is contemplated and it is intended that the contract require—

- (i) First article approval; and
- (ii) That the contractor be required to conduct the first article testing.

(b)(1) The contracting officer shall insert a clause substantially the same as the clause at 52.209–3, First Article Approval—Contractor Testing, in solicitations and contracts when a cost-reimbursement contract is contemplated and it is intended that the contract require—

- (i) First article approval; and
- (ii) That the contractor be required to conduct the first article test.

9.401 [Amended]

- 83. Amend section 9.401 by removing “other Government-wide exclusion” wherever it appears and adding “other Governmentwide exclusion” in its place.
- 84. Amend section 9.403 by revising the defined terms “Affiliates”, “Debarring official”, and “Suspending official” to read as follows:

9.403 Definitions.

Affiliates. (1) Business concerns, organizations, or individuals are affiliates of each other if, directly or indirectly—

- (i) Either one controls or has the power to control the other; or
- (ii) A third party controls or has the power to control both.

(2) Indicia of control include, but are not limited to, interlocking management or ownership, identity of interests among family members, shared facilities and equipment, common use of employees, or a business entity organized following the debarment, suspension, or proposed debarment of a contractor which has the same or similar management, ownership, or principal employees as the contractor that was debarred, suspended, or proposed for debarment.

Debarring official means—

- (1) An agency head; or
- (2) A designee authorized by the agency head to impose debarment.

Suspending official means—

- (1) An agency head; or
- (2) A designee authorized by the agency head to impose suspension.

- 85. Amend section 9.406–1 by revising paragraph (b) to read as follows:

9.406–1 General.

(b) Debarment constitutes debarment of all divisions or other organizational elements of the contractor, unless the debarment decision is limited by its terms to specific divisions, organizational elements, or commodities. The debarring official may extend the debarment decision to include any affiliates of the contractor if they are—

- (1) Specifically named; and
- (2) Given written notice of the proposed debarment and an opportunity to respond (see 9.406–3(c)).

- 86. Amend section 9.406–2 by revising paragraph (a)(1) to read as follows:

9.406–2 Causes for debarment.

- (a) * * *
- (1) Commission of fraud or a criminal offense in connection with—
- (i) Obtaining;
- (ii) Attempting to obtain; or
- (iii) Performing a public contract or subcontract;

9.406–3 [Amended]

- 87. Amend section 9.406–3 by removing from paragraph (d)(1) “a conviction or judgment” and adding “a conviction or civil judgment” in its place.

9.406–4 [Amended]

- 88. Amend section 9.406–4 by removing from paragraph (c)(5) “debarring official” and adding “debarring official” in its place.
- 89. Amend section 9.407–1 by removing “(b)(2)” and adding in its place “(2)” and revising paragraph (c) to read as follows:

9.407–1 General.

(c) Suspension constitutes suspension of all divisions or other organizational elements of the contractor, unless the suspension decision is limited by its terms to specific divisions, organizational elements, or commodities. The suspending official may extend the suspension decision to include any affiliates of the contractor if they are—

- (1) Specifically named; and
- (2) Given written notice of the suspension and an opportunity to respond (see 9.407–3(c)).

- 90. Amend section 9.407–2 by—

- a. Revising paragraph (a)(1);
- b. Removing from paragraph (a)(3) “property; or” and adding “property;” in its place;
- c. Removing from paragraph (a)(7) “delinquent; or” and adding “delinquent;” in its place; and
- d. Removing from paragraph (b) “paragraph (a) above” and adding “paragraph (a) of this section” in its place.

The revision reads as follows:

9.407–2 Causes for suspension.

- (a) * * *
- (1) Commission of fraud or a criminal offense in connection with—
- (i) Obtaining;
- (ii) Attempting to obtain; or
- (iii) Performing a public contract or subcontract;

9.502 [Amended]

- 91. Amend section 9.502 by removing from paragraph (c) “An organizational” and adding “An organizational” in its place.

9.505 [Amended]

- 92. Amend section 9.505 by removing from paragraph (b) introductory text “award for any” and adding “award of any” in its place.

■ 93. Amend section 9.505–1 by revising paragraph (a) to read as follows:

9.505–1 Providing systems engineering and technical direction.

(a) A contractor that provides systems engineering and technical direction for a system but does not have overall contractual responsibility for its development, its integration, assembly, and checkout, or its production shall not—

(1) Be awarded a contract to supply the system or any of its major components; or

(2) Be a subcontractor or consultant to a supplier of the system or any of its major components.

* * * * *

9.505–2 [Amended]

■ 94. Amend section 9.505–2 by—

■ a. Removing from paragraph (a)(1) “This rule” and adding “The restriction in this paragraph (a)(1)” in its place;

■ b. Removing from paragraph (b)(2) “unless excepted in subparagraph (1) above” and adding “unless excepted in paragraph (b)(1) of this section” in its place; and

■ c. Removing from paragraph (b)(3) “9.505–2(a)(3)” and adding “paragraph (a)(3) of this section” in its place.

■ 95. Amend section 9.505–4 by revising paragraph (a) to read as follows:

9.505–4 Obtaining access to proprietary information.

(a) When a contractor requires proprietary information from others to perform a Government contract and can use the leverage of the contract to obtain it, the contractor may gain an unfair competitive advantage unless restrictions are imposed. These restrictions protect the information and encourage companies to provide it when necessary for contract performance. They are not intended to protect information—

(1) Furnished voluntarily without limitations on its use; or

(2) Available to the Government or contractor from other sources without restriction.

* * * * *

9.507–1 [Amended]

■ 96. Amend section 9.507–1 by removing from the introductory text “contractor’s eligibilty” and adding “contractor’s eligibility” in its place.

9.507–2 [Amended]

■ 97. Amend section 9.507–2 by removing from the introductory text “(see 9.508–1(d) of this subsection)” and adding “(see 9.506(d))” in its place.

■ 98. Amend section 9.508 by—

■ a. Removing from the introductory text “following” and adding “of this section” in its place; and

■ b. Revising paragraph (h).

The revision reads as follows:

9.508 Examples.

* * * * *

(h) Company A is selected to study the use of lasers in communications. The agency intends to ask that firms doing research in the field make proprietary information available to Company A. The contract must require Company A to—

(1) Enter into agreements with these firms to protect any proprietary information they provide; and

(2) Refrain from using the information in supplying lasers to the Government or for any purpose other than that for which it was intended.

* * * * *

■ 99. Amend section 9.602 by revising paragraph (a) to read as follows:

9.602 General.

(a) Contractor team arrangements may be desirable from both a Government and industry standpoint in order to enable the companies involved to—

(1) Complement each other’s unique capabilities; and

(2) Offer the Government the best combination of performance, cost, and delivery for the system or product being acquired.

* * * * *

PART 11—DESCRIBING AGENCY NEEDS

11.102 [Amended]

■ 100. Amend section 11.102 by removing “11.201(d)(3)” and adding “(3)” in its place and removing “Government Printing Office (GPO)” and adding “Government Publishing Office (GPO)” in its place.

11.201 [Amended]

■ 101. Amend section 11.201 by adding at the end of paragraph (c) introductory text a dash and removing from paragraph (d)(4) “Government Printing Office” and adding “Government Publishing Office” in its place.

■ 102. Amend section 11.604 by revising the section heading to read as follows:

11.604 Solicitation provision and contract clause.

* * * * *

PART 16—TYPES OF CONTRACTS

16.505 [Amended]

■ 103. Amend section 16.505 by—

■ a. Adding at the end of paragraph (a) heading a period;

■ b. Removing from paragraphs (a)(3) and (a)(9)(i) “Subpart” and adding “subpart” in its place;

■ c. Adding at the end of paragraph (b)(1)(v)(A)(5)(i) “or”;

■ d. Removing from paragraph (b)(2)(ii) introductory text “paragraphs” and adding “paragraph” in its place;

■ e. Removing from paragraph (b)(2)(ii)(B)(10) “(b)(2)(i)(A)” and adding “paragraphs (b)(2)(i)(A)” in its place;

■ f. Removing from paragraph (b)(2)(ii)(C)(4) “Acquisition, Technology, and Logistics” and adding “Acquisition and Sustainment” in its place;

■ g. Removing from paragraph (b)(2)(ii)(D)(1)(ii) “(b)(2)(ii)(B)” and adding “paragraph (b)(2)(ii)(B)” in its place;

■ h. Removing from paragraph (b)(2)(ii)(D)(3) “subsection” and adding “section” in its place;

■ i. Removing from paragraph (b)(2)(ii)(D)(4) “paragraphs (1) and (3)” and adding “paragraphs (b)(2)(ii)(D)(1) and (3) of this section” in its place;

■ j. Adding at the end of paragraph (b)(2)(ii)(D)(5)(ii) “of this section”;

■ k. Removing from paragraph (b)(7)(ii) “(b)(2)” and adding “(b)(2) of this section” in its place; and

■ l. Removing from paragraph (c)(1) introductory text “(c)(3)” and adding “(3) of this section” in its place.

PART 17—SPECIAL CONTRACTING METHODS

■ 104. Amend section 17.703 by—

■ a. Revising paragraph (c); and

■ b. Removing from paragraph (e) ““Waiver”” and “Acquisition, Technology, and Logistics” and adding “Waiver” and “Acquisition and Sustainment” in their places, respectively.

The revision reads as follows:

17.703 Policy.

* * * * *

(c) Within 30 days of the beginning of each fiscal year, submit nondefense agency certifications of compliance to the Principal Director, Defense Pricing and Contracting at: Department of Defense, Office of the Under Secretary of Defense (Acquisition and Sustainment), Defense Pricing and Contracting, Contract Policy, Room 3B938, 3060 Defense Pentagon, Washington DC 20301–3060.

* * * * *

PART 19—SMALL BUSINESS PROGRAMS

19.702 [Amended]

- 105. Amend section 19.702 by—
- a. Removing from paragraph (b) introductory text “subparagraphs (a)(1) and (2) above” and adding “paragraphs (a)(1) and (2) of this section” in its place; and
- b. Removing from paragraph (c) “15 U.S.C. 637(d)(8)” and adding “15 U.S.C. 637(d)(9)” in its place; and
- c. Removing from paragraph (d) “15 U.S.C. 637(d)(11)” and adding “15 U.S.C. 637(d)(12)” in its place.

PART 22—APPLICATION OF LABOR LAWS TO GOVERNMENT ACQUISITIONS

22.1008–1 [Amended]

- 106. Amend section 22.1008–1 by removing from paragraph (e)(1) “Government Printing Office” and adding “Government Publishing Office” in its place.

PART 26—OTHER SOCIOECONOMIC PROGRAMS

26.205 [Amended]

- 107. Amend section 26.205 by removing from paragraph (b) “required to in SAM” and adding “required to register in SAM” in its place.

PART 30—COST ACCOUNTING STANDARDS ADMINISTRATION

30.102 [Amended]

- 108. Amend section 30.102 by removing “Government Printing Office” and adding “Government Publishing Office” in its place.

PART 31—CONTRACT COST PRINCIPLES AND PROCEDURES

- 109. Amend section 31.101 by revising the last sentence to read as follows:

31.101 Objectives.

* * * Class deviations for the Department of Defense require advance approval of the Principal Director, Defense Pricing and Contracting, Office of the Under Secretary of Defense for Acquisition and Sustainment.

31.205–46 [Amended]

- 110. Amend section 31.205–46 by—
- a. Removing from paragraph (a)(2) introductory text “(a)(2) (i) through (iii) of this paragraph” and adding “paragraphs (a)(2)(i) through (iii) of this section” in its place;
- b. Removing from paragraphs (a)(2)(i) and (ii) “Government Printing Office”

and adding “Government Publishing Office” in their places, respectively;

- c. Removing from paragraph (a)(2)(iii) “(a)(2) (i) and (ii) of this paragraph” and “Government Printing Office” and adding “paragraphs (a)(2)(i) and (ii) of this section” and “Government Publishing Office” in their places, respectively;
- d. Removing from paragraph (a)(3) introductory text “(a)(2) (i), (ii), or (iii) of this section” and adding “paragraph (a)(2)(i), (ii), or (iii) of this section” in its place;
- e. Removing from paragraph (a)(3)(i) “(a)(2) (i)” and adding “paragraph (a)(2)(i)” in its place;
- f. Removing from paragraph (a)(3)(iv) “subsection” and “(a)(3)(ii)” and adding “section” and “(a)(3)(ii) of this section” in their place, wherever they appear;
- g. Removing from paragraph (a)(4) “Subparagraphs (a)(2) and (a)(3) of this subsection” and “subdivisions (a)(2)(i), (ii), and (iii) of this subsection” and adding “Paragraphs (a)(2) and (3) of this section” and “paragraphs (a)(2)(i), (ii), and (iii) of this section” in their place, respectively;
- h. Removing from paragraph (a)(5) “(a)(3)” and adding “(3)” in its place;
- i. Removing from paragraph (c)(1) “subparagraph” and adding “paragraph (c)” in its place; and
- j. Removing from paragraph (c)(2) introductory text “subsection” and adding “section” in its place, wherever it appears.

PART 45—GOVERNMENT PROPERTY

45.602–3 [Amended]

- 111. Amend section 45.602–3 by—
- a. Removing “subsection” and adding “section” in its place, wherever it appears; and
- b. Removing from paragraph (b)(3) “Government Printing Office” and adding “Government Publishing Office” in its place.

PART 50—EXTRAORDINARY CONTRACTUAL ACTIONS AND THE SAFETY ACT

50.101–1 [Amended]

- 112. Amend section 50.101–1 by removing from paragraph (b) “Government Printing Office” and adding “Government Publishing Office” in its place.

PART 52—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

- 113. Amend section 52.212–5 by revising the date of the clause and removing from paragraph (b)(59) “(15 U.S.C. 637(d)(12))” and adding “(15

U.S.C. 637(d)(13))” in its place to read as follows:

52.212–5 Contract Terms and Conditions Required To Implement Statutes or Executive Orders—Commercial Items.

* * * * *

Contract Terms and Conditions Required To Implement Statutes or Executive Orders—Commercial Items (May 2019)

* * * * *

PART 53—FORMS

- 114. Revise section 53.107 to read as follows:

53.107 Obtaining forms.

Executive agencies shall obtain standard and optional forms from the General Services Administration (GSA) Forms Library at <https://www.gsa.gov/forms>. Agency forms are available from the prescribing agency.

[FR Doc. 2019–06626 Filed 5–3–19; 8:45 am]

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DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Chapter 1

[Docket No. FAR 2019–0001, Sequence No. 1]

Federal Acquisition Regulation; Federal Acquisition Circular 2019–02; Small Entity Compliance Guide

AGENCY: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Small Entity Compliance Guide.

SUMMARY: This document is issued under the joint authority of DoD, GSA, and NASA. This *Small Entity Compliance Guide* has been prepared in accordance with section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996. It consists of a summary of the rules appearing in Federal Acquisition Circular (FAC) 2019–02, which amends the Federal Acquisition Regulation (FAR). An asterisk (*) next to a rule indicates that a regulatory flexibility analysis has been prepared. Interested parties may obtain further information regarding these rules by referring to FAC 2019–02, which precedes this document. These documents are also available via the internet at <http://www.regulations.gov>.
DATES: May 6, 2019.

FOR FURTHER INFORMATION CONTACT: For clarification of content, contact the analyst whose name appears in the table

below. Please cite FAC 2019–02 and the FAR Case number. For information pertaining to status or publication

schedules, contact the Regulatory Secretariat Division at 202–501–4755.

RULES LISTED IN FAC 2019–02

Item	Subject	FAR Case	Analyst
I *	Special Emergency Procurement Authority	2017–009	Francis.
II	Governmentwide and Other Interagency Contracts	2018–015	Delgado.
III	Technical Amendments.		

SUPPLEMENTARY INFORMATION:

Summaries for each FAR rule follow. For the actual revisions and/or amendments made by these rules, refer to the specific item numbers and subjects set forth in the documents following these item summaries. FAC 2019–02 amends the FAR as follows:

Item I—Special Emergency Procurement Authority (FAR Case 2017–009)

This final rule amends the FAR to implement sections 816 and 1641 of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2017 (Pub. L. 114–328). These sections of the NDAA allow for higher micro-purchase and simplified acquisition thresholds for acquisitions of supplies or services which support international disaster assistance, response to an emergency or major disaster, or defense against or recovery from a cyber attack.

Item II—Governmentwide and Other Interagency Contracts (FAR Case 2018–015)

DoD, GSA, and NASA are issuing a final rule amending the FAR to implement section 875 of the John S. McCain NDAA for FY 2019. This section removes the requirement for agencies to make a determination that the use of an interagency acquisition represents the best procurement approach. This final rule only removes a requirement for agencies to make a specific determination prior to utilizing a certain contracting method. The removal of this requirement only affects the internal operating procedures of the Government and has no impact on contractors.

Item III—Technical Amendments

Editorial changes are made at FAR 1.105–3, 1.201–1, 2.101, 3.103–2, 3.104–3, 3.301, 3.303, 3.405, 3.501–2, 3.502–1, 3.502–2, 3.8, 3.901, 3.907–7, subpart 4.1, 4.102, 4.201, 4.202, 4.402, 4.403, 4.404, 4.604, 4.607, 4.703, 4.801, 4.803, 4.804–1, 4.804–4, 4.804–5, 4.805,

4.1005–2, 4.1200, subpart 4.15, 4.1801, 5.207, 5.404–1, 5.501, 5.504, 5.601, 5.705, 6.001, 6.102, 6.202, 6.301, 6.302–1, 6.302–2, 6.302–3, 6.302–5, 6.303–1, 6.303–2, 6.304, 6.401, 6.501, 7.102, 7.103, 7.105, 7.106, 7.107–5, 7.202, 7.203, 7.503, 8.005, 8.402, 8.405–6, 8.701, 8.703, 8.705–2, 8.714, 8.802, 8.1101, 8.1104, 9.102, 9.104–1, 9.104–7, 9.105–1, 9.107, 9.202, 9.204, 9.305, 9.306, 9.308–1, 9.401, 9.403, 9.406–1, 9.406–2, 9.406–3, 9.406–4, 9.407–1, 9.407–2, 9.407–3, 9.502, 9.505, 9.505–1, 9.505–2, 9.505–4, 9.507–1, 9.507–2, 9.508, 9.602, 11.102, 11.201, 11.604, 16.505, 17.703, 19.702, 22.1008–1, 26.205, 30.102, 31.101, 31.205–46, 45.602–3, 50.101–1, 52.212–5 and 53.107.

Dated: March 19, 2019.

William F. Clark,

Director, Office of Government-wide Acquisition Policy, Office of Acquisition Policy, Office of Government-wide Policy.

[FR Doc. 2019–06627 Filed 5–3–19; 8:45 am]

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Part III

The President

Proclamation 9875—National Mental Health Awareness Month, 2019

Presidential Documents

Title 3—

Proclamation 9875 of May 1, 2019

The President

National Mental Health Awareness Month, 2019

By the President of the United States of America

A Proclamation

During National Mental Health Awareness Month, we recognize the vital role mental health plays in the well-being of individuals and our Nation. We also reaffirm our commitment to facilitating research and education, dispelling stigma around mental illnesses, and reassuring every individual suffering from mental illnesses that they are not alone. My Administration has made mental and behavioral health a primary focus of our public health efforts, particularly opioid addiction and serious mental illness. This includes connecting agencies from across the Government to address issues ranging from housing to workforce opportunity, bringing a whole person approach to bear upon this issue.

Mental illnesses can impair mental health in many ways, through a wide range of conditions that affect mood, thinking, and behavior. While we have made great strides in addressing mental illnesses, millions of Americans still grapple with various forms of it. Nearly 47 million American adults are living with a mental illness. Twenty-four percent of these individuals are living with a serious mental illness, and approximately 3.1 million adults have both a mental illness and a substance use disorder. Additionally, the effects of mental illnesses on our country's youth and young adults is tragically becoming more apparent. In just 1 year, rates of major depression, reports of suicidal thoughts and attempts, and instances of serious mental illness have all increased for our youth and young adults, with more than one in 10 young adults seriously considering suicide in 2017.

My Administration is continuing our efforts to improve mental health by tackling mental illness and supplying people who are suffering with the resources they need. We are working to expand our partnership with States to help individuals with the most serious mental illnesses. My fiscal year 2020 budget request to the Congress maintains funding for the Community Mental Health Services Block Grants, which provide money to every State for services to adults with serious mental illness and children with serious emotional disturbances. States are using this funding to identify mental illnesses at early stages in order to reduce the likelihood of the types of long-term disability that people with serious mental illnesses often experience.

Last fall, I signed into law H.R. 6, the "SUPPORT for Patients and Communities Act." This bipartisan law expands access to inpatient treatment and other evidence-based options, for those with mental illness. Additionally, last November, the Department of Health and Human Services announced an opportunity for States to use Medicaid demonstration authority to support short-term inpatient treatment options for adults with serious mental illnesses and children with serious emotional disturbances. My Administration has approved applications from more than 20 States to expand access to treatment for substance use disorder through these inpatient facilities. Further, my Administration has provided unprecedented levels of training and education to healthcare practitioners across the country regarding mental health, mental illnesses, and substance use issues. This training is designed to enable

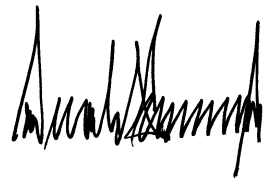
Federal efforts to accommodate the varying needs of communities across the country.

My Administration is also committed to meeting the mental health needs of our brave service members and veterans. Tragically, an average of 20 service members and veterans die by suicide each day. Of those, nearly 70 percent were not engaged with the Department of Veterans Affairs for their healthcare. To help address this issue, I signed an Executive Order that launched the President's Roadmap to Empower Veterans and End a National Tragedy of Suicide (PREVENTS) Initiative and establishes a task force that includes the Secretaries of Veterans Affairs, Defense, Health and Human Services, and Homeland Security charged with developing a comprehensive public health roadmap to help end the national tragedy of veteran suicide. This plan will include a national research strategy for engaging public- and private-sector stakeholders to better understand the underlying factors of suicide and means to enhance early identification. Instead of a passive system that activates when veterans in need reach out, it will propose grants to empower veteran communities to create national and local support networks that actively engage with all veterans.

This month, and throughout the year, let us work together to understand the importance of mental health. Let us recommit to making every effort to provide Americans suffering from mental illnesses with the care they need. Mental health is not just an individual issue, but a national issue. The mental health of our citizens is critical to our Nation's prosperity. Together, by focusing on and understanding these issues, we can reduce the effects of mental illnesses on our communities and enable all Americans to live healthy and productive lives.

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 May 2019 as National Mental Health Awareness Month. I call upon all Americans to support citizens suffering from mental illnesses, raise awareness of mental health conditions through appropriate programs and activities, and commit our Nation to innovative prevention, diagnosis, and treatment.

IN WITNESS WHEREOF, I have hereunto set my hand this first day of May, 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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