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NUCLEAR REGULATORY COMMISSION

10 CFR Part 52

[NRC–2015–0224]

RIN 3150–AJ67

Advanced Power Reactor 1400 (APR1400) Design Certification

AGENCY: Nuclear Regulatory Commission.

ACTION: Direct final rule.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is amending its regulations to certify the Advanced Power Reactor 1400 (APR1400) standard design. Applicants or licensees intending to construct and operate an APR1400 standard design may do so by referencing this design certification (DC) rule. The applicant for the certification of the APR1400 standard design is Korea Electric Power Corporation and Korea Hydro & Nuclear Power Co., Ltd. (KEPCO/KHNP).

DATES: The final rule is effective September 19, 2019, unless significant adverse comments are received by June 21, 2019. If the direct final rule is withdrawn as a result of such comments, timely notice of the withdrawal will be published in the **Federal Register**. The incorporation by reference of certain publications listed in this regulation is approved by the Director of the Office of the Federal Register as of September 19, 2019.

ADDRESSES: You may submit comments by any of the following methods (unless this document describes a different method for submitting comments on a specific subject):

- *Federal Rulemaking Website:* Go to *https://www.regulations.gov/* and search for Docket ID NRC–2015–0224. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: *Carol.Gallagher@nrc.gov.* For technical questions contact the individuals listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *Email comments to: Rulemaking.Comments@nrc.gov.* If you do not receive an automatic email reply confirming receipt, then contact us at 301–415–1677.
- *Fax comments to:* Secretary, U.S. Nuclear Regulatory Commission at 301–415–1101.
- *Mail comments to:* Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, ATTN: Rulemakings and Adjudications Staff.
- *Hand deliver comments to:* 11555 Rockville Pike, Rockville, Maryland 20852, between 7:30 a.m. and 4:15 p.m. (Eastern Time) Federal workdays; telephone: 301–415–1677.

For additional direction on obtaining information and submitting comments, see ''Obtaining Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Yanely Malave-Velez, Office of Nuclear Material Safety and Safeguards, telephone: 301–415–1519, email: *Yanely.Malave@nrc.gov,* or William Ward, Office of New Reactors, telephone: 301–415–7038, email: *William.Ward@nrc.gov.* Both are staff of the U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

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I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2015–0224 when contacting the NRC about the availability of information for this action. You may obtain publicly-available information related to this action by any of the following methods:

- *Federal Rulemaking Website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2015–0224.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at *https://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''ADAMS Public Documents'' and then select ''Begin Web-based ADAMS Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* For the convenience of the reader, instructions about obtaining materials referenced in this document are provided in the Availability of Documents section.
- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

B. Submitting Comments

Please include Docket ID NRC–2015–0224 in your comment submission.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at *https://www.regulations.gov* as well as enter the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or

entering the comment into ADAMS. Comments received after June 21, 2019 will be considered if it is practical to do so, but the NRC is able to ensure consideration only for comments received on or before this date. Comments received on this direct final rule will also be considered to be comments on a companion proposed rule published in the Proposed Rules section of this issue of the **Federal Register**.

II. Rulemaking Procedure

Because the NRC considers this action to be non-controversial, the NRC is using the ''direct final rule procedure'' for this rule. The rule will become effective on September 19, 2019. However, if the NRC receives significant adverse comments by June 21, 2019, then the NRC will publish a document that withdraws this direct final rule and would subsequently address the comments received in any final rule as a response to the companion proposed rule published in the Proposed Rules section of this issue of the **Federal Register**. Absent significant modifications to the proposed revisions requiring republication, the NRC does not intend to initiate a second comment period on this action.

A significant adverse comment is a comment in which the commenter explains why the rule would be inappropriate. A comment is adverse and significant if it meets the following criteria:

(1) The comment opposes the rule and provides a reason sufficient to require a substantive response in a notice-and-comment process. For example, a substantive response is required when:

(a) The comment causes the NRC to reevaluate (or reconsider) its position or conduct additional analysis;

(b) The comment raises an issue serious enough to warrant a substantive response to clarify or complete the record; or

(c) The comment raises a relevant issue that was not previously addressed or considered by the NRC.

(2) The comment proposes a change or an addition to the rule, and it is apparent that the rule would be ineffective or unacceptable without incorporation of the change or addition.

(3) The comment causes the NRC to make a change (other than editorial) to the rule.

For detailed instructions on filing comments, please see the **ADDRESSES** section in the companion proposed rule published in the Proposed Rules section of this issue of the **Federal Register**.

III. Background

Part 52 of title 10 of the *Code of Federal Regulations* (10 CFR), ''Licenses, Certifications, and Approvals for Nuclear Power Plants,'' subpart B, ''Standard Design Certifications,'' presents the process for obtaining standard design certifications. On December 23, 2014, KEPCO/KHNP submitted its application for certification of the APR1400 standard design (ADAMS Accession No. ML15006A098) to the NRC under subpart B of 10 CFR part 52. The NRC published a notice of receipt of the application in the **Federal Register** (80 FR 5792; February 3, 2015). On March 12, 2015, the NRC formally accepted the application as a docketed application for design certification (80 FR 13035; March 12, 2015). The pre-application information submitted before the NRC formally accepted the application can be found in ADAMS under Docket No. PROJ0782.

IV. Discussion

Final Safety Evaluation Report

The NRC issued the final safety evaluation report for the APR1400 design on September 28, 2018. The final safety evaluation report is available in ADAMS under Accession No. ML18087A364. The NRC will publish the final safety evaluation report as a NUREG titled, ''Final Safety Evaluation Report Related to the Certification of the Advanced Power Reactor 1400 Standard Design.'' The final safety evaluation report is based on the NRC's review of revision 3 of the APR1400 design control document.

APR1400 DC Rule

The following discussion describes the purpose and key aspects of each section of the APR1400 DC rule. All section and paragraph references are to the provisions being added as appendix F to the regulations in 10 CFR part 52, unless otherwise noted. The NRC has modeled the APR1400 DC rule on existing DC rules, with certain modifications where necessary to account for differences in the APR1400 design documentation, design features, and environmental assessment (including severe accident mitigation design alternatives). As a result, DC rules are standardized to the extent practical.

A. Introduction (Section I)

The purpose of Section I of appendix F to 10 CFR part 52 is to identify the standard design approved by this DC rule and the applicant for certification of the standard design. Identification of the design certification applicant is necessary to implement appendix F to 10 CFR part 52 for two reasons. First, § 52.63(c) identifies the design certification applicant as a potential source for an applicant for a combined license (COL) to obtain the generic design control document and supporting design information. If the COL applicant does not obtain the design information from the design certification applicant, but instead uses a different entity, then the COL applicant must meet the requirements in § 52.73. Second, paragraph X.A.1 of the rule requires that the identified design certification applicant maintain the generic design control document throughout the time that appendix F to 10 CFR part 52 may be referenced.

B. Definitions (Section II)

The purpose of Section II of appendix F to 10 CFR part 52 is to define specific terminology with respect to this DC rule. During development of the first two DC rules, the NRC decided that there would be both generic (master) design control documents maintained by the NRC and the design certification applicant, as well as individual plant-specific design control documents maintained by each applicant or licensee that references a certified standard design. This distinction is necessary in order to specify the relevant plant-specific requirements to applicants and licensees referencing appendix F to 10 CFR part 52. In order to facilitate the maintenance of the master design control documents, the NRC requires that each application for a standard design certification be updated to include an electronic copy of the final version of the design control document. The final version is required to incorporate all amendments to the design control document submitted since the original application, as well as any changes directed by the NRC as a result of its review of the original design control document or as a result of public comments. This final version is the master design control document incorporated by reference in the DC rule. The master design control document will be revised as needed to include generic changes to the version of the design control document that is approved in this design certification rulemaking. These changes would occur as the result of generic rulemaking by the NRC, under the change criteria in Section VIII.

The NRC also requires each applicant and licensee referencing appendix F to 10 CFR part 52 to submit and maintain a plant-specific design control document as part of the COL final safety

analysis report. This plant-specific design control document must either include or incorporate by reference the information in the generic design control document. The plant-specific design control document would be updated as necessary to reflect the generic changes to the design control document that the NRC may adopt through rulemaking, plant-specific departures from the generic design control document that the NRC imposed on the licensee by order, and any plant-specific departures that the licensee chooses to make in accordance with the relevant processes in Section VIII. Therefore, the plant-specific design control document functions similar to an updated final safety analysis report because it provides the most complete and accurate information on a plant's design basis for that part of the plant that would be within the scope of appendix F to 10 CFR part 52.

The NRC is treating the technical specifications in Chapter 16 of the generic design control document as a special category of information and designating them as generic technical specifications in order to facilitate the special treatment of this information under appendix F to 10 CFR part 52. A COL applicant must submit plant-specific technical specifications that consist of the generic technical specifications, which may be modified as specified in paragraph VIII.C, and the remaining site-specific information needed to complete the technical specifications. The final safety analysis report that is required by § 52.79 will consist of the plant-specific design control document, the site-specific final safety analysis report, and the plant-specific technical specifications.

The terms Tier 1, Tier 2, and COL items (license information) are defined in appendix F to 10 CFR part 52 because these concepts were not envisioned when 10 CFR part 52 was developed. The design certification applicants and the NRC use these terms in implementing the two-tiered rule structure (the DCD is divided into Tiers 1 and 2 to support the rule structure) that was proposed by representatives of the nuclear industry after publication of 10 CFR part 52. The Commission approved the use of a two-tiered rule structure in its staff requirements memorandum, dated February 15, 1991, on SECY–90–377, ''Requirements for Design Certification under 10 CFR part 52,'' dated November 8, 1990 (ADAMS Accession No. ML003707892).

Tier 1 information means the portion of the design-related information contained in the generic DCD that is approved and certified by this appendix. Tier 2 information means the portion of the design-related information contained in the generic DCD that is approved but not certified by this appendix. The change process for Tier 2 information is similar to, but not identical to, the change process set forth in 10 CFR 50.59. The regulations in § 50.59 describe when a licensee may make changes to a plant as described in its final safety analysis report without a license amendment. Because the change process for Tier 2 information provided in Section VIII of this DC rule provides more specific criteria than § 50.59, as described in § 50.59(c)(4), the definitions and criteria of § 50.59 are not applicable to this process. The NRC is including a definition for a ''*Departure from a method of evaluation described in the plant-specific DCD used in establishing the design bases or in the safety analyses*'' (paragraph II.F), which is appropriate to include in this direct final rule, so that the eight criteria in paragraph VIII.B.5.b will be implemented for new reactors as intended.

C. Scope and Contents (Section III)

The purpose of Section III of appendix F to 10 CFR part 52 is to describe and define the scope and content of this design certification, how to obtain a copy of the generic design control document, requirements for incorporation by reference of the DC rule, and how documentation discrepancies or inconsistencies are to be resolved.

Paragraph III.A is the required statement of the Office of the Federal Register for approval of the incorporation by reference of the APR1400 design control document, revision 3. In addition, this paragraph provides the information on how to obtain a copy of the design control document.

Paragraph III.B is the requirement for COL applicants and licensees referencing the APR1400 design control document to comply with the requirements of this appendix in order to benefit from the issue finality afforded the certified design. The legal effect of incorporation by reference is that the incorporated material has the same legal status as if it were published in the *Code of Federal Regulations.* This material, like any other properly-issued regulation, has the force and effect of law. Tier 1 and Tier 2 information (including the technical and topical reports referenced in Chapter 1), and generic technical specifications have been combined into a single document called the generic design control document, in order to effectively control this information and facilitate its incorporation by reference into the rule. In addition, paragraph III.B clarifies that the conceptual design information and KEPCO/KHNP's evaluation of severe accident mitigation design alternatives are not considered to be part of appendix F to 10 CFR part 52. As provided by § 52.47(a)(24), these conceptual designs are not part of appendix F to 10 CFR part 52 and, therefore, are not applicable to an application that references appendix F to 10 CFR part 52. Therefore, an applicant referencing appendix F to 10 CFR part 52 would not be required to conform to the conceptual design information that was provided by the design certification applicant. The conceptual design information, which consists of site-specific design features, was required to facilitate the design certification review. Similarly, the severe accident mitigation design alternatives were required to facilitate the environmental assessment.

Paragraphs III.C and III.D set forth the manner by which potential conflicts are to be resolved and identify the controlling document. Paragraph III.C establishes the Tier 1 description in the design control document as controlling in the event of an inconsistency between the Tier 1 and Tier 2 information in the design control document. Paragraph III.D establishes the generic design control document as the controlling document in the event of an inconsistency between the design control document and the final safety evaluation report for the certified standard design.

Paragraph III.E makes it clear that design activities outside the scope of the design certification may be performed using actual site characteristics. This provision applies to site-specific portions of the plant, such as the administration building.

D. Additional Requirements and Restrictions (Section IV)

Section IV of appendix F to 10 CFR part 52 sets forth additional requirements and restrictions imposed upon an applicant who references appendix F to 10 CFR part 52.

Paragraph IV.A sets forth the information requirements for COL applicants and distinguishes between information and documents that must be *included* in the application or the design control document and those which may be *incorporated by reference.* Any incorporation by reference in the application should be clear and should specify the title, date, edition, or version of a document and the page number(s) and table(s)

containing the relevant information to be incorporated. The legal effect of such an incorporation by reference into the application is that appendix F to 10 CFR part 52 would be legally binding on the applicant or licensee.

In paragraph IV.B the NRC reserves the right to determine how appendix F to 10 CFR part 52 may be referenced under 10 CFR part 50. This determination may occur in the context of a subsequent rulemaking modifying 10 CFR part 52 or this DC rule, or on a case-by-case basis in the context of a specific application for a 10 CFR part 50 construction permit or operating license. This provision is necessary because the previous DC rules were not implemented in the manner that was originally envisioned at the time that 10 CFR part 52 was issued. The NRC's concern is with the manner by which the inspections, tests, analyses, and acceptance criteria (ITAAC) were developed and the lack of experience with design certifications in a licensing proceeding. Therefore, it is appropriate that the NRC retain some discretion regarding the manner by which appendix F to 10 CFR part 52 could be referenced in a 10 CFR part 50 licensing proceeding.

E. Applicable Regulations (Section V)

The purpose of Section V of appendix F to 10 CFR part 52 is to specify the regulations that were applicable and in effect at the time this design certification was approved. These regulations consist of the technically relevant regulations identified in paragraph V.A, except for the regulations in paragraph V.B that would not be applicable to this certified design.

F. Issue Resolution (Section VI)

The purpose of Section VI of appendix F to 10 CFR part 52 is to identify the scope of issues that are resolved by the NRC through this rulemaking and, therefore, are ''matters resolved'' within the meaning and intent of § 52.63(a)(5). The section is divided into five parts: Paragraph VI.A identifies the NRC's safety findings in adopting appendix F to 10 CFR part 52, paragraph VI.B identifies the scope and nature of issues that are resolved by this rulemaking, paragraph VI.C identifies issues, that are not resolved by this rulemaking, and paragraph VI.D identifies the issue finality restrictions applicable to the NRC with respect to appendix F to 10 CFR part 52, and paragraph VI.E identifies the availability of secondary resources.

Paragraph VI.A describes the nature of the NRC's findings in general terms and makes the findings required by § 52.54 for the NRC's approval of this DC rule.

Paragraph VI.B sets forth the scope of issues that may not be challenged as a matter of right in subsequent proceedings. The introductory phrase of paragraph VI.B clarifies that issue resolution, as described in the remainder of the paragraph, extends to the delineated NRC proceedings for plants referencing appendix F to 10 CFR part 52. The remainder of paragraph VI.B describes the categories of information for which there is issue resolution.

Paragraph VI.C reserves the right of the NRC to impose operational requirements on applicants that reference appendix F to 10 CFR part 52. This provision reflects the fact that only some operational requirements, including portions of the generic technical specifications in Chapter 16 of the design control document, and no operational programs (*e.g.,* operational quality assurance), were completely reviewed by the NRC in this design certification rulemaking proceeding. Therefore, the issue finality provisions of § 52.63 apply only to those operational requirements that either the NRC completely reviewed and approved or formed the basis of an NRC safety finding of the adequacy of the APR1400, as documented in the NRC's final safety evaluation report. The NRC notes that operational requirements may be imposed on licensees referencing this design certification through the inclusion of license conditions in the license, or inclusion of a description of the operational requirement in the plant-specific final safety analysis report.[1] The NRC's choice of the regulatory vehicle for imposing the operational requirements will depend upon the following, among other things: (1) Whether the development and/or implementation of these requirements must occur prior to either the issuance of the COL or the Commission finding under § 52.103(g) and (2) the nature of the change controls that are appropriate given the regulatory, safety, and security significance of each operational requirement.

Also, paragraph VI.C allows the NRC to impose future operational requirements (distinct from design matters) on applicants who reference this design certification. License conditions for portions of the plant within the scope of this design certification (*e.g.,* start-up and power ascension testing), are not restricted by § 52.63. The requirement to perform these testing programs is contained in the Tier 1 information. However, ITAAC cannot be specified for these subjects because the matters to be addressed in these license conditions cannot be verified prior to fuel load and operation, when the ITAAC are satisfied. In the absence of detailed design information to evaluate the need for and develop specific post-fuel load verifications for these matters, the NRC is reserving the right to impose, at the time of COL issuance, license conditions addressing post-fuel load verification activities for portions of the plant within the scope of this design certification.

Paragraph VI.D requires the NRC to follow the restrictions contained in Section VIII when requiring generic or plant-specific modifications, changes, or additions to structures, systems, and components; design features; design criteria; and ITAAC within the scope of the certified design.

Paragraph VI.E ensures that the NRC will specify at an appropriate time the procedures on how to obtain access to sensitive unclassified and non-safeguards information (SUNSI) and safeguards information (SGI) for the APR1400 DC rule. Access to such information would be for the sole purpose of requesting or participating in certain specified hearings, such as hearings required by § 52.85 or an adjudicatory hearing. For proceedings where the notice of hearing was published before the effective date of the final rule, the Commission's order governing access to SUNSI and SGI shall be used to govern access to such information within the scope of the rulemaking. For proceedings in which the notice of hearing or opportunity for hearing is published after the effective date of the final rule, paragraph VI.E applies and governs access to SUNSI and SGI.

G. Duration of This Appendix (Section VII)

The purpose of Section VII of appendix F to 10 CFR part 52 is, in part, to specify the period during which this design certification may be referenced by an applicant for a COL, under § 52.55, and the period it will remain valid when the design certification is referenced. For example, if an application references this design certification during the 15-year period, then the design certification would be effective for that application until it is withdrawn or the license issued on that application expires, including periods

[1] Certain activities, ordinarily conducted following fuel load and therefore considered ''operational requirements,'' but which may be relied upon to support a Commission finding under § 52.103(g), may themselves be the subject of ITAAC to ensure their implementation prior to the § 52.103(g) finding.

of operation under a renewed license. The NRC intends for appendix F to 10 CFR part 52 to remain valid for the life of the plants that reference the design certification to achieve the benefits of standardization and licensing stability. This means that changes to, or plant-specific departures from, information in the plant-specific design control document must be made under the change processes in Section VIII for the life of a plant that references this DC rule.

H. Processes for Changes and Departures (Section VIII)

The purpose of Section VIII of appendix F to 10 CFR part 52 is to set forth the processes for generic changes to, or plant-specific departures (including exemptions) from, the design control document. The NRC adopted this restrictive change process in order to achieve a more stable licensing process for applicants and licensees that reference DC rules. Section VIII is divided into three paragraphs, which correspond to Tier 1, Tier 2, and operational requirements.

Generic *changes* (called ''modifications'' in § 52.63(a)(3)) must be accomplished by rulemaking because the intended subject of the change is this DC rule itself, as is contemplated by § 52.63(a)(1). Consistent with § 52.63(a)(3), any generic rulemaking changes are applicable to all plants referencing this DC rule, absent circumstances which render the change technically irrelevant. By contrast, plant-specific *departures* could be either an order to one or more applicants or licensees; or an applicant or licensee-initiated departure applicable only to that applicant's or licensee's plant(s), similar to a § 50.59 departure or an exemption. Because these plant-specific departures will result in a design control document that is unique for that plant, Section X would require an applicant or licensee to maintain a plant-specific design control document. For purposes of brevity, the following discussion refers to the processes for both generic changes and plant-specific departures as ''change processes.'' Section VIII refers to an exemption from one or more requirements of this appendix and addresses the criteria for granting an exemption. The NRC cautions that when the exemption involves an underlying substantive requirement (*i.e.,* a requirement outside this appendix), then the applicant or licensee requesting the exemption must demonstrate that an exemption from the underlying applicable requirement meets the criteria of § 52.7 or § 50.12.

For the APR1400 DC review, the staff followed the approach described in SECY–17–0075, ''Planned Improvements in Design Certification Tiered Information Designations,'' (ADAMS Accession No. ML16196A321), to evaluate the applicant's designation of information as Tier 1 or Tier 2 information. Unlike prior design certification applications, this application did not contain any Tier 2* information. As described in SECY–17–0075, in each of the prior design certification rules in appendices A through D to 10 CFR part 52, information contained in the DCD was divided into three designations: Tier 1, Tier 2, and Tier 2*. Tier 1 information is the portion of design-related information in the generic DCD that the Commission approves in the part 52 design certification rule appendices. To change Tier 1 information, NRC approval by rulemaking or approval of an exemption from the certified design rule is required. Tier 2 information is also approved by the Commission in the Part 52 design certification rule appendices, but it is not certified and licensees who reference the design can change this information using the process outlined in Section VIII of the appendices. This change process is similar to that in 10 CFR 50.59 and is generally referred to as the ''50.59-like'' process. If the criteria in Section VIII are met, a licensee can change Tier 2 information without prior NRC approval. The NRC created a third category, Tier 2*, to address industry requests to minimize the scope of Tier 1 information and provide greater flexibility for making changes. Tier 2* information is included in Tier 2 and has the same safety significance as Tier 1 information, but the NRC decided to provide more flexibility for licensees to change this type of information. In prior design certification rules, Tier 2* is significant information included only in Tier 2 that cannot be changed without prior NRC approval of a license amendment requesting the change.

The applicant included Tier 1 and Tier 2 information in the APR1400 DC application and did not designate or categorize any information as Tier 2* information. Generally, where an applicant includes only Tier 1 and Tier 2 information in an application, the staff will evaluate the Tier 2 information to determine whether any of that information requires NRC approval before it is changed. If the staff identifies any such information in Tier 2, then the staff will request that the applicant revise the application to categorize that information as Tier 1 or Tier 2*, depending on whether the change must be made by approval of a license amendment and an exemption requesting the change (Tier 1), or a license amendment alone (Tier 2*). Because the applicant did not designate any information as Tier 2* information, the staff also considered whether the applicant had included information in Tier 2 that prior DC applicants had identified as Tier 2* but that the NRC staff determined should be categorized as Tier 1. Using requests for additional information, the staff questioned KEPCO/KHNP's categorization of certain information as Tier 2 that past DC applicants had identified as Tier 2* and, in some instances, the staff requested that the applicant revise the application to add that information to Tier 1. This approach required staff and KEPCO/KHNP to identify for each request for additional information the verifiable, important to safety parameters that must be included in Tier 1 to be certified in the rule and verified by ITAAC. After several public meetings, some information was added to or updated in Tier 1 (including modifications to some ITAAC) and the requests for additional information were resolved and closed without the designation of any Tier 2* information.

Of these updates in Tier 1, the most significant concerned the design parameters for the critical structural sections [2] for seismic Category I structures. Past DC applications identified dimensions of length to define critical structural sections as Tier 2* information. During recent construction activities for another design, actual dimensional lengths were found to be outside of their design tolerances. This variance required additional license amendments to resolve the issue associated with the design tolerances, resulting in increased burden to the licensee without a

[2] When evaluating the acceptability of the information for seismic Category I structures, the staff's review focuses on a subset of structural information that includes seismic analysis methods, key parameters of seismic Category I structures, and the design of ''critical sections.'' The use of critical sections in the design of safety-related structures is a risk-informed graded approach to achieve the reasonable assurance of safety. In lieu of the safety review of a large number of structural component designs, the staff performs a detailed review of a limited number of critical sections described in the design control document Section 3.8 that contribute to the overall risk significance of the structures. This approach provides the staff with reasonable assurance of the overall safety performance of the structures based on the successful performance of these limited, but critical, risk-significant locations. However, even minor changes to these critical sections could, when applied to the entire safety-related structure, result in significant changes to the overall performance of the structure and, therefore, invalidate the basis for the staff's approval.

commensurate safety benefit. For the APR1400 design, the Tier 1 information and the ITAAC for these critical structural sections used the design load and design load capacity in lieu of dimensions of length, as specific dimensions are not necessarily as important to safety. By focusing on important to safety parameters and including them in ITAAC, the staff expects that the need for license amendments to address changes during construction will be greatly reduced while still maintaining reasonable assurance of adequate protection of public health and safety.

Tier 1 Information

Paragraph A describes the change process for changes to Tier 1 information that are accomplished by rulemakings that amend the generic design control document and are governed by the standards in § 52.63(a)(1). A generic change under § 52.63(a)(1) will not be made to a certified design while it is in effect unless the change: (1) Is necessary for compliance with NRC regulations applicable and in effect at the time the certification was issued; (2) is necessary to provide adequate protection of the public health and safety or the common defense and security; (3) reduces unnecessary regulatory burden and maintains protection to public health and safety and common defense and security; (4) provides the detailed design information necessary to resolve select design acceptance criteria; (5) is necessary to correct material errors in the certification information; (6) substantially increases overall safety, reliability, or security of a facility and the costs of the change are justified; or (7) contributes to increased standardization of the certification information. The rulemakings must provide for notice and opportunity for public comment on the proposed change, as required by § 52.63(a)(2). The NRC will give consideration as to whether the benefits justify the costs for plants that are already licensed or for which an application for a permit or license is under consideration except for those changes that are necessary to provide adequate protection of the public health and safety or the common defense and security.

Departures from Tier 1 may occur in two ways: (1) The NRC may order a licensee to depart from Tier 1, as provided in paragraph A.3 or (2) an applicant or licensee may request an exemption from Tier 1, as addressed in paragraph A.4. If the NRC seeks to order a licensee to depart from Tier 1, paragraph A.3 would require that the NRC find both that the departure is necessary either to assure adequate protection of the public health and safety or the common defense and security or to secure compliance with the NRC's regulations applicable and in effect at the time of approval of the design certification and that special circumstances are present. Paragraph A.4 provides that exemptions from Tier 1 requested by an applicant or licensee are governed by the requirements of §§ 52.63(b)(1) and 52.98(f), which provide an opportunity for a hearing. In addition, the NRC would not grant requests for exemptions that will result in a significant decrease in the level of safety otherwise provided by the design.

Tier 2 Information

Paragraph B describes the change processes for the Tier 2 information; which have the same elements as the Tier 1 change process, but some of the standards for plant-specific orders and exemptions would be different. Generic Tier 2 changes would be accomplished by rulemaking that would amend the generic design control document and would be governed by the standards in § 52.63(a)(1). A generic change under § 52.63(a)(1) would not be made to a certified design while it is in effect unless the change: (1) Is necessary for compliance with NRC regulations that were applicable and in effect at the time the certification was issued; (2) is necessary to provide adequate protection of the public health and safety or the common defense and security; (3) reduces unnecessary regulatory burden and maintains protection to public health and safety and the common defense and security; (4) provides the detailed design information necessary to resolve select design acceptance criteria; (5) is necessary to correct material errors in the certification information; (6) substantially increases overall safety, reliability, or security of a facility and the costs of the change are justified; or (7) contributes to increased standardization of the certification information.

Departures from Tier 2 would occur in four ways: (1) The NRC may order a plant-specific departure, as set forth in paragraph B.3; (2) an applicant or licensee may request an exemption from a Tier 2 requirement as set forth in paragraph B.4; (3) a licensee may make a departure without prior NRC approval under paragraph B.5; or (4) the licensee may request NRC approval for proposed departures which do not meet the requirements in paragraph B.5 as provided in paragraph B.5.e.

Similar to ordered Tier 1 departures and generic Tier 2 changes, ordered Tier 2 departures cannot be imposed except when necessary, either to bring the certification into compliance with the NRC's regulations applicable and in effect at the time of approval of the design certification or to ensure adequate protection of the public health and safety or the common defense and security, provided that special circumstances are present as set forth in paragraph B.3. However, unlike Tier 1 changes, the special circumstances for the ordered Tier 2 departures would not have to outweigh any decrease in safety that may result from the reduction in standardization caused by the plant-specific order, as required by § 52.63(a)(4). The NRC has determined that it is not necessary to impose an additional limitation similar to that imposed on Tier 1 departures by § 52.63(a)(4) and (b)(1). This type of additional limitation for standardization would unnecessarily restrict the flexibility of applicants and licensees with respect to Tier 2 information.

An applicant or licensee referencing this DC rule is permitted to request an exemption from Tier 2 information as set forth in paragraph B.4. The applicant or licensee would have to demonstrate that the exemption complies with one of the special circumstances in regulations governing specific exemptions in § 50.12(a). In addition, the NRC would not grant requests for exemptions that will result in a significant decrease in the level of safety otherwise provided by the design. However, unlike Tier 1 changes, the special circumstances for the exemption do not have to outweigh any decrease in safety that may result from the reduction in standardization caused by the exemption. If the exemption is requested by an applicant for a license, the exemption would be subject to litigation in the same manner as other issues in the licensing hearing, consistent with § 52.63(b)(1). If the exemption is requested by a licensee, then the exemption would be subject to an opportunity for hearing in the same manner as license amendments.

Paragraph B.5 would allow an applicant or licensee to depart from Tier 2 information, without prior NRC approval, if the departure does not involve a change to or departure from Tier 1 information or the technical specifications, and the departure does not require a license amendment under paragraphs B.5.b or c. The technical specifications referred to in B.5.a of this paragraph are the technical specifications in Chapter 16 of the generic design control document, including bases, for departures made

prior to the issuance of the COL. After the issuance of the COL, the plant-specific technical specifications would be controlling under paragraph B.5. The requirement for a license amendment in paragraph B.5.b would be similar to the requirement in § 50.59 and would apply to all of the information in Tier 2 except for the information that resolves the severe accident issues.

Paragraph B.5.b addresses information described in the design control document to address aircraft impacts, in accordance with § 52.47(a)(28). Under § 52.47(a)(28), applicants are required to include the information required by § 50.150(b) in their design control document. An applicant or licensee who changes this information is required to consider the effect of the changed design feature or functional capability on the original aircraft impact assessment required by § 50.150(a). The applicant or licensee is also required to describe in the plant-specific design control document how the modified design features and functional capabilities continue to meet the assessment requirements in § 50.150(a)(1). Submittal of this updated information is governed by the reporting requirements in Section X.B.

During an ongoing adjudicatory proceeding (*e.g.,* for issuance of a COL) a party who believes that an applicant or licensee has not complied with paragraph B.5 when departing from Tier 2 information may petition to admit such a contention into the proceeding under paragraph B.5.g. As set forth in paragraph B.5.g, the petition would have to comply with the requirements of § 2.309 and show that the departure does not comply with paragraph B.5. If on the basis of the petition and any responses thereto, the presiding officer in the proceeding determines that the required showing has been made, the matter would be certified to the Commission for its final determination. In the absence of a proceeding, assertions of noncompliance with paragraph B.5 requirements applicable to Tier 2 departures would be treated as petitions for enforcement action under § 2.206.

Operational Requirements

The change process for technical specifications and other operational requirements in the design control document is set forth in Section VIII, paragraph C. The key to using the change processes described in Section VIII is to determine if the proposed change or departure would require a change to a design feature described in the generic design control document. If a design change is required, then the appropriate change process in paragraph A or B would apply. However, if a proposed change to the technical specifications or other operational requirements does not require a change to a design feature in the generic design control document, then paragraph C would apply. This change process has elements similar to the Tier 1 and Tier 2 change processes in paragraphs A and B, but with significantly different change standards. Because of the different finality status for technical specifications and other operational requirements, the NRC designated a special category of information, consisting of the technical specifications and other operational requirements, with its own change process in paragraph C. The language in paragraph C also distinguishes between generic (Chapter 16 of the design control document) and plant-specific technical specifications to account for the different treatment and finality consistent with technical specifications before and after a license is issued.

The process in paragraph C.1 for making generic changes to the generic technical specifications in Chapter 16 of the design control document or other operational requirements in the generic design control document is accomplished by rulemaking and governed by the backfit standards in § 50.109. The determination of whether the generic technical specifications and other operational requirements were completely reviewed and approved in the design certification rulemaking is based upon the extent to which the NRC reached a safety conclusion in the final safety evaluation report on this matter. If a technical specification or operational requirement was completely reviewed and finalized in the design certification rulemaking, then the requirement of § 50.109 would apply because a position was taken on that safety matter. Generic changes made under paragraph VIII.C.1 would be applicable to all applicants or licensees referencing this DC rule as described in paragraph C.2, unless the change is made technically irrelevant by a plant-specific departure.

Some generic technical specifications contain values in brackets [ ]. The brackets are placeholders indicating that the NRC's review is not complete and represent a requirement that the applicant for a COL referencing the APR1400 DC rule must replace the values in brackets with final plant-specific values (refer to guidance provided in Regulatory Guide 1.206, Revision 1, ''Applications for Nuclear Power Plants''). The values in brackets are neither part of the DC rule nor are they binding. Therefore, the replacement of bracketed values with final plant-specific values does not require an exemption from the generic technical specifications.

Plant-specific departures may occur by either an order under paragraph C.3 or an applicant's exemption request under paragraph C.4. The basis for determining if the technical specification or operational requirement was completely reviewed and approved for these processes would be the same as for paragraph C.1 previously discussed. If the technical specification or operational requirement is completely reviewed and finalized in the design certification rulemaking, then the NRC must demonstrate that special circumstances are present before ordering a plant-specific departure. If not, there would be no restriction on plant-specific changes to the technical specifications or operational requirements, prior to the issuance of a license, provided a design change is not required. Although the generic technical specifications were reviewed and approved by the NRC in support of the design certification review, the NRC intends to consider the lessons learned from subsequent operating experience during its licensing review of the plant-specific technical specifications. The process for petitioning to intervene on a technical specification or operational requirement contained in paragraph VIII.C.5 would be similar to other issues in a licensing hearing, except that the petitioner must also demonstrate why special circumstances are present pursuant to § 2.335.

Paragraph C.6 states that the generic technical specifications would have no further effect on the plant-specific technical specifications after the issuance of a license that references this appendix. After a license is issued, the bases for the plant-specific technical specifications would be controlled by the bases change provision set forth in the administrative controls section of the plant-specific technical specifications.

I. [Reserved] (Section IX)

This section is reserved for future use. The matters discussed in this section of earlier design certification rules—inspections, tests, analyses, and acceptance criteria—are now addressed in the substantive provisions of 10 CFR part 52. Accordingly, there is no need to repeat these regulatory provisions in the APR1400 design certification rule. However, this section is being reserved to maintain consistent section numbering with other design certification rules.

J. Records and Reporting (Section X)

The purpose of Section X of appendix F to 10 CFR part 52 is to set forth the requirements that will apply to maintaining records of changes to and departures from the generic design control document, which are to be reflected in the plant-specific design control document. Section X also sets forth the requirements for submitting reports (including updates to the plant-specific design control document) to the NRC. This section of appendix F to 10 CFR part 52 is similar to the requirements for records and reports in 10 CFR part 50, except for minor differences in information collection and reporting requirements.

Paragraph X.A.1 requires that a generic design control document including SUNSI and SGI referenced in the generic design control document be maintained by the applicant for this rule. The generic design control document concept was developed, in part, to meet the requirements for incorporation by reference, including public availability of documents incorporated by reference. However, the SUNSI and SGI could not be included in the generic design control document because they are not publicly available. Nonetheless, the SUNSI and SGI were reviewed by the NRC and, as stated in paragraph VI.B.2, the NRC would consider the information to be resolved within the meaning of § 52.63(a)(5). Because this information is not in the generic design control document, this information, or its equivalent, is required to be provided by an applicant for a license referencing this DC rule. Only the generic design control document is identified and incorporated by reference into this rule. The generic design control document and the NRC-approved version of the SUNSI and SGI must be maintained by the applicant (KEPCO/KHNP) for the period of time that appendix F to 10 CFR part 52 may be referenced.

Paragraphs X.A.2 and X.A.3 place recordkeeping requirements on an applicant or licensee that references this design certification so that its plant-specific design control document accurately reflects both generic changes to the generic design control document and plant-specific departures made under Section VIII. The term ''plant-specific'' is used in paragraph X.A.2 and other sections of appendix F to 10 CFR part 52 to distinguish between the generic design control document that is being incorporated by reference into appendix F to 10 CFR part 52, and the plant-specific design control document that the COL applicant is required to submit under paragraph IV.A. The requirement to maintain changes to the generic design control document is explicitly stated to ensure that these changes are not only reflected in the generic design control document, which will be maintained by the applicant for the design certification, but also in the plant-specific design control document. Therefore, records of generic changes to the design control document will be required to be maintained by both entities to ensure that both entities have up-to-date design control documents.

Paragraph X.A.4.a requires the DC rule applicant to maintain a copy of the aircraft impact assessment analysis for the term of the certification and any renewal. This provision, which is consistent with § 50.150(c)(3), would facilitate any NRC inspections of the assessment that the NRC decides to conduct. Similarly, paragraph X.A.4.b requires an applicant or licensee who references appendix F to 10 CFR part 52 to maintain a copy of the aircraft impact assessment performed to comply with the requirements of § 50.150(a) throughout the pendency of the application and for the term of the license and any renewal. This provision is consistent with § 50.150(c)(4). For all applicants and licensees, the supporting documentation retained should describe the methodology used in performing the assessment, including the identification of potential design features and functional capabilities to show that the acceptance criteria in § 50.150(a)(1) will be met.

Paragraph X.A does not place recordkeeping requirements on site-specific information that is outside the scope of this rule. As discussed in paragraph V.D of this document, the final safety analysis report required by § 52.79 will contain the plant-specific design control document and the site-specific information for a facility that references this rule. The phrase ''site-specific portion of the final safety analysis report'' in paragraph X.B.3.c refers to the information that is contained in the final safety analysis report for a facility (required by § 52.79) but is not part of the plant-specific design control document (required by paragraph IV.A). Therefore, this rule does not require that duplicate documentation be maintained by an applicant or licensee that references this rule because the plant-specific design control document is part of the final safety analysis report for the facility.

Paragraph X.B.1 requires applicants or licensees that reference this rule to submit reports that describe departures from the design control document and include a summary of the written evaluations. The requirement for the written evaluations is set forth in paragraph X.A.3. The frequency of the report submittals is set forth in paragraph X.B.3. The requirement for submitting a summary of the evaluations is similar to the requirement in § 50.59(d)(2).

Paragraph X.B.2 requires applicants or licensees that reference this rule to submit updates to the design control document, which include both generic changes and plant-specific departures, as set forth in paragraph X.B.3. The requirements in paragraph X.B.3 for submitting reports will vary according to certain time periods during a facility's lifetime. If a potential applicant for a COL that references this rule decides to depart from the generic design control document prior to submission of the application, then paragraph X.B.3.a will require that the updated design control document be submitted as part of the initial application for a license. Under paragraph X.B.3.b, the applicant may submit any subsequent updates to its plant-specific design control document along with its amendments to the application provided that the submittals are made at least once per year. Because amendments to an application are typically made more frequently than once a year, this should not be an excessive burden on the applicant.

Paragraph X.B.3.b also requires semi-annual submission of the reports required by paragraph X.B.1 throughout the period of application review and construction. The NRC will use the information in the reports to support planning for the NRC's inspection and oversight during this phase, when the licensee is conducting detailed design, procurement of components and equipment, construction, and preoperational testing. In addition, the NRC will use the information in making its finding on ITAAC under § 52.103(g), as well as any finding on interim operation under Section 189.a(1)(B)(iii) of the Atomic Energy Act of 1954, as amended. Once a facility begins operation (for a COL under 10 CFR part 52, after the Commission has made a finding under § 52.103(g)), the frequency of reporting will be governed by the requirements in paragraph X.B.3.c.

V. APR1400 Standard Design Approval

On March 8, 2018, as part of the submission of revision 2 of the design control document (ADAMS Accession No. ML18079A146), KEPCO/KHNP requested the NRC provide a final design approval for the APR1400 design. On August 13, 2018, as part of

the submission of revision 3 of the design control document (ADAMS Accession No. ML18228A680), KEPCO/KHNP corrected their request for a final design approval to a request for a standard design approval. A standard design approval for the APR1400, revision 3, was issued on September 28, 2018 (ADAMS Accession No. ML18261A187) following the NRC's issuance of the APR1400 final safety evaluation report.

The finality of standard design approvals is discussed in § 52.145. The standard design approval is valid for 15 years from the date of issuance, as described in § 52.147.

VI. Section-by-Section Analysis

The following paragraphs describe the specific changes in this direct final rule: Section 52.11, Information collection requirements: OMB approval.

In § 52.11, this direct final rule adds new appendix F to 10 CFR part 52 to the list of information collection requirements in paragraph (b) of this section.

Appendix F to Part 52—Design Certification Rule for the APR1400 Design

This direct final rule adds appendix F to 10 CFR part 52 to incorporate the APR1400 standard design into the NRC's regulations. Applicants or licensees intending to construct and operate a plant using an APR1400 design may do so by referencing the DC rule.

VII. Regulatory Flexibility Certification

Under the Regulatory Flexibility Act (5 U.S.C. 605(b)), the NRC certifies that this direct final rule does not have a significant economic impact on a substantial number of small entities. This direct final rule affects only the licensing and operation of nuclear power plants. The companies that own these plants do not fall within the scope of the definition of ''small entities'' set forth in the Regulatory Flexibility Act or the size standards established by the NRC (10 CFR 2.810).

VIII. Regulatory Analysis

The NRC has not prepared a regulatory analysis for this direct final rule. The NRC prepares regulatory analyses for rulemakings that establish generic regulatory requirements applicable to all licensees. Design certifications are not generic rulemakings in the sense that design certifications do not establish standards or requirements with which all licensees must comply. Rather, design certifications are NRC approvals of specific nuclear power plant designs by rulemaking, which then may be voluntarily referenced by applicants for COLs. Furthermore, an applicant for a design certification, rather than the NRC, initiates design certification rulemakings. Preparation of a regulatory analysis in this circumstance would not be useful because the design to be certified is proposed by the applicant, rather than the NRC. For these reasons, the NRC concludes that preparation of a regulatory analysis is neither required nor appropriate.

IX. Backfitting and Issue Finality

The NRC has determined that this direct final rule does not constitute a backfit as defined in the backfit rule (10 CFR 50.109), and it is not inconsistent with any applicable issue finality provision in 10 CFR part 52.

This initial DC rule does not constitute backfitting as defined in the backfit rule (10 CFR 50.109) because there are no existing operating licenses under 10 CFR part 50, COLs or manufacturing licenses under 10 CFR part 52 referencing this DC rule and because this DC rule does not modify the standard design approval for the APR1400.

This initial DC rule is not inconsistent with any applicable issue finality provision in 10 CFR part 52 because it does not impose new or changed requirements on existing DC rules in appendices A through E to 10 CFR part 52 or the standard design approval for APR1400, and no COLs or manufacturing licenses issued by the NRC at this time reference a final APR1400 DC rule.

For these reasons, neither a backfit analysis nor a discussion addressing the issue finality provisions in 10 CFR part 52 was prepared for this rule.

X. Voluntary Consensus Standards

The National Technology Transfer and Advancement Act of 1995, Public Law 104–113, requires that Federal agencies use technical standards that are developed or adopted by voluntary consensus standards bodies unless the use of such a standard is inconsistent with applicable law or otherwise impractical. In this direct final rule, the NRC certifies the APR1400 standard design for use in nuclear power plant licensing under 10 CFR parts 50 or 52. Design certifications are not generic rulemakings establishing a generally applicable standard with which all 10 CFR parts 50 and 52 nuclear power plant licensees must comply. Design certifications are Commission approvals of specific nuclear power plant designs by rulemaking. Furthermore, design certifications are initiated by an applicant for rulemaking, rather than by the NRC. This action does not constitute the establishment of a standard that contains generally applicable requirements.

XI. Plain Writing

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

XII. Environmental Assessment and Final Finding of No Significant Environmental Impact

The NRC has determined under the National Environmental Policy Act of 1969, as amended (NEPA), and the NRC's regulations in subpart A of 10 CFR part 51, that this direct final rule, if confirmed, would not be a major Federal action significantly affecting the quality of the human environment and, therefore, an environmental impact statement is not required. The NRC's generic determination in this regard is reflected in 10 CFR 51.32(b)(1). The basis for the NRC's categorical exclusion in this regard, as discussed in the 2007 final rule amending 10 CFR parts 51 and 52 (August 28, 2007; 72 FR 49352–49566), is based upon the following considerations. A DC rule does not authorize the siting, construction, or operation of a facility referencing any particular design; it only codifies the APR1400 design in a rule. The NRC will evaluate the environmental impacts and issue an environmental impact statement as appropriate under NEPA as part of the application for the construction and operation of a facility referencing any particular DC rule.

In addition, consistent with 10 CFR 51.30(d) and 10 CFR 51.32(b), the NRC has prepared a final environmental assessment (ADAMS Accession No. ML18306A607) for the APR1400 design addressing various design alternatives to prevent and mitigate severe accidents. The environmental assessment is based, in part, upon the NRC's review of KEPCO/KHNP's evaluation of various design alternatives to prevent and mitigate severe accidents in APR1400–E–P–NR–14006, Revision 2, ''Severe Accident Mitigation Design Alternatives (SAMDAs) for the APR1400'' (ML18235A158). Based upon review of KEPCO/KHNP's evaluation, the Commission concludes that: (1) KEPCO/KHNP identified a reasonably complete set of potential design alternatives to

prevent and mitigate severe accidents for the APR1400 design; (2) none of the potential design alternatives are justified on the basis of cost-benefit considerations; and (3) it is unlikely that other design changes would be identified and justified during the term of the design certification on the basis of cost-benefit considerations because the estimated core damage frequencies for the APR1400 are very low on an absolute scale. These issues are considered resolved for the APR1400 design. Based on its own independent evaluation, the NRC reached the same conclusion as KEPCO/KHNP that none of the possible candidate design alternatives are potentially cost beneficial for the APR1400 design. This independent evaluation was based on reasonable treatment of costs, benefits, and sensitivities. The NRC concludes that KEPCO/KHNP has adequately identified areas where risk potentially could be reduced in a cost-beneficial manner and adequately assessed whether the implementation of the identified potential severe accident mitigation design alternatives or candidate design alternatives would be cost-beneficial for the given site parameters. Therefore, the NRC finds that the evaluation performed by KEPCO/KHNP is reasonable and sufficient.

The determination of this environmental assessment is that there will be no significant offsite impact to the public from this action. The environmental assessment is available as indicated under Section XVI, ''Availability of Documents.''

XIII. Paperwork Reduction Act Statement

The burden to the public for the information collection(s) is estimated to average 37 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the information collection. Further information about information collection requirements associated with this direct final rule can be found in the companion proposed rule published in the Proposed Rule section in this issue of the **Federal Register**.

This direct final rule is being issued prior to approval by the Office of Management and Budget (OMB) of these information collection requirements, which were submitted under OMB control number 3150–XXXX. When OMB notifies the NRC of its decision, the NRC will publish a document in the **Federal Register** providing notice of the effective date of the information collections or, if approval is denied, providing notice of what action we plan to take.

Send comments on any aspect of these information collections, including suggestions for reducing the burden, to the Information Services Branch, U.S. Nuclear Regulatory Commission, Washington, District of Columbia 20555–0001, or by email to *INFOCOLLECTS.RESOURCE@NRC.GOV;* and to OMB Office of Information and Regulatory Affairs (3150–XXXX), Attn: Desk Officer for the Nuclear Regulatory Commission, 725 17th Street NW, Washington, District of Columbia 20503; email: *oira_submission@omb.eop.gov.*

Public Protection Notification

The NRC may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the document requesting or requiring the collection displays a currently valid OMB control number.

XIV. Congressional Review Act

This final rule is a rule as defined in the Congressional Review Act (5 U.S.C. 801–808). However, the Office of Management and Budget has not found it to be a major rule as defined in the Congressional Review Act.

XV. Agreement State Compatibility

Under the ''Policy Statement on Adequacy and Compatibility of Agreement States Programs,'' approved by the Commission on June 20, 1997, and published in the **Federal Register** (62 FR 46517; September 3, 1997), this rule is classified as compatibility ''NRC.'' Compatibility is not required for Category ''NRC'' regulations. The NRC program elements in this category are those that relate directly to areas of regulation reserved to the NRC by the Atomic Energy Act or the provisions of 10 CFR, and although an Agreement State may not adopt program elements reserved to the NRC, it may wish to inform its licensees of certain requirements by a mechanism that is consistent with a particular State's administrative procedure laws, but does not confer regulatory authority on the State.

XVI. Availability of Documents

The documents identified in the following table are available to interested persons through one or more of the following methods, as indicated.

DOCUMENTS RELATED TO APR1400 DESIGN CERTIFICATION RULE

Document	ADAMS Accession No./web link/ **Federal Register** citation
SECY–19–0020, ''Direct Final Rule—Advanced Power Reactor 1400 Design Certification (RIN 3150–AJ67; NRC–2015–0224)''	ML18302A069
KEPCO/KHNP Application for Design Certification of the APR1400 Design	ML15006A037
APR1400 Design Control Document, Revision 3	ML18228A667
APR1400 Final Safety Evaluation Report	ML18087A364
APR1400 Environmental Assessment	ML18306A607
APR1400 Standard Design Approval	ML18261A187
Regulatory History of Design Certification [3]	ML003761550
KEPCO/KHNP Topical and Technical Reports:	
APR1400–E–B–NR–16001–NP, Evaluation of Main Steam and Feedwater Piping Applied to the Graded Approach for the APR1400, Rev. 0 (July 2017)	ML18178A215
APR1400–E–B–NR–16002–NP, Evaluation of Safety Injection and Shutdown Cooling Piping Applied to the Graded Approach for the APR1400, Rev. 1 (May 2018)	ML18178A217
APR1400–E–I–NR–14001–NP, Human Factors Engineering Program Plan, Rev. 4 (July 2018)	ML18212A345
APR1400–E–I–NR–14002–NP, Operating Experience Review Implementation Plan, Rev. 2 (January 2018)	ML18081A101
APR1400–E–I–NR–14003–NP, Functional Requirements Analysis and Function Allocation Implementation Plan, Rev. 2 (January 2018)	ML18081A091

DOCUMENTS RELATED TO APR1400 DESIGN CERTIFICATION RULE—Continued

Document	ADAMS Accession No./web link/ **Federal Register** citation
APR1400–E–I–NR–14004–NP, Task Analysis Implementation Plan, Rev. 3 (May 2018)	ML18178A223
APR1400–E–I–NR–14006–NP, Treatment of Important Human Actions Implementation Plan, Rev. 3 (May 2018)	ML18178A224
APR1400–E–I–NR–14007–NP, Human-System Interface Design Implementation Plan, Rev. 3 (May 2018)	ML18178A212
APR1400–E–I–NR–14008–NP, Human Factors Verification and Validation Implementation Plan, Rev. 3 (May 2018)	ML18178A213
APR1400–E–I–NR–14010–NP, Human Factors Verification and Validation Scenarios, Rev. 2 (January 2018)	ML18081A088
APR1400–E–I–NR–14011–NP, Basic Human-System Interface, Rev. 3 (May 2018)	ML18178A214
APR1400–E–I–NR–14012–NP, Style Guide, Rev. 2 (January 2018)	ML18081A096
APR1400–E–J–NR–14001–NP, Component Interface Module, Rev. 1 (March 2017)	ML17094A131
APR1400–E–J–NR–17001–NP, Secure Development and Operational Environment for APR1400 Computer-Based I&C Safety Systems, Rev. 0 (September 2017)	ML18108A470
APR1400–E–N–NR–14001–NP, Design Features To Address GSI–191, Rev. 3 (February 2018)	ML18057B532
APR1400–E–P–NR–14005–NP, Evaluations and Design Enhancements To Incorporate Lessons Learned from Fukushima Dai-Ichi Nuclear Accident, Rev. 2 (July 2017)	ML18044B042
APR1400–E–S–NR–14004–NP, Evaluation of Effects of HRHF Response Spectra on SSCs, Rev. 3 (December 2017)	ML18078A709
APR1400–E–S–NR–14005–NP, Evaluation of Structure-Soil-Structure Interaction (SSSI) Effects, Rev. 2 (December 2017)	ML18078A699
APR1400–E–S–NR–14006–NP, Stability Check for NI Common Basemat, Rev. 5 (May 2018)	ML18178A221
APR1400–E–X–NR–14001–NP, Equipment Qualification Program, Rev. 4 (July 2018)	ML18214A563
APR1400–F–A–NR–14001–NP, Small Break LOCA Evaluation Model, Rev. 1 (March 2017)	ML17114A524
APR1400–F–A–NR–14003–NP, Post-LOCA Long Term Cooling Evaluation Model, Rev. 1 (March 2017)	ML17114A526
APR1400–F–A–TR–12004–NP–A, Realistic Evaluation Methodology for Large-Break LOCA of the APR1400 (August 2018)	ML18233A431
APR1400–F–C–NR–14001–NP, CPC Setpoint Analysis Methodology for APR1400, Rev. 3 (June 2018)	ML18199A563
APR1400–F–C–NR–14002–NP, Functional Design Requirements for a Core Operating Limit Supervisory System for APR1400, Rev. 1 (February 2017)	ML17094A132
APR1400–F–C–NR–14003–NP, Functional Design Requirements for a Core Protection Calculator System for APR1400, Rev. 1 (March 2017)	ML17114A522
APR1400–F–C–TR–12002–NP–A, KCE–1 Critical Heat Flux Correlation for PLUS7 Thermal Design (April 2017)	ML17115A559
APR1400–F–M–TR–13001–NP–A, PLUS7 Fuel Design for the APR1400 (August 2018)	ML18232A140
APR1400–H–N–NR–14005–NP, Summary Stress Report for Primary Piping, Rev. 2 (September 2016)	ML18178A218
APR1400–H–N–NR–14012–NP, Mechanical Analysis for New and Spent Fuel Storage Racks, Rev. 3 (August 2018)	ML17244A015
APR1400–K–I–NR–14005–NP, Staffing and Qualifications Implementation Plan, Rev. 1 (February 2017)	ML17094A152
APR1400–K–I–NR–14009–NP, Design Implementation Plan, Rev. 1 (February 2017)	ML17094A153
APR1400–K–Q–TR–11005–NP–A, KHNP Quality Assurance Program Description (QAPD) for the APR1400 Design Certification Rev. 2 (October 2016)	ML18085B044
APR1400–Z–A–NR–14006–NP, Non-LOCA Safety Analysis Methodology, Rev. 1 (February 2017)	ML17094A139
APR1400–Z–A–NR–14007–NP, Mass and Energy Release Methodologies for LOCA and MSLB, Rev. 2 (May 2018)	ML18212A338
APR1400–Z–A–NR–14011–NP, Criticality Analysis of New and Spent Fuel Storage Racks, Rev. 3 (May 2018)	ML18214A561
APR1400–Z–A–NR–14019–NP, CCF Coping Analysis, Rev. 3 (July 2018)	ML18225A340
APR1400–Z–J–NR–14001–NP, Safety I&C System, Rev. 3 (May 2018)	ML18212A341
APR1400–Z–J–NR–14002–NP, Diversity and Defense-in-Depth, Rev. 3 (May 2018)	ML18214A557
APR1400–Z–J–NR–14003–NP, Software Program Manual, Rev. 3 (May 2018)	ML18214A559
APR1400–Z–J–NR–14004–NP, Uncertainty Methodology and Application for Instrumentation, Rev. 2 (January 2018)	ML18086B757
APR1400–Z–J–NR–14005–NP, Setpoint Methodology for Safety-Related Instrumentation, Rev. 2 (January 2018)	ML18087A106
APR1400–Z–J–NR–14012–NP, Control System CCF Analysis, Rev. 3 (May 2018)	ML18212A343
APR1400–Z–J–NR–14013–NP, Response Time Analysis of Safety I&C System, Rev. 2 (January 2018)	ML18087A110
APR1400–Z–M–NR–14008–NP, Pressure-Temperature Limits Methodology for RCS Heatup and Cooldown, Rev. 1 (January 2018)	ML18087A112
APR1400–Z–M–TR–12003–NP–A, Fluidic Device Design for the APR1400 (April 2017)	ML17129A597
Westinghouse Topical and Technical Report:	
WCAP–10697–NP–A, Common Qualified Platform Topical Report, Rev. 3 (February 2013)	ML13112A108
WCAP–17889–NP (APR1400–A–N–NR–17001–NP), Validation of SCALE 6.1.2 with 238-Group ENDF/B–VII.0 Cross Section Library for APR1400 Design Certification, Rev. 0 (June 2014)	ML18044B051
Combustion Engineering, Inc. Technical Reports:	
CEN–312–NP, Overview Description of the Core Operating Limit Supervisory System (COLSS), Rev. 01–NP (November 1986)	ML19066A067
CEN–310–NP–A, CPC and Methodology Changes for the CPC Improvement Program (April 1986)	ML19066A085

The NRC may post materials related to this document, including public comments, on the Federal Rulemaking website at *https://www.regulations.gov* under Docket ID NRC–2015–0224. The Federal Rulemaking website allows you to receive alerts when changes or additions occur in a docket folder. To subscribe: (1) Navigate to the docket folder (NRC–2015–0224); (2) click the ''Sign up for Email Alerts'' link; and (3) enter your email address and select how

[3] The regulatory history of the NRC's design certification reviews is a package of documents that is available in the NRC's PDR and NRC Library. This history spans the period during which the NRC simultaneously developed the regulatory standards for reviewing these designs and the form and content of the rules that certified the designs.

frequently you would like to receive emails (daily, weekly, or monthly).

XVII. Procedures for Access to Proprietary and Safeguards Information for Preparation of Comments on the APR1400 Design Certification Rule

This section contains instructions regarding how the non-publicly available documents related to this rule, and specifically those listed in Table 1.6–1 and 1.6–2 beginning on page 1.6–2 of Tier 2 of the DCD, may be accessed by interested persons who wish to comment on the design certification. These documents contain proprietary information and safeguards information (SGI). Requirements for access to SGI are primarily set forth in 10 CFR parts 2 and 73. This section provides information specific to this rule; however, nothing in this section is intended to conflict with the SGI regulations.

Interested persons who desire access to proprietary information on the APR1400 design should first request access to that information from KEPCO/KHNP, the design certification applicant. A request for access should be submitted to the NRC if the applicant does not either grant or deny access by the 10-day deadline described in the following section.

One of the non-publicly available documents, APR1400–E–A–NR–14002–P–SGI, contains both proprietary information and SGI. If you need access to proprietary information in that document in order to develop comments within the scope of this rule, then your request for access should first be submitted to KEPCO/KHNP in accordance with the previous paragraph. By contrast, if you need access to the SGI in order to provide comments, then your request for access to the SGI must be submitted to the NRC as described further in this section. Therefore, if you need access to both proprietary information and SGI in that document then you should request access to the information in separate requests submitted to both KEPCO/KHNP and the NRC.

Submitting a Request to the NRC for Access

Within 10 days after publication of this rule, any individual or entity who believes access to proprietary information or SGI is necessary in order to submit comments on this APR1400 design certification rule may request access to such information. Requests for access to proprietary information or SGI submitted more than 10 days after publication of this document will not be considered absent a showing of good cause for the late filing explaining why the request could not have been filed earlier.

The requestor shall submit a letter requesting permission to access proprietary information and/or SGI to the Office of the Secretary, U.S. Nuclear Regulatory Commission, Attention: Rulemakings and Adjudications Staff, Washington, DC 20555–0001. The expedited delivery or courier mail address is: Office of the Secretary, U.S. Nuclear Regulatory Commission, Attention: Rulemakings and Adjudications Staff, 11555 Rockville Pike, Rockville, Maryland 20852. The email address for the Office of the Secretary is *rulemaking.comments@nrc.gov.* The requester must send a copy of the request to the design certification applicant at the same time as the original transmission to the NRC using the same method of transmission. Requests to the applicant must be sent to Yun-Ho Kim, President, KHNP Central Research Institute, 70, 1312-gil, Yuseong-daero, Yuseong-gu, Daejeon, 34101, Korea.

The request must include the following information:

1. The name of this design certification, APR1400 design certification; the rulemaking identification number, RIN 3150–AJ67; the rulemaking docket number, NRC–2015–0224; and the **Federal Register** citation for this rule.

2. The name, address, and email or FAX number of the requester.

3. If the requester is an entity, the name of the individual(s) to whom access is to be provided, including the identity of any expert, consultant, or assistant who will aid the requestor in evaluating the information.

4. If the request is for proprietary information, the requester's need for the information in order to prepare meaningful comments on the design certification must be demonstrated. Each of the following areas must be addressed with specificity:

a. The specific issue or subject matter on which the requester wishes to comment;

b. An explanation why information that is publicly available is insufficient to provide the basis for developing meaningful comment on the APR1400 design certification rule with respect to the issue or subject matter described in paragraph 4.a. of this section; and

c. The technical competence (demonstrable knowledge, skill, training or education) of the requestor to effectively utilize the requested proprietary information to provide the basis for meaningful comment. Technical competence may be shown by reliance on a qualified expert, consultant, or assistant who satisfies these criteria.

d. A chronology and discussion of the requester's attempts to obtain the information from the design certification applicant, and the final communication from the requester to the applicant and the applicant's response, if any was provided, with respect to the request for access to proprietary information must be submitted.

5. If the request is for SGI, a statement that explains each individual's ''need to know'' the SGI, as required by 10 CFR 73.2 and 10 CFR 73.22(b)(1). Consistent with the definition of ''need to know'' as stated in 10 CFR 73.2, the statement must explain:

a. The specific issue or subject matter on which the requester wishes to comment;

b. An explanation of why publicly available information is insufficient to provide the basis for developing meaningful comment on the design certification with respect to the issue or subject matter described in paragraph 5.a. of this section and why the SGI requested is indispensable in order to develop meaningful comments;[4] and

c. The technical competence (demonstrable knowledge, skill, training or education) of the requestor to effectively utilize the requested SGI to provide the basis and specificity for meaningful comment. Technical competence may be shown by reliance on a qualified expert, consultant, or assistant who satisfies these criteria.

d. A completed Form SF–85, ''Questionnaire for Non-Sensitive Positions,'' for each individual who would have access to SGI. The completed Form SF–85 will be used by the Office of Administration to conduct the background check required for access to SGI, as required by 10 CFR part 2, subpart C, and 10 CFR 73.22(b)(2), to determine the requestor's trustworthiness and reliability. For security reasons, Form SF–85 can only be submitted electronically through the electronic questionnaire for investigations processing (e-QIP) website, a secure website that is owned and operated by the Office of Personnel Management. To obtain online access to

[4] Broad SGI requests under these procedures are unlikely to meet the standard for need to know. Furthermore, NRC staff redaction of information from requested documents before their release may be appropriate to comport with this requirement. The procedures in this document do not authorize unrestricted disclosure or less scrutiny of a requester's need to know than ordinarily would be applied in connection with either adjudicatory or non-adjudicatory access to SGI.

the form, the requestor should contact the NRC's Office of Administration at 301–415–3710.[5]

e. A completed Form FD–258 (fingerprint card), signed in original ink, and submitted in accordance with 10 CFR 73.57(d). Copies of Form FD–258 may be obtained by writing the Office of Administrative Services, Mail Services Center, Mail Stop P1–37, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, or by email to *MAILSVC.Resource@nrc.gov.* The fingerprint card will be used to satisfy the requirements of 10 CFR part 2, subpart C, 10 CFR 73.22(b)(1), and Section 149 of the Atomic Energy Act of 1954, as amended, which mandates that all persons with access to SGI must be fingerprinted for an FBI identification and criminal history records check.

f. A check or money order in the amount of $357.00[6] payable to the U.S. Nuclear Regulatory Commission for each individual for whom the request for access has been submitted; and

g. If the requester or any individual who will have access to SGI believes they belong to one or more of the categories of individuals relieved from the criminal history records check and background check requirements, as stated in 10 CFR 73.59, the requester should also provide a statement specifically stating which relief the requester is invoking, and explaining the requester's basis (including supporting documentation) for believing that the relief is applicable. While processing the request, the NRC's Office of Administration, Personnel Security Branch, will make a final determination whether the stated relief applies. Alternatively, the requester may contact the Office of Administration for an evaluation of their status prior to submitting the request. Persons who are not subject to the background check are not required to complete the SF–85 or Form FD–258; however, all other requirements for access to SGI, including the need to know, are still applicable.

Copies of documents and materials required by paragraphs 5.d.–g., as applicable, of this section must be sent to the following address: Office of Administration, U.S. Nuclear Regulatory Commission, Personnel Security Branch, Mail Stop TWF–07D04M, 11555 Rockville Pike, Rockville, MD 20852. These documents and materials should not be included with the request letter to the Office of the Secretary, but the request letter should state that the forms and fees have been submitted as required.

To avoid delays in processing requests for access to SGI, all forms should be reviewed for completeness and accuracy (including legibility) before submitting them to the NRC. The NRC will return incomplete or illegible packages to the sender without processing.

Based on an evaluation of the information submitted under paragraphs 4.a.–4.d. or 5.a.–g. of this section, as applicable, the NRC staff will determine within 10 days of receipt of the written access request whether the requester has established a legitimate need for access to proprietary information or need to know the SGI requested.

Determination of Legitimate Need for Access

For proprietary information access requests, if the NRC staff determines that the requester has established a legitimate need for access to proprietary information, the NRC staff will notify the requester in writing that access to proprietary information has been granted. The NRC staff must first notify the design certification applicant of the staff's determination to grant access to the requester not less than 10 days before informing the requester of the staff's decision. If the applicant wishes to challenge the NRC staff's determination, it must follow the procedures in Predisclosure Procedures for Proprietary Information Constituting Trade Secrets or Confidential Commercial or Financial Information of this section. The NRC staff will not provide access to disputed proprietary information to the requester until the procedures are completed as described in Predisclosure Procedures for Proprietary Information Constituting Trade Secrets or Confidential Commercial or Financial Information of this section. The written notification will contain instructions on how the requestor may obtain copies of the requested documents, and any other conditions that may apply to access to those documents. These conditions may include, but are not limited to, the signing of a Non-Disclosure Agreement or Affidavit setting forth terms and conditions to prevent the unauthorized or inadvertent disclosure of proprietary information by each individual who will be granted access.

For requests for access to SGI, if the NRC staff determines that the requester has established a need to know the SGI, the NRC's Office of Administration will then determine, based upon completion of the background check, whether the proposed recipient is trustworthy and reliable, as required for access to SGI by 10 CFR 73.22(b). If the NRC's Office of Administration determines that the individual or individuals are trustworthy and reliable, the NRC will promptly notify the requester in writing. The notification will provide the names of approved individuals as well as the conditions under which the SGI will be provided. Those conditions may include, but are not limited to, the signing of a Non-Disclosure Agreement or Affidavit by each individual who will be granted access to SGI.

Release and Storage of SGI

Prior to providing SGI to the requester, the NRC staff will conduct (as necessary) an inspection to confirm that the recipient's information protection system is sufficient to satisfy the requirements of 10 CFR 73.22. Alternatively, recipients may opt to view SGI at an approved SGI storage location rather than establish their own SGI protection program to meet SGI protection requirements.

Filing of Comments on the APR1400 Design Certification Rule Based on Non-Public Information

Any comments in this rulemaking proceeding that are based upon the disclosed proprietary information or SGI must be filed by the requester no later than 25 days after receipt of (or access to) that information, or the close of the public comment period, whichever is later. The commenter must comply with all NRC requirements regarding the submission of proprietary information and SGI to the NRC when submitting comments to the NRC (including marking and transmission requirements).

Review of Denials of Access

If the request for access to proprietary information or SGI is denied by the NRC staff, the NRC staff shall promptly notify the requester in writing, briefly stating the reason or reasons for the denial.

Before the Office of Administration makes a final adverse determination regarding the trustworthiness and reliability of the proposed recipient(s) for access to SGI, the Office of Administration, in accordance with 10 CFR 2.336(f)(1)(iii), must provide the proposed recipient(s) any records that were considered in the trustworthiness and reliability determination, including those required to be provided under 10 CFR 73.57(e)(1), so that the proposed recipient(s) have an opportunity to correct or explain the record.

[5] The requester will be asked to provide his or her full name, social security number, date and place of birth, telephone number, and email address.

[6] This fee is subject to change pursuant to the Office of Personnel Management's adjustable billing rates.

Appeals from a denial of access must be made to the NRC's Executive Director for Operations (EDO) under 10 CFR 9.29. The decision of the EDO constitutes final agency action under 10 CFR 9.29(d).

Predisclosure Procedures for Proprietary Information Constituting Trade Secrets or Confidential Commercial or Financial Information

The NRC will follow the procedures in 10 CFR 9.28 if the NRC staff determines, under the Determination of Legitimate Need for Access of this section, that access to proprietary information constituting trade secrets or confidential commercial or financial information will be provided to the requester. However, any objection filed by the applicant under 10 CFR 9.28(b) must be filed within 15 days of the NRC staff notice in the Determination of Legitimate Need for Access of this section rather than the 30-day period provided for under 10 CFR 9.28(b). In applying the provisions of 10 CFR 9.28, the applicant for the design certification rule will be treated as the ''submitter.''

XVIII. Incorporation by Reference—Reasonable Availability to Interested Parties

The NRC is incorporating by reference the APR1400 design control document, revision 3. As described in the ''Discussion'' section of this document, the generic design control document combined into a single document Tier 1 and Tier 2 information (including the technical and topical reports referenced in Chapter 1) and generic technical specifications in order to effectively control this information and facilitate its incorporation by reference into the rule.

The NRC is required by law to obtain approval for incorporation by reference from the Office of the Federal Register (OFR). The OFR's requirements for incorporation by reference are set forth in 1 CFR part 51. The OFR regulations require an agency to include in a direct final rule a discussion of the ways that the materials the agency incorporates by reference are reasonably available to interested parties or how it worked to make those materials reasonably available to interested parties. The discussion in this section complies with the requirement for direct final rules as set forth in 1 CFR 51.5(b)(2).

The NRC considers ''interested parties'' to include all potential NRC stakeholders, not only the individuals and entities regulated or otherwise subject to the NRC's regulatory oversight. These NRC stakeholders are not a homogenous group but vary with respect to the considerations for determining reasonable availability. Therefore, the NRC distinguishes between different classes of interested parties for the purposes of determining whether the material is ''reasonably available.'' The NRC considers the following to be classes of interested parties in NRC rulemakings with regard to the material to be incorporated by reference:

- Individuals and small entities regulated or otherwise subject to the NRC's regulatory oversight (this class also includes applicants and potential applicants or licenses and other NRC regulatory approvals) and who are subject to the material to be incorporated by reference by rulemaking. In this context, ''small entities'' has the same meaning as a ''small entity'' under 10 CFR 2.810.
- Large entities otherwise subject to the NRC's regulatory oversight (this class also includes applicants and potential applicants for licenses and other NRC regulatory approvals) and who are subject to the material to be incorporated by reference by rulemaking. In this context, ''large entities'' are those that do not qualify as a ''small entity'' under 10 CFR 2.810.
- Non-governmental organizations with institutional interests in the matters regulated by the NRC.
- Other Federal agencies, states, local governmental bodies (within the meaning of 10 CFR 2.315(c)).
- Federally-recognized and State-recognized [7] Indian tribes.
- Members of the general public (*i.e.,* individual, unaffiliated members of the public who are not regulated or otherwise subject to the NRC's regulatory oversight) who may wish to gain access to the materials which the NRC incorporates by reference by rulemaking in order to participate in the rulemaking process.

The NRC makes the materials incorporated by reference available for inspection to all interested parties, by appointment, at the NRC Technical Library, which is located at Two White Flint North, 11545 Rockville Pike, Rockville, Maryland 20852; telephone: 301–415–7000; email: *Library.Resource@nrc.gov.* In addition, as described in Section XVI of this notice, documents related to this rule are available online in the NRC's Agencywide Documents Access and Management System (ADAMS) Public Documents collection at *https://www.nrc.gov/reading-rm/adams.html.*

[7] State-recognized Indian tribes are not within the scope of 10 CFR 2.315(c). However, for purposes of the NRC's compliance with 1 CFR 51.5, ''interested parties'' includes a broad set of stakeholders, including State-recognized Indian tribes.

The NRC concludes that the materials the NRC is incorporating by reference in this rule are reasonably available to all interested parties because the materials are available to all interested parties in multiple ways and in a manner consistent with their interest in the materials.

List of Subjects in 10 CFR Part 52

Administrative practice and procedure, Antitrust, Combined license, Early site permit, Emergency planning, Fees, Incorporation by reference, Inspection, Issue finality, Limited work authorization, Nuclear power plants and reactors, Probabilistic risk assessment, Prototype, Reactor siting criteria, Redress of site, Penalties, Reporting and recordkeeping requirements, Standard design, Standard design certification.

For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended; the Energy Reorganization Act of 1974, as amended; the Nuclear Waste Policy Act of 1982, as amended; and 5 U.S.C. 552 and 553, the NRC is amending 10 CFR part 52 as follows:

PART 52—LICENSES, CERTIFICATIONS, AND APPROVALS FOR NUCLEAR POWER PLANTS

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

Authority: Atomic Energy Act of 1954, secs. 103, 104, 147, 149, 161, 181, 182, 183, 185, 186, 189, 223, 234 (42 U.S.C. 2133, 2134, 2167, 2169, 2201, 2231, 2232, 2233, 2235, 2236, 2239, 2273, 2282); Energy Reorganization Act of 1974, secs. 201, 202, 206, 211 (42 U.S.C. 5841, 5842, 5846, 5851); 44 U.S.C. 3504 note.

§ 52.11 [Amended]

■ 2. In § 52.11, paragraph (b), add ''F,'' after ''E,''.

■ 3. Add appendix F to part 52 to read as follows:

Appendix F to Part 52—Design Certification Rule for the APR1400 Design

I. Introduction

Appendix F constitutes the standard design certification for the Advanced Power Reactor 1400 (APR1400) design, in accordance with 10 CFR part 52, subpart B. The applicant for certification of the APR1400 design is Korea Electric Power Corporation and Korea Hydro & Nuclear Power Co., Ltd. (KEPCO/KHNP).

II. Definitions

A. *Generic design control document (generic DCD)* means the document containing the Tier 1 and Tier 2 information (including the technical and topical reports referenced in Chapter 1) and generic

technical specifications that is incorporated by reference into this appendix.

B. *Generic technical specifications (generic TS)* means the information required by 10 CFR 50.36 and 50.36a for the portion of the plant that is within the scope of this appendix.

C. *Plant-specific DCD* means that portion of the combined license (COL) final safety analysis report that sets forth both the generic DCD information and any plant-specific changes to generic DCD information.

D. *Tier 1* means the portion of the design-related information contained in the generic DCD that is approved and certified by this appendix (Tier 1 information). The design descriptions, interface requirements, and site parameters are derived from Tier 2 information. Tier 1 information includes:

1. Definitions and general provisions;
2. Design descriptions;
3. Inspections, tests, analyses, and acceptance criteria (ITAAC);
4. Significant site parameters; and
5. Significant interface requirements.

E. *Tier 2* means the portion of the design-related information contained in the generic DCD that is approved but not certified by this appendix (Tier 2 information). Compliance with Tier 2 is required, but generic changes to and plant-specific departures from Tier 2 are governed by Section VIII of this appendix. Compliance with Tier 2 provides a sufficient, but not the only acceptable, method for complying with Tier 1. Compliance methods differing from Tier 2 must satisfy the change process in Section VIII of this appendix. Regardless of these differences, an applicant or licensee must meet the requirement in paragraph III.B of this appendix to reference Tier 2 when referencing Tier 1. Tier 2 information includes:

1. Information required by § 52.47(a) and (c), with the exception of generic TS and conceptual design information;
2. Supporting information on the inspections, tests, and analyses that will be performed to demonstrate that the acceptance criteria in the ITAAC have been met; and
3. COL Items (COL license information), which identify certain matters that must be addressed in the site-specific portion of the final safety analysis report by an applicant who references this appendix. These items constitute information requirements but are not the only acceptable set of information in the final safety analysis report. An applicant may depart from or omit these items, provided that the departure or omission is identified and justified in the final safety analysis report. After issuance of a construction permit or COL, these items are not requirements for the licensee unless such items are restated in the final safety analysis report.

F. *Departure from a method of evaluation described in the plant-specific DCD used in establishing the design bases or in the safety analyses* means:

1. Changing any of the elements of the method described in the plant-specific DCD unless the results of the analysis are conservative or essentially the same; or
2. Changing from a method described in the plant-specific DCD to another method unless that method has been approved by the NRC for the intended application.

G. All other terms in this appendix have the meaning set out in 10 CFR 50.2, 10 CFR 52.1, or Section 11 of the Atomic Energy Act of 1954, as amended, as applicable.

III. Scope and Contents

A. Incorporation by reference approval. The APR1400 material is approved for incorporation by reference by the Director of the Office of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. You may obtain copies of the generic DCD from Yun-Ho Kim, President, KHNP Central Research Institute, 70, 1312-gil, Yuseong-daero, Yuseong-gu, Daejeon, 34101, Korea. You can view the generic DCD online in the NRC Library at *https://www.nrc.gov/reading-rm/adams.html.* In ADAMS, search under ADAMS Accession No. ML18228A667. If you do not have access to ADAMS or if you have problems accessing documents located in ADAMS, contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, at 301–415–3747, or by email at *PDR.Resource@nrc.gov.* Copies of this document are available for examination and copying at the NRC's PDR located at Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852. Copies are also available for examination at the NRC Library located at Two White Flint North, 11545 Rockville Pike, Rockville, Maryland 20852, telephone: 301–415–5610, email: *Library.Resource@nrc.gov.* All approved material is available for inspection 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 *https://www.archives.gov/federal-register/cfr/ibrlocations.html.*

1. Korea Electric Power Corporation and Korea Hydro & Nuclear Power Co, Ltd

a. APR1400 Design Control Document Tier 1 (APR1400–K–X–IT–14001–NP), Revision 3 (August 2018).

b. APR1400 Design Control Document Tier 2 (APR1400–K–X–FS–14002–NP), Revision 3 (August 2018), including:

i. Chapter 1, Introduction and General Description of the Plant.

ii. Chapter 2, Site Characteristics.

iii. Chapter 3, Design of Structures, Systems, Components, and Equipment.

iv. Chapter 4, Reactor.

v. Chapter 5, Reactor Coolant System and Connecting Systems.

vi. Chapter 6, Engineered Safety Features.

vii. Chapter 7, Instrumentation and Controls.

viii. Chapter 8, Electric Power.

ix. Chapter 9, Auxiliary Systems.

x. Chapter 10, Steam and Power Conversion System.

xi. Chapter 11, Radioactive Waste Management.

xii. Chapter 12, Radiation Protection.

xiii. Chapter 13, Conduct of Operations.

xiv. Chapter 14, Verification Programs.

xv. Chapter 15, Transient and Accident Analyses.

xvi. Chapter 16, Technical Specifications.

xvii. Chapter 17, Quality Assurance and Reliability Assurance.

xviii. Chapter 18, Human Factors Engineering.

xix. Chapter 19, Probabilistic Risk Assessment and Severe Accident Evaluation.

c. APR1400–E–B–NR–16001–NP, Evaluation of Main Steam and Feedwater Piping Applied to the Graded Approach for the APR1400, Rev. 0 (July 2017).

d. APR1400–E–B–NR–16002–NP, Evaluation of Safety Injection and Shutdown Cooling Piping Applied to the Graded Approach for the APR1400, Rev. 1 (May 2018).

e. APR1400–E–I–NR–14001–NP, Human Factors Engineering Program Plan, Rev. 4 (July 2018).

f. APR1400–E–I–NR–14002–NP, Operating Experience Review Implementation Plan, Rev. 2 (January 2018).

g. APR1400–E–I–NR–14003–NP, Functional Requirements Analysis and Function Allocation Implementation Plan, Rev. 2 (January 2018).

h. APR1400–E–I–NR–14004–NP, Task Analysis Implementation Plan, Rev. 3 (May 2018).

i. APR1400–E–I–NR–14006–NP, Treatment of Important Human Actions Implementation Plan, Rev. 3 (May 2018).

j. APR1400–E–I–NR–14007–NP, Human-System Interface Design Implementation Plan, Rev. 3 (May 2018).

k. APR1400–E–I–NR–14008–NP, Human Factors Verification and Validation Implementation Plan, Rev. 3 (May 2018).

l. APR1400–E–I–NR–14010–NP, Human Factors Verification and Validation Scenarios, Rev. 2 (January 2018).

m. APR1400–E–I–NR–14011–NP, Basic Human-System Interface, Rev. 3 (May 2018).

n. APR1400–E–I–NR–14012–NP, Style Guide, Rev. 2 (January 2018).

o. APR1400–E–J–NR–14001–NP, Component Interface Module, Rev. 1 (March 2017).

p. APR1400–E–J–NR–17001–NP, Secure Development and Operational Environment for APR1400 Computer-Based I&C Safety Systems, Rev. 0 (September 2017).

q. APR1400–E–N–NR–14001–NP, Design Features To Address GSI–191, Rev. 3 (February 2018).

r. APR1400–E–P–NR–14005–NP, Evaluations and Design Enhancements To Incorporate Lessons Learned from Fukushima Dai-Ichi Nuclear Accident, Rev. 2 (July 2017).

s. APR1400–E–S–NR–14004–NP, Evaluation of Effects of HRHF Response Spectra on SSCs, Rev. 3 (December 2017).

t. APR1400–E–S–NR–14005–NP, Evaluation of Structure-Soil-Structure Interaction (SSSI) Effects, Rev. 2 (December 2017).

u. APR1400–E–S–NR–14006–NP, Stability Check for NI Common Basemat, Rev. 5 (May 2018).

v. APR1400–E–X–NR–14001–NP, Equipment Qualification Program, Rev. 4 (July 2018).

w. APR1400–F–A–NR–14001–NP, Small Break LOCA Evaluation Model, Rev. 1 (March 2017).

x. APR1400–F–A–NR–14003–NP, Post-LOCA Long Term Cooling Evaluation Model, Rev. 1 (March 2017).

y. APR1400–F–A–TR–12004–NP–A, Realistic Evaluation Methodology for Large-Break LOCA of the APR1400 (August 2018).

z. APR1400–F–C–NR–14001–NP, CPC Setpoint Analysis Methodology for APR1400, Rev. 3 (June 2018).

aa. APR1400–F–C–NR–14002–NP, Functional Design Requirements for a Core Operating Limit Supervisory System for APR1400, Rev. 1 (February 2017).

ab. APR1400–F–C–NR–14003–NP, Functional Design Requirements for a Core Protection Calculator System for APR1400, Rev. 1 (March 2017).

ac. APR1400–F–C–TR–12002–NP–A, KCE–1 Critical Heat Flux Correlation for PLUS7 Thermal Design (April 2017).

ad. APR1400–F–M–TR–13001–NP–A, PLUS7 Fuel Design for the APR1400 (August 2018).

ae. APR1400–H–N–NR–14005–NP, Summary Stress Report for Primary Piping, Rev. 2 (September 2016).

af. APR1400–H–N–NR–14012–NP, Mechanical Analysis for New and Spent Fuel Storage Racks, Rev. 3 (August 2017).

ag. APR1400–K–I–NR–14005–NP, Staffing and Qualifications Implementation Plan, Rev. 1 (February 2017).

ah. APR1400–K–I–NR–14009–NP, Design Implementation Plan, Rev. 1 (February 2017).

ai. APR1400–K–Q–TR–11005–NP–A, KHNP Quality Assurance Program Description (QAPD) for the APR1400 Design Certification, Rev. 2 (October 2016).

aj. APR1400–Z–A–NR–14006–NP, Non-LOCA Safety Analysis Methodology, Rev. 1 (February 2017).

ak. APR1400–Z–A–NR–14007–NP, Mass and Energy Release Methodologies for LOCA and MSLB, Rev. 2 (May 2018).

al. APR1400–Z–A–NR–14011–NP, Criticality Analysis of New and Spent Fuel Storage Racks, Rev. 3 (May 2018).

am. APR1400–Z–A–NR–14019–NP, CCF Coping Analysis, Rev. 3 (July 2018).

an. APR1400–Z–J–NR–14001–NP, Safety I&C System, Rev. 3 (May 2018).

ao. APR1400–Z–J–NR–14002–NP, Diversity and Defense-in-Depth, Rev. 3 (May 2018).

ap. APR1400–Z–J–NR–14003–NP, Software Program Manual, Rev. 3 (May 2018).

aq. APR1400–Z–J–NR–14004–NP, Uncertainty Methodology and Application for Instrumentation, Rev. 2 (January 2018).

ar. APR1400–Z–J–NR–14005–NP, Setpoint Methodology for Safety-Related Instrumentation, Rev. 2 (January 2018).

as. APR1400–Z–J–NR–14012–NP, Control System CCF Analysis, Rev. 3 (May 2018).

at. APR1400–Z–J–NR–14013–NP, Response Time Analysis of Safety I&C System, Rev. 2 (January 2018).

au. APR1400–Z–M–NR–14008–NP, Pressure-Temperature Limits Methodology for RCS Heatup and Cooldown, Rev. 1 (January 2018).

av. APR1400–Z–M–TR–12003–NP–A, Fluidic Device Design for the APR1400 (April 2017).

2. Combustion Engineering, Inc.

a. CEN–310–NP–A, CPC and Methodology Changes for the CPC Improvement Program (April 1986).

b. CEN–312–NP, Overview Description of the Core Operating Limit Supervisory System (COLSS), Rev. 01–NP (November 1986).

3. Westinghouse

a. WCAP–10697–NP–A, Common Qualified Platform Topical Report, Rev. 3 (February 2013).

b. WCAP–17889–NP (APR1400–A–N–NR–17001–NP), Validation of SCALE 6.1.2 with 238-Group ENDF/B–VII.0 Cross Section Library for APR1400 Design Certification, Rev. 0 (June 2014).

B. An applicant or licensee referencing this appendix, in accordance with Section IV of this appendix, shall incorporate by reference and comply with the requirements of this appendix except as otherwise provided in this appendix.

C. If there is a conflict between Tier 1 and Tier 2 of the DCD, then Tier 1 controls.

D. If there is a conflict between the generic DCD and either the application for the design certification of the APR1400 design or the NUREG, ''Final Safety Evaluation Report Related to Certification of the APR1400 Standard Design,'' then the generic DCD controls.

E. Design activities for structures, systems, and components that are entirely outside the scope of this appendix may be performed using site characteristics, provided the design activities do not affect the DCD or conflict with the interface requirements.

IV. Additional Requirements and Restrictions

A. An applicant for a COL that wishes to reference this appendix shall, in addition to complying with the requirements of §§ 52.77, 52.79, and 52.80, comply with the following requirements:

1. Incorporate by reference, as part of its application, this appendix.

2. Include, as part of its application:

a. A plant-specific DCD containing the same type of information and using the same organization and numbering as the generic DCD for the APR1400 design, either by including or incorporating by reference the generic DCD information, and as modified and supplemented by the applicant's exemptions and departures;

b. The reports on departures from and updates to the plant-specific DCD required by paragraph X.B of this appendix;

c. Plant-specific TS, consisting of the generic and site-specific TS that are required by 10 CFR 50.36 and 50.36a;

d. Information demonstrating that the site characteristics fall within the site parameters and that the interface requirements have been met;

e. Information that addresses the COL items; and

f. Information required by § 52.47(a) that is not within the scope of this appendix.

3. Include, in the plant-specific DCD, the sensitive, unclassified, non-safeguards information (including proprietary information and security-related information) and safeguards information referenced in the APR1400 generic DCD.

4. Include, as part of its application, a demonstration that an entity other than KEPCO/KHNP is qualified to supply the APR1400 design, unless KEPCO/KHNP supplies the design for the applicant's use.

B. The Commission reserves the right to determine in what manner this appendix may be referenced by an applicant for a construction permit or operating license under 10 CFR part 50.

V. Applicable Regulations

A. Except as indicated in paragraph B of this section, the regulations that apply to the APR1400 design are in 10 CFR parts 20, 50, 52, 73, and 100, codified as of September 19, 2019, that are applicable and technically relevant, as described in the final safety evaluation report.

B. The APR1400 design is exempt from portions of the following regulations:

1. Paragraph (f)(2)(iv) of 10 CFR 50.34—Contents of Applications: Technical Information—codified as of September 19, 2019.

VI. Issue Resolution

A. The Commission has determined that the structures, systems, and components and design features of the APR1400 design comply with the provisions of the Atomic Energy Act of 1954, as amended, and the applicable regulations identified in Section V of this appendix; and therefore, provide adequate protection to the health and safety of the public. A conclusion that a matter is resolved includes the finding that additional or alternative structures, systems, and components, design features, design criteria, testing, analyses, acceptance criteria, or justifications are not necessary for the APR1400 design.

B. The Commission considers the following matters resolved within the meaning of § 52.63(a)(5) in subsequent proceedings for issuance of a COL, amendment of a COL, or renewal of a COL, proceedings held under § 52.103, and enforcement proceedings involving plants referencing this appendix:

1. All nuclear safety issues associated with the information in the final safety evaluation report, Tier 1, Tier 2, and the rulemaking record for certification of the APR1400 design, with the exception of generic TS and other operational requirements;

2. All nuclear safety and safeguards issues associated with the referenced information in the 53 non-public documents in Tables 1.6–1 and 1.6–2 of Tier 2 of the DCD, which contain sensitive unclassified non-safeguards information (including proprietary information and security-related information) and safeguards information and which, in context, are intended as requirements in the generic DCD for the APR1400 design;

3. All generic changes to the DCD under and in compliance with the change processes in paragraphs VIII.A.1 and VIII.B.1 of this appendix;

4. All exemptions from the DCD under and in compliance with the change processes in paragraphs VIII.A.4 and VIII.B.4 of this appendix, but only for that plant;

5. All departures from the DCD that are approved by license amendment, but only for that plant;

6. Except as provided in paragraph VIII.B.5.f of this appendix, all departures from Tier 2 under and in compliance with the change processes in paragraph VIII.B.5 of this appendix that do not require prior NRC approval, but only for that plant; and

7. All environmental issues concerning severe accident mitigation design alternatives associated with the information in the NRC's environmental assessment for the APR1400 design (ADAMS Accession No. ML18306A607) and APR1400–E–P–NR–14006, Revision 2, ''Severe Accident Mitigation Design Alternatives (SAMDAs) for the APR1400'' (ML18235A158) for plants referencing this appendix whose site characteristics fall within those site parameters specified in APR1400–E–P–NR–14006.

C. The Commission does not consider operational requirements for an applicant or licensee who references this appendix to be matters resolved within the meaning of § 52.63(a)(5). The Commission reserves the right to require operational requirements for an applicant or licensee who references this appendix by rule, regulation, order, or license condition.

D. Except under the change processes in Section VIII of this appendix, the Commission may not require an applicant or licensee who references this appendix to:

1. Modify structures, systems, components, or design features as described in the generic DCD;

2. Provide additional or alternative structures, systems, components, or design features not discussed in the generic DCD; or

3. Provide additional or alternative design criteria, testing, analyses, acceptance criteria, or justification for structures, systems, components, or design features discussed in the generic DCD.

E. The NRC will specify, at an appropriate time, the procedures to be used by an interested person who wishes to review portions of the design certification or references containing safeguards information or sensitive unclassified non-safeguards information (including proprietary information, such as trade secrets and commercial or financial information obtained from a person that are privileged or confidential (10 CFR 2.390 and 10 CFR part 9), and security-related information), for the purpose of participating in the hearing required by § 52.85, the hearing provided under § 52.103, or in any other proceeding relating to this appendix, in which interested persons have a right to request an adjudicatory hearing.

VII. Duration of This Appendix

This appendix may be referenced for a period of 15 years from September 19, 2019, except as provided for in §§ 52.55(b) and 52.57(b). This appendix remains valid for an applicant or licensee who references this appendix until the application is withdrawn or the license expires, including any period of extended operation under a renewed license.

VIII. Processes for Changes and Departures

A. Tier 1 Information

1. Generic changes to Tier 1 information are governed by the requirements in § 52.63(a)(1).

2. Generic changes to Tier 1 information are applicable to all applicants or licensees who reference this appendix, except those for which the change has been rendered technically irrelevant by action taken under paragraphs A.3 or A.4 of this section.

3. Departures from Tier 1 information that are required by the Commission through plant-specific orders are governed by the requirements in § 52.63(a)(4).

4. Exemptions from Tier 1 information are governed by the requirements in §§ 52.63(b)(1) and 52.98(f). The Commission will deny a request for an exemption from Tier 1, if it finds that the design change will result in a significant decrease in the level of safety otherwise provided by the design.

B. Tier 2 Information

1. Generic changes to Tier 2 information are governed by the requirements in § 52.63(a)(1).

2. Generic changes to Tier 2 information are applicable to all applicants or licensees who reference this appendix, except those for which the change has been rendered technically irrelevant by action taken under paragraphs B.3, B.4, or B.5, of this section.

3. The Commission may not require new requirements on Tier 2 information by plant-specific order, while this appendix is in effect under § 52.55 or § 52.61, unless:

a. A modification is necessary to secure compliance with the Commission's regulations applicable and in effect at the time this appendix was approved, as set forth in Section V of this appendix, or to ensure adequate protection of the public health and safety or the common defense and security; and

b. Special circumstances as defined in 10 CFR 50.12(a) are present.

4. An applicant or licensee who references this appendix may request an exemption from Tier 2 information. The Commission may grant such a request only if it determines that the exemption will comply with the requirements of 10 CFR 50.12(a). The Commission will deny a request for an exemption from Tier 2, if it finds that the design change will result in a significant decrease in the level of safety otherwise provided by the design. The granting of an exemption to an applicant must be subject to litigation in the same manner as other issues material to the license hearing. The granting of an exemption to a licensee must be subject to an opportunity for a hearing in the same manner as license amendments.

5.a. An applicant or licensee who references this appendix may depart from Tier 2 information, without prior NRC approval, unless the proposed departure involves a change to or departure from Tier 1 information, or the TS, or requires a license amendment under paragraph B.5.b or B.5.c of this section. When evaluating the proposed departure, an applicant or licensee shall consider all matters described in the plant-specific DCD.

b. A proposed departure from Tier 2, other than one affecting resolution of a severe accident issue identified in the plant-specific DCD or one affecting information required by § 52.47(a)(28) to address aircraft impacts, requires a license amendment if it would:

(1) Result in more than a minimal increase in the frequency of occurrence of an accident previously evaluated in the plant-specific DCD;

(2) Result in more than a minimal increase in the likelihood of occurrence of a malfunction of a structure, system, or component important to safety and previously evaluated in the plant-specific DCD;

(3) Result in more than a minimal increase in the consequences of an accident previously evaluated in the plant-specific DCD;

(4) Result in more than a minimal increase in the consequences of a malfunction of a structure, system, or component important to safety previously evaluated in the plant-specific DCD;

(5) Create a possibility for an accident of a different type than any evaluated previously in the plant-specific DCD;

(6) Create a possibility for a malfunction of a structure, system, or component important to safety with a different result than any evaluated previously in the plant-specific DCD;

(7) Result in a design-basis limit for a fission product barrier as described in the plant-specific DCD being exceeded or altered; or

(8) Result in a departure from a method of evaluation described in the plant-specific DCD used in establishing the design bases or in the safety analyses.

c. A proposed departure from Tier 2, affecting resolution of an ex-vessel severe accident design feature identified in the plant-specific DCD, requires a license amendment if:

(1) There is a substantial increase in the probability of an ex-vessel severe accident such that a particular ex-vessel severe accident previously reviewed and determined to be not credible could become credible; or

(2) There is a substantial increase in the consequences to the public of a particular ex-vessel severe accident previously reviewed.

d. A proposed departure from Tier 2 information required by § 52.47(a)(28) to address aircraft impacts shall consider the effect of the changed design feature or functional capability on the original aircraft impact assessment required by 10 CFR 50.150(a). The applicant or licensee shall describe, in the plant-specific DCD, how the modified design features and functional capabilities continue to meet the aircraft impact assessment requirements in 10 CFR 50.150(a)(1).

e. If a departure requires a license amendment under paragraph B.5.b or B.5.c of this section, it is governed by 10 CFR 50.90.

f. A departure from Tier 2 information that is made under paragraph B.5 of this section does not require an exemption from this appendix.

g. A party to an adjudicatory proceeding for either the issuance, amendment, or renewal of a license or for operation under § 52.103(a), who believes that an applicant or licensee who references this appendix has not complied with paragraph VIII.B.5 of this appendix when departing from Tier 2 information, may petition to admit into the proceeding such a contention. In addition to complying with the general requirements of 10 CFR 2.309, the petition must demonstrate that the departure does not comply with

paragraph VIII.B.5 of this appendix. Further, the petition must demonstrate that the change bears on an asserted noncompliance with an ITAAC acceptance criterion in the case of a § 52.103 preoperational hearing, or that the change bears directly on the amendment request in the case of a hearing on a license amendment. Any other party may file a response. If, on the basis of the petition and any response, the presiding officer determines that a sufficient showing has been made, the presiding officer shall certify the matter directly to the Commission for determination of the admissibility of the contention. The Commission may admit such a contention if it determines the petition raises a genuine issue of material fact regarding compliance with paragraph VIII.B.5 of this appendix.

C. Operational Requirements

1. Changes to APR1400 DC generic TS and other operational requirements that were completely reviewed and approved in the design certification rulemaking and do not require a change to a design feature in the generic DCD are governed by the requirements in 10 CFR 50.109. Changes that require a change to a design feature in the generic DCD are governed by the requirements in paragraphs A or B of this section.

2. Changes to APR1400 DC generic TS and other operational requirements are applicable to all applicants who reference this appendix, except those for which the change has been rendered technically irrelevant by action taken under paragraphs C.3 or C.4 of this section.

3. The Commission may require plant-specific departures on generic TS and other operational requirements that were completely reviewed and approved, provided a change to a design feature in the generic DCD is not required and special circumstances, as defined in 10 CFR 2.335 are present. The Commission may modify or supplement generic TS and other operational requirements that were not completely reviewed and approved or require additional TS and other operational requirements on a plant-specific basis, provided a change to a design feature in the generic DCD is not required.

4. An applicant who references this appendix may request an exemption from the generic TS or other operational requirements. The Commission may grant such a request only if it determines that the exemption will comply with the requirements of § 52.7. The granting of an exemption must be subject to litigation in the same manner as other issues material to the license hearing.

5. A party to an adjudicatory proceeding for the issuance, amendment, or renewal of a license, or for operation under § 52.103(a), who believes that an operational requirement approved in the DCD or a TS derived from the generic TS must be changed, may petition to admit such a contention into the proceeding. The petition must comply with the general requirements of 10 CFR 2.309 and must demonstrate why special circumstances as defined in 10 CFR 2.335 are present, or demonstrate compliance with the Commission's regulations in effect at the time this appendix was approved, as set forth in Section V of this appendix. Any other party may file a response to the petition. If, on the basis of the petition and any response, the presiding officer determines that a sufficient showing has been made, the presiding officer shall certify the matter directly to the Commission for determination of the admissibility of the contention. All other issues with respect to the plant-specific TS or other operational requirements are subject to a hearing as part of the licensing proceeding.

6. After issuance of a license, the generic TS have no further effect on the plant-specific TS. Changes to the plant-specific TS will be treated as license amendments under 10 CFR 50.90.

IX. [Reserved]

X. Records and Reporting

A. Records

1. The applicant for this appendix shall maintain a copy of the generic DCD that includes all generic changes that are made to Tier 1 and Tier 2, and the generic TS and other operational requirements. The applicant shall maintain the sensitive unclassified non-safeguards information (including proprietary information and security-related information) and safeguards information referenced in the generic DCD for the period that this appendix may be referenced, as specified in Section VII of this appendix.

2. An applicant or licensee who references this appendix shall maintain the plant-specific DCD to accurately reflect both generic changes to the generic DCD and plant-specific departures made under Section VIII of this appendix throughout the period of application and for the term of the license (including any periods of renewal).

3. An applicant or licensee who references this appendix shall prepare and maintain written evaluations which provide the bases for the determinations required by Section VIII of this appendix. These evaluations must be retained throughout the period of application and for the term of the license (including any periods of renewal).

4.a. The applicant for the APR1400 design shall maintain a copy of the aircraft impact assessment performed to comply with the requirements of 10 CFR 50.150(a) for the term of the certification (including any period of renewal).

b. An applicant or licensee who references this appendix shall maintain a copy of the aircraft impact assessment performed to comply with the requirements of 10 CFR 50.150(a) throughout the pendency of the application and for the term of the license (including any periods of renewal).

B. Reporting

1. An applicant or licensee who references this appendix shall submit a report to the NRC containing a brief description of any plant-specific departures from the DCD, including a summary of the evaluation of each departure. This report must be filed in accordance with the filing requirements applicable to reports in § 52.3.

2. An applicant or licensee who references this appendix shall submit updates to its plant-specific DCD, which reflect the generic changes to and plant-specific departures from the generic DCD made under Section VIII of this appendix. These updates shall be filed under the filing requirements applicable to final safety analysis report updates in 10 CFR 50.71(e) and 52.3.

3. The reports and updates required by paragraphs X.B.1 and X.B.2 of this appendix must be submitted as follows:

a. On the date that an application for a license referencing this appendix is submitted, the application must include the report and any updates to the generic DCD.

b. During the interval from the date of application for a license to the date the Commission makes its finding required by § 52.103(g), the report must be submitted semi-annually. Updates to the plant-specific DCD must be submitted annually and may be submitted along with amendments to the application.

c. After the Commission makes the finding required by § 52.103(g), the reports and updates to the plant-specific DCD must be submitted, along with updates to the site-specific portion of the final safety analysis report for the facility, at the intervals required by 10 CFR 50.59(d)(2) and 50.71(e)(4), respectively, or at shorter intervals as specified in the license.

Dated at Rockville, Maryland, this 17th day of May 2019.

For the Nuclear Regulatory Commission.

Annette Vietti-Cook,

Secretary of the Commission.

[FR Doc. 2019–10715 Filed 5–21–19; 8:45 am]

BILLING CODE 7590–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

[Docket No. FAA–2018–1015; Special Conditions No. 25–746–SC]

Special Conditions: Boeing Model 777–9 Airplane; Tire Debris Penetration of Fuel Tank Structure

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final special conditions; request for comments.

SUMMARY: These special conditions are issued for The Boeing Company (Boeing) Model 777–9 airplane. This airplane will have a novel or unusual design feature when compared to the state of technology envisioned in the airworthiness standards for transport category airplanes. This design feature is composite fuel tanks that may be subject to tire-debris penetration of the fuel tanks. The applicable airworthiness regulations do not contain adequate or appropriate safety standards for this design feature. These special conditions

contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

DATES: This action is effective on Boeing on May 22, 2019. Send comments on or before July 8, 2019.

ADDRESSES: Send comments identified by Docket No. FAA–2018–1015 using any of the following methods:

- *Federal eRegulations Portal:* Go to *http://www.regulations.gov/* and follow the online instructions for sending your comments electronically.
- *Mail:* Send comments to Docket Operations, M–30, U.S. Department of Transportation (DOT), 1200 New Jersey Avenue SE, Room W12–140, West Building Ground Floor, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* Take comments to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- *Fax:* Fax comments to Docket Operations at 202–493–2251.

Privacy: The FAA will post all comments it receives, without change, to *http://www.regulations.gov/,* including any personal information the commenter provides. Using the search function of the docket website, anyone can find and read the electronic form of all comments received into any FAA docket, including the name of the individual sending the comment (or signing the comment for an association, business, labor union, etc.). DOT's complete Privacy Act Statement can be found in the **Federal Register** published on April 11, 2000 (65 FR 19477–19478).

Docket: Background documents or comments received may be read at *http://www.regulations.gov/* at any time. Follow the online instructions for accessing the docket or go to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Suzanne Lucier, Propulsion and Mechanical Systems Section, AIR–672, Transport Standards Branch, Policy and Innovation Division, Aircraft Certification Service, Federal Aviation Administration, 2200 South 216th Street, Des Moines, Washington 98198; telephone and fax 206–231–3173; email *suzanne.lucier@faa.gov.*

SUPPLEMENTARY INFORMATION: The substance of these special conditions has been published in the **Federal Register** for public comment in several prior instances with no substantive comments received. Therefore, the FAA has determined that prior public notice and comment are unnecessary, and finds that, for the same reason, good cause exists for adopting these special conditions upon publication in the **Federal Register**.

Comments Invited

We invite interested people to take part in this rulemaking by sending written comments, data, or views. The most helpful comments reference a specific portion of the special conditions, explain the reason for any recommended change, and include supporting data.

We will consider all comments we receive by the closing date for comments. We may change these special conditions based on the comments we receive.

Background

On March 12, 2015, Boeing applied for an amendment to Type Certificate No. T00001SE to include the new 777–9 airplane. This airplane, which is a derivative of the Boeing Model 777 airplane currently approved under Type Certificate No. T00001SE, is a twin-engine, transport category airplane with seating for 495 passengers and a maximum takeoff weight of 775,000 pounds.

Type Certification Basis

Under the provisions of title 14, Code of Federal Regulations (14 CFR) 21.101, Boeing must show that the 777–9 airplane meets the applicable provisions of the regulations listed in Type Certificate No. T00001SE, or the applicable regulations in effect on the date of application for the change, except for earlier amendments as agreed upon by the FAA.

If the Administrator finds that the applicable airworthiness regulations (*i.e.,* 14 CFR part 25) do not contain adequate or appropriate safety standards for the Boeing Model 777–9 airplane because of a novel or unusual design feature, special conditions are prescribed under the provisions of § 21.16.

Special conditions are initially applicable to the model for which they are issued. Should the type certificate for that model be amended later to include any other model that incorporates the same novel or unusual design feature, or should any other model already included on the same type certificate be modified to incorporate the same novel or unusual design feature, these special conditions would also apply to the other model under § 21.101.

In addition to the applicable airworthiness regulations and special conditions, the Boeing Model 777–9 airplane must comply with the fuel-vent and exhaust-emission requirements of 14 CFR part 34, and the noise-certification requirements of 14 CFR part 36.

The FAA issues special conditions, as defined in 14 CFR 11.19, in accordance with § 11.38, and they become part of the type certification basis under § 21.101.

Novel or Unusual Design Features

The Boeing Model 777–9 airplane will incorporate the following novel or unusual design feature:

Composite fuel tanks that may be subject to tire-debris penetration of the fuel tanks.

Discussion

Accidents or incidents have resulted from uncontrolled fires caused by fuel leaks due to fragments of tires or uncontained engine failure penetrating or rupturing the undersides of airplane wings. The effects of engine debris as a result of uncontained engine failure are not included in these special conditions because, for the Boeing Model 777–9 airplane, this hazard is addressed under the existing requirements of § 25.903(d), which requires minimizing the hazards from uncontained engine-failure debris.

In one incident in Honolulu, Hawaii, a tire on a Boeing Model 747 airplane burst, and tire debris penetrated a fuel-tank access panel, causing a substantial fuel leak. Takeoff was aborted and passengers were evacuated down the emergency chutes into pools of fuel, which fortunately had not ignited. This accident highlighted deficiencies in the then-existing 14 CFR part 25 regulations pertaining to fuel-tank fuel retention following tire fragments penetrating fuel tanks.

After a subsequent Boeing Model 737 airplane accident in Manchester, England, in which uncontained engine-failure debris penetrated a fuel-tank access panel, the FAA amended § 25.963 to require that fuel-tank access panels be resistant to penetration from both tire-failure debris and uncontained engine-failure debris. Section 25.963(e) requires showing, by analysis or tests, that fuel-tank access covers ''. . . minimize penetration and deformation by tire fragments, low energy engine debris, or other likely debris.'' Advisory Circular (AC) 25.963–1, ''Fuel Tank Access Covers,'' defines the region of the wing that is vulnerable to impact damage from these sources, and

provides a method to substantiate that the rule has been met for tire fragments. No specific requirements were established for the contiguous wing areas into which the fuel-tank access covers are installed, because of the inherent ability of conventional aluminum wing skins to resist tire-debris penetration. Advisory Circular 25.963–1 specifically notes, ''The [fuel-tank] access covers, however, need not be more impact resistant than the contiguous tank structure,'' highlighting the assumption that the basic structures of these wings meet some higher standard. An additional amendment to 14 CFR part 121 required operators to modify their existing fleets of airplanes with impact-resistant fuel-tank access panels. This amendment only addressed fuel-tank access panels because service experience at the time indicated that the wing skin on the underside of a wing, on conventional, subsonic airplanes, provided adequate, inherent capability to resist tire debris and engine debris penetration.

However, after the adoption of the amendments to § 25.963 in 2000, an unanticipated failure mode occurred on a Concorde airplane when tire debris impacted the fuel tank. The initial impact of the tire debris did not penetrate the fuel tank, but a pressure wave from the debris impact caused the fuel tank to rupture. In September 2001, both the French civil-aviation authority (DGAC) and the United Kingdom Civil Aviation Authority (CAA) issued airworthiness directives requiring modifications to Concorde airplanes, to add a means to retain fuel if the primary fuel retention means was damaged.

To maintain the level of safety envisioned by § 25.963(e), these special conditions establish a standard for resistance to potential tire-debris impacts to the contiguous wing surfaces, and require consideration of possible secondary effects of a tire impact, such as the induced pressure wave that was a factor in the Concorde accident. This standard takes into account that new construction methods and materials may not necessarily provide the resistance to debris impact that historically has been shown as adequate with conventional aluminum wings. These special conditions are based on the defined tire-impact areas and tire-fragment characteristics described in AC 25.963–1.

In addition, despite practical design considerations, some uncommon debris larger than that defined in paragraph (b) of these special conditions may cause a fuel leak within the defined area, so paragraph (c) of these special conditions also takes into consideration possible fuel-leak paths. Fuel-tank surfaces of typical transport airplanes have thick aluminum construction in the tire-debris impact areas that is tolerant to tire debris larger than that defined in paragraph (b) of these special conditions. Consideration of leaks caused by larger tire fragments is needed to ensure that an adequate level of safety is provided where composite material is used.

These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

Applicability

As discussed above, these special conditions are applicable to the Boeing Model 777–9 airplane. Should Boeing apply at a later date for a change to the type certificate to include another model incorporating the same novel or unusual design feature, these special conditions would apply to that model as well.

Conclusion

This action affects only a certain novel or unusual design feature on one model of airplane. It is not a rule of general applicability.

List of Subjects in 14 CFR Part 25

Aircraft, Aviation safety, Reporting and recordkeeping requirements.

Authority Citation

The authority citation for these special conditions is as follows:

Authority: 49 U.S.C. 106(f), 106(g), 40113, 44701, 44702, 44704.

The Special Conditions

Accordingly, pursuant to the authority delegated to me by the Administrator, the following special conditions are issued as part of the type certification basis for Boeing Model 777–9 airplanes.

(a) Tire-debris impact to any fuel tank or fuel-system component, located within 30 degrees to either side of wheel rotational planes, may not result in penetration or otherwise induce fuel-tank deformation, rupture (*e.g.,* through propagation of pressure waves), or cracking sufficient to allow a hazardous fuel leak. A hazardous fuel leak results if debris impact to a fuel-tank surface causes—

1. A running leak,
2. A dripping leak, or
3. A leak that, 15 minutes after wiping dry, results in a wetted airplane surface exceeding 6 inches in length or diameter.

The leak must be evaluated under maximum fuel head pressure.

(b) Compliance with paragraph (a), above, must be shown by analysis or tests assuming all of the following. The tire-debris fragment:

1. Size is 1 percent of the tire mass.
2. Is propelled at a tangential speed that could be attained by a tire tread at the airplane flight-manual airplane rotational speed (V_R at maximum gross weight).
3. Load is distributed over an area on the fuel-tank surface equal to 1.5 percent of the total tire tread area.

(c) Fuel leaks caused by impact from tire debris larger than that specified in paragraph (b), from any portion of a fuel tank located within the tire-debris impact area defined in paragraph (a), may not result in hazardous quantities of fuel entering any of the following areas of the airplane:

1. Engine inlet,
2. APU inlet, or
3. Cabin-air inlet.

This must be shown by test or analysis, or a combination of both, for each approved engine forward-thrust condition, and each approved reverse-thrust condition.

Issued in Des Moines, Washington, on May 13, 2019.

Victor Wicklund,

Manager, Transport Standards Branch, Policy and Innovation Division, Aircraft Certification Service.

[FR Doc. 2019–10703 Filed 5–21–19; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2018–0961; Product Identifier 2018–NM–121–AD; Amendment 39–19635; AD 2019–09–01]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for certain The Boeing Company Model 737–100, –200, –200C, –300, –400, and –500 series airplanes. This AD was prompted by reports indicating that the pitot heat switch is not always set to ON, which could result in misleading air data. This AD requires replacement of pitot anti-icing system components, installation of

a junction box and wiring provisions, repetitive testing of the anti-icing system, and applicable on-condition actions. We are issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective June 26, 2019.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of June 26, 2019.

ADDRESSES: For service information identified in this final rule, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; internet *https://www.myboeingfleet.com.* You may view this service information at the FAA, Transport Standards Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0961.

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–2018–0961; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the regulatory evaluation, any comments received, and other information. The address for Docket Operations (phone: 800–647–5527) is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Frank Carreras, Aerospace Engineer, Systems and Equipment Section, FAA, Seattle ACO Branch, 2200 South 216th St., Des Moines, WA 98198; phone and fax: 206–231–3539; email: *frank.carreras@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain The Boeing Company Model 737–100, –200, –200C, –300, –400, and –500 series airplanes. The NPRM published in the **Federal Register** on November 19, 2018 (83 FR 58196). The NPRM was prompted by reports indicating that the pitot heat switch is not always set to ON, which could result in misleading air data. The NPRM proposed to require replacement of pitot anti-icing system components, installation of a junction box and wiring provisions, repetitive testing of the anti-icing system, and applicable on-condition actions.

We are issuing this AD to address misleading air data, which can lead to loss of crew situational awareness and could ultimately result in the inability to maintain continued safe flight and landing.

Comments

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

Support for the NPRM

The Boeing Company stated support for the NPRM.

Effect of Winglets on Accomplishment of the Proposed Actions

Aviation Partners Boeing stated that accomplishing Supplemental Type Certificate (STC) ST01219SE does not affect the actions specified in the NPRM.

We concur with the commenter. We have redesignated paragraph (c) of the proposed AD as paragraph (c)(1) of this AD and added paragraph (c)(2) to this AD to state that installation of STC ST01219SE does not affect the ability to accomplish the actions required by this AD. Therefore, for airplanes on which STC ST01219SE is installed, a ''change in product'' alternative method of compliance (AMOC) approval request is not necessary to comply with the requirements of 14 CFR 39.17.

Request To Extend the Compliance Time

SF Airlines requested that the compliance time be extended. The commenter noted that the two parts kits and window/pitot heat module needed to accomplish the modification on each airplane are too hard to obtain within the proposed 24 months. The commenter further pointed out that the modification requires around 300 work hours, which will require creation of a detailed plan for modifying its 17-airplane fleet. The commenter asserted that the modification would likely be performed in the next C-check, but that such a large modification could not be accomplished during a C-check.

We do not agree to extend the compliance time. In developing an appropriate compliance time for this action, we considered not only the safety implications of the identified unsafe condition, but the average utilization rate of the affected fleet, the availability of required parts, and the practical aspect of accomplishing the required modification within a period of time that corresponds to the normal scheduled maintenance for most affected operators. The commenter provided no further evidence to substantiate a parts availability problem. Furthermore, this AD specifies the same 24-month compliance time as is required for the Model 737NGs in AD 2012–24–08, Amendment 39–17278 (77 FR 73282, December 10, 2012), which addresses the same unsafe condition identified in this AD.

If we receive additional data that justify different compliance times, we may consider further rulemaking on this issue. However, under the provisions of paragraph (m) of this AD, we will consider requests for approval of alternative compliance times if sufficient data are submitted to substantiate that the change would provide an acceptable level of safety. We have not changed this AD in this regard.

Conclusion

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

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

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

Related Service Information Under 1 CFR Part 51

We reviewed Boeing Alert Service Bulletin 737–30A1064, Revision 1, dated October 18, 2017. The service information describes procedures for replacement and repetitive testing of the P5–9 window and pitot heat module, and changing the anti-icing system to automatically supply power to heat the air data sensors.

We also reviewed the following concurrent service information.

- Boeing Service Bulletin 737–30–1067, Revision 1, dated May 4, 2017. This service information describes procedures for installing a new J18

junction box to change the anti-icing system.

• Boeing Service Bulletin 737–30–1068, Revision 1, dated May 4, 2017. This service information describes procedures for installing wiring provisions to the anti-icing system.

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

Costs of Compliance

We estimate that this AD affects 296 airplanes of U.S. registry. We estimate the following costs to comply with this AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Replacement (Boeing Alert Service Bulletin 737–30A1064).	6 work-hours × $85 per hour = $510	$0	$510	$150,960.
Repetitive tests (Boeing Alert Service Bulletin 737–30A1064).	5 work-hours × $85 per hour = $425 per inspection cycle.	0	$425 per inspection cycle.	$125,800 per inspection cycle.
J18 Junction box installation (Boeing Service Bulletin 737–30–1067).	Up to 75 work-hours × $85 per hour = $6,375.	23,614	Up to $29,989	Up to $8,876,744.
Installation of wire provisions (Boeing Service Bulletin 737–30–1068).	Up to 193 work-hours × $85 per hour = $16,405.	4,800	Up to $21,205	Up to $6,276,680.

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

Authority for This Rulemaking

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

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

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

Regulatory Findings

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

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2019–09–01 The Boeing Company: Amendment 39–19635; Docket No. FAA–2018–0961; Product Identifier 2018–NM–121–AD.

(a) Effective Date

This AD is effective June 26, 2019.

(b) Affected ADs

None.

(c) Applicability

(1) This AD applies to The Boeing Company Model 737–100, –200, –200C, –300, –400, and –500 series airplanes, certificated in any category, as identified in Boeing Alert Service Bulletin 737–30A1064, Revision 1, dated October 18, 2017.

(2) Installation of Supplemental Type Certificate (STC) ST01219SE does not affect the ability to accomplish the actions required by this AD. Therefore, for airplanes on which STC ST01219SE is installed, a ''change in product'' alternative method of compliance (AMOC) approval request is not necessary to comply with the requirements of 14 CFR 39.17.

(d) Subject

Air Transport Association (ATA) of America Code 30, Ice and rain protection.

(e) Unsafe Condition

This AD was prompted by reports indicating that the pitot heat switch is not always set to ON, which could result in misleading air data. We are issuing this AD to address misleading air data, which can lead to loss of crew situational awareness and could ultimately result in the inability to maintain continued safe flight and landing.

(f) Compliance

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

(g) Actions for Group 5 Airplanes

For airplanes identified as Group 5 in Boeing Alert Service Bulletin 737–30A1064, Revision 1, dated October 18, 2017: Within 120 days after the effective date of this AD, inspect the airplane and do all applicable on-condition actions using a method approved in accordance with the procedures specified in paragraph (m) of this AD.

(h) Required Actions for Groups 1 Through 4 Airplanes

Except as specified by paragraph (j) of this AD, for airplanes identified as Groups 1 through 4 in Boeing Alert Service Bulletin 737–30A1064, Revision 1, dated October 18, 2017: At the applicable times specified in paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 737–30A1064, Revision 1, dated October 18, 2017, do all applicable actions identified as ''RC'' (required for compliance) in, and in accordance with, the Accomplishment Instructions of Boeing Alert Service Bulletin 737–30A1064, Revision 1, dated October 18, 2017.

(i) Concurrent Requirements

For airplanes identified as Groups 1 through 4 in Boeing Alert Service Bulletin 737–30A1064, Revision 1, dated October 18, 2017: Prior to or concurrently with the action required by paragraph (h) of this AD, install a new J18 junction box to change the anti-icing system, in accordance with the Accomplishment Instructions of Boeing Service Bulletin 737–30–1067, Revision 1, dated May 4, 2017, and install wiring provisions to the anti-icing system, in accordance with the Accomplishment Instructions of Boeing Service Bulletin 737–30–1068, Revision 1, dated May 4, 2017.

(j) Exceptions to Service Information Specifications

For purposes of determining compliance with the requirements of this AD: Where Boeing Alert Service Bulletin 737–30A1064, Revision 1, dated October 18, 2017, uses the phrase ''the original issue date of this service bulletin,'' this AD requires using ''the effective date of this AD.''

(k) Credit for Previous Actions

This paragraph provides credit for the actions specified in paragraph (h) of this AD, if those actions were performed before the effective date of this AD using Boeing Alert Service Bulletin 737–30A1064, dated May 4, 2017, provided that step 15 for Groups 1 through 4 airplanes, as applicable, of the Accomplishment Instructions of Boeing Alert Service Bulletin 737–30A1064, Revision 1, dated October 18, 2017, is done at the applicable times specified in paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 737–30A1064, Revision 1, dated October 18, 2017, or within 180 days after the effective date of this AD, whichever occurs later.

(l) Minimum Equipment List (MEL)

In the event that the air data probe heat (ADPH) system as modified by this AD is inoperable, an airplane may be operated as specified in the operator's MEL, provided the MEL includes provisions that address the modified ADPH system.

(m) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Los Angeles ACO Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the certification office, send it to the attention of the person identified in paragraph (n)(2) of this AD. Information may be emailed to: *9-ANM-LAACO-AMOC-Requests@faa.gov.*

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

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

(4) For service information that contains steps that are labeled as RC, the provisions of paragraphs (m)(4)(i) and (m)(4)(ii) of this AD apply.

(i) The steps labeled as RC, including substeps under an RC step and any figures identified in an RC step, must be done to comply with the AD. If a step or substep is labeled ''RC Exempt,'' then the RC requirement is removed from that step or substep. An AMOC is required for any deviations to RC steps, including substeps and identified figures.

(ii) Steps not labeled as RC may be deviated from using accepted methods in accordance with the operator's maintenance or inspection program without obtaining approval of an AMOC, provided the RC steps, including substeps and identified figures, can still be done as specified, and the airplane can be put back in an airworthy condition.

(n) Related Information

(1) For more information about this AD, contact Frank Carreras, Aerospace Engineer, Systems and Equipment Section, FAA, Seattle ACO Branch, 2200 South 216th St., Des Moines, WA 98198; phone and fax: 206–231–3539; email: *frank.carreras@faa.gov.*

(2) For information about AMOCs, contact Jeffrey W. Palmer, Aerospace Engineer, Systems and Equipment Section, FAA, Los Angeles ACO Branch, 3960 Paramount Boulevard, Lakewood, CA 90712–4137; phone: 562–627–5851; fax: 562–627–5210; email: *jeffrey.w.palmer@faa.gov.*

(o) Material Incorporated by Reference

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

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

(i) Boeing Alert Service Bulletin 737–30A1064, Revision 1, dated October 18, 2017.

(ii) Boeing Service Bulletin 737–30–1067, Revision 1, dated May 4, 2017.

(iii) Boeing Service Bulletin 737–30–1068, Revision 1, dated May 4, 2017.

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

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

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

Issued in Des Moines, Washington, on May 9, 2019.

Dionne Palermo,

Acting Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2019–10657 Filed 5–21–19; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2018–0795; Product Identifier 2018–NM–076–AD; Amendment 39–19628; AD 2019–08–07]

RIN 2120–AA64

Airworthiness Directives; Airbus SAS Airplanes

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

ACTION: Final rule.

SUMMARY: We are superseding Airworthiness Directive (AD) 2014–20–04, which applied to all Airbus SAS Model A318 and A319 series airplanes; Airbus SAS Model A320–111, –211, –212, –214, –231, –232, and –233 airplanes; and Airbus SAS Model A321–111, –112, –131, –211, –212, –213, –231, and –232 airplanes. AD 2014–20–04 required repetitive inspections of the titanium angles between the belly fairing and the keel beam side panel, an inspection of the open holes of cracked titanium angles, and corrective action if necessary. This AD continues to require those actions, adds Model A320–216 airplanes, and requires a detailed inspection for, and replacement of, certain rivets, and corrective actions if necessary. This AD was prompted by reports of cracks at the lower riveting of the four titanium angles that connect the belly fairing to the keel beam side

panels. We are issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective June 26, 2019.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of June 26, 2019.

The Director of the Federal Register approved the incorporation by reference of a certain other publication listed in this AD as of November 7, 2014 (79 FR 59636, October 3, 2014).

ADDRESSES: For service information identified in this final rule, contact Airbus SAS, Airworthiness Office—EIAS, Rond-Point Emile Dewoitine No: 2, 31700 Blagnac Cedex, France; phone: +33 5 61 93 36 96; fax: +33 5 61 93 44 51; email: *account.airworth-eas@airbus.com;* internet: *http://www.airbus.com.* You may view this referenced service information at the FAA, Transport Standards Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0795.

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–2018–0795; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the regulatory evaluation, any comments received, and other information. The address for Docket Operations (phone: 800–647–5527) is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

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

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to supersede AD 2014–20–04, Amendment 39–17977 (79 FR 59636, October 3, 2014) (''AD 2014–20–04''). AD 2014–20–04 applied to all Airbus SAS Model A318 series airplanes; Airbus SAS Model A319 series airplanes; Airbus SAS Model A320–111, –211, –212, –214, –231, –232, and –233 airplanes; and Airbus SAS Model A321–111, –112, –131, –211, –212, –213, –231, and –232 airplanes. The NPRM published in the **Federal Register** on September 17, 2018 (83 FR 46905). The NPRM was prompted by our determination that additional work is necessary for certain airplanes. The NPRM proposed to continue to require repetitive inspections for cracking of the four titanium angles between the belly fairing and the keel beam side panel, an inspection for cracking of the open holes if any cracking is found in the titanium angles, and repair or replacement if necessary. The NPRM also proposed to revise the applicability by adding Model A320–216 airplanes. The NPRM also proposed additional work, including a detailed inspection for, and replacement of, certain rivets (including a rotating probe test for cracks in the open holes), and corrective actions if necessary. We are issuing this AD to address cracking at the lower riveting of the four titanium angles that connect the belly fairing to the keel beam side panels on both sides of the fuselage, which could affect the structural integrity of the airplane.

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2018–0091, dated April 20, 2018 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for all Airbus SAS Model A318 series airplanes; Airbus SAS Model A319 series airplanes; Airbus SAS Model A320–211, –212, –214, –216, –231, –232, and –233 airplanes; and Airbus SAS Model A321–111, –112, –131, –211, –212, –213, –231, and –232 airplanes. The MCAI states:

> During the fatigue test campaign of the A320 family type design, cracks were found at the lower riveting of the four titanium angles which connect the belly fairing to the keel beam side panels between frames FR40 and FR42, on both sides of the fuselage.
>
> This condition, if not detected and corrected, could affect the structural integrity of the aeroplane.
>
> To address this potential unsafe condition, Airbus issued Service Bulletin (SB) A320–53–1014, and DGAC [Direction Générale de l'Aviation Civile] France issued AD 92–201–030 [which corresponds to FAA AD 94–12–03, Amendment 39–8930 (59 FR 28763, June 3, 1994) (''AD 94–12–03'')] to require reinforcement of the belly fairing structure.
>
> Following new investigation which showed that these measures addressed only part of the unsafe condition, Airbus published SB A320–53–1259 and EASA issued AD 2013–0122 [which corresponds to FAA AD 2014–20–04], retaining the requirements of DGAC France AD 92–201–030, which was superseded, and requiring repetitive detailed inspections (DET) of the affected titanium angles and, depending on findings, repair or replacement of parts.
>
> After that [EASA] AD was issued, Airbus published Revision (Rev.) 01 and Rev. 02 of SB A320–53–1259. [Airbus SB A320–53–1259] Rev. 02 provided incorrect instructions to use Part Number (P/N) EN6081D4 rivets for the titanium angles installation, instead of P/N EN6081D5 rivets. Consequently, Airbus SB A320–53–1259 was updated (now at Rev. 03) including reference to the proper rivets.
>
> For the reason described above, this [EASA] AD retains the requirements of EASA AD 2013–0122, which is superseded, and requires additional work [a detailed inspection for and replacement of certain rivets, and applicable corrective actions] for aeroplanes on which Airbus SB A320–53–1259 at Rev. 02 was embodied.

You may examine the MCAI in the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0795.

Comments

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

Request To Withdraw the NPRM

Delta Air Lines (DAL) requested that we re-issue the NPRM using the method where the FAA AD would mandate the EASA AD for compliance (*i.e.,* the ''incorporate by reference (IBR) the MCAI'' method). DAL pointed out this method would simplify the understanding of the NPRM and reduce the number of conflicts between the EASA AD and the NPRM.

We acknowledge the commenter's request to use the ''IBR the MCAI'' method. Using the ''IBR the MCAI'' method simplifies FAA ADs and facilitates a simpler AD process. However, we disagree with the request to re-issue the NPRM using this method, as it would require an additional public comment period and unnecessarily delay issuance of this final rule, which is necessary to address the identified unsafe condition. However, based on positive feedback from operators, we are expanding the use of the ''IBR the MCAI'' method, and additional NPRMs and ADs are currently being drafted using this method.

Request To Use Previously Existing Alternative Method of Compliance (AMOC) for Compliance With This AD

DAL requested that we allow the use of AMOC ANM–116–15–018 for compliance with all corresponding

provisions of the proposed AD. DAL also requested that if the FAA disagrees to include the use of the AMOC as requested, that we include details in the NPRM for addressing the airplanes already inspected and modified using the AMOC and Airbus Service Bulletin A320–53–1259, Revision 01, dated November 26, 2013. DAL mentioned that several airplanes from the DAL fleet were inspected and modified using the AMOC and Airbus Service Bulletin A320–53–1259, Revision 01, dated November 26, 2013. DAL also pointed out that the NPRM does not provide credit for work performed using the AMOC and Airbus Service Bulletin A320–53–1259, Revision 01, dated November 26, 2013.

We agree to allow the use of the AMOC identified by the commenter, as well as all other AMOCs to AD 2014–20–04, and we have added paragraph (r)(1)(ii) to this AD accordingly.

Request To Use All Revisions of the Service Information for Inspection Compliance in Paragraph (h) of the Proposed AD

DAL requested that we include Airbus Service Bulletin A320–53–1259, Revision 01, dated November 26, 2013, and Airbus Service Bulletin A320–53–1259, Revision 02, dated March 24, 2016, as service information for the inspection requirements of the proposed AD. DAL pointed out that the removal and installation of the titanium angles is the main concern in limiting the use of Airbus Service Bulletin A320–53–1259, Revision 02, dated March 24, 2016, but that the inspection requirements contain no errors. DAL also indicated concurrence with the requirement to use Airbus Service Bulletin A320–53–1259, Revision 03, dated November 30, 2017, after the effective date of the final rule.

We agree for the reasons provided by the commenter and have revised the introductory text of paragraph (h) and paragraphs (h)(2) and (k) of this AD accordingly. However, we have only revised paragraphs (i)(2), (j), and (l) of this AD to include Airbus Service Bulletin A320–53–1259, Revision 01, dated November 26, 2013, because those paragraphs include installation requirements and Revision 02 of Airbus Service Bulletin A320–53–1259 is not acceptable service information for doing those installations.

Request To Use Alternative Part Number Titanium Angles

United Air Lines (UAL) requested that we allow titanium angle part numbers D5337060121295 and D5337060121495 to be installed instead of part numbers D5337060121200 and D5337060121400, respectively. UAL stated that titanium angle part numbers D5337060121200 and D5337060121400 as specified by Airbus Service Bulletin A320–53–1259, Revision 03, dated November 30, 2017, are not procurable. UAL mentioned that Airbus indicated to UAL that titanium angle part numbers D5337060121295 and D5337060121495 are acceptable for installation for Airbus Service Bulletin A320–53–1259, Revision 03, dated November 30, 2017.

We agree with the commenter for the reasons provided. We have added paragraph (q) to this AD to allow the installation of titanium angle part numbers D5337060121295 and D5337060121495. We have redesignated subsequent paragraphs accordingly.

Request To Revise the Affected Airplanes for Paragraph (o) of the Proposed AD

DAL and UAL requested that we revise the affected airplanes for paragraph (o) of the proposed AD. UAL requested that we clarify the service information reference for description of the affected airplanes in paragraph (o) of the proposed AD. DAL and UAL pointed out that the MCAI specifies Revision 02 of Airbus Service Bulletin A320–23–1259 for the action specified in paragraph (o) of the proposed AD and that paragraph (o) of the proposed AD specifies Airbus Service Bulletin A320–53–1259, dated November 6, 2012, for identifying affected airplanes.

In addition, DAL requested that we revise paragraph (o) of the proposed AD to apply only to airplanes which had titanium angles removed and replaced in accordance with sub-task 531259–203–001 of Airbus Service Bulletin A320–53–1259, Revision 02, dated March 24, 2016. DAL pointed out that paragraph (o) of the proposed AD specified airplanes which were inspected using Airbus Service Bulletin A320–53–1259, dated November 6, 2012. DAL mentioned that the unsafe condition was introduced in Airbus Service Bulletin A320–53–1259, Revision 02, dated March 24, 2016, and that there are no airworthiness concerns with the inspections (only replacements) accomplished under any revision of the service information.

We agree that paragraph (o) of this AD should refer to Airbus Service Bulletin A320–53–1259, Revision 02, dated March 24, 2016, to identify the affected airplanes as specified in the MCAI, and we have revised paragraph (o) of this AD accordingly.

We also agree with the request to limit the affected airplanes to those that had titanium angles replaced in accordance with sub-task 531259–203–001 of Airbus Service Bulletin A320–53–1259, Revision 02, dated March 24, 2016. However, we have determined that the phrase ''modified (replacement of affected titanium angles),'' which matches the intent of the language in the MCAI, is more appropriate instead of listing specific sub-tasks for replacement. Operators may have installed these rivets in accordance with instructions approved by Airbus SAS under EASA's Design Organization Approval (DOA) outside of the service information sub-task. Therefore, we have not changed this AD further in this regard.

Request for Clarification of Paragraph (k) of the Proposed AD

UAL requested clarification of the intent of paragraph (k) of the proposed AD. UAL specified that the intent should be a detailed inspection of the ''replaced'' titanium angles and not an inspection of the four titanium angles. UAL explained that paragraph (j) of the proposed AD states to remove the affected [cracked] titanium angle(s), and the next inspection per paragraph (k) of the proposed AD would apply to the replaced titanium angles, not necessarily all four titanium angles.

We agree for the reasons provided by the commenter, and we have revised paragraph (k) of this AD accordingly.

Request To Include Additional Data To Correct an Error in the Service Information

UAL requested that we include information to correct an error in the service information. UAL stated that figure A–GCAAA Sheet 02 of Airbus Service Bulletin A320–53–1259, Revision 03, dated November 30, 2017, shows views A–A and B–B in reversed left and right direction and that view B–B is missing one rivet location. UAL also stated that this error makes it possible to install incorrect rivets during angle replacement. UAL mentioned that it had contacted Airbus about this error, and that Airbus published Technical Adaptation 80491184/005/2018 to temporarily correct the error. UAL also mentioned that Airbus plans to revise Service Bulletin A320–53–1259 to correct this error.

We agree with the commenter's request for the reasons provided. To ensure operators refer to the correct views and rivet locations, we have revised this AD by referencing Airbus Technical Adaptation 80491184/005/2018, Issue 1, dated February 08, 2018, in lieu of Figure A GCAAA—Sheet 02 of Airbus Service Bulletin A320–53–1259, Revision 03, dated November 30, 2017, wherever it is appropriate.

Request To Verify the Required Service Information Prior to AD Publication

UAL requested that we verify the latest revision of Service Bulletin A320–53–1259 is referenced in this AD prior to final publication. UAL indicated its preference not to request an AMOC allowing use of a later revision of the service information immediately after AD publication.

We agree and have confirmed that Airbus Service Bulletin A320–53–1259, Revision 03, dated November 30, 2017, is the latest version of the service information. We have not changed this AD in this regard.

Request To Expand the Airplanes Specified in Paragraph (o) of the Proposed AD

UAL requested that we expand the airplanes specified in paragraph (o) of the proposed AD to include all angles that were replaced using any service information issued prior to Airbus Service Bulletin A320–53–1259, Revision 03, dated November 30, 2017, unless maintenance records show that the correct rivets were previously installed. UAL pointed out that revisions issued prior to Airbus Service Bulletin A320–53–1259, Revision 02, dated March 24, 2016, did not specify any procedures to install rivets to the keel beam side panel. UAL mentioned that it could then be possible that an angle replacement done previously using Airbus Service Bulletin A320–53–1259, dated November 6, 2012, or Airbus Service Bulletin A320–53–1259, Revision 01, dated November 26, 2013, might have missing or incorrect rivets installed.

We disagree with the request to expand the affected airplanes specified in paragraph (o) of this AD. As discussed previously, we have clarified that the affected airplanes specified in paragraph (o) of this AD are those on which a modification (replacement of affected titanium angles) was done in accordance with Airbus Service Bulletin A320–53–1259, Revision 02, dated March 24, 2016, and not airplanes on which an inspection was done. Additionally, we have not received any information from either EASA or Airbus regarding expanding the scope of the potential unsafe condition. The new requirements in this AD are a result of incorrect dimensions of the rivet part number provided in Airbus Service Bulletin A320–53–1259, Revision 02, dated March 24, 2016. No such information was provided by Airbus in the previous revisions of the service information. We have not changed this AD in this regard.

Request for Clarification of Paragraph (o) of the Proposed AD

DAL requested that, to reduce confusion, we include clarification in paragraph (o) of the proposed AD, that EN6081D5 rivets only need to be installed in the fastener holes common to the titanium angle and belly fairing wall joint. DAL mentioned that paragraph (o) of the proposed AD provides relief for the on-wing inspection if it can be determined no titanium angles were installed in accordance with Airbus Service Bulletin A320–53–1259, Revision 02, dated March 24, 2016, or if only EN6081D5 rivets were used to install the titanium angles on that airplane. DAL pointed out that the titanium angles are installed using both hi-lok fasteners as well as rivets. DAL also indicated that the hi-lok fasteners are common to the keel beam panel and the rivets are common to the belly fairing walls.

We agree to clarify. The service information provides specific information for a detailed inspection for the rivets on the titanium angles and belly fairing shear wall attachments between frames (FR)40 and FR42. Additionally, as specified previously, Airbus has issued Airbus Technical Adaptation 80491184/005/2018, Issue 1, dated February 08, 2018, as an exception to Figure A GCAAA—Sheet 02 of Airbus Service Bulletin A320–53–1259, Revision 03, dated November 30, 2017, which we have included in this AD. Therefore, in paragraph (o) of this AD, where it specifies ''or if only EN6081D5 rivets were used to install the titanium angles on that airplane,'' the installation location for rivets is on the titanium angles and belly fairing shear wall attachments as identified in the service information. Since the service information provides this information, we have not changed this AD further regarding this issue.

Request To Use Additional Guidance for Correct Fasteners

DAL requested that we include additional guidance for accomplishing the titanium angle replacement. DAL stated that Airbus issued Operator Information Telex (OIT) 16–0032, Rev. 00, dated June 3, 2016, that specified the required rivets to use for the replacement. DAL also mentioned that Airbus issued Technical Adaptation 80170642/022/2017, dated April 7, 2017, to Airbus Service Bulletin A320–53–1259, Revision 02, dated March 24, 2016, which specified the correct rivets for the replacement. DAL added that the FAA could provide credit for airplanes on which the correct rivets were installed using the OIT or technical adaptation.

We disagree with the request. Paragraph (p)(2) of this AD refers to Airbus Service Bulletin A320–53–1259, Revision 03, dated November 30, 2017, and Airbus Technical Adaptation 80491184/005/2018, Issue 1, dated February 08, 2018, which provide adequate service information for completing the replacement required if any part number EN6081D4 series rivet is found during any inspection required by paragraph (o) of this AD. This AD corresponds to EASA AD 2018–0091, dated April 20, 2018, which does not permit Airbus OIT 16–0032, Rev. 00, dated June 3, 2016, and Airbus Technical Adaptation 80170642/022/2017, dated April 7, 2017, as methods of compliance. We agree that those documents are not acceptable methods of compliance with this AD because those documents only specify the part numbers as well as the location and quantity of the parts.

However, we do agree to clarify the statement in paragraph (o) of this AD that describes a method of compliance for the actions required by paragraph (o) of this AD. Paragraph (o) of this AD provides relief for airplanes on which ''it can be determined that no titanium angles have been installed on that airplane in accordance with the Accomplishment Instructions of Revision 02 of Airbus Service Bulletin A320–53–1259, or if only rivets having part number EN6081D5 have been used to install the titanium angles.'' We have revised paragraph (o) of this AD to clarify that the ''in accordance with the Accomplishment Instructions of Revision 02 of Airbus Service Bulletin A320–53–1259'' applies to the whole statement.

Clarification of Retained Effective Date for Paragraph (g) of This AD

In the introductory text of paragraph (g) of the proposed AD we retained a compliance time that referred to the effective date of the existing AD. However, we did not include the specific date of AD 2014–20–04. We have revised the introductory text of paragraph (g) of this AD to refer to the effective date of AD 2014–20–04 (November 7, 2014).

Clarification of Retained Effective Date for Paragraph (h)(3) of This AD

In paragraph (h)(3) of the proposed AD we retained a compliance time that referred to the effective date of the existing AD. However, we did not include the effective date of AD 2014–20–04. We have revised paragraph (h)(3)

of this AD to refer to the effective date of AD 2014–20–04 (November 7, 2014).

Conclusion

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

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

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

Related Service Information Under 1 CFR Part 51

Airbus has issued Service Bulletin A320–53–1259, Revision 03, dated November 30, 2017. This service information describes procedures for repetitive inspections for cracking of the four titanium angles between the belly fairing and the keel beam side panel, an inspection for cracking of the open holes if any cracking is found in the titanium angles, repair or replacement if necessary, and a detailed inspection for and replacement of certain rivets (including a rotating probe test for cracks in the open holes).

Airbus has also issued Technical Adaptation 80491184/005/2018, Issue 1, dated February 08, 2018. This service information describes a correction to Airbus Service Bulletin A320–53–1259, Revision 03, dated November 30, 2017.

This AD also requires Airbus Service Bulletin A320–53–1014, Revision 2, dated September 1, 1994, which the Director of the Federal Register approved for incorporation by reference as of November 7, 2014 (79 FR 59636, October 3, 2014).

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

Costs of Compliance

We estimate that this AD affects 1,250 airplanes of U.S. registry. We estimate the following costs to comply with this AD:

ESTIMATED COSTS

Labor cost	Parts cost	Cost per product	Cost on U.S. operators
295 work-hours × $85 per hour = $25,075 (Retained actions from AD 2014–20–04).	$1,045	$26,120	$32,650,000.
Up to 168 work-hours × $85 per hour = Up to $14,280 (New actions of this AD).	0	Up to $14,280	Up to $17,850,000.

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

ESTIMATED COSTS OF ON-CONDITION ACTIONS

Labor cost	Parts cost *	Cost per product
168 work-hours × $85 per hour = $14,280	$0	$14,280

* We have received no definitive data that would enable us to provide cost estimates for the on-condition parts costs.

Authority for This Rulemaking

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

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

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

Regulatory Findings

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

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

1. Is not a ''significant regulatory action'' under Executive Order 12866;
2. Is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979);
3. Will not affect intrastate aviation in Alaska; and
4. Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by removing Airworthiness Directive (AD) 2014–20–04, Amendment 39–17977 (79 FR 59636, October 3, 2014), and adding the following new AD:

2019–08–07 Airbus SAS: Amendment 39–19628; Docket No. FAA–2018–0795; Product Identifier 2018–NM–076–AD.

(a) Effective Date

This AD is effective June 26, 2019.

(b) Affected ADs

This AD replaces AD 2014–20–04, Amendment 39–17977 (79 FR 59636, October 3, 2014) (''AD 2014–20–04'').

(c) Applicability

This AD applies to the Airbus SAS airplanes specified in paragraphs (c)(1), (c)(2), (c)(3), and (c)(4) of this AD, certificated in any category, all manufacturer serial numbers.

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

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

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

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

(d) Subject

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

(e) Reason

This AD was prompted by reports of cracks at the lower riveting of the four titanium angles that connect the belly fairing to the keel beam side panels on both sides of the fuselage. We are issuing this AD to address cracking of the titanium angles that connect the belly fairing to the keel beam side panels on both sides of the fuselage, which could affect the structural integrity of the airplane.

(f) Compliance

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

(g) Retained Modification, With No Changes

This paragraph restates the requirements of paragraph (g) of AD 2014–20–04, with no changes. For Model A320–211 and –231 series airplanes, manufacturer serial numbers 003 through 092 inclusive: Prior to the accumulation of 12,000 total landings on the airplane, or within 300 days after January 10, 1994 (the effective date of AD 93–24–11, Amendment 39–8760 (58 FR 64875, December 10, 1993)), whichever occurs later, modify the belly fairing structure, in accordance with the Accomplishment Instructions of an Airbus service bulletin specified in paragraph (g)(1), (g)(2), or (g)(3) of this AD. As of November 7, 2014 (the effective date of AD 2014–20–04), use only the Airbus service bulletin specified in paragraph (g)(3) of this AD.

(1) Airbus Industrie Service Bulletin A320–53–1014, dated June 25, 1992.

(2) Airbus Industrie Service Bulletin A320–53–1014, Revision 1, dated May 26, 1993.

(3) Airbus Service Bulletin A320–53–1014, Revision 2, dated September 1, 1994.

(h) Retained Repetitive Inspection, With Updated Service Information

This paragraph restates the requirements of paragraph (h) of AD 2014–20–04, with updated service information. At the latest of the compliance times specified in paragraphs (h)(1), (h)(2), and (h)(3) of this AD: Do a detailed inspection for cracking of the four titanium angles between the belly fairing and the keel beam side panel, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A320–53–1259, dated November 6, 2012; Airbus Service Bulletin A320–53–1259, Revision 01, dated November 26, 2013; Airbus Service Bulletin A320–53–1259, Revision 02, dated March 24, 2016; or Airbus Service Bulletin A320–53–1259, Revision 03, dated November 30, 2017. After the effective date of this AD, only Airbus Service Bulletin A320–53–1259, Revision 03, dated November 30, 2017, may be used. Where Airbus Service Bulletin A320–53–1259, Revision 03, dated November 30, 2017, specifies to refer to Figure A GCAAA—Sheet 02, instead use Airbus Technical Adaptation 80491184/005/2018, Issue 1, dated February 08, 2018.

(1) Before the accumulation of 30,000 total flight cycles or 60,000 total flight hours, whichever occurs first after first flight of the airplane.

(2) Within 30,000 flight cycles or 60,000 flight hours, whichever occurs first after modification of the airplane as required by paragraph (g) of this AD, or after installation of new titanium angles, provided that, prior to installation, a rototest for cracking on the open holes has been accomplished with no crack findings, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A320–53–1259, dated November 6, 2012; Airbus Service Bulletin A320–53–1259, Revision 01, dated November 26, 2013; Airbus Service Bulletin A320–53–1259, Revision 02, dated March 24, 2016; or Airbus Service Bulletin A320–53–1259, Revision 03, dated November 30, 2017. After the effective date of this AD, only Airbus Service Bulletin A320–53–1259, Revision 03, dated November 30, 2017, may be used. Where Airbus Service Bulletin A320–53–1259, Revision 03, dated November 30, 2017, specifies to refer to Figure A GCAAA—Sheet 02, instead use Airbus Technical Adaptation 80491184/005/2018, Issue 1, dated February 08, 2018.

(3) Within 3,000 flight cycles or 6,000 flight hours, whichever occurs first after November 7, 2014 (the effective date of AD 2014–20–04).

(i) Retained Post-Inspection Actions for No Crack Findings, With Updated Service Information

This paragraph restates the requirements of paragraph (i) of AD 2014–20–04, with updated service information. If, during any inspection required by paragraph (h) of this AD, there is no crack finding: Accomplish the actions specified in either paragraph (i)(1) or (i)(2) of this AD.

(1) Repeat the inspection required by paragraph (h) of this AD at intervals not to exceed 5,000 flight cycles or 10,000 flight hours, whichever occurs first.

(2) Before further flight after the inspection required by paragraph (h) of this AD, remove all inspected titanium angles, accomplish a rototest for cracking on the open holes and, provided no cracks are found, install new titanium angles, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A320–53–1259, dated November 6, 2012; Airbus Service Bulletin A320–53–1259, Revision 01, dated November 26, 2013; or Airbus Service Bulletin A320–53–1259, Revision 03, dated November 30, 2017. After the effective date of this AD, only Airbus Service Bulletin A320–53–1259, Revision 03, dated November 30, 2017, may be used. Where Airbus Service Bulletin A320–53–1259, Revision 03, dated November 30, 2017, specifies to refer to Figure A GCAAA—Sheet 02, instead use Airbus Technical Adaptation 80491184/005/2018, Issue 1, dated February 08, 2018.

(j) Retained Post-Inspection Actions for Any Crack Findings, With Updated Service Information

This paragraph restates the requirements of paragraph (j) of AD 2014–20–04, with updated service information. If, during any inspection required by paragraph (h) of this AD, there is any crack finding: Before further flight, remove the affected titanium angle(s), accomplish a rototest for cracking on the open holes, and, provided no cracks are found, install new titanium angles, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A320–53–1259, dated November 6, 2012; Airbus Service Bulletin A320–53–1259, Revision 01, dated November 26, 2013; or Airbus Service Bulletin A320–53–1259, Revision 03, dated November 30, 2017. After the effective date of this AD, only Airbus Service Bulletin A320–53–1259, Revision 03, dated November 30, 2017, may be used. Where Airbus Service Bulletin A320–53–1259, Revision 03, dated November 30, 2017, specifies to refer to Figure A GCAAA—Sheet 02, instead use Airbus Technical Adaptation 80491184/005/2018, Issue 1, dated February 08, 2018.

(k) Retained Post-Installation Repetitive Inspections, With Updated Service Information and Revised Compliance Language

This paragraph restates the requirements of paragraph (k) of AD 2014–20–04, with updated service information and revised compliance language. For airplanes on which new titanium angles were installed as specified in paragraph (i)(2) or (j) of this AD: Within 30,000 flight cycles or 60,000 flight hours, whichever occurs first after the installation, accomplish a detailed inspection for cracking of the replaced titanium angles between the belly fairing and the keel beam side panel, in accordance with the Accomplishment Instructions of Airbus

Service Bulletin A320–53–1259, dated November 6, 2012; Airbus Service Bulletin A320–53–1259, Revision 01, dated November 26, 2013; Airbus Service Bulletin A320–53–1259, Revision 02, dated March 24, 2016; or Airbus Service Bulletin A320–53–1259, Revision 03, dated November 30, 2017. After the effective date of this AD, only Airbus Service Bulletin A320–53–1259, Revision 03, dated November 30, 2017, may be used. Repeat the inspection thereafter at intervals not to exceed 5,000 flight cycles or 10,000 flight hours, whichever occurs first. Where Airbus Service Bulletin A320–53–1259, Revision 03, dated November 30, 2017, specifies to refer to Figure A GCAAA—Sheet 02, instead use Airbus Technical Adaptation 80491184/005/2018, Issue 1, dated February 08, 2018.

(l) Retained Post-Inspection Actions for Any Crack Findings During Post-Installation Inspections, With Updated Service Information

This paragraph restates the requirements of paragraph (l) of AD 2014–20–04, with updated service information. If, during any inspection as required by paragraph (k) of this AD, there is any crack finding: Before further flight, remove the affected titanium angles, accomplish a rototest for cracking on the open holes, and, provided no cracks are found, install new titanium angles, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A320–53–1259, dated November 6, 2012; Airbus Service Bulletin A320–53–1259, Revision 01, dated November 26, 2013; or Airbus Service Bulletin A320–53–1259, Revision 03, dated November 30, 2017. After the effective date of this AD, only Airbus Service Bulletin A320–53–1259, Revision 03, dated November 30, 2017, may be used. Where Airbus Service Bulletin A320–53–1259, Revision 03, dated November 30, 2017, specifies to refer to Figure A GCAAA—Sheet 02, instead use Airbus Technical Adaptation 80491184/005/2018, Issue 1, dated February 08, 2018.

(m) Retained Corrective Action for Rototest Crack Finding, With Updated Contact Information

This paragraph restates the requirements of paragraph (m) of AD 2014–20–04, with updated contact information. If, during any rototest as required by paragraph (i), (j), or (l) of this AD, any crack is found: Before further flight, repair using a method approved by the Manager, International Section, Transport Standards Branch, FAA; or the European Aviation Safety Agency (EASA); or Airbus SAS's EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

(n) Retained No Termination Action for Repetitive Inspections, With No Changes

This paragraph restates the requirements of paragraph (n) of AD 2014–20–04, with no changes. Repair or replacement of parts as specified in this AD does not terminate the repetitive inspections required by this AD.

(o) New Requirement of This AD: Detailed Inspection for Certain Rivets

For airplanes previously modified (replacement of affected titanium angles) using the Accomplishment Instructions of Revision 02 of Airbus Service Bulletin A320–53–1259: At the earlier of the times specified in paragraphs (o)(1) and (o)(2) of this AD, do a detailed inspection of the rivet installation in the belly fairing shear walls and the titanium angles for part number EN6081D4 series rivets in accordance with the Accomplishment Instructions of Airbus Service Bulletin A320–53–1259, Revision 03, dated November 30, 2017. A review of the airplane maintenance records is acceptable to comply with the requirements of this paragraph for that airplane, provided it can be determined that no titanium angles have been installed on that airplane in accordance with the Accomplishment Instructions of Revision 02 of Airbus Service Bulletin A320–53–1259, or if only rivets having part number EN6081D5 have been used to install the titanium angles on that airplane in accordance with the Accomplishment Instructions of Revision 02 of Airbus Service Bulletin A320–53–1259. Where Airbus Service Bulletin A320–53–1259, Revision 03, dated November 30, 2017, specifies to refer to Figure A GCAAA—Sheet 02, instead use Airbus Technical Adaptation 80491184/005/2018, Issue 1, dated February 08, 2018.

(1) Within 2,000 flight cycles or 4,000 flight hours, whichever occurs first after the effective date of this AD.

(2) Before exceeding 5,000 flight cycles or 10,000 flight hours, whichever occurs first after accomplishment of the last inspection specified in paragraph (h) of this AD.

(p) New Requirements of This AD: Replacement of Certain Rivets

If any part number EN6081D4 series rivet is found during any inspection required by paragraph (o) of this AD, before further flight, do the actions specified in paragraphs (p)(1) and (p)(2) of this AD.

(1) Remove the part number EN6081D4 series rivets and do a rotating probe test of the open holes for cracks, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A320–53–1259, Revision 03, dated November 30, 2017. If any crack is found during any inspection required by this paragraph, before further flight, obtain corrective actions approved by the Manager, International Section, Transport Standards Branch, FAA; or EASA; or Airbus SAS's EASA DOA; and accomplish the corrective actions within the compliance time specified therein. If approved by the DOA, the approval must include the DOA-authorized signature.

(2) Replace part number EN6081D4 series rivets with part number EN6081D5 series rivets in accordance with the Accomplishment Instructions of Airbus Service Bulletin A320–53–1259, Revision 03, dated November 30, 2017. Where Airbus Service Bulletin A320–53–1259, Revision 03, dated November 30, 2017, specifies to refer to Figure A GCAAA—Sheet 02, instead use Airbus Technical Adaptation 80491184/005/2018, Issue 1, dated February 08, 2018.

(q) Service Information Exception

Where the Accomplishment Instructions of Airbus Service Bulletin A320–53–1259, Revision 03, dated November 30, 2017, specify to install titanium angle part numbers D5337060121200 and D5337060121400, this AD allows the installation of titanium angle part numbers D5337060121295 and D5337060121495, respectively.

(r) Other FAA AD Provisions

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

(i) 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.

(ii) AMOCs approved previously for AD 2014–20–04, are approved as AMOCs for the corresponding provisions of this AD.

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

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

(s) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA AD 2018–0091, dated April 20, 2018, for related information. This MCAI may be found in the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0795.

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

(t) Material Incorporated by Reference

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

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

(3) The following service information was approved for IBR on June 26, 2019.

(i) Airbus Service Bulletin A320–53–1259, Revision 03, dated November 30, 2017.

(ii) Airbus Technical Adaptation 80491184/005/2018, Issue 1, dated February 08, 2018. The date appears only on the last page of the document.

(4) The following service information was approved for IBR on November 7, 2014 (79 FR 59636, October 3, 2014).

(i) Airbus Service Bulletin A320–53–1014, Revision 2, dated September 1, 1994, including supplementary page 7A. Pages 1 through 3, 15, 19, 20, and 25 of this document are identified as Revision 2, dated September 1, 1994; pages 4 through 8, 10, 12, 16 through 18, and 21 through 24 are identified as Revision 1, dated May 26, 1993; and pages 9, 11, 13, 14, and 26 are identified as the original, dated June 25, 1992.

(ii) [Reserved]

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

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

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

Issued in Des Moines, Washington, on April 10, 2019.

Dionne Palermo,

Acting Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2019–10653 Filed 5–21–19; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

15 CFR Parts 744 and 762

[Docket No. 190513445–9459–02]

RIN 0694–AH86

Temporary General License

AGENCY: Bureau of Industry and Security, Commerce.

ACTION: Final rule.

SUMMARY: This final rule creates a 90-day temporary general license that partially restores the licensing requirements and policies under the Export Administration Regulations (EAR) for exports, reexports, and transfers (in-country) to sixty-nine entities added to the Entity List on May 16, 2019.

DATES: This rule is effective May 20, 2019, through August 19, 2019.

FOR FURTHER INFORMATION CONTACT: Director, Office of Exporter Services, Bureau of Industry and Security, Department of Commerce, Phone: (949) 660–0144 or (408) 998–8806 or email your inquiry to: *ECDOEXS@bis.doc.gov.*

SUPPLEMENTARY INFORMATION:

Background

The Entity List (Supplement No. 4 to Part 744) identifies entities and other persons reasonably believed to be involved, or to pose a significant risk of being or becoming involved, in activities contrary to the national security or foreign policy interests of the United States. The End-User Review Committee (ERC), composed of representatives of the Departments of Commerce (Chair), State, Defense, Energy and, where appropriate, the Treasury, makes all decisions regarding additions to, removals from, or other modifications to the Entity List. The ERC makes all decisions to add an entry to the Entity List by majority vote and all decisions to remove or modify an entry by unanimous vote.

This final rule does not amend the Entity List, but modifies the license requirement for the sixty-nine entries added to the Entity List in the May 16, 2019, final rule entitled ''Addition of Entities to the Entity List,'' as described further below, by adding a temporary general license for the specified entities.

Addition of Huawei Technologies Co., Ltd. and Sixty-Eight Related Entities to the Entity List

BIS added Huawei Technologies Co., Ltd. (Huawei) and sixty-eight of its non-U.S. affiliates to the Entity List on May 16, 2019. Details regarding the scope of the listing are in the final rule titled ''Addition to the Entity List,'' effective May 16, 2019, and scheduled to publish in the May 21, 2019, issue of the **Federal Register**. The sixty-eight non-U.S. affiliates are also listed in Supplement No. 7 to part 744—Temporary General License.

Addition of Temporary General License

This final rule amends the EAR by adding Supplement No. 7 to Part 744 to create a Temporary General License that returns in part the prior requirements through August 14, 2019. In this final rule, pursuant to Supplement No. 5 to part 744 of the Export Administration Regulations (EAR), BIS is modifying the effect of the sixty-nine entries on the Entity List by adding a temporary general license to temporarily authorize, as specified below, engagement in transactions, involving the export, reexport, and transfer (in-country) of items subject to the EAR to Huawei and its sixty-eight non-U.S. affiliates subject to the conditions described below.

a. This temporary general license is effective from the date of this Authorization, May 20, 2019, through August 19, 2019.

b. This temporary general license does not relieve persons of other obligations under the EAR, including but not limited to licensing requirements to the People's Republic of China (PRC or China) or elsewhere and/or the requirements of part 744 of the EAR. This authorization does not authorize any activities or transactions involving Country Group E countries (*i.e.,* Cuba, Iran, North Korea, Sudan, and Syria) or persons.

c. With the exception of the transactions explicitly authorized by this temporary general license, exports, reexports, and transfers (in-country) continue to require a license pursuant to the license requirement set forth in Supplement No. 4 to part 744 for Huawei and the sixty-eight non-U.S. affiliates and will be reviewed under the license review policy for those entities.

This temporary general license allows, from May 20, 2019, through August 19, 2019, the following:

1. *Continued Operation of Existing Networks and Equipment:* BIS authorizes engagement in transactions, subject to other provisions of the EAR, necessary to maintain and support existing and currently fully operational networks and equipment, including software updates and patches, subject to legally binding contracts and agreements executed between Huawei and third parties or the sixty-eight non-U.S. Huawei affiliates and third parties on or before May 16, 2019.

2. *Support to Existing Handsets:* BIS authorizes engagement in transactions, subject to other provisions of the EAR, necessary to provide service and support, including software updates or patches, to existing Huawei handsets that were available to the public on or before May 16, 2019.

3. *Cybersecurity Research and Vulnerability Disclosure:* BIS authorizes, subject to other provisions of the EAR, the disclosure to Huawei and/or the sixty-eight non-U.S. affiliates of information regarding security vulnerabilities in items owned, possessed, or controlled by Huawei or any of the sixty-eight non-U.S. affiliates

when related to the process of providing ongoing security research critical to maintaining the integrity and reliability of existing and currently fully operational networks and equipment, as well as handsets.

4. *Engagement as Necessary for Development of 5G Standards by a Duly Recognized Standards Body:* BIS authorizes, subject to other provisions of the EAR, engagement with Huawei and/or the sixty-eight non-U.S. affiliates as necessary for the development of 5G standards as part of a duly recognized international standards body (*e.g.,* IEEE—Institute of Electrical and Electronics Engineers; IETF—internet Engineering Task Force; ISO—International Organization for Standards; ITU—International Telecommunications Union; ETSI-European Telecommunications Standards Institute; 3GPP—3rd Generation Partnership Project; TIA—Telecommunications Industry Association; and GSMA, a.k.a., GSM Association, Global System for Mobile Communications).

The licensing and other policies of the EAR regarding exports, reexports, and transfers (in-country) to Huawei and sixty-eight of its non-U.S. affiliates that were in effect prior to their addition to the Entity List on May 16, 2019, are available for exports, reexports, and transfers (in-country) for transactions eligible for the temporary general license established by this final rule.

For example, the authority of NLR or a license exception that was available on or before May 16, 2019, may be used pursuant to this temporary general license if the underlying export, reexport, or transfer (in-country) meets the temporary general license conditions and is limited in scope to the support of one or more of activities described in clauses 1–4 above.

This temporary general license does not relieve persons of other obligations under the EAR, including but not limited to licensing requirements to the PRC or elsewhere and/or the requirements of the part 744 of the EAR, such as those specified in §§ 744.2, 744.3 and 744.4 of the EAR. This temporary general license does not authorize any activities or transactions involving Country Group E countries or persons. For example, this temporary general license does not relieve persons of their obligations under General Prohibition 5 in § 736.2(b)(5) of the EAR which provides that, ''you may not, without a license, knowingly export or reexport any item subject to the EAR to an end-user or end-use that is prohibited by part 744 of the EAR.'' BIS strongly urges the use of Supplement No. 3 to part 732 of the EAR, ''BIS's 'Know Your Customer' Guidance and Red Flags,'' when persons are involved in transactions that are subject to the EAR.

Required Certification Statement and Change to EAR Recordkeeping Requirement

Also in new Supplement No. 7 to part 744, this final rule includes a paragraph (d) (Certification statement). The certification statement is required to be made by the exporter, reexport, or transferor prior to making an export, reexport, or transfer (in-country) pursuant to this Temporary General License. The certification statement must be kept for recordkeeping purposes by the exporter, reexporter, or transferor.

As a conforming change, in part 762 (Recordkeeping), this final rule adds a new paragraph (b)(55) to reference the Certification statement required in order to rely in the Temporary General License.

Export Control Reform Act of 2018

On August 13, 2018, the President signed into law the John S. McCain National Defense Authorization Act for Fiscal Year 2019, which included the Export Control Reform Act of 2018 (ECRA) (Title XVII, Subtitle B of Pub. L. 115–232 (132 Stat. 2210); 50 U.S.C. 4801 *et seq.*), which provides the legal basis for BIS's principal authorities and serves as the authority under which BIS issues this rule. As set forth in section 1768 of ECRA, all delegations, rules, regulations, orders, determinations, licenses, or other forms of administrative action that have been made, issued, conducted, or allowed to become effective under the Export Administration Act of 1979 (50 U.S.C. 4601 *et seq.*) (as in effect prior to August 13, 2018, and as continued in effect pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*) and Executive Order 13222 of August 17, 2001, 3 CFR, 2001 Comp., p. 783 (2002), as amended by Executive Order 13637 of March 8, 2013, 78 FR 16129 (March 13, 2013), and as extended by the Notice of August 8, 2018, 83 FR 39871 (August 13, 2018)), or the Export Administration Regulations, and were in effect as of August 13, 2018, shall continue in effect according to their terms until modified, superseded, set aside, or revoked under the authority of ECRA.

Rulemaking Requirements

1. Executive Orders 13563 and 12866 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, of reducing costs, of harmonizing rules, and of promoting flexibility. This rule has been determined to be not significant for purposes of Executive Order 12866. This rule is not an Executive Order 13771 regulatory action because this rule is not significant under Executive Order 12866.

2. Notwithstanding any other provision of law, no person is required to respond to nor be subject to a penalty for failure to comply with a collection of information, subject to the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) (PRA), unless that collection of information displays a currently valid Office of Management and Budget (OMB) Control Number. This regulation involves collections previously approved by OMB under control number 0694–0088, Simplified Network Application Processing System, which includes, among other things, license applications and carries a burden estimate of 42.5 minutes for a manual or electronic submission. Total burden hours associated with the PRA and OMB control number 0694–0088 are not expected to increase as a result of this rule. You may send comments regarding the collection of information associated with this rule, including suggestions for reducing the burden, to Jasmeet K. Seehra, Office of Management and Budget (OMB), by email to *Jasmeet_K._Seehra@omb.eop.gov,* or by fax to (202) 395–7285.

3. This rule does not contain policies with Federalism implications as that term is defined in Executive Order 13132.

4. Pursuant to section 1762 of ECRA, this action is exempt from the Administrative Procedure Act (5 U.S.C. 553) requirements for notice of proposed rulemaking, opportunity for public participation, and delay in effective date.

5. Because a notice of proposed rulemaking and an opportunity for public comment are not required to be given for this rule by 5 U.S.C. 553, or by 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 and none has been prepared.

List of Subjects

15 CFR Part 744

Exports, Reporting and recordkeeping requirements, Terrorism.

15 CFR Part 762

Administrative practice and procedure, Business and industry, Confidential business information, Exports, Reporting and recordkeeping requirements.

Accordingly, parts 744 and 762 of the Export Administration Regulations (15 CFR parts 730 through 774) are amended as follows:

PART 744—[AMENDED]

■ 1. The authority citation for part 744 continues to read as follows:

Authority: Pub. L. 115–232, 132 Stat. 2208 (50 U.S.C. 4801 *et seq.*); 50 U.S.C. 4601 *et seq.;* 50 U.S.C. 1701 *et seq.;* 22 U.S.C. 3201 *et seq.;* 42 U.S.C. 2139a; 22 U.S.C. 7201 *et seq.;* 22 U.S.C. 7210; E.O. 12058, 43 FR 20947, 3 CFR, 1978 Comp., p. 179; E.O. 12851, 58 FR 33181, 3 CFR, 1993 Comp., p. 608; E.O. 12938, 59 FR 59099, 3 CFR, 1994 Comp., p. 950; E.O. 12947, 60 FR 5079, 3 CFR, 1995 Comp., p. 356; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13099, 63 FR 45167, 3 CFR, 1998 Comp., p. 208; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; E.O. 13224, 66 FR 49079, 3 CFR, 2001 Comp., p. 786; Notice of August 8, 2018, 83 FR 39871 (August 13, 2018); Notice of September 19, 2018, 83 FR 47799 (September 20, 2018); Notice of November 8, 2018, 83 FR 56253 (November 9, 2018); Notice of January 16, 2019, 84 FR 127 (January 18, 2019).

■ 2. Add Supplement No. 7 to part 744 to read as follows:

Supplement No. 7 to Part 744—Temporary General License

Notwithstanding the requirements and other provisions of Supplement No. 4 to part 744, which became effective on May 16, 2019, the licensing and other requirements in the EAR as of May 15, 2019, pertaining to exports, reexports, and transfers (in-country) of items ''subject to the EAR'' to Huawei Technologies Co., Ltd. (Huawei), Shenzhen, Guangdong, China, and sixty-eight of its non-U.S. affiliates, as listed in this supplement, are restored in part as of May 20, 2019, and through August 19, 2019. Thus, for example, the authority of NLR or a License Exception that was available on or before May 16, 2019 may be used as per this temporary general license.

(a) *Identification of non-U.S. affiliates.* The non-U.S. affiliates to whom the licensing and other requirements of the EAR are restored as described herein are as follows (listed alphabetically by country):

(1) Huawei Technologies Research & Development Belgium NV, Belgium;
(2) Huawei Technologies (Bolivia) S.R.L., La Paz, Bolivia;
(3) Huawei do Brasil Telecomunicacões Ltda, Sao Paulo, Brazil;
(4) Huawei Technologies (Yangon) Co., Ltd., Yangon, Burma;
(5) Huawei Technologies Canada Co., Ltd., Markham, ON, Canada;
(6) Huawei Chile S.A., Santiago, Chile;
(7) Beijing Huawei Digital Technologies Co., Ltd., Beijing China;
(8) Chengdu Huawei High-Tech Investment Co., Ltd., Chengdu, Sichuan, China;
(9) Chengdu Huawei Technologies Co., Ltd., Chengdu, Sichuan, China;
(10) Dongguan Huawei Service Co., Ltd., Dongguan, Guangdong, China;
(11) Dongguan Lvyuan Industry Investment Co., Ltd., Dongguan, Guangdong, China;
(12) Gui'an New District Huawei Investment Co., Ltd., Guiyang, Guizhou, China;
(13) Hangzhou Huawei Digital Technology Co., Ltd., Hangzhou, Zhejiang, China;
(14) HiSilicon Optoelectronics Co., Ltd., Wuhan Hubei, China;
(15) HiSilicon Technologies Co., Ltd (HiSilicon), Bantian Longgang District, Shenzhen, 518129, China;
(16) Hisilicon Tech (Suzhou) Co., Ltd., Suzhou, Jiangsu, China;
(17) Huawei Device Co., Ltd., Dongguan, Guangdong, China;
(18) Huawei Device (Dongguan) Co., Ltd., Dongguan, Guangdong, China;
(19) Huawei Device (Shenzhen) Co., Ltd., Shenzhen, Guangdong, China;
(20) Huawei Digital Technologies (Suzhou) Co., Ltd., Suzhou, Jiangsu, China;
(21) Huawei Machine Co., Ltd., Dongguan, Guangdong, China;
(22) Huawei Software Technologies Co., Ltd., Nanjing, Jiangsu, China;
(23) Huawei Technical Service Co., Ltd., China;
(24) Huawei Technologies Service Co., Ltd., Langfang, Hebei, China;
(25) Huawei Training (Dongguan) Co., Ltd., Dongguan, Guangdong, China;
(26) Huayi internet Information Service Co., Ltd., Shenzhen, Guangdong, China;
(27) North Huawei Communication Technology Co., Ltd., Beijing, China;
(28) Shanghai Haisi Technology Co., Ltd., Shanghai, China;
(29) Shanghai Huawei Technologies Co. Ltd., Shanghai, China;
(30) Shanghai Mossel Trade Co., Ltd., Shanghai, China;
(31) Shenzhen Huawei Technical Services Co., Ltd., Shenzhen, Guangdong, China;
(32) Shenzhen Huawei Terminal Commercial Co., Ltd., Shenzhen, Guangdong, China;
(33) Shenzhen Huawei Training School Co., Ltd., Shenzhen, Guangdong, China;
(34) Shenzhen Huayi Loan Small Loan Co., Ltd., Shenzhen, Guangdong, China;
(35) Shenzhen Legrit Technology Co., Ltd., Shenzhen, Guangdong, China;
(36) Shenzhen Smartcom Business Co., Ltd., Shenzhen, Guangdong, China;
(37) Suzhou Huawei Investment Co., Ltd., Suzhou, Jiangsu, China;
(38) Wuhan Huawei Investment Co., Ltd., Wuhan, Hubei, China;
(39) Xi'an Huawei Technologies Co., Ltd., Xi'an, Shaanxi, China;
(40) Xi'an Ruixin Investment Co., Ltd., Xi'an, Shaanxi, China;
(41) Zhejiang Huawei Communications Technology Co., Ltd., Hangzhou, Zhejiang, China;
(42) Huawei Technology, Cairo, Egypt;
(43) Huawei Technologies Deutschland GmbH, Germany;
(44) Huawei Device (Hong Kong) Co., Limited, Tsim Sha Tsui, Kowloon, Hong Kong;
(45) Huawei International Co., Limited, Hong Kong;
(46) Huawei Tech. Investment Co., Limited (Huawei Investment), Hong Kong;
(47) Huawei Technologies Co. Ltd., Tsim Sha Tsui, Kowloon, Hong Kong;
(48) Hua Ying Management Co. Limited, Tsim Sha Tsui, Kowloon, Hong Kong;
(49) Smartcom (Hong Kong) Co., Limited, Sheung Wan, Hong Kong;
(50) Huawei Technologies Jamaica Company Limited, Kingston, Jamaica;
(51) Huawei Technologies Japan K.K., Japan;
(52) Huawei Technologies Investment Co. Ltd., Amman, Jordan;
(53) Huawei Technologies Lebanon, Beirut, Lebanon;
(54) Huawei Technologies Madagascar Sarl, Antananarivo, Madagascar;
(55) Huawei Technologies Coöperatief U.A., Netherlands;
(56) Huawei Tech Investment Oman LLC, Muscat, Oman;
(57) Huawei Technologies Pakistan (Private) Limited, Islamabad, Pakistan;
(58) Huawei Technologies Paraguay S.A., Asuncion, Paraguay;
(59) Huawei Tech Investment Limited, Doha, Qatar;
(60) Huawei International Pte. Ltd., Singapore;
(61) Huawei Technologies Lanka Company (Private) Limited, Colombo, Sri Lanka;
(62) Huawei Technologies Switzerland AG, Liebefeld, Bern, Switzerland;

(63) Xunwei Technologies Co., Ltd., Taipei, Taiwan;

(64) Huawei Global Finance (UK) Limited, Great Britain;

(65) Proven Glory, British Virgin Islands;

(66) Proven Honour, British Virgin Islands;

(67) Huawei Technologies (Vietnam) Company Limited, Hanoi, Vietnam; *and*

(68) Huawei Technology Co. Ltd., Hanoi, Vietnam.

(b) *Conditions for use of temporary general license.* Use of this temporary general license is subject to the following conditions:

(1) This temporary general license is effective from May 20, 2019, through August 19, 2019.

(2) This temporary general license does not resolve persons of other obligations under the EAR, including but not limited to licensing requirements to the Peoples Republic of China or elsewhere and/or the requirements of part 744 of the EAR. This authorization does not authorize any activities or transactions involving Country Group E countries (*i.e.,* Cuba, Iran, North Korea, Sudan and Syria) or persons.

(3) With the exception of those explicitly authorized in this temporary general license, exports, reexports, transfers (in-country) continue to require a license pursuant to the licensing policy described on the Entity List and license applications will be reviewed under the license review policy for that entry.

(c) *Authorized transactions.* This temporary general license allows, from May 20, 2019, through August 19, 2019, the following:

(1) *Continued operation of existing networks and equipment:* BIS authorizes engagement in transactions, subject to other provisions of the EAR, necessary to maintain and support existing and currently fully operational networks and equipment, including software updates and patches, subject to legally binding contracts and agreements executed between Huawei and third parties or the sixty-eight non-U.S. Huawei affiliates and third parties on or before May 16, 2019.

(2) *Support to existing handsets:* BIS authorizes engagement in transactions, subject to other provisions of the EAR, necessary to provide service and support, including software updates or patches to existing Huawei handsets. This authorization is limited to models of Huawei handsets that were available to the public on or before May 16, 2019.

(3) *Cybersecurity research and vulnerability disclosure:* BIS authorizes, subject to other provisions of the EAR, the disclosure to Huawei, and/or the sixty-eight non-U.S. affiliates of information regarding security vulnerabilities in items owned, possessed or controlled by Huawei or any of the sixty-eight non-U.S. affiliates when related to the process of providing ongoing security research critical to maintaining the integrity and reliability of existing and currently fully operational networks and equipment.

(4) *Engagement as necessary for development of 5G standards by a duly recognized standards body:* BIS authorizes, subject to other provisions of the EAR, engagement with Huawei and/or the sixty-eight non-U.S. affiliates as necessary for the development of 5G standards as part of a duly recognized international standards body (*e.g.,* IEEE—Institute of Electrical and Electronics Engineers; IETF—internet Engineering Task Force; ISO—International Organization for Standards; ITU—International Telecommunications Union; ETSI—European Telecommunications Standards Institute; 3GPP—3rd Generation Partnership Project; TIA—Telecommunications Industry Association; and GSMA, a.k.a., GSM Association, Global System for Mobile Communications).

(d) *Certification statement.* Prior to making an export, reexport, or transferor (in-country) pursuant to this Temporary General License, an exporter, reexporter, or transferor must create a certification statement. In order to rely on the Temporary General License, the certification statement must specify how the export, reexport, or transfer (in-country) meets the scope of the Temporary General License. The exporter, reexporter, or transferor that drafted the statement is responsible for retaining the certification statement. *See* part 762 of the EAR for record retention requirements.

PART 762—[AMENDED]

■ 3. The authority citation for part 762 is revised to read as follows:

Authority: Pub. L. 115–232, Title XVII, Subtitle B. 50 U.S.C. 4601 *et seq.;* 50 U.S.C. 1701 *et seq.;* E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; Notice of August 8, 2018, 83 FR 39871 (August 13, 2018).

■ 4. Section 762.2 is amended:

■ a. By removing the word ''and'' at the end of paragraph (b)(53);

■ b. By removing the period at the end of paragraph (b)(54) and adding a semi-colon in its place, and

■ c. By adding paragraph (b)(55).

The addition reads as follows:

§ 762.2 Records to be retained.

(b) * * *

(55) Supplement No. 7 to Part 744, Temporary General License Certification Statement.

* * * * *

Dated: May 20, 2019.

Nazak Nikakhtar

Assistant Secretary for Industry and Analysis, Performing the Nonexclusive Functions and Duties of the Under Secretary for Industry and Security.

[FR Doc. 2019–10829 Filed 5–20–19; 4:15 pm]

BILLING CODE P

FEDERAL TRADE COMMISSION

16 CFR Parts 640, 680, and 698

Rescission of Model Forms and Disclosures

AGENCY: Federal Trade Commission.

ACTION: Final rule; rescission of regulations.

SUMMARY: The Federal Trade Commission (''FTC'' or ''Commission'') is rescinding several Model Forms and Disclosures promulgated pursuant to the Fair Credit Reporting Act (''FCRA'') that it has determined are no longer necessary. The Dodd-Frank Wall Street Reform and Consumer Protection Act transferred rulemaking authority associated with these forms and disclosures to the Bureau of Consumer Financial Protection (''Bureau'' or ''CFPB''). Given the CFPB's 2018 updates to its model forms and disclosures, the Commission has determined that rescinding several of its model forms and disclosures would reduce confusion. The Commission is also making conforming amendments to address references to the updated model forms and disclosures in related rules.

DATES: This action is effective May 22, 2019.

FOR FURTHER INFORMATION CONTACT: David Lincicum, Bureau of Consumer Protection, Federal Trade Commission, 600 Pennsylvania Avenue NW, Washington, DC 20580, (202) 326–2773, *dlincicum@ftc.gov,* or Kenny Wright, Office of the General Counsel, Federal Trade Commission, 600 Pennsylvania Avenue NW, Washington, DC 20580, (202) 326–2907, *kwright@ftc.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

Section 1061 of the Dodd-Frank Wall Street Reform and Consumer Protection Act (''Dodd-Frank Act'') [1] transferred

[1] Public Law 111–203, 124 Stat. 1376 (2010).

rulemaking authority for certain enumerated consumer financial laws to the Bureau, including portions of the Fair Credit Reporting Act (''FCRA''),[2] although the FTC retained general rulemaking authority under Sections 615(e) (''Red Flag Guidelines and Regulations Required'') and 628 (''Disposal of Records'') of the FCRA. *See* 15 U.S.C. 1681s(e); Public Law 111–203, sec. 1088(a)(10)(E). Following these amendments, the Commission retains rulemaking authority for its ''Identity Theft Rules,'' 16 CFR part 681, and its rules governing ''Disposal of Consumer Report Information and Records,'' 16 CFR part 682, for all entities subject to those rules. *See* 15 U.S.C. 1681m, 1681w.

The Commission also retains rulemaking authority under the FCRA over any motor vehicle dealer described in Section 1029(a) of the Dodd-Frank Act that is predominantly engaged in the sale and servicing of motor vehicles, the leasing and servicing of motor vehicles, or both. *See* Dodd-Frank Act, sec. 1029(a), (c).

After the issuance of the Dodd-Frank Act, the Commission rescinded several rules following their republication by the CFPB. *See* 77 FR 22200 (2012). The Commission rescinded five rules issued under the FCRA, as amended by the FACT Act, that were republished by the CFPB: (1) [Identity Theft] Definitions, 16 CFR part 603 (republished by the CFPB at 12 CFR 1022.3); (2) Free Annual File Disclosures Rule, 16 CFR part 610 (republished by the CFPB at 12 CFR 1022.130); (3) Prohibition Against Circumventing Treatment as a Nationwide Consumer Reporting Agency, 16 CFR part 611 (republished by the CFPB at 12 CFR 1022.140); (4) Duration of Active Duty Alerts, 16 CFR part 613 (republished by the CFPB at 12 CFR 1022.121); and (5) Appropriate Proof of Identity, 16 CFR part 614 (republished by the CFPB at 12 CFR 1022.123).

The FTC also retained seven rules issued under the FCRA, as amended, that continue to apply to motor vehicle dealers, including the FCRA Model Forms and Disclosures in 16 CFR part 698.[3]

The CFPB recently issued further revisions to its own model forms and disclosures associated with the FCRA on September 18, 2018 through an interim final rulemaking. *See* 83 FR 47027 (2018).

The Commission is now adopting further revisions to its own Model Forms and Disclosures to rescind forms that are no longer necessary. Accordingly, the Commission is rescinding the following appendices in 16 CFR part 698:

- Appendix A—Model Prescreen Opt-Out Notices;
- Appendix D—Standardized Form for Requesting Annual File Disclosures;
- Appendix E—Summary of Identity Theft Rights;
- Appendix F—General Summary of Consumer Rights;
- Appendix G—Notice of Furnisher Responsibilities; and
- Appendix H—Notice of User Responsibilities.

In addition, the Commission is redesignating Appendix B—Model Forms for Risk-Based Pricing and Credit Score Disclosure Exception Notices as appendix A, and Appendix C—Model Forms for Affiliate Marketing Opt-Out Notices as appendix B.

Following these rescissions, covered entities should look to the corresponding forms issued by the CFPB to obtain the appropriate model forms and disclosures. The following is a chart that provides cross-references to the appropriate forms:

Rescinded FTC Form (16 CFR part 698)	Corresponding CFPB Form in Regulation V (12 CFR part 1022)
Appendix A: Model Prescreen Opt Notices	Appendix D to Part 1022—Model Forms for Firm Offers of Credit or Insurance.
Appendix D: Standardized Form for Requesting Annual File Disclosures.	Appendix L to Part 1022—Standardized Form for Requesting Annual File Disclosures.
Appendix E: Summary of Identity Theft Rights	Appendix I to Part 1022—Summary of Consumer Identity Theft Rights.
Appendix F: General Summary of Consumer Rights	Appendix K to Part 1022—Summary of Consumer Rights.
Appendix G: Notice of Furnisher Responsibilities	Appendix M to Part 1022—Notice of Furnisher Responsibilities.
Appendix H: Notice of User Responsibilities	Appendix N to Part 1022—Notice of User Responsibilities.

The Commission is also making conforming amendments to update references in several Commission rules to the currently applicable forms issued under the FCRA. These amendments address references to the model forms and disclosures in the Risk-Based Pricing Rule, 16 CFR part 640, and the Affiliate Marketing Rule, 16 CFR part 680.

II. Procedural Requirements

Under the Administrative Procedure Act, an agency may promulgate or rescind a rule without prior notice and an opportunity for public comment if the agency finds for good cause that notice and comment are unnecessary.[4] The Commission has determined that public comment on the rescission of these rules is unnecessary because the rulemaking authority for rules associated with these model forms and disclosures has transferred to the CFPB pursuant to the Dodd-Frank Act. The rescission of these FTC model forms will help avoid confusion as to which model forms and disclosures covered entities should look to in order to fulfill their disclosure obligations under the FCRA. Thus, there is no reason for public comment on this regulatory action.

In addition, the Commission has determined that these rescissions may take effect immediately upon publication of this notice in the **Federal Register**, as permitted by the Administrative Procedure Act.[5] The removal of the regulations is exempt from the usual 30-day notice requirement as it merely ''relieves a restriction'' from FTC requirements. The 30-day notice requirement does not apply under these circumstances, in which the underlying rulemaking authority for rules associated with these model forms and disclosures has transferred to the CFPB. Therefore,

[2] 15 U.S.C. 1681 *et seq.* Section 1088 of the Dodd-Frank Act made conforming amendments to the FCRA.

[3] The other six retained rules that pertain to motor vehicle dealers consisted of: (1) Privacy of Consumer Financial Information Privacy Rule, 16 CFR part 313; (2) Duties of Creditors Regarding Risk-Based Pricing, 16 CFR part 640; (3) Duties of Users of Consumer Reports Regarding Address Discrepancies, 16 CFR part 641; (4) Prescreen Opt-Out Notice, 16 CFR part 642; (5) Duties of Furnishers of Information to Consumer Reporting Agencies, 16 CFR part 660; and (6) Affiliate Marketing, 16 CFR part 680.

[4] 5 U.S.C. 553(b)(B).

[5] 5 U.S.C. 553(d)(1).

affected persons do not need time to prepare for or take any action with regard to the rescission.

III. Paperwork Reduction Act

The FTC is rescinding several model forms and disclosures contained in 16 CFR part 698 that it has determined are no longer necessary. The removal of these forms will not impact paperwork burden estimates relating to the Commission's rules issued under the FCRA. Neither the Model Forms and Disclosures in 16 CFR part 698 that are being rescinded nor the remaining Model Forms and Disclosures fall within the definition of a ''collection of information'' covered by the Paperwork Reduction Act (''PRA''), 44 U.S.C. 3501–3521, because they constitute ''[t]he public disclosure of information originally supplied by the Federal government to the recipient for the purpose of disclosure to the public * * *.'' 5 CFR 1320.3(c)(2).[6] Accordingly, these model forms and disclosures do not constitute a ''collection of information'' as defined in the regulations implementing the PRA, nor do the financial resources expended in relation to the distribution of these documents constitute a PRA burden.

IV. Regulatory Flexibility Act

Because the Commission has determined that it may remove these model forms and disclosures without public comment, the Commission is also not required to publish an initial or final regulatory flexibility analysis under the Regulatory Flexibility Act as part of such action.[7]

List of Subjects in 16 CFR Parts 640, 680, and 698

Consumer reporting agencies, Consumer reports, Credit, Fair Credit Reporting Act, Trade practices.

Accordingly, for the reasons set forth above, the Commission amends title 16, Code of Federal Regulations, as follows:

PART 640—DUTIES OF CREDITORS REGARDING RISK-BASED PRICING

■ 1. The authority citation for part 640 is revised to read as follows:

Authority: 12 U.S.C. 5519; 15 U.S.C. 1681m(h).

§ 640.4 [Amended]

■ 2. In § 640.4(b)(2), for each reference indicated in the left column, remove the reference indicated from wherever it appears in the section, and add in its place the reference indicated in the right column:

Remove	Add
B–1	A–1.
B–2	A–2.
B–6	A–6.
B–7	A–7.

§ 640.5 [Amended]

■ 3. In § 640.5, for each reference indicated in the left column, remove the reference indicated from wherever it appears in the section, and add in its place the reference indicated in the right column:

Remove	Add
16 CFR part B	16 CFR part 698.
16 CFR Part 698, Appendix B.	16 CFR part 698, appendix A.
appendix B	appendix A.
B–3	A–3.
B–4	A–4.
B–5	A–5.

PART 680—AFFILIATE MARKETING

■ 4. The authority citation for part 680 is revised to read as follows:

Authority: 12 U.S.C. 5519; 15 U.S.C. 1681s–3; 15 U.S.C. 1681s–3 note.

§ 680.23 [Amended]

■ 5. In § 680.23(a)(4), remove the words ''Appendix C of Part 698 of this chapter'' and add in their place the words ''appendix B of part 698 of this chapter''.

PART 698—MODEL FORMS AND DISCLOSURES

■ 6. The authority citation for part 698 is revised to read as follows:

Authority: 12 U.S.C. 5519; 15 U.S.C. 1681m(h); 15 U.S.C. 1681s–3; 15 U.S.C. 1681s–3 note.

■ 7. Revise § 698.1 to read as follows:

§ 698.1 Authority and purpose.

(a) *Authority.* This part is issued by the Commission pursuant to the provisions of the Fair Credit Reporting Act (15 U.S.C. 1681 *et seq.*), as amended by the Consumer Credit Reporting Reform Act of 1996 (Title II, Subtitle D, Chapter 1, of the Omnibus Consolidated Appropriations Act for Fiscal Year 1997), Public Law 104–208, 110 Stat. 3009–426 (Sept. 30, 1996), the Fair and Accurate Credit Transactions Act of 2003, Public Law 108–159, 117 Stat. 1952 (Dec. 4, 2003), and the Dodd-Frank Wall Street Reform and Consumer Protection Act, Public Law 111–203, 124 Stat. 1376–2223 (July 21, 2010).

(b) *Purpose.* The purpose of this part is to comply with sections 615(h) and 624 of the Fair Credit Reporting Act, as amended by the Fair and Accurate Credit Transactions Act of 2003, and section 214(b) of the Fair and Accurate Credit Transactions Act of 2003.

■ 8. Revise § 698.2 to read as follows:

§ 698.2 Legal effect.

The model forms and disclosures prescribed by the FTC in this part do not constitute a trade regulation rule. The issuance of the model forms and disclosures set forth in appendices A and B of this part carry out the directive in the statute that the FTC prescribe these forms and disclosures. Use or distribution of the model forms and disclosures in this part will constitute compliance with any section or subsection of the FCRA requiring that such forms and disclosures be used by any motor vehicle dealer subject to the FTC's rulemaking authority.

Appendices A Through H [Removed]

■ 9. Remove appendices A through H.

■ 10. Add a new appendix A to read as follows:

Appendix A to Part 698—Model Forms for Risk-Based Pricing and Credit Score Disclosure Exception Notices

1. This appendix contains four model forms for risk-based pricing notices and three model forms for use in connection with the credit score disclosure exceptions. Each of the model forms is designated for use in a particular set of circumstances as indicated by the title of that model form.

2. Model form A–1 is for use in complying with the general risk-based pricing notice requirements in § 640.3 if a credit score is not used in setting the material terms of credit. Model form A–2 is for risk-based pricing notices given in connection with account review if a credit score is not used in increasing the annual percentage rate. Model form A–3 is for use in connection with the credit score disclosure exception for loans secured by residential real property. Model form A–4 is for use in connection with the credit score disclosure exception for loans that are not secured by residential real property. Model form A–5 is for use in connection with the credit score disclosure exception when no credit score is available for a consumer. Model form A–6 is for use in complying with the general risk-based pricing notice requirements in § 640.3 if a credit score is used in setting the material terms of credit. Model form A–7 is for risk-based pricing notices given in connection with account review if a credit score is used in increasing the annual percentage rate. All forms contained in this appendix are models; their use is optional.

3. A person may change the forms by rearranging the format or by making technical modifications to the language of the forms, in each case without modifying the substance of

[6] *See* 62 FR 35586, 35589 (1997); 69 FR 69776, 69784 (2004).

[7] *See* 5 U.S.C. 603(a), 604(b).

the disclosures. Any such rearrangement or modification of the language of the model forms may not be so extensive as to materially affect the substance, clarity, comprehensibility, or meaningful sequence of the forms. Persons making revisions with that effect will lose the benefit of the safe harbor for appropriate use of the model forms in this appendix. A person is not required to conduct consumer testing when rearranging the format of the model forms.

a. Acceptable changes include, for example:

i. Corrections or updates to telephone numbers, mailing addresses, or website addresses that may change over time.

ii. The addition of graphics or icons, such as the person's corporate logo.

iii. Alteration of the shading or color contained in the model forms.

iv. Use of a different form of graphical presentation to depict the distribution of credit scores.

v. Substitution of the words ''credit'' and ''creditor'' or ''finance'' and ''finance company'' for the terms ''loan'' and ''lender.''

vi. Including pre-printed lists of the sources of consumer reports or consumer reporting agencies in a ''check-the-box'' format.

vii. Including the name of the consumer, transaction identification numbers, a date, and other information that will assist in identifying the transaction to which the form pertains.

viii. Including the name of an agent, such as an auto dealer or other party, when providing the ''Name of the Entity Providing the Notice.''

b. Unacceptable changes include, for example:

i. Providing model forms on register receipts or interspersed with other disclosures.

ii. Eliminating empty lines and extra spaces between sentences within the same section.

4. Optional language in model forms A–6 and A–7 may be used to direct the consumer to the entity (which may be a consumer reporting agency or the creditor itself, for a proprietary score that meets the definition of a credit score) that provided the credit score for any questions about the credit score, along with the entity's contact information. Creditors may use or not use the additional language without losing the safe harbor, since the language is optional.

A–1 Model form for risk-based pricing notice.

A–2 Model form for account review risk-based pricing notice.

A–3 Model form for credit score disclosure exception for loans secured by one to four units of residential real property.

A–4 Model form for credit score disclosure exception for loans not secured by residential real property.

A–5 Model form for credit score disclosure exception for loans where credit score is not available.

A–6 Model form for risk-based pricing notice with credit score information.

A–7 Model form for account review risk-based pricing notice with credit score information.

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A-1. Model form for risk-based pricing notice

[Name of Entity Providing the Notice]
Your Credit Report[s] and the Price You Pay for Credit

What is a credit report?	A credit report is a record of your credit history. It includes information about whether you pay your bills on time and how much you owe to creditors.
How did we use your credit report[s]?	We used information from your credit report[s] to set the terms of the credit we are offering you, such as the [Annual Percentage Rate/down payment]. The terms offered to you may be less favorable than the terms offered to consumers who have better credit histories.
What if there are mistakes in your credit report[s]?	You have a right to dispute any inaccurate information in your credit report[s]. If you find mistakes on your credit report[s], contact **[insert name of CRA(s)]**, which [is/are] the [consumer reporting agency/consumer reporting agencies] from which we obtained your credit report[s]. It is a good idea to check your credit report[s] to make sure the information [it contains/they contain] is accurate.
How can you obtain a copy of your credit report[s]?	Under federal law, you have the right to obtain a copy of your credit report[s] without charge for 60 days after you receive this notice. To obtain your free report[s], contact **[insert name of CRA(s)]**: *By telephone:* Call toll-free: 1-877-xxx-xxxx *By mail:* Mail your written request to: **[Insert address]** *On the web:* Visit **[insert web site address]**
How can you get more information about credit reports?	For more information about credit reports and your rights under federal law, visit the Consumer Financial Protection Bureau's website at www.consumerfinance.gov/learnmore, or the Federal Trade Commission's website at www.ftc.gov.

A-2. Model form for account review risk-based pricing notice

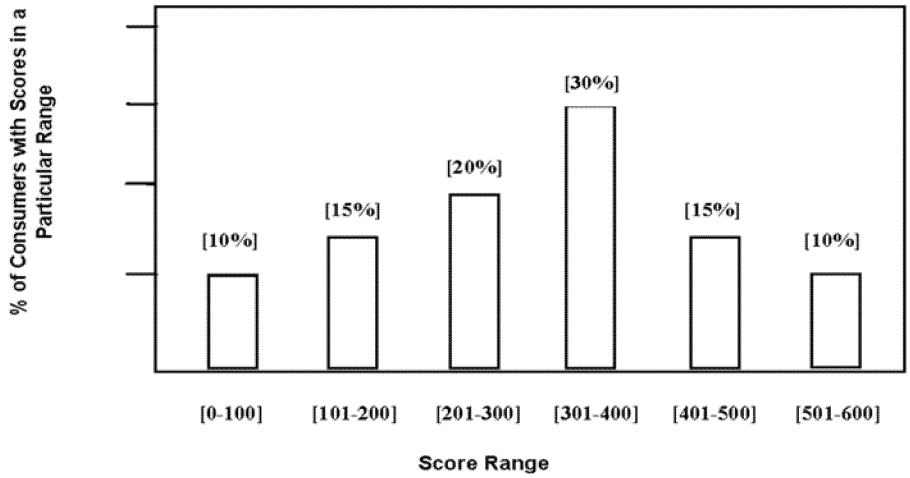
[Name of Entity Providing the Notice]
Your Credit Report[s] and the Pricing of Your Account

What is a credit report?	A credit report is a record of your credit history. It includes information about whether you pay your bills on time and how much you owe to creditors.
How did we use your credit report[s]?	We have used information from your credit report[s] to review the terms of your account with us. Based on our review of your credit report[s], we have increased the annual percentage rate on your account.
What if there are mistakes in your credit report[s]?	You have a right to dispute any inaccurate information in your credit report[s]. If you find mistakes on your credit report[s], contact **[insert name of CRA(s)]**, which [is/are] [a consumer reporting agency/consumer reporting agencies] from which we obtained your credit report[s]. It is a good idea to check your credit report[s] to make sure the information [it contains/they contain] is accurate.
How can you obtain a copy of your credit report[s]?	Under federal law, you have the right to obtain a copy of your credit report[s] without charge for 60 days after you receive this notice. To obtain your free report[s], contact **[insert name of CRA(s)]**: *By telephone:* Call toll-free: 1-877-xxx-xxxx *By mail:* Mail your written request to: **[Insert address]** *On the web:* Visit **[insert web site address]**
How can you get more information about credit reports?	For more information about credit reports and your rights under federal law, visit the Consumer Financial Protection Bureau's website at www.consumerfinance.gov/learnmore, or the Federal Trade Commission's web site at www.ftc.gov.

A-3. Model form for credit score disclosure exception for loans secured by one to four units of residential real property

[Name of Entity Providing the Notice]
Your Credit Score and the Price You Pay for Credit

Your Credit Score	
Your credit score	**[Insert credit score]** Source: **[Insert source]** Date: **[Insert date score was created]**

Understanding Your Credit Score	
What you should know about credit scores	Your credit score is a number that reflects the information in your credit report. Your credit report is a record of your credit history. It includes information about whether you pay your bills on time and how much you owe to creditors. Your credit score can change, depending on how your credit history changes.
How we use your credit score	Your credit score can affect whether you can get a loan and how much you will have to pay for that loan.
The range of scores	Scores range from a low of **[Insert bottom number in the range]** to a high of **[Insert top number in the range]**. Generally, the higher your score, the more likely you are to be offered better credit terms.
How your score compares to the scores of other consumers	 **[or]** [Your credit score ranks higher than [X] percent of U.S. consumers.]

Understanding Your Credit Score (continued)	
Key factors that adversely affected your credit score	**[Insert first factor]** **[Insert second factor]** **[Insert third factor]** **[Insert fourth factor]** **[Insert fifth factor, if applicable]**

Checking Your Credit Report	
What if there are mistakes in your credit report?	You have a right to dispute any inaccurate information in your credit report. If you find mistakes on your credit report, contact the consumer reporting agency. It is a good idea to check your credit report to make sure the information it contains is accurate.
How can you obtain a copy of your credit report?	Under federal law, you have the right to obtain a free copy of your credit report from each of the nationwide consumer reporting agencies once a year. To order your free annual credit report— *By telephone:* Call toll-free: 1-877-322-8228 *On the web:* Visit www.annualcreditreport.com *By mail:* Mail your completed Annual Credit Report Request Form (which you can obtain from the Federal Trade Commission's web site at http://www.ftc.gov/ bcp/conline/include/requestformfinal.pdf) to: Annual Credit Report Request Service P.O. Box 105281 Atlanta, GA 30348-5281
How can you get more information?	For more information about credit reports and your rights under federal law, visit the Consumer Financial Protection Bureau's website at www.consumerfinance.gov/learnmore, or the Federal Trade Commission's web site at www.ftc.gov.

Notice to the Home Loan Applicant

In connection with your application for a home loan, the lender must disclose to you the score that a consumer reporting agency distributed to users and the lender used in connection with your home loan, and the key factors affecting your credit scores.

The credit score is a computer generated summary calculated at the time of the request and based on information that a consumer reporting agency or lender has on file. The scores are based on data about your credit history and payment patterns. Credit scores are important because they are used to assist the lender in determining whether you will obtain a loan. They may also be used to determine what interest rate you may be offered on the mortgage. Credit scores can change over time, depending on your conduct, how your credit history and payment patterns change, and how credit scoring technologies change.

Because the score is based on information in your credit history, it is very important that you review the credit-related information that is being furnished to make sure it is accurate. Credit records may vary from one company to another.

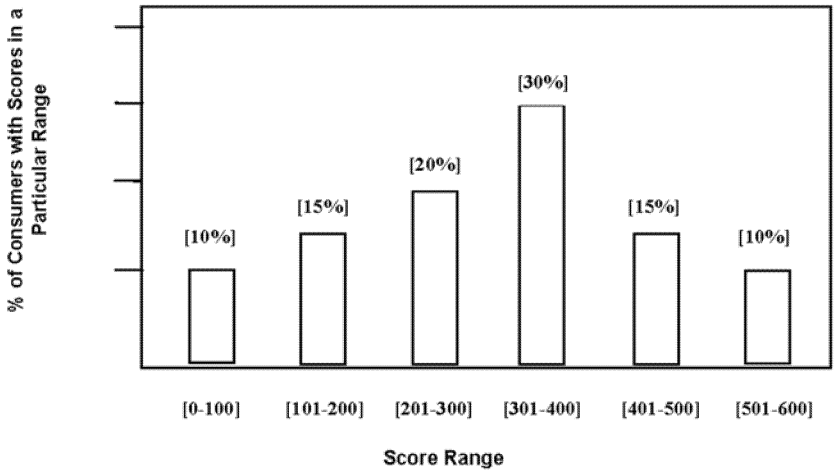
If you have questions about your credit score or the credit information that is furnished to you, contact the consumer reporting agency at the address and telephone number provided with this notice, or contact the lender, if the lender developed or generated the credit score. The consumer reporting agency plays no part in the decision to take any action on the loan application and is unable to provide you with specific reasons for the decision on a loan application.

If you have questions concerning the terms of the loan, contact the lender.

A-4. Model form for credit score disclosure exception for loans not secured by residential real property

[Name of Entity Providing the Notice]
Your Credit Score and the Price You Pay for Credit

Your Credit Score	
Your credit score	**[Insert credit score]** Source: **[Insert source]** Date: **[Insert date score was created]**

Understanding Your Credit Score	
What you should know about credit scores	Your credit score is a number that reflects the information in your credit report. Your credit report is a record of your credit history. It includes information about whether you pay your bills on time and how much you owe to creditors. Your credit score can change, depending on how your credit history changes.
How we use your credit score	Your credit score can affect whether you can get a loan and how much you will have to pay for that loan.
The range of scores	Scores range from a low of **[Insert bottom number in the range]** to a high of **[Insert top number in the range]**. Generally, the higher your score, the more likely you are to be offered better credit terms.
How your score compares to the scores of other consumers	 **[or]** [Your credit score ranks higher than [X] percent of U.S. consumers.]

Checking Your Credit Report	
What if there are mistakes in your credit report?	You have a right to dispute any inaccurate information in your credit report. If you find mistakes on your credit report, contact the consumer reporting agency. It is a good idea to check your credit report to make sure the information it contains is accurate.
How can you obtain a copy of your credit report?	Under federal law, you have the right to obtain a free copy of your credit report from each of the nationwide consumer reporting agencies once a year. To order your free annual credit report— *By telephone:* Call toll-free: 1-877-322-8228 *On the web:* Visit www.annualcreditreport.com *By mail:* Mail your completed Annual Credit Report Request Form (which you can obtain from the Federal Trade Commission's web site at http://www.ftc.gov/ bcp/conline/include/requestformfinal.pdf) to: Annual Credit Report Request Service P.O. Box 105281 Atlanta, GA 30348-5281
How can you get more information?	For more information about credit reports and your rights under federal law, visit the Consumer Financial Protection Bureau's website at www.consumerfinance.gov/learnmore, or the Federal Trade Commission's web site at www.ftc.gov.

A-5. Model form for credit score disclosure for loans where credit score is not available

[Name of Entity Providing the Notice]
Credit Scores and the Price You Pay for Credit

Your Credit Score	
Your credit score	Your credit score is not available from **[Insert name of CRA]**, which is a consumer reporting agency, because they may not have enough information about your credit history to calculate a score.
What you should know about credit scores	A credit score is a number that reflects the information in a credit report. A credit report is a record of your credit history. It includes information about whether you pay your bills on time and how much you owe to creditors. A credit score can change, depending on how a consumer's credit history changes.
Why credit scores are important	Credit scores are important because consumers who have higher credit scores generally will get more favorable credit terms. Not having a credit score can affect whether you can get a loan and how much you will have to pay for that loan.
Checking Your Credit Report	
What if there are mistakes in your credit report?	You have a right to dispute any inaccurate information in your credit report. If you find mistakes on your credit report, contact the consumer reporting agency. It is a good idea to check your credit report to make sure the information it contains is accurate.
How can you obtain a copy of your credit report?	Under federal law, you have the right to obtain a free copy of your credit report from each of the nationwide consumer reporting agencies once a year. To order your free annual credit report— *By telephone:* Call toll-free: 1-877-322-8228 *On the web:* Visit www.annualcreditreport.com *By mail:* Mail your completed Annual Credit Report Request Form (which you can obtain from the Federal Trade Commission's web site at http://www.ftc.gov/bcp/conline/include/requestformfinal.pdf) to: Annual Credit Report Request Service P.O. Box 105281 Atlanta, GA 30348-5281
How can you get more information?	For more information about credit reports and your rights under federal law, visit the Consumer Financial Protection Bureau's website at www.consumerfinance.gov/learnmore, or the Federal Trade Commission's web site at www.ftc.gov.

A-6. Model form for risk-based pricing notice with credit score information

[Name of Entity Providing the Notice]
Your Credit Report[s] and the Price You Pay for Credit

What is a credit report?	A credit report is a record of your credit history. It includes information about whether you pay your bills on time and how much you owe to creditors.
How did we use your credit report[s]?	We used information from your credit report[s] to set the terms of the credit we are offering you, such as the [Annual Percentage Rate/down payment]. The terms offered to you may be less favorable than the terms offered to consumers who have better credit histories.
What if there are mistakes in your credit report[s]?	You have a right to dispute any inaccurate information in your credit report[s]. If you find mistakes on your credit report[s], contact **[insert name of CRA(s)]**, which [is/are] the [consumer reporting agency/consumer reporting agencies] from which we obtained your credit report[s]. It is a good idea to check your credit report[s] to make sure the information [it contains/they contain] is accurate.
How can you obtain a copy of your credit report[s]?	Under federal law, you have the right to obtain a copy of your credit report[s] without charge for 60 days after you receive this notice. To obtain your free report[s], contact **[insert name of CRA(s)]**: *By telephone:* Call toll-free: 1-877-xxx-xxxx *By mail:* Mail your written request to: **[Insert address]** *On the web:* Visit **[insert web site address]**
How can you get more information about credit reports?	For more information about credit reports and your rights under federal law, visit the Consumer Financial Protection Bureau's website at www.consumerfinance.gov/learnmore, or the Federal Trade Commission's web site at www.ftc.gov.

Your Credit Score and Understanding Your Credit Score

Your credit score	**[Insert credit score]** Source: **[Insert source]** Date: **[Insert date score was created]**
What you should know about credit scores	Your credit score is a number that reflects the information in your credit report. We used your credit score to set the terms of credit we are offering you. Your credit score can change, depending on how your credit history changes.
The range of scores	Scores range from a low of **[Insert bottom number in the range]** to a high of **[Insert top number in the range]**.
Key factors that adversely affected your credit score	**[Insert first factor]** **[Insert second factor]** **[Insert third factor]** **[Insert fourth factor]** **[Insert number of enquiries as a key factor, if applicable]**
[How can you get more information about your credit score?]	[If you have any questions regarding your credit score, you should contact [entity that provided the credit score] at: Address: _____ _____ [Toll-free] Telephone number:_____]

A-7. Model form for account review risk-based pricing notice with credit score information

[Name of Entity Providing the Notice]
Your Credit Report[s] and the Pricing of Your Account

What is a credit report?	A credit report is a record of your credit history. It includes information about whether you pay your bills on time and how much you owe to creditors.
How did we use your credit report[s]?	We have used information from your credit report[s] to review the terms of your account with us. Based on our review of your credit report[s], we have increased the annual percentage rate on your account.
What if there are mistakes in your credit report[s]?	You have a right to dispute any inaccurate information in your credit report[s]. If you find mistakes on your credit report[s], contact **[insert name of CRA(s)]**, which [is/are] [a consumer reporting agency/consumer reporting agencies] from which we obtained your credit report[s]. It is a good idea to check your credit report[s] to make sure the information [it contains/they contain] is accurate.
How can you obtain a copy of your credit report[s]?	Under federal law, you have the right to obtain a copy of your credit report[s] without charge for 60 days after you receive this notice. To obtain your free report[s], contact **[insert name of CRA(s)]**: *By telephone:* Call toll-free: 1-877-xxx-xxxx *By mail:* Mail your written request to: **[Insert address]** *On the web:* Visit **[insert web site address]**
How can you get more information about credit reports?	For more information about credit reports and your rights under federal law, visit the Consumer Financial Protection Bureau's website at www.consumerfinance.gov/learnmore, or the Federal Trade Commission's web site at www.ftc.gov.

Your Credit Score and Understanding Your Credit Score

Your credit score	**[Insert credit score]** Source: **[Insert source]** Date: **[Insert date score was created]**
What you should know about credit scores	Your credit score is a number that reflects the information in your credit report. We used your credit score to set the terms of credit we are offering you. Your credit score can change, depending on how your credit history changes.
The range of scores	Scores range from a low of **[Insert bottom number in the range]** to a high of **[Insert top number in the range]**.
Key factors that adversely affected your credit score	**[Insert first factor]** **[Insert second factor]** **[Insert third factor]** **[Insert fourth factor]** **[Insert number of enquiries as a key factor, if applicable]**
[How can you get more information about your credit score?]	[If you have any questions regarding your credit score, you should contact [entity that provided the credit score] at: Address: _____ _____ [Toll-free] Telephone number:_____]

BILLING CODE 6750–01–C

■ 11. Add a new appendix B to read as follows:

Appendix B to Part 698—Model Forms for Affiliate Marketing Opt-Out Notices

A. Although use of the model forms is not required, use of the model forms in this Appendix (as applicable) complies with the requirement in section 624 of the Act for clear, conspicuous, and concise notices.

B. Certain changes may be made to the language or format of the model forms without losing the protection from liability afforded by use of the model forms. These changes may not be so extensive as to affect the substance, clarity, or meaningful sequence of the language in the model forms. Persons making such extensive revisions will lose the safe harbor that this Appendix provides. Acceptable changes include, for example:

1. Rearranging the order of the references to ''your income,'' ''your account history,'' and ''your credit score.''
2. Substituting other types of information for ''income,'' ''account history,'' or ''credit score'' for accuracy, such as ''payment history,'' ''credit history,'' ''payoff status,'' or ''claims history.''
3. Substituting a clearer and more accurate description of the affiliates providing or covered by the notice for phrases such as ''the [ABC] group of companies,'' including without limitation a statement that the entity providing the notice recently purchased the consumer's account.
4. Substituting other types of affiliates covered by the notice for ''credit card,'' ''insurance,'' or ''securities'' affiliates.
5. Omitting items that are not accurate or applicable. For example, if a person does not limit the duration of the opt-out period, the notice may omit information about the renewal notice.
6. Adding a statement informing consumers how much time they have to opt out before shared eligibility information may be used to make solicitations to them.
7. Adding a statement that the consumer may exercise the right to opt out at any time.
8. Adding the following statement, if accurate: ''If you previously opted out, you do not need to do so again.''
9. Providing a place on the form for the consumer to fill in identifying information, such as his or her name and address.

B–1 Model Form for Initial Opt-out notice (Single-Affiliate Notice)
B–2 Model Form for Initial Opt-out notice (Joint Notice)
B–3 Model Form for Renewal Notice (Single-Affiliate Notice)
B–4 Model Form for Renewal Notice (Joint Notice)
B–5 Model Form for Voluntary ''No Marketing'' Notice

B–1 Model Form for Initial Opt-Out Notice (Single-Affiliate Notice)

[Your Choice To Limit Marketing]/[Marketing Opt-Out]

- [Name of Affiliate] is providing this notice.
- [Optional: Federal law gives you the right to limit some but not all marketing from our affiliates. Federal law also requires us to give you this notice to tell you about your choice to limit marketing from our affiliates.]
- You may limit our affiliates in the [ABC] group of companies, such as our [credit card, insurance, and securities] affiliates, from marketing their products or services to you based on your personal information that we collect and share with them. This information includes your [income], your [account history with us], and your [credit score].
- Your choice to limit marketing offers from our affiliates will apply [until you tell us to change your choice]/[for x years from when you tell us your choice]/[for at least 5

years from when you tell us your choice]. [Include if the opt-out period expires.] Once that period expires, you will receive a renewal notice that will allow you to continue to limit marketing offers from our affiliates for [another x years]/[at least another 5 years].

• [Include, if applicable, in a subsequent notice, including an annual notice, for consumers who may have previously opted out.] If you have already made a choice to limit marketing offers from our affiliates, you do not need to act again until you receive the renewal notice.

To limit marketing offers, contact us [include all that apply]:

• *By telephone:* 1–877-###-####

• *On the web: www.—.com*

• *By mail:* Check the box and complete the form below, and send the form to:

[Company name]

[Company address]

____Do not allow your affiliates to use my personal information to market to me.

B–2 Model Form for Initial Opt-Out Notice (Joint Notice)

[Your Choice To Limit Marketing]/[Marketing Opt-Out]

• The [ABC group of companies] is providing this notice.

• [Optional: Federal law gives you the right to limit some but not all marketing from the [ABC] companies. Federal law also requires us to give you this notice to tell you about your choice to limit marketing from the [ABC] companies.]

• You may limit the [ABC companies], such as the [ABC credit card, insurance, and securities] affiliates, from marketing their products or services to you based on your personal information that they receive from other [ABC] companies. This information includes your [income], your [account history], and your [credit score].

• Your choice to limit marketing offers from the [ABC] companies will apply [until you tell us to change your choice]/[for x years from when you tell us your choice]/[for at least 5 years from when you tell us your choice]. [Include if the opt-out period expires.] Once that period expires, you will receive a renewal notice that will allow you to continue to limit marketing offers from the [ABC] companies for [another x years]/[at least another 5 years].

• [Include, if applicable, in a subsequent notice, including an annual notice, for consumers who may have previously opted out.] If you have already made a choice to limit marketing offers from the [ABC] companies, you do not need to act again until you receive the renewal notice.

To limit marketing offers, contact us [include all that apply]:

• *By telephone:* 1–877-###-####

• *On the web: www.—.com*

• *By mail:* Check the box and complete the form below, and send the form to:

[Company name]

[Company address]

____Do not allow any company [in the ABC group of companies] to use my personal information to market to me.

B–3 Model Form for Renewal Notice (Single-Affiliate Notice)

[Renewing Your Choice To Limit Marketing]/[Renewing Your Marketing Opt-Out]

• [Name of Affiliate] is providing this notice.

• [Optional: Federal law gives you the right to limit some but not all marketing from our affiliates. Federal law also requires us to give you this notice to tell you about your choice to limit marketing from our affiliates.]

• You previously chose to limit our affiliates in the [ABC] group of companies, such as our [credit card, insurance, and securities] affiliates, from marketing their products or services to you based on your personal information that we share with them. This information includes your [income], your [account history with us], and your [credit score].

• Your choice has expired or is about to expire.

To renew your choice to limit marketing for [x] more years, contact us [include all that apply]:

• *By telephone:* 1–877-###-####

• *On the web: www.—.com*

• *By mail:* Check the box and complete the form below, and send the form to:

[Company name]

[Company address]

____Renew my choice to limit marketing for [x] more years.

B–4 Model Form for Renewal Notice (Joint Notice)

[Renewing Your Choice To Limit Marketing]/[Renewing Your Marketing Opt-Out]

• The [ABC group of companies] is providing this notice.

• [Optional: Federal law gives you the right to limit some but not all marketing from the [ABC] companies. Federal law also requires us to give you this notice to tell you about your choice to limit marketing from the [ABC] companies.]

• You previously chose to limit the [ABC companies], such as the [ABC credit card, insurance, and securities] affiliates, from marketing their products or services to you based on your personal information that they receive from other [ABC] companies. This information includes your [income], your [account history], and your [credit score].

• Your choice has expired or is about to expire.

To renew your choice to limit marketing for [x] more years, contact us [include all that apply]:

• *By telephone:* 1–877-###-####

• *On the web: www.—.com*

• *By mail:* Check the box and complete the form below, and send the form to:

[Company name]

[Company address]

____Renew my choice to limit marketing for [x] more years.

B–5 Model Form for Voluntary ''No Marketing'' Notice

Your Choice To Stop Marketing

• [Name of Affiliate] is providing this notice.

• You may choose to stop all marketing from us and our affiliates.

• [Your choice to stop marketing from us and our all affiliates will apply until you tell us to change your choice.]

To stop all marketing offers, contact us [include all that apply]:

• *By telephone:* 1–877-###-####

• *On the web: www.—.com*

• *By mail:* check the box and complete the form below, and send the form to:

[Company name]

[Company address]

____Do not market to me.

By direction of the Commission.

April J. Tabor,

Acting Secretary.

[FR Doc. 2019–10110 Filed 5–21–19; 8:45 am]

BILLING CODE 6750–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket Number USCG–2019–0359]

RIN 1625–AA08

Special Local Regulation; Clinch River, Oak Ridge, TN

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary special local regulation on the Clinch River from mile 48.5 to mile 52.0 extending from bank to bank to protect the participants of the Dogwood Masters Classic Regatta, vessels, and waterfront facilities from destruction, loss, or injury from sabotage or other subversive acts, accidents, or other causes of a similar nature during the regatta in Oak Ridge, TN. Deviation from the special local regulation is prohibited unless specifically authorized by the Captain of the Port (COTP) Sector Ohio Valley or a designated representative.

DATES: This rule is effective from 5:00 a.m. on May 24, 2019 through 5:00 p.m. May 25, 2019.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *https://www.regulations.gov,* type USCG–2019–0359 in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rule.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Petty Officer First Class Nicholas Jones, Marine Safety Detachment Nashville U.S. Coast Guard; telephone 615–736–5421, email *Nicholas.J.Jones@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
COTP Captain of the Port Sector Ohio Valley
DHS Department of Homeland Security
FR Federal Register
MM Mile Marker
NPRM Notice of proposed rulemaking
§ Section
U.S.C. United States Code

II. Background Information and Regulatory History

The Coast Guard is issuing this temporary rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because the application submitted for the 2019 Dogwood Masters Classic Regatta was for a different weekend than previously approved in the CFR. A special local regulation on the Clinch River from mile 48.5 to mile 52.0 extending from bank to bank is necessary to provide appropriate protection for the participants in the Dogwood Masters Classic Regatta. It is impracticable to publish an NPRM because we must establish this special local regulation by May 24, 2019 and lack sufficient time to provide a reasonable comment period and then consider those comments before issuing the rule.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Delaying the effective date of this rule would be contrary to the public interest because immediate action is necessary to prevent possible loss of life and property.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 46 U.S.C. 70041. The Captain of the Port Sector Ohio Valley (COTP) has determined that potential safety needs associated with the Dogwood Masters Classic Regatta from May 24, 2019 through May 25, 2019, present a safety concern. The purpose of this rulemaking is to ensure the safety of the regatta participants within the regulated area before, during, and after the scheduled times.

IV. Discussion of the Rule

This rule establishes a temporary special local regulation on the Clinch River from mile 48.5 to mile 52.0 extending from bank to bank from May 24, 2019 through May 25, 2019. The duration of the special local regulation is intended to ensure the safety of the participants of the Dogwood Masters Classic Regatta before, during, and after the scheduled times. Vessels are not permitted to enter or transit this special local regulation without obtaining permission from the COTP or a designated representative.

V. Regulatory Analyses

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

A. Regulatory Planning and Review

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

This regulatory action determination is based on the size, location, duration, and time-of-day of the regulated area. This rule is limited to the Clinch River from mile 48.5 to mile 52.0 extending from bank to bank on May 24, 2019 through May 25, 2019, and will be enforced only during the times specified. Moreover, the Coast Guard will issue Broadcast Notice to Mariners via VHF–FM marine channel 16 about the regulated area and the rule allows vessels to seek permission to enter the area.

B. Impact on Small Entities

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

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

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

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

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

Also, this rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial

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

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this rule under Department of Homeland Security Directive 023–01 and Commandant Instruction M16475.1D, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves establishing a temporary special local regulation on the Clinch River from mile 48.5 to mile 52.0 extending from bank to bank on May 24, 2019 through May 25, 2019. It is categorically excluded from further review under paragraph L61 of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 01. A Record of Environmental Consideration is not required; however, a Memorandum for Record 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 record keeping requirements, Waterways.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 100 as follows:

PART 100—SPECIAL LOCAL REGULATIONS/REGATTAS AND MARINE PARADES

■ 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 temporary § 100.T08–0359 to read as follows:

§ 100T08–0359 Special Local Regulation; Clinch River, Oak Ridge, TN.

(a) *Location.* The Clinch River, from mile 48.5 to mile 52.0 extending from bank to bank.

(b) *Periods of enforcement.* This temporary special local regulation will be enforced from 5:00 a.m. on May 24, 2019 through 5:00 p.m. on May 25, 2019.

(c) *Regulations.* (1) In accordance with the general regulations in § 100.35 of this part, entry into this zone is prohibited unless specifically authorized by the Captain of the Port Sector Ohio Valley (COTP) or designated personnel. Moreover, persons or vessels desiring to enter into or pass through the special local regulated area must request permission from the COTP Sector Ohio Valley or a designated representative. They may be contacted on VHF–FM radio channel 16 or phone at 1–800–253–7465.

(2) Persons and vessels permitted to deviate from the special local regulated area requirements as well as enter the restricted area must transit at the slowest safe speed and comply with all lawful directions issued by the COTP Sector Ohio Valley or a designated representative.

(d) *Informational broadcasts.* The COTP Sector Ohio Valley or a designated representative will inform the public through broadcast notices to mariners of the enforcement period for the special local regulation, as well as any changes in the dates and times of enforcement.

Dated: May 15, 2019.

M.B. Zamperini,

Captain, U.S. Coast Guard, Captain of the Port Sector Ohio Valley.

[FR Doc. 2019–10663 Filed 5–21–19; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2019–0108]

RIN 1625–AA09

Drawbridge Operation Regulation; Hackensack River, Little Ferry, NJ

AGENCY: Coast Guard, DHS.

ACTION: Final rule.

SUMMARY: The Coast Guard is removing the existing drawbridge operation regulation for the S46 (New Jersey Department of Transportation) Bridge across Hackensack River, mile 14.0, at Little Ferry, New Jersey. The drawbridge was replaced with a fixed bridge in 2018 and the operating regulation is no longer applicable or necessary.

DATES: This rule is effective May 22, 2019.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type USCG–2019–0108. In the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rulemaking.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Ms. Judy Leung-Yee, Bridge Management Specialist, First Coast Guard District Bridge Program, telephone 212–514–4336, email *Judy.K.Leung-Yee@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
DHS Department of Homeland Security
FR Federal Register
Pub. L. Public Law
§ Section
U.S.C. United States Code

II. Background Information and Regulatory History

The Coast Guard is issuing this final rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under 5 U.S.C. 553(b), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with

respect to this rule because S46, the New Jersey Department of Transportation Bridge, that once required draw operations in 33 CFR 117.723(h), was replaced with a fixed bridge on June 5, 2018. It is unnecessary to publish a NPRM because this regulatory action does not purport to place any restrictions on mariners but rather removes a restriction that has no further use or value.

We are issuing this rule under 5 U.S.C. 553(d)(3). The Coast Guard finds that good cause exists for making this rule effective in less than 30 days after publication in the **Federal Register**. The bridge has been a fixed bridge for 10 months and this rule merely requires an administrative change to the **Federal Register**, in order to omit a regulatory requirement that is no longer applicable or necessary. The modification to the S46 bridge has already taken place and the removal of the regulation will not affect mariners currently operating on this waterway. Therefore, a delayed effective date is unnecessary.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority 33 U.S.C. 499.

The S46 (New Jersey Department of Transportation) Bridge across the Hackensack River, mile 14.0, was converted to a fixed bridge on June 5, 2018. It has come to the attention of the Coast Guard that the governing regulation for this drawbridge was never removed subsequent to the completion of the fixed bridge that replaced it. The elimination of this drawbridge necessitates the removal of the drawbridge operation regulation, 33 CFR 117.723(h), that pertains to the former drawbridge.

The purpose of this rule is to remove paragraph (h) of 33 CFR 117.723 that refers to the S46 Bridge at mile 14.0, from the Code of Federal Regulations since it governs a bridge that is no longer able to be opened.

IV. Discussion of Final Rule

The Coast Guard is changing the regulation in 33 CFR 117.723 by removing restrictions and the regulatory burden related to the draw operations for this bridge that is no longer a drawbridge. The change removes paragraph (h) of the regulation governing the S46 Bridge since the bridge has been converted into a fixed bridge. This Final Rule seeks to update the Code of Federal Regulations by removing language that governs the operation of the S46 Bridge, which in fact is no longer a drawbridge. This change does not affect waterway or land traffic. This change does not affect nor does it alter the operating schedules in 33 CFR 117.723 that govern the remaining active drawbridges on Hackensack River and connecting waterways.

V. Regulatory Analyses

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

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, it 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 fact that the bridge was converted into a fixed bridge and no longer operates as a drawbridge. The removal of the operating schedule from 33 CFR 117 subpart B will have no effect on the movement of waterway or land traffic.

B. Impact on Small Entities

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

For the reasons stated in section IV.A above this final rule would not have a significant economic impact on any vessel owner or operator.

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

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

C. Collection of Information

This rule calls for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

D. Federalism and Indian Tribal Government

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

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

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 Management Directive 023–01 and Commandant Instruction M16475.lD, which guides the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have made a determination that this action is one of a category of actions which do not individually or cumulatively have a significant effect on the human environment. This rule simply promulgates the operating regulations or procedures for drawbridges. This action is categorically excluded from further review, under figure 2–1, paragraph (32)(e), of the Instruction.

A Record of Environmental Consideration and a Memorandum for the Record are not required for this rule.

G. Protest Activities

The Coast Guard respects the First Amendment rights of protesters. Protesters are asked to contact the person listed in the ''For Further Information Contact'' section to coordinate protest activities so that your message can be received without jeopardizing the safety or security of people, places or vessels.

List of Subjects in 33 CFR Part 117

Bridges.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 117 as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

■ 1. The authority citation for part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 33 CFR 1.05–1; Department of Homeland Security Delegation No. 0170.1.

§ 117.723 [Amended]

■ 2. In § 117.723, remove paragraph (h) and redesignate paragraphs (i) and (j) as paragraphs (h) and (i).

Dated: May 9, 2019.

A.J. Tiongson,

Rear Admiral, U.S. Coast Guard, Commander, First Coast Guard District.

[FR Doc. 2019–10683 Filed 5–21–19; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2019–0387]

RIN 1625–AA00

Safety Zone; Tug CHAMPION and Deck Barge MM–142 Operating in the Straits of Mackinac

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone in the Captain of the Port, Sault Sainte Marie zone. This temporary safety zone is necessary to protect the public, contractors, and the contractor's equipment from potential hazards associated with drilling, coring and surveying by persons conducting cable replacement and subsurface investigations in the Straits of Mackinac. Vessels will not be able to operate in certain U.S. navigable waters in the Straits of Mackinac within 500 yards of the Tug Champion and Deck Barge MM–142 without authorization from the Captain of the Port.

DATES: This rule is effective without actual notice from May 22, 2019 through 7 p.m. on June 7, 2019. For the purposes of enforcement, actual notice will be used from 7 a.m. to 7 p.m. daily from May 17, 2019, through June 7, 2019.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type USCG–2019–0387 in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rule.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email CWO Robert A Gruschow, Sector Sault Sainte Marie Waterways Management Division, U.S. Coast Guard; telephone (906) 253–2246, email *Robert.A.Gruschow@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

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

II. Background Information and Regulatory History

The Coast Guard is issuing this temporary rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because doing so would be impracticable and contrary to the public interest. Drilling and coring must be done so that the American Transmission Company can begin the replacement of the servicing lines. Delaying this rule to wait for a notice and comment period to run would be impracticable and contrary to the public interest because it would inhibit the Coast Guard's ability to protect the public from the potential hazards associated with drilling, coring and surveying.

We are issuing this final rule, and under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making it effective less than 30 days after publication in the **Federal Register**. For the same reasons discussed in the preceding paragraph, a 30 day notice period would be impracticable and contrary to the public interest. It is impracticable to publish an NPRM because we must establish this safety zone immediately to protect the public from the hazards associated with drilling, coring and surveying.

III. Legal Authority and Need for Rule

The legal basis for the rule is the Coast Guard's authority to establish safety zones: 46 U.S.C. 7003; 33 CFR 1.05–1, 160.5; Department of Homeland Security Delegation No. 0170.1.

The American Transmission Company is scheduled to conduct cable replacement and subsurface investigations in the Straits of Mackinac from 7 a.m. to 7 p.m. daily from May 17, 2019 through June 7, 2019. This rule is needed to protect the public and responders within the safety zone from potential hazard associated with drilling, coring and surveying by persons on the Tug CHAMPION and Deck Barge MM–142 while this work is being done.

IV. Discussion of the Rule

This rule establishes a safety zone that will be enforced from 7 a.m. to 7 p.m. daily from May 17, 2019 through June 7, 2019, unless drilling coring and surveying work is completed before June 7. If the COTP determines the rule

need not to be enforced through June 7, he will issue a general permission to enter the zone and will issue a separate rule to terminate this regulation.

The safety zone will cover all U.S. navigable waters of the Straits of Mackinac bounded by longitudes 084°20′ W and 085°10′ W and latitudes 045°39′ N and 045°54′ N that are within 500 yards of where Tug CHAMPION and Deck Barge MM–142 will be operating. This rule is necessary to ensure the safety of the public and surveyors during these operations.

Entry into, transiting, or anchoring within the safety zone is prohibited unless authorized by the Captain of the Port, Sault Sainte Marie, or a designated on-scene representative. The Captain of the Port or a designated on-scene representative may be contacted via VHF Channel 16 or telephone at 906–635–3233.

V. Regulatory Analyses

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

A. Regulatory Planning and Review

Executive Orders 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits. Executive Order 13771 directs agencies to control regulatory costs through a budgeting process. This rule has not been designated a ''significant regulatory action,'' under Executive Order 12866. Accordingly, the 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.

We conclude that this rule is not a significant regulatory action because we anticipate that will have minimal impact on the economy, will not interfere with other agencies, will not adversely alter the budget of any grant or loan recipients, and will not raise any novel legal or policy issues. The safety zone created by this rule is confined to area encompassing emergency operations. Under certain conditions, moreover, vessels may still transit through the safety zones when permitted by the Captain of the Port.

B. Impact on Small Entities

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

This rule will affect the following entities, some of which might be small entities: The owners or operators of the vessels intending to transit or anchor in the vicinity of the safety zone.

This safety zone will not have a significant economic impact on a substantial number of small entities for the reasons identified in the Regulatory Planning and Review section. Further, the Coast Guard will give advance notice to the public via a Broadcast Notice to Mariners so the public can plan accordingly.

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

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

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

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

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01, which guides the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves establishment of a safety zone of limited size and duration. It is categorically excluded from further review under paragraph L60d of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev.01. A Record of Environmental Consideration (REC) supporting this determination is available in the docket where indicated in the **ADDRESSES** section of this preamble. However, we seek any comments or information that may lead to the discovery of a significant environmental impact from this rule.

G. Protest Activities

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

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add § 165.T09–0387 to read as follows:

§ 165.T09–0387 Safety Zone; Temporary Safety Zone (500 yards)—around the Tug CHAMPION and Deck Barge MM–142 operating in the Straits of Mackinac.

(a) *Location.* The following areas are temporary safety zones: All U.S. navigable waters of the Straits of Mackinac bounded by longitudes 084°20′ W and 085°10′ W and latitudes 045°39′ N and 045°54′ N, within 500 yards of where the Tug CHAMPION and Deck Barge MM–142 will be operating.

(b) *Definitions.* The ''*on-scene representative*'' of the Captain of the Port, Sault Sainte Marie is any Coast Guard commissioned, warrant or petty officer who has been designated by the Captain of the Port, Sault Sainte Marie to act on his or her behalf. The on-scene representative of the Captain of the Port, Sault Sainte Marie will be aboard a Coast Guard vessel.

(c) *Regulations.* (1) In accordance with the general regulations in § 165.23, entry into, transiting, or anchoring within the safety zone described in paragraph (a) of this section is prohibited unless authorized by the Captain of the Port, Sault Sainte Marie or his on-scene representative.

(2) Before a vessel Operator may enter or operate within the safety zone, they must obtain permission from the Captain of the Port, Sault Sainte Marie, or his on-scene representative via VHF Channel 16 or telephone at (906) 635–3233. Vessel operators given permission to enter or operate in the safety zone must comply with all directions given to them by the Captain of the Port, Sault Sainte Marie or his on-scene representative.

Dated: May 17, 2019.

C.L. Moberley,

Commander, U.S. Coast Guard, Captain of the Port, Sault Sainte Marie, Acting.

[FR Doc. 2019–10700 Filed 5–21–19; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR 165

[Docket Number USCG–2019–0344]

RIN 1625–AA00

Safety Zone; Cumberland River, Nashville, TN

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone on the Cumberland River at Mile Marker (MM) 190.7 to 191.1, from the Woodland Street Bridge to the Sparkman Street Pedestrian Bridge, extending 100′ out from the left descending bank, from June 6, 2019 through June 9, 2019. This safety zone is needed to protect the participants of the Country Music Awards, before, during, and after the Country Music Awards in Nashville, TN. Entry into the safety zone is prohibited unless specifically authorized by the Captain of the Port Sector Ohio Valley (COTP) or a designated representative.

DATES: This rule is effective from 9 a.m. on June 6, 2019, through 6 p.m. on June 9, 2019.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *https://www.regulations.gov,* type USCG–2019–0344 in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rule.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Petty Officer First Class Nicholas Jones, Marine Safety Detachment Nashville U.S. Coast Guard; telephone 615–736–5421, email *Nicholas.J.Jones@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
COTP Captain of the Port Sector Ohio Valley
DHS Department of Homeland Security
FR Federal Register
MM Mile Marker
NPRM Notice of proposed rulemaking
§ Section
U.S.C. United States Code

II. Background Information and Regulatory History

The Coast Guard is issuing this temporary rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because it is impracticable. It is impracticable to publish an NPRM because we must establish this safety zone by June 6, 2019 and lack sufficient time to provide a reasonable comment period and then consider those comments before issuing the rule.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Delaying the effective date of this rule would be contrary to the public interest because immediate action is necessary to prevent possible loss of life and property.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 46 U.S.C. 70034. The Captain of the Port Sector Ohio Valley (COTP) has determined that potential hazards associated with the Country Music Awards from June 6, 2019 through June 9, 2019, present a safety concern for anyone in the zone. The purpose of this rulemaking is to ensure the safety of the Country Music Awards participants within the safety zone before, during, and after the scheduled times.

IV. Discussion of the Rule

This rule establishes a temporary safety zone on the Cumberland River at Mile Marker (MM) 190.7 to 191.1, from the Woodland Street Bridge to the Sparkman Street Pedestrian Bridge, extending 100′ out from the left descending bank from June 6, 2019 through June 9, 2019. The duration of the safety zone is intended to ensure the safety of the participants of the Country

Music Awards before, during, and after the scheduled times. Vessels are not permitted to enter or transit this safety zone without obtaining permission from the COTP or a designated representative.

V. Regulatory Analyses

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

A. Regulatory Planning and Review

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

This regulatory action determination is based on the size, location, duration, and time-of-day of the regulated area. This rule is limited to the Cumberland River at MM 190.7 to 191.1, from the Woodland Street Bridge to the Sparkman Street Pedestrian Bridge, extending 100′ out from the left descending bank. The zone will be enforced only from June 6, 2019 to June 9, 2019. Moreover, the Coast Guard will issue Broadcast Notice to Mariners via VHF–FM marine channel 16 about the safety zone and the rule allows vessels to seek permission to enter it.

B. Impact on Small Entities

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

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

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

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

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

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

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this rule under Department of Homeland Security Directive 023–01 and Commandant Instruction M16475.1D, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves establishing a temporary safety zone on the Cumberland River at MM 190.7 to 191.1, from the Woodland Street Bridge to the Sparkman Street Pedestrian Bridge, extending 100′ out from the left descending bank, from June 6, 2019 through June 9, 2019. It is categorically excluded from further review under paragraph L60(a) of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 01. A Record of Environmental Consideration supporting this determination is available in the docket where indicated under **ADDRESSES**.

G. Protest Activities

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

List of Subjects in 33 CFR Part 165

Harbors, Marine Safety, Navigation (water), Reporting and Recordkeeping Requirements, Security Measures, Waterways.

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add § 165.T08–0344 to read as follows:

§ 165T08–0344 Safety Zone; Cumberland River, Nashville, TN.

(a) *Location.* The following area is a safety zone: The Cumberland River, Mile Marker (MM) 190.7 to MM 191.1, from the Woodland Street Bridge to the Sparkman Street Pedestrian Bridge, extending 100′ out from the left descending bank.

(b) *Effective period.* This section is effective June 6, 2019, through June 9, 2019.

(c) *Periods of enforcement.* This section will be enforced daily from 9 a.m. to 6 p.m.

(d) *Regulations.* (1) In accordance with the general regulations in § 165.23 of this part, entry into this zone is prohibited unless specifically authorized by the Captain of the Port Sector Ohio Valley (COTP) or a designated representative.

(2) Persons or vessels desiring to enter into or pass through the zone must request permission from the COTP Sector or a designated representative. They may be contacted on VHF–FM radio channel 16 or phone at 1–800–253–7465

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

(d) *Informational broadcasts.* The COTP or a designated representative will inform the public through broadcast notices to mariners of the enforcement period for the safety zone, as well as any changes in the dates and times of enforcement.

Dated: May 17, 2019.

M.B. Zamperini,

Captain, U.S. Coast Guard, Captain of the Port Sector Ohio Valley.

[FR Doc. 2019–10712 Filed 5–21–19; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2019–0100]

RIN 1625–AA00

Safety Zone; Village of Alexandria Bay Country Kickoff to Summer Fireworks Display; St. Lawrence River, Alexandria Bay, NY

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for navigable waters within a 280 foot radius of a fireworks barge near Village of Alexandria Municipal Docks. The safety zone is needed to protect personnel, vessels, and the marine environment from potential hazards created by the Country Kickoff to Summer Fireworks Display. Entry of vessels or persons into this zone is prohibited unless specifically authorized by the Captain of the Port Buffalo.

DATES: This rule is effective from 9:15 p.m. through 10:45 p.m. on May 25, 2019.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type USCG–2019–0100 in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rule.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email LT Sean Dolan, Chief Waterways Management Division, U.S. Coast Guard; telephone 716–843–9322, email *D09-SMB-SECBuffalo-WWM@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

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

II. Background Information and Regulatory History

The Coast Guard is issuing this temporary rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under 5 U.S.C. 553 (b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because the Coast Guard would not have sufficient time to publish, take comment, draft, and publish a final rule. Delaying the effective date of this rule to wait for a comment period to run would be impracticable and contrary to the public interest by inhibiting the Coast Guard's ability to protect spectators and vessels form the hazards associated with a fireworks display.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register** because doing so would be impracticable and contrary to the public interest. Delaying the effective date would be contrary to the rule's objectives of ensuring safety of life on the navigable waters and protection of persons and vessels in vicinity of the fireworks display.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 46 U.S.C. 70034 (previously 33 U.S.C. 1231). The Captain of the Port Buffalo (COTP) has determined that a fireworks display presents significant risks to the public safety and property. Such hazards include premature and accidental detonations, dangerous projectiles, and falling or burning debris. This rule is needed to protect personnel, vessels, and the marine environment in the navigable waters within the safety zone while the fireworks display takes place.

IV. Discussion of the Rule

This rule establishes a safety zone that will be enforced from 9:15 p.m. through 10:45 p.m. on May 25, 2019. The safety zone will cover all navigable waters within a 280-foot radius of the launch site located on a barge at the end of the Village of Alexandria Municipal Docks at position 44°20′04.1″ N, 075°55′20.3″ W.

The duration of the zone is intended to protect personnel, vessels, and the marine environment in these navigable waters while the fireworks event takes place. Entry into, transiting, or anchoring with the safety zone is prohibited unless authorized by the COTP or a designated representative.

V. Regulatory Analyses

We developed this rule after considering numerous statutes and

Executive orders related to rulemaking. Below we summarize our analyses based on a number of these statutes and Executive orders, and we discuss First Amendment rights of protestors.

A. Regulatory Planning and Review

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

This regulatory action determination is based on the conclusion that this rule is not a significant regulatory action. We anticipate that it will have minimal impact on the economy, will not interfere with other agencies, will not adversely alter the budget of any grant or loan recipients, and will not raise any novel legal or policy issues. The safety zone created by this rule will be relatively small and enforced for a relatively short time. Also, the safety zone has been designed to allow vessels to transit around it. Thus, restrictions on vessel movement within that particular area are expected to be minimal. Under certain conditions, moreover, vessels may still transit through the safety zone when permitted by the COTP.

B. Impact on Small Entities

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

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

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

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

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

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

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this rule under Department of Homeland Security Directive 023–01 and Commandant Instruction M16475.lD, 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 safety zone lasting one and a half hour that would prohibit entry within a 280 foot radius of the end of the barge that will be located near the Village of Alexandria Municipal Docks. This rule establishes a temporary safety zone. It is categorically excluded from further review under paragraph L60(a) of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 01. A Record of Environmental Consideration (REC) supporting this determination is available in the docket where indicated under the **ADDRESSES** section of this preamble. We seek any comments or information that may lead to the discovery of a significant environmental impact from this rule.

G. Protest Activities

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

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add § 165.T09–0100 to read as follows:

§ 165.T09–0100 Safety Zone; Village of Alexandria Bay Country Kickoff to Summer Fireworks Display; St. Lawrence River, Alexandria Bay, NY.

(a) *Location.* The safety zone will encompass all waters of St. Lawrence River, Alexandria Bay, NY contained within a 280-foot radius of: 44°20′04.1″ N, 75°55′20.3″ W.

(b) *Enforcement Period.* This regulation will be enforced from 9:15 p.m. through 10:45 p.m. on May 25, 2019.

(c) *Regulations.*

(1) In accordance with the general regulations in § 165.23 of this part, entry into, transiting, or anchoring within this safety zone is prohibited unless authorized by the Captain of the Port Buffalo or his designated on-scene representative.

(2) This safety zone is closed to all vessel traffic, except as may be permitted by the Captain of the Port Buffalo or his designated on-scene representative.

(3) The ''on-scene representative'' of the Captain of the Port Buffalo is any Coast Guard commissioned, warrant or petty officer who has been designated by the Captain of the Port Buffalo to act on his behalf.

(4) Vessel operators desiring to enter or operate within the safety zone must contact the Captain of the Port Buffalo or his on-scene representative to obtain permission to do so. The Captain of the Port Buffalo or his on-scene representative may be contacted via VHF Channel 16 or alternatively they may contact the Captain of the Port Buffalo via landline at 716–843–9525. Vessel operators given permission to enter or operate in the safety zone must comply with all directions given to them by the Captain of the Port Buffalo, or his on-scene representative.

Dated: May 16, 2019.

Joseph S. Dufresne,

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

[FR Doc. 2019–10660 Filed 5–21–19; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2019–0326]

RIN 1625–AA00

Safety Zone; Joint Military Swim Exercise, Saint Lawrence River, Ogdensburg, NY

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone on the St. Lawrence River, near North Meadow Drive, Ogdensburg, NY. This safety zone is intended to restrict vessels from portions of the Saint Lawrence River during a Joint Military Swim Exercise. This temporary safety zone is necessary to protect personnel, mariners, and vessels from the potential hazards associated with swimmers on the open water. Entry of vessels or persons into this zone is prohibited unless specifically authorized by the Captain of the Port Buffalo or a designated representative.

DATES: This rule is effective from 7 a.m. through 6 p.m. on June 24, 2019.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *https://www.regulations.gov,* type USCG–2019–0326 in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rule.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email LT Sean Dolan, Chief Waterways Management Division, U.S. Coast Guard; telephone 716–843–9322, email *D09-SMB-SECBuffalo-WWM@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

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

II. Background Information and Regulatory History

The Coast Guard is issuing this temporary rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because the event sponsor did not submit notice to the Coast Guard with sufficient time remaining before the event to publish an NPRM, take comments, draft, and publish a final rule. Delaying the effective date of this rule to wait for a comment period to run would be impracticable and contrary to the public interest by inhibiting the Coast Guard's ability to protect personnel and vessels form the hazards associated with dive training.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register** because doing so would be impracticable and contrary to the public interest for the reasons noted above.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 46 U.S.C. 70034 (previously 33 U.S.C. 1231). The Captain of the Port Buffalo has determined that potential hazards associated with joint military swim exercise in a navigable waterway pose a risk to public safety and property within the immediate location.

IV. Discussion of the Rule

This rule establishes a safety zone that will be enforced on June 24, 2019, from 7 a.m. until 6 p.m. The safety zone will encompass all waters of the Saint Lawrence River, Ogdensburg, NY contained within a box starting at position: 44°42′33″ N, 75°29′03″ W, then traveling East to 44°42′33″ N, 75°28′45″ W, then traveling North to 44°42′39″ N, 75°28′45″ W, then traveling West to 44°42′39″ N, 75°29′03″ W, and then returning to the point of origin.

Entry into, transiting, or anchoring within the safety zone is prohibited unless authorized by the Captain of the Port Buffalo or a designated on-scene representative. The Captain of the Port or a designated on-scene representative may be contacted via VHF Channel 16 or at (716) 843–9525.

V. Regulatory Analyses

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

A. Regulatory Planning and Review

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

This regulatory action determination is based on the conclusion that this rule is not a significant regulatory action. We anticipate that it will have minimal impact on the economy, will not interfere with other agencies, will not adversely alter the budget of any grant or loan recipients, and will not raise any novel legal or policy issues. The safety zone created by this rule will be relatively small and enforced for a relatively short time. Also, the safety zone has been designed to allow vessels to transit around it. Thus, restrictions on vessel movement within that particular area are expected to be minimal. Under certain conditions, moreover, vessels may still transit through the safety zone when permitted by the Captain of the Port.

B. Impact on Small Entities

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

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

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

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

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

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

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this rule under Department of Homeland Security Directive 023–01 and Commandant Instruction M16475.1D, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule establishes a temporary safety zone. It is categorically excluded from further review under paragraph L60(a) of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 01. A Record of Environmental Consideration supporting this determination is available in the docket where indicated under **ADDRESSES**.

G. Protest Activities

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

List of Subjects in 33 CFR Part 165

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

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

PART 165: REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add § 165.T09–0326 to read as follows:

§ 165.T09–0326 Safety Zone; Joint Military Swim Exercise, Saint Lawrence River, Ogdensburg, NY.

(a) *Location.* The safety zone will encompass all waters of the Saint

Lawrence River, Ogdensburg, NY contained within a box starting at position: 44°42′33″ N, 75°29′03″ W, then traveling East to 44°42′33″ N, 75°28′45″ W, then traveling North to 44°42′39″ N, 75°28′45″ W, then traveling West to 44°42′39″ N, 75°29′03″ W, and then returning to the point of origin.

(b) *Enforcement Period.* This regulation will be enforced from 7 a.m. until 6 p.m. on June 24, 2019.

(c) *Regulations.* (1) In accordance with the general regulations in § 165.23 of this part, entry into, transiting, or anchoring within this safety zone is prohibited unless authorized by the Captain of the Port Buffalo or a designated on-scene representative.

(2) This safety zone is closed to all vessel traffic, except as may be permitted by the Captain of the Port Buffalo or a designated on-scene representative.

(3) The ''on-scene representative'' of the Captain of the Port Buffalo is any Coast Guard commissioned, warrant or petty officer who has been designated by the Captain of the Port Buffalo to act on his behalf.

(4) Vessel operators desiring to enter or operate within the safety zone must contact the Captain of the Port Buffalo or an on-scene representative to obtain permission to do so. The Captain of the Port Buffalo or an on-scene representative may be contacted via VHF Channel 16 or at (716) 843–9525. Vessel operators given permission to enter or operate in the safety zone must comply with all directions given to them by the Captain of the Port Buffalo, or an on-scene representative.

Dated: May 16, 2019.

Joseph S. Dufresne,

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

[FR Doc. 2019–10661 Filed 5–21–19; 8:45 am]

BILLING CODE 9110–04–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 27

[WT Docket No. 19–116; FCC 19–43]

Allocation and Service Rules for the 1675–1680 MHz Band

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: In this document, the Federal Communications Commission corrections certain typographical errors in the Commission's rules to provide the correct cross reference to the emission limits measurement procedures applicable to certain wireless communications services.

DATES: Effective May 22, 2019.

FOR FURTHER INFORMATION CONTACT: Anna Gentry, *Anna.Gentry@fcc.gov,* of the Wireless Telecommunications Bureau, Mobility Division, (202) 418–7769.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Order in WT Docket No. 19–116, FCC 19–43, adopted on May 9, 2019 and released on May 13, 2019. The complete text of this document is available for viewing via the Commission's ECFS website by entering the docket number, WT Docket No. 19–116. The complete text of this document is also available for public inspection and copying from 8:00 a.m. to 4:30 p.m. Eastern Time (ET) Monday through Thursday or from 8:00 a.m. to 11:30 a.m. ET on Fridays in the FCC Reference Information Center, 445 12th Street SW, Room CY–B402, Washington, DC 20554, telephone 202–488–5300, fax 202–488–5563.

I. Order

By this Order, the Commission corrects paragraphs (j)(1) and (k) of § 27.53 of the Commission's rules [1] to update each paragraphs' incorrect cross-reference to the section's paragraph (a)(4). The Commission had inadvertently failed to update those cross-references in 2010 when it renumbered paragraph (a)(4) as (a)(5). Section 27.53 addresses the emission limits for various Part 27 services, and, according to the current language of paragraphs (j)(1) and (k), compliance with the emission limits for the bands identified in those paragraphs ''is based on the procedures described in paragraph (a)(4) of this [S]ection.'' [2] Paragraph (a)(4), however, does not contain any such procedures; rather, it sets forth wattage amounts by which the power of certain emissions must be attenuated. The next subparagraph in paragraph (a)—*i.e.,* paragraph (a)(5)—is entitled ''Measurement procedure'' and contains the compliance procedures that paragraphs (j) and (k) had referenced before the Commission added paragraph (a)(4) in 2010.[3] At that time, when the Commission renumbered the old paragraph (a)(4) as (a)(5) to accommodate the new paragraph (a)(4), it neglected to update the paragraphs (j)(1) and (k) cross-reference to the provision that had been renumbered as paragraph (a)(5). And since that time, paragraphs (j)(1) and (k) have continued to refer incorrectly to paragraph (a)(4) as containing the measurement procedures for compliance, rather than paragraph (a)(5). The Commission therefore corrects this error by amending paragraphs (j)(1) and (k) to change the cross-reference to paragraph (a)(5).

The Commission finds it appropriate to forego a notice-and-comment period prior to this Order taking effect, given the administrative nature and limited impact of this rule correction. The Administrative Procedure Act (APA) provides that notice procedures are not required where ''the agency for good cause finds (and incorporates the finding and a brief statement of reasons therefor in the rules issued) that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest.'' [4] Here, the Commission finds, for good cause, that using such procedure to correct an outdated cross-reference in paragraphs (j)(1) and (k) of § 27.53—an inadvertent error that arose out of the failure to make a ministerial adjustment to the cross-reference when the subparagraphs of that section's paragraph (a) were renumbered—is unnecessary and contrary to the public interest because it would needlessly prolong an obvious inaccuracy in the rules, delay the return of the rules' language to its clearly intended meaning, and fail to yield any of the public interest benefits that notice and comment procedures are designed to produce. The APA also requires publication of a substantive rule at least 30 days before its effective date ''except as otherwise provided by the agency for good cause found and published with the rule.'' [5] For the same reasons that the Commission foregoes notice-and-comment procedures, the Commission finds good cause to make this correction to § 27.53(j)(1) and (k) effective immediately upon publication in the **Federal Register.**

List of Subjects in 47 CFR Part 27

Communications common carriers, Radio, Reporting and recordkeeping requirements.

Federal Communications Commission.

Marlene Dortch,

Secretary.

For reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR part 27 as follows:

[1] 47 CFR 27.53(j)(1), (k).

[2] *Id.*

[3] *Amendment of Part 27 to Govern the Operation of Wireless Communications Services in the 2.3 GHz Band,* 25 FCC Rcd 11710, 11845 (2010), Appendix B.

[4] 5 U.S.C. 553(b)(B).

[5] *Id.* § 553(d)(3).

PART 27—MISCELLANEOUS WIRELESS COMMUNICATIONS SERVICES

■ 1. The authority citation for part 27 continues to read as follows:

Authority: 47 U.S.C. 154, 301, 302a, 303, 307, 309, 332, 336, 337, 1403, 1404, 1451, and 1452, unless otherwise noted.

■ 2. Section 27.53 is amended by revising paragraphs (j)(1) and (k) to read as follows:

§ 27.53 Emission limits.

* * * * *

(j)(1) For operations in the unpaired 1390–1392 MHz band and the paired 1392–1395 MHz and 1432–1435 MHz bands, the power of any emission outside the licensee's frequency band(s) of operation shall be attenuated below the transmitter power (P) by at least 43 + 10 log (P) dB. Compliance with these provisions is based on the procedures described in paragraph (a)(5) of this section.

* * * * *

(k) For operations in the 1670–1675 MHz, the power of any emission outside the licensee's frequency band(s) of operation shall be attenuated below the transmitter power (P) by at least 43 + 10 log (P) dB. Compliance with these provisions is based on the procedures described in paragraph (a)(5) of this section.

* * * * *

[FR Doc. 2019–10666 Filed 5–21–19; 8:45 am]

BILLING CODE 6712–01–P

Proposed Rules

Federal Register
Vol. 84, No. 99
Wednesday, May 22, 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.

NUCLEAR REGULATORY COMMISSION

10 CFR Part 52

[NRC–2015–0224]

RIN 3150–AJ67

Advanced Power Reactor 1400 (APR1400) Design Certification

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed rule.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is proposing to amend its regulations to certify the Advanced Power Reactor 1400 (APR1400) standard design. Applicants or licensees intending to construct and operate an APR1400 standard design may do so by referencing this design certification (DC) rule. The applicant for the certification of the APR1400 standard design is Korea Electric Power Corporation and Korea Hydro & Nuclear Power Co., Ltd. (KEPCO/KHNP).

DATES: Submit comments by June 21, 2019. Comments received after this date will be considered if it is practical to do so, but the NRC is able to ensure consideration only for comments received on or before this date.

ADDRESSES: You may submit comments by any of the following methods:

- *Federal Rulemaking Website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2015–0224. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: *Carol.Gallagher@nrc.gov.* For technical questions contact the individuals listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *Email comments to: Rulemaking.Comments@nrc.gov.* If you do not receive an automatic email reply confirming receipt, then contact us at 301–415–1677.
- *Fax comments to:* Secretary, U.S. Nuclear Regulatory Commission at 301–415–1101.
- *Mail comments to:* Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, ATTN: Rulemakings and Adjudications Staff.
- *Hand deliver comments to:* 11555 Rockville Pike, Rockville, Maryland 20852, between 7:30 a.m. and 4:15 p.m. (Eastern Time) Federal workdays; telephone: 301–415–1677.

For additional direction on obtaining information and submitting comments, see ''Obtaining Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Yanely Malave, Office of Nuclear Material Safety and Safeguards, telephone: 301–415–1519, email: *Yanely.Malave@nrc.gov,* or William Ward, Office of New Reactors, telephone: 301–415–7038, email: *William.Ward@nrc.gov.* Both are staff of the U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Obtaining Information and Submitting Comments
II. Rulemaking Procedure
III. Background
IV. Voluntary Consensus Standards
V. Plain Writing
VI. Paperwork Reduction Act Statement
VII. Availability of Documents

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2015–0224 when contacting the NRC about the availability of information for this action. You may obtain publicly-available information related to this action by any of the following methods:

- *Federal Rulemaking Website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2015–0224.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at *https://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''*ADAMS Public Documents*'' and then select ''*Begin Web-based ADAMS Search.*'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, at 301–415–4737, or by email to *pdr.resource@nrc.gov.* For the convenience of the reader, instructions about obtaining materials referenced in this document are provided in the ''Availability of Documents'' section.
- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

B. Submitting Comments

Please include Docket ID NRC–2015–0224 in your comment submission.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at *https://www.regulations.gov* as well as enter the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

II. Rulemaking Procedure

Because the NRC considers this action to be non-controversial, the NRC is publishing this proposed rule concurrently with a direct final rule in the Rules and Regulations section of this issue of the **Federal Register**. The direct final rule will become effective on September 19, 2019. However, if the NRC receives significant adverse comments on this proposed rule by June 21, 2019, then the NRC will publish a document that withdraws the direct final rule. If the direct final rule is withdrawn, the NRC would address the comments received in response to these proposed revisions in any subsequent final rule. Absent significant modifications to the proposed revisions requiring republication, the NRC does not intend to initiate a second comment

period on this action in the event the direct final rule is withdrawn.

A significant adverse comment is a comment in which the commenter explains why the rule would be inappropriate, including challenges to the rule's underlying premise or approach, or would be ineffective or unacceptable without a change. A comment is adverse and significant if:

(1) The comment opposes the rule and provides a reason sufficient to require a substantive response in a notice-and-comment process. For example, a substantive response is required when:

(a) The comment causes the NRC to reevaluate (or reconsider) its position or conduct additional analysis;

(b) The comment raises an issue serious enough to warrant a substantive response to clarify or complete the record; or

(c) The comment raises a relevant issue that was not previously addressed or considered by the NRC.

(2) The comment proposes a change or an addition to the rule, and it is apparent that the rule would be ineffective or unacceptable without incorporation of the change or addition.

(3) The comment causes the NRC to make a change (other than editorial) to the rule.

For procedural information and the regulatory analysis, see the direct final rule published in the Rules and Regulations section of this issue of the **Federal Register**.

III. Background

Part 52 of title 10 of the *Code of Federal Regulations* (10 CFR), ''Licenses, Certifications, and Approvals for Nuclear Power Plants,'' subpart B, ''Standard Design Certifications,'' presents the process for obtaining standard design certifications. On December 23, 2014, KEPCO/KHNP submitted its application for certification of the APR1400 standard design (ADAMS Accession No. ML15006A098) to the NRC under subpart B of 10 CFR part 52. The NRC published a notice of receipt of the application in the **Federal Register** (80 FR 5792; February 3, 2015). On March 12, 2015, the NRC formally accepted the application as a docketed application for design certification (80 FR 13035; March 12, 2015). The pre-application information submitted before the NRC formally accepted the application can be found in ADAMS under Docket No. PROJ0782.

The NRC issued the final safety evaluation report for the APR1400 design on September 28, 2018. The final safety evaluation report is available in ADAMS under Accession No. ML18087A364. The NRC will publish a final safety evaluation report in a NUREG titled, ''Final Safety Evaluation Report Related to the Certification of the Advanced Power Reactor 1400 Standard Design.'' The final safety evaluation report is based on the NRC's review of revision 3 of the APR1400 design certification document.

IV. Voluntary Consensus Standards

The National Technology Transfer and Advancement Act of 1995, Public Law 104–113, requires that Federal agencies use technical standards that are developed or adopted by voluntary consensus standards bodies unless the use of such a standard is inconsistent with applicable law or otherwise impractical. In this proposed rule, the NRC proposes to certify the APR1400 standard design for use in nuclear power plant licensing under 10 CFR parts 50 or 52. Design certifications are not generic rulemakings establishing a generally applicable standard with which all 10 CFR parts 50 and 52 nuclear power plant licensees must comply. Design certifications are Commission approvals of specific nuclear power plant designs by rulemaking. Furthermore, design certifications are initiated by an applicant for rulemaking, rather than by the NRC. This action does not constitute the establishment of a standard that contains generally applicable requirements.

V. Plain Writing

The Plain Writing Act of 2010 (Pub. L. 111–274) requires Federal agencies to write documents in a clear, concise, and well-organized manner that also follows other best practices appropriate to the subject or field and the intended audience. The NRC has written this document to be consistent with the Plain Writing Act as well as the Presidential Memorandum, ''Plain Language in Government Writing,'' published June 10, 1998 (63 FR 31883). The NRC requests comment on the proposed rule with respect to clarity and effectiveness of the language used.

VI. Paperwork Reduction Act

This proposed rule contains (a) new or amended collection(s) of information subject to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). This proposed rule has been submitted to the Office of Management and Budget for review and approval of the information collection(s).

Type of submission, new or revision: Revision.

The title of the information collection: Appendix F to 10 CFR part 52 Design Certification Rule for the APR1400 Design.

The form number if applicable: NA.

How often the collection is required or requested: On occasion.

Who will be required or asked to respond: Applicant for a combined license or a design certification amendment.

An estimate of the number of annual responses: 1 (0 annual responses and 1 recordkeeper).

The estimated number of annual respondents: 1.

An estimate of the total number of hours needed annually to comply with the information collection requirement or request: Approximately 37 hours of additional recordkeeping burden. The only burden associated with this rule will be for recordkeeping by the applicant for this design certification.

Abstract: The NRC is proposing to amend its regulations to certify the APR1400 standard design. This action is necessary so that applicants or licensees intending to construct and operate an APR1400 standard design may do so by referencing this DC rule. The applicant for certification of the APR1400 standard design is KEPCO/KHNP.

The NRC is seeking public comment on the potential impact of the information collection contained in this proposed rule and on the following issues:

(1) Is the proposed information collection necessary for the proper performance of the functions of the NRC, including whether the information will have practical utility?

(2) Is the estimate of the burden of the proposed information collection accurate?

(3) Is there a way to enhance the quality, utility, and clarity of the information to be collected?

(4) How can the burden of the proposed information collection on respondents be minimized, including the use of automated collection techniques or other forms of information technology?

A copy of the OMB clearance package is available in ADAMS under Accession No. ML18302A089 or may be viewed free of charge at the NRC Public Document Room, One White Flint North, 11555 Rockville Pike, Room O1–F21, Rockville, MD 20852. You may obtain information and comment submissions related to the OMB clearance package by searching on *https://www.regulations.gov* under Docket ID NRC–2015–0224.

You may submit comments on any aspect of these proposed information collection(s), including suggestions for

reducing the burden and on the above issues, by the following methods:

- *Federal Rulemaking Website:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2015–0224.

- *Mail comments to:* Information Services Branch, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, or by email to *Infocollects.Resource@nrc.gov,* and to the Desk Officer, Office of Information and Regulatory Affairs, NEOB–10202, (3150–XXXX) Office of Management and Budget, Washington, DC 20503; email: *oira_submission@omb.eop.gov.*

Submit comments by June 21, 2019. Comments received after this date will be considered if it is practical to do so, but the NRC staff is able to ensure consideration only for comments received on or before this date.

Public Protection Notification

The NRC may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the document requesting or requiring the collection displays a currently valid OMB control number.

VII. Availability of Documents

The documents identified in the following table are available to interested persons through one or more of the following methods, as indicated.

DOCUMENTS RELATED TO APR1400 DESIGN CERTIFICATION RULE

Document	ADAMS Accession No./web link/ **Federal Register** citation
SECY–19–0020, "Direct Final Rule–Advanced Power Reactor 1400 Design Certification (RIN 3150–AJ67; NRC–2015–0224)"	ML18302A069
KEPCO/KHNP Application for Design Certification of the APR1400 Design	ML15006A037
APR1400 Design Control Document, Revision 3	ML18228A667
APR1400 Final Safety Evaluation Report	ML18087A364
APR1400 Environmental Assessment	ML18306A607
APR1400 Standard Design Approval	ML18261A187
Regulatory History of Design Certification [1]	ML003761550
KEPCO/KHNP Topical and Technical Reports:	
APR1400–E–B–NR–16001–NP, Evaluation of Main Steam and Feedwater Piping Applied to the Graded Approach for the APR1400, Rev. 0 (July 2017)	ML18178A215
APR1400–E–B–NR–16002–NP, Evaluation of Safety Injection and Shutdown Cooling Piping Applied to the Graded Approach for the APR1400, Rev. 1 (May 2018)	ML18178A217
APR1400–E–I–NR–14001–NP, Human Factors Engineering Program Plan, Rev. 4 (July 2018)	ML18212A345
APR1400–E–I–NR–14002–NP, Operating Experience Review Implementation Plan, Rev. 2 (January 2018)	ML18081A101
APR1400–E–I–NR–14003–NP, Functional Requirements Analysis and Function Allocation Implementation Plan, Rev. 2 (January 2018)	ML18081A091
APR1400–E–I–NR–14004–NP, Task Analysis Implementation Plan, Rev. 3 (May 2018)	ML18178A223
APR1400–E–I–NR–14006–NP, Treatment of Important Human Actions Implementation Plan, Rev. 3 (May 2018)	ML18178A224
APR1400–E–I–NR–14007–NP, Human-System Interface Design Implementation Plan, Rev. 3 (May 2018)	ML18178A212
APR1400–E–I–NR–14008–NP, Human Factors Verification and Validation Implementation Plan, Rev. 3 (May 2018)	ML18178A213
APR1400–E–I–NR–14010–NP, Human Factors Verification and Validation Scenarios, Rev. 2 (January 2018)	ML18081A088
APR1400–E–I–NR–14011–NP, Basic Human-System Interface, Rev. 3 (May 2018)	ML18178A214
APR1400–E–I–NR–14012–NP, Style Guide, Rev. 2 (January 2018)	ML18081A096
APR1400–E–J–NR–14001–NP, Component Interface Module, Rev. 1 (March 2017)	ML17094A131
APR1400–E–J–NR–17001–NP, Secure Development and Operational Environment for APR1400 Computer-Based I&C Safety Systems, Rev. 0 (September 2017)	ML18108A470
APR1400–E–N–NR–14001–NP, Design Features To Address GSI–191, Rev. 3 (February 2018)	ML18057B532
APR1400–E–P–NR–14005–NP, Evaluations and Design Enhancements To Incorporate Lessons Learned from Fukushima Dai-Ichi Nuclear Accident, Rev. 2 (July 2017)	ML18044B042
APR1400–E–S–NR–14004–NP, Evaluation of Effects of HRHF Response Spectra on SSCs, Rev. 3 (December 2017)	ML18078A709
APR1400–E–S–NR–14005–NP, Evaluation of Structure-Soil-Structure Interaction (SSSI) Effects, Rev. 2 (December 2017)	ML18078A699
APR1400–E–S–NR–14006–NP, Stability Check for NI Common Basemat, Rev. 5 (May 2018)	ML18178A221
APR1400–E–X–NR–14001–NP, Equipment Qualification Program, Rev. 4 (July 2018)	ML18214A563
APR1400–F–A–NR–14001–NP, Small Break LOCA Evaluation Model, Rev. 1 (March 2017)	ML17114A524
APR1400–F–A–NR–14003–NP, Post-LOCA Long Term Cooling Evaluation Model, Rev. 1 (March 2017)	ML17114A526
APR1400–F–A–TR–12004–NP–A, Realistic Evaluation Methodology for Large-Break LOCA of the APR1400 (August 2018)	ML18233A431
APR1400–F–C–NR–14001–NP, CPC Setpoint Analysis Methodology for APR1400, Rev. 3 (June 2018)	ML18199A563
APR1400–F–C–NR–14002–NP, Functional Design Requirements for a Core Operating Limit Supervisory System for APR1400, Rev. 1 (February 2017)	ML17094A132
APR1400–F–C–NR–14003–NP, Functional Design Requirements for a Core Protection Calculator System for APR1400, Rev. 1 (March 2017)	ML17114A522
APR1400–F–C–TR–12002–NP–A, KCE–1 Critical Heat Flux Correlation for PLUS7 Thermal Design (April 2017)	ML17115A559
APR1400–F–M–TR–13001–NP–A, PLUS7 Fuel Design for the APR1400 (August 2018)	ML18232A140
APR1400–H–N–NR–14005–NP, Summary Stress Report for Primary Piping, Rev. 2 (September 2016)	ML18178A218
APR1400–H–N–NR–14012–NP, Mechanical Analysis for New and Spent Fuel Storage Racks, Rev. 3 (August 2017)	ML17244A015
APR1400–K–I–NR–14005–NP, Staffing and Qualifications Implementation Plan, Rev. 1 (February 2017)	ML17094A152
APR1400–K–I–NR–14009–NP, Design Implementation Plan, Rev. 1 (February 2017)	ML17094A153
APR1400–K–Q–TR–11005–NP–A, KHNP Quality Assurance Program Description (QAPD) for the APR1400 Design Certification, Rev. 2 (October 2016)	ML18085B044
APR1400–Z–A–NR–14006–NP, Non-LOCA Safety Analysis Methodology, Rev. 1 (February 2017)	ML17094A139
APR1400–Z–A–NR–14007–NP, Mass and Energy Release Methodologies for LOCA and MSLB, Rev. 2 (May 2018)	ML18212A338

DOCUMENTS RELATED TO APR1400 DESIGN CERTIFICATION RULE—Continued

Document	ADAMS Accession No./web link/ **Federal Register** citation
APR1400–Z–A–NR–14011–NP, Criticality Analysis of New and Spent Fuel Storage Racks, Rev. 3 (May 2018)	ML18214A561
APR1400–Z–A–NR–14019–NP, CCF Coping Analysis, Rev. 3 (July 2018)	ML18225A340
APR1400–Z–J–NR–14001–NP, Safety I&C System, Rev. 3 (May 2018)	ML18212A341
APR1400–Z–J–NR–14002–NP, Diversity and Defense-in-Depth, Rev. 3 (May 2018)	ML18214A557
APR1400–Z–J–NR–14003–NP, Software Program Manual, Rev. 3 (May 2018)	ML18214A559
APR1400–Z–J–NR–14004–NP, Uncertainty Methodology and Application for Instrumentation, Rev. 2 (January 2018)	ML18086B757
APR1400–Z–J–NR–14005–NP, Setpoint Methodology for Safety-Related Instrumentation, Rev. 2 (January 2018)	ML18087A106
APR1400–Z–J–NR–14012–NP, Control System CCF Analysis, Rev. 3 (May 2018)	ML18212A343
APR1400–Z–J–NR–14013–NP, Response Time Analysis of Safety I&C System, Rev. 2 (January 2018)	ML18087A110
APR1400–Z–M–NR–14008–NP, Pressure-Temperature Limits Methodology for RCS Heatup and Cooldown, Rev. 1 (January 2018)	ML18087A112
APR1400–Z–M–TR–12003–NP–A, Fluidic Device Design for the APR1400 (April 2017)	ML17129A597
Westinghouse Topical and Technical Report:	
WCAP–10697–NP–A, Common Qualified Platform Topical Report, Rev. 3 (February 2013)	ML13112A108
WCAP–17889–NP (APR1400–A–N–NR–17001–NP), Validation of SCALE 6.1.2 with 238-Group ENDF/B–VII.0 Cross Section Library for APR1400 Design Certification, Rev. 0 (June 2014)	ML18044B051
Combustion Engineering, Inc. Technical Reports:	
CEN–312–NP, Overview Description of the Core Operating Limit Supervisory System (COLSS), Rev. 01–NP (November 1986)	ML19066A067
CEN–310–NP–A, CPC and Methodology Changes for the CPC Improvement Program (April 1986)	ML19066A085

[1] The regulatory history of the NRC's design certification reviews is a package of documents that is available in the NRC's PDR and NRC Library. This history spans the period during which the NRC simultaneously developed the regulatory standards for reviewing these designs and the form and content of the rules that certified the designs.

The NRC may post materials related to this document, including public comments, on the Federal Rulemaking website at *https://www.regulations.gov* under Docket ID NRC–2015–0224. The Federal Rulemaking website allows you to receive alerts when changes or additions occur in a docket folder. To subscribe: (1) Navigate to the docket folder (NRC–2015–0224); (2) click the ''Sign up for Email Alerts'' link; and (3) enter your email address and select how frequently you would like to receive emails (daily, weekly, or monthly).

List of Subjects in 10 CFR Part 52

Administrative practice and procedure, Antitrust, Combined license, Early site permit, Emergency planning, Fees, Incorporation by reference, Inspection, Issue finality, Limited work authorization, Nuclear power plants and reactors, Probabilistic risk assessment, Prototype, Reactor siting criteria, Redress of site, Penalties, Reporting and recordkeeping requirements, Standard design, Standard design certification.

Dated at Rockville, Maryland, this 17th day of May 2019.

For the Nuclear Regulatory Commission.

Annette Vietti-Cook,

Secretary of the Commission.

[FR Doc. 2019–10716 Filed 5–21–19; 8:45 am]

BILLING CODE 7590–01–P

POSTAL REGULATORY COMMISSION

39 CFR Part 3060

[Docket No. RM2019–5; Order No. 5097]

Accounting and Periodic Reporting Rules

AGENCY: Postal Regulatory Commission.

ACTION: Proposed rulemaking.

SUMMARY: The Commission is proposing an amendment to its rules involving the calculation of the assumed Federal income tax on competitive products by the Postal Service each fiscal year. The Commission invites public comment on the proposed revisions.

DATES: *Comments are due:* June 21, 2019.

ADDRESSES: For additional information, Order No.5097 can be accessed electronically through the Commission's website at *https://www.prc.gov.* Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov.* Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

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I. Background

The Commission initiated this proceeding to amend its regulations governing the assumed Federal income tax on competitive product income appearing in existing 39 CFR part 3060. The proposed amendments would revise regulations concerning the annual assumed Federal income tax calculation for competitive products to reflect changes to the Internal Revenue Code made by the Tax Cuts and Jobs Act and to remove other obsolete provisions.[1] The Commission sought comments from interested parties on whether it should update its regulations to reflect the changes and simplify the existing regulations.

II. Basis and Purpose of Proposed Rules

Section 3634(b) of title 39 of the United States Code requires the Postal Service to calculate the assumed Federal income tax on its competitive products income each year and transfer the amount of the assumed tax from the Competitive Products Fund to the Postal Service Fund. As required by 39 U.S.C. 2011(h)(2)(B)(ii), on December 18, 2008, the Commission issued the substantive

[1] *See* Tax Cuts and Jobs Act, Public Law 115–97, 131 Stat. 2054 (2017) (Tax Cuts and Jobs Act).

and procedural rules for determining the assumed Federal income tax calculation, as codified in existing 39 CFR part 3060.[2] In accordance with its specific authority under 39 U.S.C. 2011(h)(2)(B)(ii) and its general authority under 39 U.S.C. 503 to promulgate regulations and establish procedures, the Commission establishes this proceeding to consider two forms of amendments. First, the Commission proposes revisions to reflect changes made to the Internal Revenue Code after the Commission's initial 2008 rulemaking that would affect the computation of the applicable tax rate for the assumed Federal income tax calculation. Second, the Commission proposes to remove obsolete provisions that authorized one-time extensions of time for the Postal Service to calculate and transfer the assumed Federal income tax for fiscal year 2008.

A. Applicable Corporate Tax Rate

The assumed taxable income from competitive products for a given year ''refers to the amount representing what would be the taxable income of a corporation under the Internal Revenue Code of 1986 for the year[.]'' 39 U.S.C. 3634(a)(2). Existing § 3060.40(a) requires the Postal Service's calculation of the assumed Federal income tax on competitive product income to comply with chapter 1 of the Internal Revenue Code. Additionally, existing § 3060.40(a) specifies that the computation of the competitive products enterprise's assumed tax liability use either the ''regular'' rates in section 11 or the Alternative Minimum Tax (AMT) rates in section 55(b)(1)(B) of the Internal Revenue Code, whichever might be applicable.

Since the codification of existing § 3060.40(a), the Internal Revenue Code has undergone changes. Effective December 22, 2017, the AMT no longer applies to corporations. Tax Cuts and Jobs Act § 12001, 131 Stat. at 2092 (codified at 26 U.S.C. 55(a)). Therefore, it is no longer appropriate for the Postal Service to compute the tax liability at the AMT rate, as contemplated in existing § 3060.40(a).

Rather than simply removing the cross-reference to the AMT, the Commission proposes replacing both specific cross-references to particular sections of chapter 1 of the Internal Revenue Code with a general instruction for the Postal Service to use the applicable tax rate for corporations. This would enable proposed § 3060.40(a) to stay current with any future changes to chapter 1 of the Internal Revenue Code affecting the tax rate for corporations. Moreover, this proposed approach would remain consistent with 39 U.S.C. 3634(a)(2).

B. Obsolete One-time Extension Provisions

The Commission published the existing regulations concerning the assumed Federal income tax calculation in December 2008 and they took effect in January 2009. Order No. 151 at 1, 21. Existing §§ 3060.40(c) and 3060.43(c) include a one-time extension for the Postal Service to submit the calculation and perform the annual transfer for FY 2008, extending both deadlines to July 15, 2009. Since the existing provisions concerning past extensions are outdated and unnecessary, the Commission proposes removing this material from existing §§ 3060.40(c) and 3060.43(c). The removal of these obsolete provisions would simplify the regulations.

III. Proposed Rules

Proposed § 3060.40(a). Proposed § 3060.40(a) replaces ''section 11 (regular) or section 55(b)(1)(B) (Alternative Minimum Tax) tax rates, as applicable'' with ''applicable corporate tax rate.''

Proposed § 3060.40(c). Proposed § 3060.40(c) deletes the phrase ''except that a one-time extension of 6 months, until July 15, 2009, shall be permitted for the calculation of the assumed Federal income tax due for fiscal year end September 30, 2008.''

Proposed § 3060.43(c). Proposed § 3060.43(c) removes the text of existing § 3060.43(c), in its entirety, and redesignates existing § 3060.43(d), and its text, as § 3060.43(c).

List of Subjects in 39 CFR Part 3060

Administrative practice and procedure, Reporting and recordkeeping requirements.

For the reasons stated in the preamble, the Commission proposes to amend 39 chapter III of title 39 of the Code of Federal Regulations as follows:

PART 3060—ACCOUNTING PRACTICES AND TAX RULES FOR THE THEORETICAL COMPETITIVE PRODUCTS ENTERPRISE

■ 1. The authority citation for part 3060 continues to read as follows:

Authority: 39 U.S.C. 503, 2011, 3633, 3634.

■ 2. Amend § 3060.40, by revising paragraphs (a) and (c) to read as follows:

§ 3060.40 Calculation of the assumed Federal income tax.

(a) The assumed Federal income tax on competitive products income shall be based on the Postal Service theoretical competitive products enterprise income statement for the relevant year and must be calculated in compliance with chapter 1 of the Internal Revenue Code by computing the tax liability on the taxable income from the competitive products of the Postal Service theoretical competitive products enterprise at the applicable corporate tax rate.

* * * * *

(c) The calculation of the assumed Federal income tax due shall be submitted to the Commission no later than the January 15 following the close of the fiscal year referenced in paragraph (b) of this section.

* * * * *

§ 3060.43 [Amended]

■ 3. Amend § 3060.43, by removing paragraph (c) and redesignating paragraph (d) as paragraph (c).

By the Commission.

Stacy L. Ruble,

Secretary.

[FR Doc. 2019–10558 Filed 5–21–19; 8:45 am]

BILLING CODE 7710–FW–P

[2] *See* Docket No. RM2008–5, Order Establishing Accounting Practices and Tax Rules for Competitive Products, December 18, 2008 (Order No. 151).

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R05–OAR–2017–0700; FRL–9993–63–Region 5]

Air Plan Approval; Indiana; Regional Haze Plan and Prong 4 (Visibility) for the 2006 and 2012 $PM_{2.5}$, 2010 NO_2, 2010 SO_2, and 2008 Ozone NAAQS

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to take action under the Clean Air Act (CAA) on an Indiana's November 27, 2017 State Implementation Plan (SIP) submittal addressing regional haze. This proposed action is based on EPA's determination that a state's implementation of the Cross-State Air Pollution Rule (CSAPR) program continues to meet the criteria of the Regional Haze Rule (RHR) to qualify as an alternative to the application of Best Available Retrofit Technology (BART). EPA is proposing several related actions. First, EPA is proposing to approve the portion of Indiana's

November 27, 2017 SIP submittal seeking to change reliance from the Clean Air Interstate Rule (CAIR) to CSAPR for certain regional haze requirements. EPA is also proposing to convert EPA's limited approval/limited disapproval of Indiana's regional haze SIP to a full approval and to withdraw the Federal Implementation Plan (FIP) provisions that address the limited disapproval. Finally, EPA is proposing to approve the visibility prong of Indiana's infrastructure SIP submittals for the 2012 annual and 2006 24-hour fine particulate matter ($PM_{2.5}$), 2010 nitrogen dioxide (NO_2), and 2010 sulfur dioxide (SO_2) National Ambient Air Quality Standards (NAAQS) and to convert EPA's disapproval of the visibility portion of Indiana's infrastructure SIP submittal for the 2008 ozone NAAQS to an approval.

DATES: Comments must be received on or before June 21, 2019.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R05–OAR–2017–0700 at *http://www.regulations.gov* or via email to *Aburano.Douglas@epa.gov.* For comments submitted at *Regulations.gov,* follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov.* For either manner of submission, EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *http://www2.epa.gov/dockets/commenting-epa-dockets.*

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

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

I. Background

A. Regional Haze SIPs and Their Relationship With CAIR and CSAPR

Section 169A(a)(1) of the CAA establishes as a national visibility goal ''the prevention of any future, and the remedying of any existing, impairment of visibility in mandatory class I Federal areas which impairment results from manmade air pollution.'' Section 169A(b)(2)(A) of the CAA requires states to submit regional haze SIPs that contain such measures as may be necessary to make reasonable progress towards the natural visibility goal, including a requirement that certain categories of existing major stationary sources built between 1962 and 1977 procure, install, and operate BART as determined by the state. Under the RHR, states are directed to conduct BART determinations for such ''BART-eligible'' sources that may be anticipated to cause or contribute to any visibility impairment in a Class I area. Rather than requiring source-specific BART controls, states also have the flexibility to adopt an emissions trading program or other alternative program as long as the alternative provides greater reasonable progress towards improving visibility than BART. *See* 40 CFR 51.308(e)(2). EPA provided states with this flexibility in the RHR, adopted in 1999, and further refined the criteria for assessing whether an alternative program provides for greater reasonable progress in two subsequent rulemakings. *See* 64 FR 35714 (July 1, 1999); 70 FR 39104 (July 6, 2005); 71 FR 60612 (October 13, 2006).

In revisions to the regional haze program made in 2005, EPA demonstrated that CAIR would achieve greater reasonable progress than BART.[1] *See* 70 FR 39104. In those revisions, EPA amended its regulations to provide that states participating in the CAIR cap-and-trade programs pursuant to an EPA-approved CAIR SIP, or states that remain subject to a CAIR FIP need not require affected BART-eligible electric generating units (EGUs) to install, operate, and maintain BART for emissions of SO_2 and nitrogen oxides (NO_X).

As a result of EPA's determination that CAIR was ''better-than-BART,'' a number of states in which CAIR applies, including Indiana, relied on the CAIR cap-and-trade programs as an alternative to BART for EGU emissions of SO_2 and NO_X in designing their regional haze SIPs. These states also relied on CAIR as an element of a long-term strategy (LTS) for achieving reasonable progress goals (RPGs) for their regional haze programs. However, in 2008, the United States Court of Appeals for the District of Columbia Circuit (D.C. Circuit) remanded CAIR to EPA without vacatur (preserving the environmental benefits provided by CAIR). *North Carolina* v. *EPA,* 550 F.3d 1176, 1178 (D.C. Cir. 2008). On August 8, 2011 (76 FR 48208), acting on the D.C. Circuit's remand, EPA promulgated CSAPR to replace CAIR and issued FIPs to implement the rule in CSAPR-subject states.[2] Implementation of CSAPR was scheduled to begin on January 1, 2012, when CSAPR would have superseded the CAIR program.

Due to the D.C. Circuit's 2008 ruling that CAIR was ''fatally flawed,'' and its resulting status as a temporary measure following that ruling, EPA could not fully approve regional haze SIPs to the extent that they relied on CAIR to satisfy the BART requirement and the requirement for a LTS sufficient to achieve the state-adopted RPGs. On these grounds, EPA finalized a limited disapproval of Indiana's regional haze SIP on June 7, 2012 (77 FR 33642), triggering the requirement for EPA to promulgate a FIP unless Indiana submitted, and EPA approved a SIP revision that corrected the deficiency. EPA finalized a limited approval of Indiana's regional haze SIP on June 11, 2012 (77 FR 34218), as meeting the remaining applicable regional haze requirements set forth in the CAA and the RHR.

In the June 7, 2012 limited disapproval action, EPA also amended the RHR to provide that participation by a state's EGUs in a CSAPR trading

[1] CAIR created regional cap-and-trade programs to reduce SO_2 and NO_X emissions in 27 eastern states (and the District of Columbia), including Indiana, that contributed to downwind nonattainment or interfered with maintenance of the 1997 8-hour ozone NAAQS or the 1997 $PM_{2.5}$ NAAQS.

[2] CSAPR requires 28 eastern states to limit their statewide emissions of SO_2 and/or NO_X in order to mitigate transported air pollution unlawfully impacting other states' ability to attain or maintain four NAAQS: The 1997 ozone NAAQS, the 1997 annual $PM_{2.5}$ NAAQS, the 2006 24-hour $PM_{2.5}$ NAAQS, and the 2008 8-hour ozone NAAQS. The CSAPR emissions limitations are defined in terms of maximum statewide ''budgets'' for emissions of annual SO_2, annual NO_X, and/or ozone-season NO_X by each covered state's large EGUs. The CSAPR state budgets are implemented in two phases of generally increasing stringency, with the Phase 1 budgets applying to emissions in 2015 and 2016 and the Phase 2 budgets applying to emissions in 2017 and later years.

program for a given pollutant—either a CSAPR Federal trading program implemented through a CSAPR FIP or an integrated CSAPR state trading program implemented through an approved CSAPR SIP revision—qualifies as a BART alternative for those EGUs for that pollutant.[3] *See* 40 CFR 51.308(e)(4). Since EPA promulgated this amendment, numerous states covered by CSAPR, including Indiana, have utilized the provision through either SIPs or FIPs.[4]

Numerous parties filed petitions for review of CSAPR in the D.C. Circuit, and on August 21, 2012, the court issued its ruling, vacating and remanding CSAPR to EPA and ordering continued implementation of CAIR. *EME Homer City Generation, L.P.* v. *EPA,* 696 F.3d 7, 38 (D.C. Cir. 2012). The D.C. Circuit's vacatur of CSAPR was reversed by the United States Supreme Court on April 29, 2014, and the case was remanded to the D.C. Circuit to resolve remaining issues in accordance with the high court's ruling. *EPA* v. *EME Homer City Generation, L.P.,* 134 S. Ct. 1584 (2014). On remand, the D.C. Circuit affirmed CSAPR in most respects, but invalidated without vacating some of the CSAPR budgets as to a number of states. *EME Homer City Generation, L.P.* v. *EPA,* 795 F.3d 118 (D.C. Cir. 2015).

The remanded budgets include the Phase 2 SO_2 emissions budgets for four states and the Phase 2 ozone-season NO_X budgets for eleven states. This litigation ultimately delayed implementation of CSAPR for three years, from January 1, 2012, when CSAPR's cap-and-trade programs were originally scheduled to replace the CAIR cap-and-trade programs, to January 1, 2015. Thus, the rule's Phase 2 budgets that were originally scheduled to begin on January 1, 2014, began on January 1, 2017.

On September 29, 2017 (82 FR 45481), EPA published a final rule affirming the continued validity of the Agency's 2012 determination that participation in CSAPR meets the RHR's criteria for an alternative to the application of source specific BART. In the rulemaking, EPA explained that the limited changes to the scope of CSAPR coverage did not alter EPA's conclusion that CSAPR remains ''better-than-BART;'' that is, that participation in CSAPR remains available as an alternative to BART for EGUs covered by the trading program.

Indiana's November 27, 2017 SIP submittal seeks to correct the deficiencies identified in the June 7, 2012 limited disapproval of its regional haze SIP by replacing reliance on CAIR with reliance on CSAPR. Specifically, Indiana requests that EPA approve the State's regional haze SIP revision that replaces reliance on CAIR with CSAPR to satisfy SO_2 and NO_X BART requirements.

B. Infrastructure SIPs

The ''infrastructure SIP'' requirements are designed to ensure that the structural components of each state's air quality management program are adequate to meet the state's responsibilities under the CAA. The requirement for states to make an infrastructure SIP submission is under CAA section 110(a)(1). SIPs meeting the requirements of sections 110(a)(1) and (2) of the CAA are required to be submitted by states within three years (or less, if the Administrator so prescribes) after promulgation of a new or revised NAAQS to provide for the implementation, maintenance, and enforcement of the new or revised NAAQS. EPA has historically referred to these SIP submissions made for the purpose of satisfying the requirements of sections 110(a)(1) and 110(a)(2) as ''infrastructure SIP'' submissions. Sections 110(a)(1) and (2) require states to address basic SIP elements such as for monitoring, basic program requirements, and legal authority that are designed to assure attainment and maintenance of the newly established or revised NAAQS. More specifically, section 110(a)(1) provides the procedural and timing requirements for infrastructure SIPs. Section 110(a)(2) lists specific elements that states must meet for the infrastructure SIP requirements related to a newly established or revised NAAQS. The contents of an infrastructure SIP submission may vary depending upon the data and analytical tools available to the state, as well as the provisions already contained in the state's implementation plan at the time in which the state develops and submits the submission for a new or revised NAAQS.

Section 110(a)(2)(D) has two components: 110(a)(2)(D)(i) and 110(a)(2)(D)(ii). Section 110(a)(2)(D)(i) includes four distinct components, commonly referred to as ''prongs,'' that must be addressed in infrastructure SIP submissions. The first two prongs, which are codified in section 110(a)(2)(D)(i)(I), prohibit any source or other type of emissions activity in one state from contributing significantly to nonattainment of the NAAQS in another state (prong 1) and from interfering with maintenance of the NAAQS in another state (prong 2). The third and fourth prongs, which are codified in section 110(a)(2)(D)(i)(II), prohibit emissions activity in one state from interfering with measures required to prevent significant deterioration of air quality in another state (prong 3) or from interfering with measures to protect visibility in another state (prong 4).

''Prong 4'' Requirements

Section 110(a)(2)(D)(i)(II) requires a state's implementation plan to contain provisions prohibiting sources in that state from emitting pollutants in amounts that interfere with any other state's efforts to protect visibility under part C of the CAA (which includes sections 169A and 169B). EPA issued guidance on infrastructure SIPs in a September 13, 2013 memorandum from Stephen D. Page titled ''Guidance on Infrastructure State Implementation Plan (SIP) Elements under Clean Air Act Sections 110(a)(1) and 110(a)(2)'' (2013 Guidance). The 2013 Guidance states that these prong 4 requirements can be satisfied by approved SIP provisions that EPA has found to adequately address any contribution of that state's sources that impact the visibility program requirements in other states. The 2013 Guidance also states that EPA interprets this prong to be pollutant-specific, such that the infrastructure SIP submission need only address the potential for interference with protection of visibility caused by the pollutant (including precursors) to which the new or revised NAAQS applies.

The 2013 Guidance lays out how a state's infrastructure SIP may satisfy prong 4. One way is via confirmation that the state has an approved regional haze SIP that fully meets the requirements of 40 CFR 51.308 or 51.309. The regulations at 40 CFR 51.308 and 51.309 specifically require that a state participating in a regional planning process include all measures needed to achieve its apportionment of emission reduction obligations agreed upon through that process. A fully approved regional haze SIP will ensure that emissions from sources under an air agency's jurisdiction are not interfering

[3] Legal challenges to the CSAPR-Better-than-BART rule from state, industry, and other petitioners are pending. *Utility Air Regulatory Group* v. *EPA,* No. 12–1342 (D.C. Cir. filed August 6, 2012).

[4] EPA has promulgated FIPs relying on CSAPR participation for BART purposes for Georgia, Indiana, Iowa, Kentucky, Michigan, Missouri, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, and West Virginia, 77 FR at 33654, and Nebraska, 77 FR 40150, 40151 (July 6, 2012), and Texas 82 FR 48324 (October 17, 2017). EPA has approved Minnesota's, Wisconsin's, and Alabama's SIPs relying on CSAPR participation for BART purposes. *See* 77 FR 34801 (June 12, 2012) for Minnesota, 77 FR 46952 (August 7, 2012) for Wisconsin, and 82 FR 47393 (October 12, 2017) for Alabama.

with measures required to be included in other air agencies' plans to protect visibility.

Alternatively, in the absence of a fully approved regional haze SIP, a state may meet the requirements of prong 4 through a demonstration in its infrastructure SIP submission that emissions within its jurisdiction do not interfere with other air agencies' plans to protect visibility. Such an infrastructure SIP submission would need to include measures to limit visibility-impairing pollutants and ensure that the reductions conform with any mutually agreed upon regional haze RPGs for mandatory Class I areas in other states.

Through this action, EPA is proposing to approve the prong 4 portion of Indiana's infrastructure SIP submissions for the 2012 $PM_{2.5}$, 2010 NO_2, and 2010 SO_2 standards, and to convert EPA's disapproval of the prong 4 portion of Indiana's infrastructure SIP submission for the 2008 ozone NAAQS to an approval, as discussed in section IV of this action. All other applicable infrastructure SIP requirements for these SIP submissions have been or will be addressed in separate rulemakings. A brief background regarding the NAAQS relevant to this proposal is provided below.

1. 2006 and 2012 $PM_{2.5}$ NAAQS

On December 18, 2006, EPA revised the 24-hour average primary and secondary $PM_{2.5}$ NAAQS to 35 micrograms per cubic meter (μg/m³). *See* 71 FR 61144 (October 17, 2006). States were required to submit infrastructure SIP submissions for the 2006 $PM_{2.5}$ NAAQS to EPA no later than September 21, 2009. Indiana submitted infrastructure SIP submissions for the 2006 $PM_{2.5}$ NAAQS on October 20, 2009, June 25, 2012, July 12, 2012, and May 22, 2013. This proposed action only addresses the prong 4 element of those submissions. The other portions of Indiana's $PM_{2.5}$ infrastructure submissions have been previously addressed (78 FR 41311, July 10, 2013; 79 FR 18999, April 7, 2014; and 83 FR 64472, December 17, 2018).

On December 14, 2012, EPA revised the annual primary $PM_{2.5}$ NAAQS to 12 μg/m³. *See* 78 FR 3086 (January 15, 2013). States were required to submit infrastructure SIP submissions for the 2012 $PM_{2.5}$ NAAQS to EPA no later than December 14, 2015. Indiana submitted an infrastructure SIP submission for the 2012 $PM_{2.5}$ NAAQS on December 10, 2016. This proposed action only addresses the prong 4 element of that submission. The other portions of Indiana's December 10, 2016 $PM_{2.5}$ infrastructure submission have been previously addressed (83 FR 4595, February 1, 2018) or will be addressed in a separate action.

2. 2010 SO_2 NAAQS

On June 2, 2010, EPA revised the primary SO_2 NAAQS to an hourly standard of 75 parts per billion (ppb) based on a 3-year average of the annual 99th percentile of 1-hour daily maximum concentrations. *See* 75 FR 35520 (June 22, 2010). States were required to submit infrastructure SIP submissions for the 2010 SO_2 NAAQS to EPA no later than June 2, 2013. Indiana submitted an infrastructure SIP submission for the 2010 1-hour SO_2 NAAQS on May 22, 2013. This proposed action only addresses the prong 4 element of that submission. The other portions of Indiana's May 22, 2013 SO_2 infrastructure submission have been previously addressed (80 FR 48733, August 14, 2015) or will be addressed in a separate action.

3. 2010 NO_2 NAAQS

On January 22, 2010, EPA promulgated a new 1-hour primary NAAQS for NO_2 at a level of 100 ppb, based on a 3-year average of the 98th percentile of the yearly distribution of 1-hour daily maximum concentrations. *See* 75 FR 6474 (February 9, 2010). States were required to submit infrastructure SIP submissions for the 2010 NO_2 NAAQS to EPA no later than January 22, 2013. Indiana submitted infrastructure SIP submissions for the 2010 NO_2 NAAQS on January 15, 2013. This proposed action only addresses the prong 4 element of that submission. The other portions of Indiana's January 15, 2013, NO_2 infrastructure submission have been addressed in a previous EPA action (80 FR 48733, August 14, 2015).

4. 2008 Ozone NAAQS

On March 12, 2008, EPA revised the ozone NAAQS to 0.075 parts per million. *See* 73 FR 16436 (March 27, 2008). States were required to submit infrastructure SIP submissions for the 2008 ozone NAAQS to EPA no later than March 12, 2011. Indiana submitted an infrastructure SIP for the 2008 ozone NAAQS on December 12, 2011. On June 15, 2016, EPA disapproved the intrastate transport provisions of Indiana's 2008 ozone infrastructure submission, including the prong 4 element. *See* 81 FR 53309. This proposed action addresses the disapproval for prong 4 and proposes to convert it to a full approval. The other portions of Indiana's December 12, 2011 ozone infrastructure SIP submission have been addressed in a previous EPA action (80 FR 23713, April 29, 2015).

II. What is EPA's analysis of how Indiana addressed regional haze and prong 4 of the infrastructure SIP requirements?

Indiana submitted infrastructure SIPs for the following NAAQS: 2012 annual $PM_{2.5}$ (December 10, 2016); 2006 24-hour average $PM_{2.5}$ (October 20, 2009; June 25, 2012; July 12, 2012; and May 22, 2013); 2010 NO_2 (January 15, 2013); 2010 SO_2 (May 22, 2013); and 2008 ozone (December 12, 2011) which relied on the State having a fully approved regional haze SIP to satisfy its prong 4 requirements. However, EPA had not previously fully approved Indiana's regional haze SIP. As discussed earlier in this action, the Agency issued a limited disapproval of the State's original regional haze plan on June 7, 2012, due to its reliance on CAIR, which also triggered the requirement for EPA to promulgate a FIP in Indiana utilizing CSAPR. To correct the deficiencies in its regional haze SIP and obtain approval of the aforementioned infrastructure SIPs that rely on the regional haze SIP, the State submitted a SIP revision on November 27, 2017, to replace reliance on CAIR with reliance on CSAPR.

As noted above, EPA determined that CSAPR remains ''better than BART,'' given the changes to CSAPR's scope in response to the D.C. Circuit's remand. Because the Agency has finalized the ''CSAPR remains better-than-BART'' rulemaking, EPA is proposing to approve the regional haze portion of the State's November 27, 2017 SIP revision and convert EPA's previous action on Indiana's regional haze SIP from a limited approval/limited disapproval to a full approval. Specifically, EPA's finds that this portion of Indiana's November 27, 2017 SIP revision satisfies the SO_2 and NO_X BART requirements for EGUs formerly subject to CAIR. Because a state may satisfy prong 4 requirements through a fully approved regional haze SIP, EPA is also proposing to approve the prong 4 portion of Indiana's 2006 and 2012 $PM_{2.5}$ submissions; 2010 NO_2 submissions; and the 2010 SO_2 submission. EPA is also proposing to convert EPA's disapproval of the prong 4 portions of Indiana's 2008 ozone infrastructure submission to an approval.

III. Proposed Action

EPA is proposing to take the following actions: (1) Approve the portion of Indiana's November 27, 2017 SIP submittal seeking to change from reliance on CAIR to reliance on CSAPR for certain regional haze requirements;

(2) convert EPA's limited approval/limited disapproval of Indiana's January 14, 2011 and March 10, 2011 regional haze SIP to a full approval; (3) withdraw the FIP provisions that address the limited disapproval; (4) approve the visibility prong of Indiana's infrastructure SIP submittals for the 2012 and 2006 $PM_{2.5}$, 2010 NO_2, and 2010 SO_2 NAAQS; and (5) convert EPA's disapproval of the visibility portion of Indiana's infrastructure SIP submittal for the 2008 ozone NAAQS to an approval.

All other applicable infrastructure requirements for the infrastructure SIP submissions have been or will be addressed in separate rulemakings.

IV. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the CAA and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Is not an Executive Order 13771 (82 FR 9339, February 2, 2017) regulatory action because SIP approvals are exempted under Executive Order 12866.
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and
- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

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

List of Subjects in 40 CFR Part 52

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

Dated: May 2, 2019.

Cheryl L. Newton,

Acting Regional Administrator, Region 5.

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 1, 2, and 27

[WT Docket No. 19–116, FCC 19–43]

Allocation and Service Rules for the 1675–1680 MHz Band

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: In this document, the Federal Communications Commission proposes to reallocate the 1675–1680 MHz band for shared use between incumbent federal operations and new, non-federal flexible wireless (fixed or mobile) use operations. The Commission seeks comment on the appropriate sharing mechanisms that will protect incumbent federal operations while making the spectrum available for new, non-federal use. The Commission also proposes service and technical rules designed to promote efficient and intensive use by any new, non-federal services.

DATES: Interested parties may file comments on or before June 21, 2019; and reply comments on or before July 22, 2019.

ADDRESSES: You may submit comments, identified by WT Docket No. 19–116, by any of the following methods:

- *Electronic Filers:* Comments may be filed electronically using the internet by accessing the Commission's Electronic Comment Filing System (ECFS): *http://fjallfoss.fcc.gov/ecfs2/.* See Electronic Filing of Documents in Rulemaking Proceedings, 63 FR 24121 (1998).
- *Paper Filers:* Parties who choose to file by paper must file an original and one copy of each filing. Generally if more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number. Commenters are only required to file copies in GN Docket No. 13–111.
- Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.
- All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th St. SW, Room TW–A325, Washington, DC 20554. The filing hours are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of *before* entering the building.
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701.
- U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street SW, Washington, DC 20554.

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

FOR FURTHER INFORMATION CONTACT: Anna Gentry, *Anna.Gentry@fcc.gov,* of the Wireless Telecommunications Bureau, Mobility Division, (202) 418–7769. For additional information

concerning the PRA information collection requirements contained in this document, contact Cathy Williams at (202) 418–2918 or send an email to *PRA@fcc.gov.*

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rulemaking (*NPRM*) in WT Docket No. 19–116, FCC 19–43, released on May 13, 2019. The complete text of the *NPRM* is available for viewing via the Commission's ECFS website by entering the docket number, WT Docket No. 19–116. The complete text of the *NPRM* is also available for public inspection and copying from 8 a.m. to 4:30 p.m. Eastern Time (ET) Monday through Thursday or from 8 a.m. to 11:30 a.m. ET on Fridays in the FCC Reference Information Center, 445 12th Street SW, Room CY–B402, Washington, DC 20554, telephone 202–488–5300, fax 202–488–5563.

This proceeding shall continue to be treated as a ''permit-but-disclose'' proceeding in accordance with the Commission's *ex parte* rules (47 CFR 1.1200 *et seq.*). Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b). In proceedings governed by rule 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (*e.g.,* .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

I. Notice of Proposed Rulemaking

Reallocation of the 1675–1680 MHz Band. Consistent with the allocation of the broader 1675–1690 MHz band in all three ITU Regions of the International Table,[1] the *NPRM* proposes to reallocate the 1675–1680 MHz band on a co-primary basis for non-federal fixed and mobile (except aeronautical mobile) services. Similar to the Commission's allocation of certain other bands, the proposed reallocation of the 1675–1680 MHz band also would permit the band to be auctioned and used for fixed and mobile (except aeronautical mobile) services, thereby providing flexibility for potential users to tailor the use of the band depending on the specific needs of their networks.

The 1675–1680 MHz band is currently used by NOAA for the Meteorological Satellite (MetSat) and Meteorological Aids (MetAids) services. These services provide robust weather data to the National Oceanic and Atmospheric Administration (NOAA) and other users, which they use for forecasting weather, and in part, managing hydrological resources across the country. MetSat services will continue to occupy the band until at least 2036. The *NPRM* seeks comment on an appropriate sharing mechanism that will allow both federal and non-federal users to operate successfully in the band. Specifically, the *NPRM* seeks comment on how: (1) Current federal earth stations in, and adjacent to, the band could be protected from harmful interference; (2) planned federal earth stations could be added to the band while minimizing disruptions to commercial service; and (3) non-federal earth stations that rely on the data transmitted in the band by NOAA satellites could continue to have access to this data.

A number of non-federal users operate earth stations that receive the signal from the GOES–N and GOES–R series satellites to provide them access to data necessary to carry out their weather forecasting and other activities. The Commission believes that these users should continue to have access to this data, and the *NPRM* seeks comment on how best to achieve this goal. The *NPRM* seeks comment on the number and location of such non-federal earth stations, the likelihood of interference at such locations, and ways to mitigate the risk of interference or otherwise ensure that they continue to have access to the data were we to allow non-federal fixed and mobile operations. In this regard, the *NPRM* notes the Commission also expects that the completed Spectrum Pipeline Act study[2] will provide additional information on these topics. To the extent that particular users rely on non-federal earth stations for critical public safety, weather forecasting, and emergency response data and are concerned about their ability to continue to receive the data directly from the NOAA satellites if the band is made available for shared operations, the *NPRM* encourages them to identify their locations and specific data needs, and discuss alternative means to receive such data.

To ensure that data from GOES satellites is made broadly available to the public, the *NPRM* seeks comment on alternative means of delivering such data to current users and other interested parties. For example, the *NPRM* seeks comment on whether an internet-based or private network content delivery system be used to make the GOES data available more broadly, without the need for an earth station, and whether this would be an adequate means of ensuring the data can be accessed reliably. The *NPRM* seeks comment on the likely costs of shifting to alternative delivery systems and whether such a content delivery system increase the total number of users with reliable access to such data. To the extent that parties believe that an alternative solution would be less reliable than an earth station, the *NPRM* seeks specific comment on the factors that contribute to the lower reliability for an internet-based or other terrestrial solution. The *NPRM* notes that NOAA already makes some MetSat and other weather data services available through other means—*e.g.,* the internet—and these services vary in bandwidth

[1] *See* 47 CFR 2.106.

[2] Title X of the Bipartisan Budget Act of 2015 (Spectrum Pipeline Act) modified previous legislation to provide funds from the Spectrum Relocation Fund for research and development, engineering studies, economic analyses, or other activities that ''improve the efficiency and effectiveness of the spectrum use of federal entities in order to make available frequencies . . . for reallocation for non-federal use or shared federal and non-federal use, or a combination thereof, and for auction in accordance with such reallocation.'' *See* Spectrum Pipeline Act, 129 Stat. 584, Sec. 1005(a)(2) (2015). NOAA is currently conducting a study using Spectrum Relocation Fund support, as provided under the Spectrum Pipeline Act, regarding the protection methodology necessary to make the 1675–1680 MHz band available on a shared basis with non-federal fixed or mobile (except aeronautical mobile) users.

requirements. The *NPRM* seeks comment on whether there are examples in this or other bands in which other content delivery solutions have replaced or supplemented earth-station-based receivers, and if so, how such data feeds perform during major weather events. The *NPRM* also seeks comment on any special protections that may be appropriate to ensure continuity of service for MetSat users.

1675–1680 MHz Band Plan. Given the limited size of this band, the *NPRM* proposes to auction 1675–1680 MHz licenses on an unpaired basis for terrestrial fixed and mobile use. Further, to avoid incompatible operations among co-channel or adjacent channel licensees, the *NPRM* proposes that 1675–1680 MHz be used solely as a downlink band. Alternatively, the *NPRM* seeks comment on whether to authorize this band for a combination of uplink and downlink on a TDD or other basis (as in the adjacent unpaired 1670–1675 MHz band), or for uplink. The *NPRM* seeks comment on the costs and benefits of such alternate approaches, including the likely use cases each would support. In order to best accommodate the fullest range of mobile wireless services, the *NPRM* proposes to license the 1675–1680 MHz band as a five-megahertz block and seeks comment on this proposal.

Consistent with the Commission's approach in several other bands used to provide fixed and mobile services, the *NPRM* proposes to license the 1675–1680 MHz band on a geographic area basis. In determining the appropriate geographic license size, the Commission considers several factors, including: (1) Facilitating access to spectrum by both small and large providers; (2) providing for the efficient use of spectrum; (3) encouraging deployment of wireless broadband services to consumers, especially those in rural areas and tribal lands; and (4) promoting investment in and rapid deployment of new technologies and services. In light of these considerations, the *NPRM* proposes to license the 1675–1680 MHz band on a partial economic area (PEA) basis, which may enable a wide range of bidders to participate in the auction and select the focused geographic areas that are most suited to their planned operations using the 1675–1680 MHz spectrum. The *NPRM* asks commenters to discuss and quantify the economic, technical, and other public interest considerations of licensing on a PEA basis, or any other recommended licensing approach, given that the band will be shared with federal users.

Licensing and Operating Rules. In order to afford licensees the flexibility to align licenses in the 1675–1680 MHz band with licenses in other spectrum bands governed by Part 27 of the Commission's rules, including the adjacent 1670–1675 MHz band, the *NPRM* proposes that licensees in the 1675–1680 MHz band comply with licensing and operating rules that are applicable to all Part 27 services, including assignment of licenses by competitive bidding,[3] flexible use,[4] regulatory status,[5] foreign ownership reporting,[6] compliance with construction notification requirements,[7] renewal criteria,[8] permanent discontinuance of operations,[9] partitioning and disaggregation,[10] and spectrum leasing.[11] The *NPRM* seeks comment on this approach and asks commenters to identify any aspects of the Commission's general Part 27 service rules that should be modified to accommodate the particular characteristics of the 1675–1680 MHz band. In addition, the *NPRM* seeks comment on service-specific rules for the 1675–1680 MHz band, including eligibility, mobile spectrum holdings policies, license term, performance requirements, renewal term construction obligations, and other licensing and operating rules.

Consistent with established Commission practice, the *NPRM* proposes to adopt an open eligibility standard for licenses in the 1675–1680 MHz band. Similar to the Commission's approach in the *2017 Spectrum Frontiers Order and FNPRM,* the *NPRM* proposes not to adopt a pre-auction, bright line limit on the ability of any entity to acquire spectrum in the 1675–1680 MHz band through competitive bidding at auction.[12] The *NPRM* proposes that this band be included in the Commission's spectrum screen, which helps to identify those markets that may warrant further competitive analysis, when evaluating proposed secondary market transactions. In addition, the *NPRM* proposes to review spectrum holdings on a case-by-case basis when applications for initial licenses are filed post-auction to ensure that the public interest benefits of having a threshold on spectrum applicable to secondary market transactions are not rendered ineffective. The *NPRM* seeks comment on whether and how the similarity of this spectrum to spectrum currently included in the screen should be factored into the Commission's analysis, including the suitability of 1675–1680 MHz spectrum for use in the provision of mobile telephony/broadband services.

The *NPRM* proposes a 15-year term for licenses for the 1675–1680 MHz band, and invites commenters to submit alternate proposals for the appropriate license term, which should include a discussion on the costs and benefits. The Commission continues to believe that performance requirements play a critical role in ensuring that licensed spectrum does not lie fallow. Accordingly, considering the unique characteristics of this band, the *NPRM* proposes that a 1675–1680 MHz band licensee shall provide reliable signal coverage and offer service to at least 45 percent of the population in each of its license areas within 6 years of initial grant (first performance benchmark), and to at least 80 percent of the population in each of its license areas within 12 years of initial grant (second performance benchmark). The *NPRM* notes that to the extent that sharing in this band is achieved with protection zones, those zones may limit a non-federal fixed or mobile licensee's ability to serve some portion of the population. For purposes of assessing the satisfaction of the buildout requirement, the *NPRM* seeks comment on how to account for the areas where federal use limits or prohibits 1675–1680 MHz use. The *NPRM* also seeks comment on alternative methodologies for measuring population coverage requirements in the Gulf of Mexico (*e.g.* using off-shore platforms as a proxy for population coverage).

Along with performance benchmarks, the Commission seeks to adopt a meaningful and enforceable penalty for failing to meet those benchmarks. The *NPRM* proposes that, in the event a 1675–1680 MHz licensee fails to meet the first performance benchmark, the licensee's second performance benchmark and license term would be reduced by two years, thereby requiring it to meet the second performance benchmark two years sooner (at 10 years into the license term), and reducing its license term to 13 years. The *NPRM* further proposes that, in the event a 1675–1680 MHz licensee fails to meet the second performance benchmark of

[3] 47 U.S.C. 309(j); 47 CFR 1.2101–1.2114.

[4] 47 CFR 2.106, 27.2, 27.3.

[5] 47 CFR 27.10.

[6] 47 U.S.C. 310; 47 CFR 27.12.

[7] 47 CFR 27.14(k).

[8] *Id.* § 1.949.

[9] *Id.* § 1.953.

[10] *Id.* § 1.950.

[11] *Id.* § 1.9001 *et seq.*

[12] *Use of Spectrum Bands Above 24 GHz For Mobile Radio Services et al.,* GN Docket No. 14–177 et al., Second Report and Order, Second Further Notice of Proposed Rulemaking, Order on Reconsideration, and Memorandum Opinion and Order, 32 FCC Rcd 10988, 11009–11011, paras. 70–74 (2017) (*2017 Spectrum Frontiers Order and FNPRM*).

80 percent population coverage for a particular license area, its authorization for each such license area shall terminate automatically without further Commission action. In the event a licensee's authority to operate terminates, the *NPRM* proposes that the licensee's spectrum rights would become available for reassignment pursuant to the competitive bidding provisions of section 309(j). Further, consistent with the Commission's rules for other WRS licenses, including AWS–1, AWS–3, AWS–4 and H Block, the *NPRM* proposes that any 1675–1680 MHz licensee that forfeits its license for failure to meet its performance requirements would be precluded from regaining the license. Finally, the *NPRM* seeks comment on whether there are other alternative buildout and enforcement mechanisms the Commission should consider, including alternative metrics for licensees that provide services potentially less suited to a population metric, such as Internet of Things type services.

In addition to being subject to procedures applicable to all Part 27 licensees for demonstrating compliance with performance requirements, including the filing of electronic coverage maps and supporting documentation, the *NPRM* proposes that such electronic coverage maps must accurately depict the boundaries of each license area in the licensee's service territory. If a licensee does not provide reliable signal coverage to an entire license area, the *NPRM* proposes that its map must accurately depict the boundaries of the area or areas within each license area that are not being served. Further, the *NPRM* proposes that each licensee also must file supporting documentation regarding the type of service it is providing for each licensed area within its service territory and the type of technology used to provide such service, and certify the accuracy of such documentation. Supporting documentation must include the assumptions used to create the coverage maps, including the propagation model and the signal strength necessary to provide reliable service with the licensee's technology.

In addition to, and independent of, the general renewal requirements contained in § 1.949 of the Commission's rules, which apply to all WRS licenses, the *NPRM* also seeks comment on application of specific renewal term construction obligations to 1675–1680 MHz licenses. The *WRS Renewal Reform FNPRM* proposed to apply rules adopted in that proceeding to all flexible geographic licenses.[13] Given the proposal to license this band on a geographic basis for flexible use, any additional renewal term construction obligations proposed in the *WRS Renewal Reform FNPRM* also would apply to licenses in the 1675–1680 MHz band. The *NPRM* seeks comment on whether there are unique characteristics of the 1675–1680 MHz band that might require a different approach than the various proposals raised by the *WRS Renewal Reform FNPRM.*

If the Commission adopts a geographic area licensing scheme that allows submission of mutually exclusive applications for the proposed non-federal use of the 1675–1680 MHz band, it will use a competitive bidding process as required by the Communications Act.[14] As the Commission has done in previous auctions, the *NPRM* proposes to conduct any auction for 1675–1680 MHz licenses in conformity with the general competitive bidding rules set forth in Part 1, subpart Q, of the Commission's rules.[15] Under this proposal, such rules would be subject to any modifications that the Commission may adopt for its Part 1 general competitive bidding rules in the future. The *NPRM* seeks comment on general application of the Part 1 competitive bidding rules to any auction of 1675–1680 MHz band licenses and whether any of the Part 1 rules or other competitive bidding policies would be inappropriate or should be modified for an auction of licenses in this band.

The *NPRM* seeks comment on whether to make bidding credits for designated entities available for this band and how to define a small business if the Commission decides to offer small business bidding credits. In recent years, for other flexible use licenses we have adopted bidding credits for the two larger designated entity business sizes provided in the Commission's Part 1 standardized schedule of bidding credits. For the 1675–1680 MHz band, we seek comment on defining a small business as an entity with average gross revenues for the preceding five years not exceeding $55 million, and a very small business as an entity with average gross revenues for the preceding five years not exceeding $20 million.[16] A qualifying ''small businesses'' would be eligible for a bidding credit of 15 percent and qualifying ''very small businesses'' would be eligible for a bidding credit of 25 percent. The *NPRM* also seeks comment on whether to offer rural service providers a designated entity bidding credit for licenses in this band.[17]

Technical Rules. The *NPRM* proposes to allow fixed and base station (downlink) operations in the 1675–1680 MHz band and to apply technical standards similar to those in other AWS bands. The *NPRM* also considers the technical rules governing the adjacent 1670–1675 MHz band and seeks comment on how the two bands can best coexist either separately, or in combination. The *NPRM* seeks to establish technical rules that will help optimize the potential uses of spectrum, while minimizing the impact on other users in the band or adjacent bands, consistent with the public interest.

The *NPRM* proposes to allow fixed and base stations to operate up to 2000 watts peak equivalent isotropically radiated power (EIRP), consistent with the limits established for similar services governed by Part 27 of the Commission's rules. The *NPRM* proposes an out-of-band emissions (OOBE) limit for fixed and base stations of $43 + 10 \log_{10} (P)$ dB, where P is the transmit power in watts. The *NPRM* proposes to limit a licensee's predicted

[13] *Amendment of Parts 1, 22, 24, 27, 74, 80, 90, 95, and 101 To Establish Uniform License Renewal et al.,* WT Docket No. 10–112, Second Report and Order and Further Notice of Proposed Rulemaking and Order, 32 FCC Rcd 8874, 8915, paras. 111–12 (2017) (*WRS Renewal Reform 2nd R&O and FNPRM*).

[14] *See* 47 U.S.C. 309(j)(1).

[15] *See* 47 CFR 1.2101–1.2114.

[16] The standardized schedule of bidding credits provided in § 1.2110(f)(2)(i) defines small businesses based on average gross revenues for the preceding three years. In December 2018, Congress revised the standard set out in the Small Business Act for categorizing a business concern as a ''small business concern,'' by changing the annual average gross receipts benchmark from a three-year period to a five-year period. Thus, as a general matter, a Federal agency cannot propose to categorize a business concern as a ''small business concern'' for Small Business Act purposes unless the size of the concern is based on its annual average gross receipts ''over a period of not less than 5 years.'' 15 U.S.C. 632(a)(2)(C)(ii)(II), *as amended by* Small Business Runway Extension Act of 2018, Public Law 115–324 (Dec. 17, 2018). We therefore propose to adopt the Small Business Act's revised five-year average gross receipts benchmark for purposes of determining which entities qualify for small business bidding credits. But because the SBA has not yet revised its regulations to update the definition of ''small business concern,'' for purposes of compliance with the Regulatory Flexibility Act, the Commission will continue to use the SBA's current definitions of ''small business,'' which is based on a three-year benchmark. *See infra* Appendix C.

[17] 47 CFR 1.2110(f)(4)(i) (bidding credit of 15 percent for applicants meeting the requirements for being designated as a rural service provider). To be eligible to receive a rural service provider bidding credit, an applicant must meet the requirements set forth in Part 1. An applicant eligible for both small business bidding credits and rural service provider bidding credits may only receive one of the two credits. *Id.* § 1.2110(f)(2)(i), (4)(i).

or measured field strength to 47 dBμV/m (or less) at any location along the border of its license area. The *NPRM* does not propose to limit the height of antennas for either fixed or base stations. Consistent with existing rules for AWS operations, the *NPRM* proposes that operations in the 1675–1680 MHz band would be subject to international agreements with Mexico and Canada. Finally, Part 27 contains several additional technical rules applicable to all Part 27 services, including Section 27.51 (Equipment authorization), Section 27.52 (RF safety), Section 27.54 (Frequency stability), and Section 27.56 (Antennas structures; air navigation safety).[18] The *NPRM* proposes that all of these Part 27 technical rules should apply to all 1675–1680 MHz band licenses and licensees, including licensees who acquire their licenses through partitioning or disaggregation.

II. Procedural Matters

Initial Regulatory Flexibility Act Analysis

As required by the Regulatory Flexibility Act of 1980 (RFA), the Commission has prepared an Initial Regulatory Flexibility Analysis (IRFA) of the possible significant economic impact on small entities of the policies and rules proposed in this document. We request written public comment on the IRFA. Comments must be filed in accordance with the same deadlines as comments filed in response to the *NPRM* as set forth on the first page of this document, and have a separate and distinct heading designating them as responses to the IRFA. The Commission's Consumer and Governmental Affairs Bureau, Reference Information Center, will send a copy of the *NPRM,* including the IRFA, to the Chief Counsel for Advocacy of the Small Business Administration.

Initial Paperwork Reduction Act Analysis

The *NPRM* contains proposed new information collection requirements. The Commission, as part of its continuing effort to reduce paperwork burdens, invites the general public and OMB to comment on the information collection requirements contained in this document, as required by PRA. In addition, pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, see 44 U.S.C. 3506(c)(4), the Commission seeks specific comment on how it might ''further reduce the information collection burden for small business concerns with fewer than 25 employees.''

[18] 47 CFR 27.51, 27.52, 27.54, 27.56.

List of Subjects in 47 CFR Part 1, 2, and 27

Communications common carriers, Radio, Reporting and recordkeeping requirements.

Federal Communications Commission.

Marlene Dortch,

Secretary.

Proposed Rules

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 CFR parts 1, 2, and 27 as follows:

PART 1—PRACTICE AND PROCEDURE

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

Authority: 47 U.S.C. 151, 154(i), 154(j), 155, 157, 225, 227, 303(r), 309, 1403, 1404, 1451, and 1452.

■ 2. Amend § 1.907 by revising the definition of ''Covered Geographic Licenses'' to read as follows:

§ 1.907 Definitions.

* * * * *

Covered Geographic Licenses. Covered geographic licenses consist of the following services: 1.4 GHz Service (part 27, subpart I); 1.6 GHz Service (part 27, subpart J); 24 GHz Service and Digital Electronic Message Services (part 101, subpart G); 218–219 MHz Service (part 95, subpart F); 220–222 MHz Service, excluding public safety licenses (part 90, subpart T); 600 MHz Service (part 27, subpart N); 700 MHz Commercial Services (part 27, subpart F and H); 700 MHz Guard Band Service (part 27, subpart G); 800 MHz Specialized Mobile Radio Service (part 90, subpart S); 900 MHz Specialized Mobile Radio Service (part 90, subpart S); 1675–1680 MHz Service (part 27, subpart O); Advanced Wireless Services (part 27, subparts K and L); Air-Ground Radiotelephone Service (Commercial Aviation) (part 22, subpart G); Broadband Personal Communications Service (part 24, subpart E); Broadband Radio Service (part 27, subpart M); Cellular Radiotelephone Service (part 22, subpart H); Citizens Broadband Radio Service (part 96, subpart C); Dedicated Short Range Communications Service, excluding public safety licenses (part 90, subpart M); H Block Service (part 27, subpart K); Local Multipoint Distribution Service (part 101, subpart L); Multichannel Video Distribution and Data Service (part 101, subpart P); Multilateration Location and Monitoring Service (part 90, subpart M); Multiple Address Systems (EAs) (part 101, subpart O); Narrowband Personal Communications Service (part 24, subpart D); Paging and Radiotelephone Service (part 22, subpart E; part 90, subpart P); VHF Public Coast Stations, including Automated Maritime Telecommunications Systems (part 80, subpart J); Upper Microwave Flexible Use Service (part 30); and Wireless Communications Service (part 27, subpart D).

* * * * *

■ 3. Section 1.9005 is amended by revising paragraph (n) to read as follows:

§ 1.9005 Included services.

* * * * *

(n) The Wireless Communications Service in the 1670–1675 MHz band and 1675–1680 MHz band (part 27 of this chapter);

* * * * *

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

■ 4. The authority citation for part 2 continues to read as follows:

Authority: 47 U.S.C. 154, 302a, 303, and 336, unless otherwise noted.

■ 5. Section 2.106, the Table of Frequency Allocations, is amended by revising pages 35, 36, 37, and 38 to read as follows:

§ 2.106 Table of Frequency Allocations.

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Table of Frequency Allocations — 1626.5-2025 MHz (UHF) — Page 35

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1690-1700 METEOROLOGICAL AIDS METEOROLOGICAL-SATELLITE (space-to-Earth) Fixed Mobile except aeronautical mobile 5.289 5.341 5.382	1690-1700 METEOROLOGICAL AIDS METEOROLOGICAL-SATELLITE (space-to-Earth) 5.289 5.341 5.381		5.341 US211 US289		
1700-1710 FIXED METEOROLOGICAL-SATELLITE (space-to-Earth) MOBILE except aeronautical mobile 5.289 5.341		1700-1710 FIXED METEOROLOGICAL-SATELLITE (space-to-Earth) MOBILE except aeronautical mobile 5.289 5.341 5.384	1695-1710 METEOROLOGICAL-SATELLITE (space-to-Earth) US88 5.341	1695-1710 FIXED MOBILE except aeronautical mobile 5.341 US88	Wireless Communications (27)
1710-1930 FIXED MOBILE 5.384A 5.388A 5.388B 5.149 5.341 5.385 5.386 5.387 5.388			1710-1761 5.341 US91 US378 US385	1710-1780 FIXED MOBILE 5.341 US91 US378 US385	
			1761-1780 SPACE OPERATION (Earth-to-space) G42 US91		
			1780-1850 FIXED MOBILE SPACE OPERATION (Earth-to-space) G42	1780-1850	
1930-1970 FIXED MOBILE 5.388A 5.388B 5.388	1930-1970 FIXED MOBILE 5.388A 5.388B Mobile-satellite (Earth-to-space) 5.388	1930-1970 FIXED MOBILE 5.388A 5.388B 5.388	1850-2025	1850-2000 FIXED MOBILE	RF Devices (15) Personal Communications (24) Wireless Communications (27) Fixed Microwave (101)
1970-1980 FIXED MOBILE 5.388A 5.388B 5.388					
1980-2010 FIXED MOBILE					

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MOBILE-SATELLITE (Earth-to-space) 5.351A 5.388 5.389A 5.389B 5.389F					
2010-2025 FIXED MOBILE 5.388A 5.388B 5.388	2010-2025 FIXED MOBILE MOBILE-SATELLITE (Earth-to-space) 5.388 5.389C 5.389E	2010-2025 FIXED MOBILE 5.388A 5.388B 5.388		2000-2020 FIXED MOBILE MOBILE-SATELLITE (Earth-to-space) 2020-2025 FIXED MOBILE	Satellite Communications (25) Wireless Communications (27) Page 36

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2120-2170 FIXED MOBILE 5.388A 5.388B 5.388	2120-2160 FIXED MOBILE 5.388A 5.388B Mobile-satellite (space-to-Earth) 5.388 2160-2170 FIXED MOBILE MOBILE-SATELLITE (space-to-Earth) 5.388 5.389C 5.389E	2120-2170 FIXED MOBILE 5.388A 5.388B 5.388	2120-2200	2120-2180 FIXED MOBILE NG41	
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			Earth)	Communications (27)
2200-2290 SPACE OPERATION (space-to-Earth) (space-to-space) EARTH EXPLORATION-SATELLITE (space-to-Earth) (space-to-space) FIXED MOBILE 5.391 SPACE RESEARCH (space-to-Earth) (space-to-space) 5.392		2200-2290 SPACE OPERATION (space-to-Earth) (space-to-space) EARTH EXPLORATION-SATELLITE (space-to-Earth) (space-to-space) FIXED (line-of-sight only) MOBILE (line-of-sight only including aeronautical telemetry, but excluding flight testing of manned aircraft) 5.391 SPACE RESEARCH (space-to-Earth) (space-to-space) 5.392 US303	2200-2290 US303	
2290-2300 FIXED MOBILE except aeronautical mobile SPACE RESEARCH (deep space) (space-to-Earth)		2290-2300 FIXED MOBILE except aeronautical mobile SPACE RESEARCH (deep space) (space-to-Earth)	2290-2300 SPACE RESEARCH (deep space) (space-to-Earth)	
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		2345-2360 Fixed Mobile US100 Radiolocation G2 US327	2345-2360 FIXED MOBILE US100 BROADCASTING-SATELLITE RADIOLOCATION 5.396 US327	Wireless Communications (27)

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		2360-2390 MOBILE US276 RADIOLOCATION G2 G120 Fixed US101	2360-2390 MOBILE US276 US101	Aviation (87) Personal Radio (95)
		2390-2395 MOBILE US276 US101	2390-2395 AMATEUR MOBILE US276 US101	Aviation (87) Personal Radio (95) Amateur Radio (97)
		2395-2400 US101 G122	2395-2400 AMATEUR US101	Personal Radio (95) Amateur Radio (97)
		2400-2417 5.150 G122	2400-2417 AMATEUR 5.150 5.282	ISM Equipment (18) Amateur Radio (97)
		2417-2450 Radiolocation G2 5.150	2417-2450 Amateur 5.150 5.282	
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PART 27—MISCELLANEOUS WIRELESS COMMUNICATIONS SERVICES

■ 6. The authority citation for part 27 continues to read as follows:

Authority: 47 U.S.C. 154, 301, 302a, 303, 307, 309, 332, 336, 337, 1403, 1404, 1451, and 1452, unless otherwise noted.

■ 7. Section 27.1 is amended by adding paragraph (b)(15) to read as follows:

§ 27.1 Basis and purpose.

* * * * *

(b) * * *

(15) 1675–1680 MHz.

* * * * *

■ 8. Section 27.5 is amended by adding paragraph (m) to read as follows:

§ 27.5 Frequencies.

* * * * *

(m) *1675–1680 MHz band.* The unpaired 1675–1680 MHz band is available for assignment on a PEA basis.

■ 9. Section 27.6 is amended by adding paragraph (m) to read as follows:

§ 27.6 Service areas.

* * * * *

(m) *1675–1680 MHz band.* The service area for the 1675–1680 MHz band is based on PEAs as defined in paragraph (l) of this section.

■ 10. Section 27.13 is amended by adding paragraph (m) to read as follows:

§ 27.13 License period.

* * * * *

(m) *1675–1680 MHz band.* Authorizations for the 1675–1680 MHz band will have a term not to exceed 15 years from the date of issuance or renewal.

■ 11. Section 27.14 is amended by revising the first sentence of paragraph (a) and the first sentence of paragraph (k) and adding paragraph (u) to read as follows:

§ 27.14 Construction requirements.

(a) AWS and WCS licensees, with the exception of WCS licensees holding authorizations for the 600 MHz band, Block A in the 698–704 MHz and 728–734 MHz bands, Block B in the 704–710 MHz and 734–740 MHz bands, Block E in the 722–728 MHz band, Block C, C1 or C2 in the 746–757 MHz and 776–787 MHz bands, 1675–1680 MHz band, Block A in the 2305–2310 MHz and 2350–2355 MHz bands, Block B in the 2310–2315 MHz and 2355–2360 MHz bands, Block C in the 2315–2320 MHz band, and Block D in the 2345–2350 MHz band, and with the exception of licensees holding AWS authorizations in the 1915–1920 MHz and 1995–2000 MHz bands, the 2000–2020 MHz and 2180–2200 MHz bands, or 1695–1710 MHz, 1755–1780 MHz and 2155–2180 MHz bands, must, as a performance requirement, make a showing of ''substantial service'' in their license area within the prescribed license term set forth in § 27.13. * * *

* * * * *

(k) Licensees holding WCS or AWS authorizations in the spectrum blocks enumerated in paragraphs (g), (h), (i), (q), (r), (s), (t), and (u) of this section, including any licensee that obtained its license pursuant to the procedures set forth in paragraph (j) of this section, shall demonstrate compliance with performance requirements by filing a construction notification with the Commission, within 15 days of the expiration of the applicable benchmark, in accordance with the provisions set forth in § 1.946(d) of this chapter. * * *

* * * * *

(u) The following provisions apply to any licensee holding an authorization in the 1675–1680 MHz band:

(1) A licensee shall provide reliable signal coverage and offer service within six (6) years from the date of the initial license to at least forty-five (45) percent of the population in each of its license areas (''First Buildout Requirement'').

(2) A licensee shall provide reliable signal coverage and offer service within twelve (12) years from the date of the initial license to at least eighty (80) percent of the population in each of its license areas (''Final Buildout Requirement'').

(3) If a licensee fails to establish that it meets the First Buildout Requirement for a particular license area, the licensee's Final Buildout Requirement deadline and license term will be reduced by two years.

(4) If a licensee fails to establish that it meets the Final Buildout Requirement for a particular license area, its authorization for each license area in which it fails to meet the Final Buildout Requirement shall terminate automatically without Commission action, and the licensee will be ineligible to regain it if the Commission makes the license available at a later date.

(5) To demonstrate compliance with these performance requirements, licensees shall use the most recently available decennial U.S. Census Data at the time of measurement and shall base their measurements of population served on areas no larger than the Census Tract level. The population within a specific Census Tract (or other acceptable identifier) will be deemed served by the licensee only if it provides reliable signal coverage to and offers service within the specific Census Tract (or other acceptable identifier). To the extent the Census Tract (or other acceptable identifier) extends beyond the boundaries of a license area, a licensee with authorizations for such areas may include only the population within the Census Tract (or other acceptable identifier) towards meeting the performance requirement of a single, individual license. For the Gulf of Mexico license area, the licensee shall demonstrate compliance with these performance requirements, using off-shore platforms, including production, manifold, compression, pumping and valving platforms as a proxy for population in the Gulf of Mexico.

(6) An applicant for renewal of a license covered by this paragraph (u) must make a renewal showing, independent of its performance requirements, consistent with section 1.949 as a condition of each renewal.

■ 12. Section 27.50 is amended by adding paragraph (j) to read as follows:

§ 27.50 Power limits and duty cycle.

* * * * *

(j) In the 1675–1680 MHz band, fixed and base stations are limited to 2000 watts EIRP peak power.

* * * * *

■ 13. Section 27.53 is amended by revising paragraph (k) to read as follows:

§ 27.53 Emission limits.

* * * * *

(k)(1) For operations in the 1670–1675 MHz and 1675–1680 MHz bands, the power of any emission outside the licensee's frequency band(s) of operation shall be attenuated below the transmitter power (P) by at least 43 + 10 log (P) dB. Compliance with these provisions is based on the procedures described in paragraph (a)(5) of this section.

(2) For operations in the 1670–1675 MHz and 1675–1680 MHz bands, to the extent a licensee establishes unified operations across the AWS blocks, that licensee may choose not to observe the emission limit specified in paragraph (k)(1) of this section, strictly between its adjacent block licenses in a geographic area, so long as it complies with other Commission rules and is not adversely affecting the operations of other parties by virtue of exceeding the emission limit.

(3) *Private Agreements.* Licensees in the 1670–1675 MHz and 1675–1680 MHz bands may enter into a private agreement with all affected licensees operating in either band to allow the out-of-band emission limit described in this paragraph to be exceeded only between the 1670–1675 MHz and 1675–

1680 MHz blocks. A licensee who is a party to a private agreement described in this section (3) must maintain a copy of the agreement in its station files and disclose it, upon request, to prospective AWS assignees, transferees, or spectrum lessees and to the Commission.

* * * * *

■ 14. Section 27.55 is amended by revising paragraph (a)(1) to read as follows:

§ 27.55 Power strength limits.

(a) * * *

(1) 1675–1680, 1995–2000, 2110–2155, 2155–2180, 2180–2200, 2305–2320, and 2345–2360 MHz bands: 47 dBμV/m.

* * * * *

■ 15. Section 27.57 is amended by revising paragraph (c) to read as follows:

§ 27.57 International coordination.

* * * * *

(c) Operation in the 1675–1680 MHz, 1695–1710 MHz, 1710–1755 MHz, 1755–1780 MHz, 1915–1920 MHz, 1995–2000 MHz, 2000–2020 MHz, 2110–2155 MHz, 2155–2180 MHz, and 2180–2200 MHz bands is subject to international agreements with Mexico and Canada.

■ 16. Subpart O, consisting of §§ 27.1400, 27.1401, and 27.1410, is added to read as follows:

Subpart O—1675–1680 MHz Band

Sec.

27.1400 675–1680 MHz band subject to competitive bidding.

27.1401 Designated entities in the 1675–1680 MHz band.

27.1410 Protection of Federal Government meteorological-satellite operations.

§ 27.1400 1675–1680 MHz band subject to competitive bidding.

Mutually exclusive initial applications for 1675–1680 MHz band licenses are subject to competitive bidding. The general competitive bidding procedures set forth in 47 CFR part 1, subpart Q of this chapter will apply unless otherwise provided in this subpart.

§ 27.1401 Designated entities in the 1675–1680 MHz band.

(a) *Eligibility for small business provisions*—(1) *Definitions*—(i) *Small business.* A small business is an entity that, together with its affiliates, its controlling interests, and the affiliates of its controlling interests, has average gross revenues not exceeding $55 million for the preceding five (5) years.

(ii) *Very small business.* A very small business is an entity that, together with its affiliates, its controlling interests, and the affiliates of its controlling interests, has average gross revenues not exceeding $20 million for the preceding five (5) years.

(2) *Bidding credits.* A winning bidder that qualifies as a small business, as defined in this section, or a consortium of small businesses may use the bidding credit of 15 percent, as specified in § 1.2110(f)(2)(i)(C) of this chapter. A winning bidder that qualifies as a very small business, as defined in this section, or a consortium of very small businesses may use the bidding credit of 25 percent, as specified in § 1.2110(f)(2)(i)(B) of this chapter.

(b) *Eligibility for rural service provider bidding credit.* A rural service provider, as defined in § 1.2110(f)(4)(i) of this chapter, that has not claimed a small business bidding credit may use the bidding credit of 15 percent specified in § 1.2110(f)(4) of this chapter.

§ 27.1410 Protection of Federal Government Meteorological-Satellite operations.

(a) *14 Protection Zones.* Within 14 Protection Zones, prior to operating a base station in the 1675–1680 MHz band, licensees must successfully coordinate such base station operations with Federal Government entities operating meteorological satellite Earth-station receivers in the 1675–1710 MHz band.

(b) *Additional Protection Zones.* Federal earth stations in the 1675–1680 MHz band may be added subject to approval by NTIA and in compliance with a coordination process that will be announced jointly by the FCC and NTIA via Public Notice.

(c) *Interference.* If protected Federal earth stations receive harmful interference from 1675–1680 MHz band operations in the 1675–1680 MHz band, a 1675–1680 MHz band licensee must, upon notification, modify its operations and/or technical parameters as necessary to eliminate the interference.

(d) *Point of contact.* 1675–1680 MHz band licensees must provide and maintain a point of contact at all times so that immediate contact can be made should interference against protected Federal sites occur.

(e) *Coordination procedures.* Federal use of the radio spectrum is generally governed by the National Telecommunications and Information Administration (NTIA) while non-Federal use is governed by the Commission. As such, any guidance or details concerning Federal/non-Federal coordination must be issued jointly by NTIA and the Commission. The Commission may jointly issue with NTIA one or more public notices with guidance or details concerning the coordination procedures for the 1675–1680 MHz band.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 635

RINs 0648–BI08, 0648–BI10, 0648–BI59

Atlantic Highly Migratory Species; Amendments 13 and 14 to the 2006 Consolidated Atlantic Highly Migratory Species Fishery Management Plan; Spatial Fisheries Management

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

ACTION: Notice of scoping meetings.

SUMMARY: NMFS announces scoping meetings and webinars for three actions that will evaluate possible revisions to measures implemented under the 2006 Consolidated Atlantic Highly Migratory Species (HMS) Fisheries Management Plan (FMP). The public process for these actions commences with scoping to determine the range of issues for each action. For each action, a notice announcing NMFS' intent to prepare an environmental analysis under the National Environmental Policy Act, and availability of an issues and options paper, is published in a separate **Federal Register** Notice. In Amendment 13 to the HMS FMP, NMFS considers refining the Individual Bluefin Tuna Quota (IBQ) Program, reassessing allocation of bluefin tuna quotas, including the discontinuing or phasing out of the Purse Seine category, and other regulatory provisions regarding bluefin directed fisheries and incidental pelagic longline fisheries. Amendment 14 explores options to implement the newly-revised National Standard 1 (NS1) guidelines in the context of shark annual catch limits (ACLs), including how to account for uncertainty stemming from either stock assessments or the management process. In the third action, NMFS considers ways to perform research and collect data in closed areas to assess the effectiveness of spatial HMS management.

DATES: Scoping meetings and webinars will be held on the dates listed below in Table 1 of **SUPPLEMENTARY INFORMATION**.

ADDRESSES: Scoping meetings will be held at the locations listed below in Table 1 of **SUPPLEMENTARY INFORMATION**.

FOR FURTHER INFORMATION CONTACT: Thomas Warren or Sarah McLaughlin by phone at 978–281–9260 (Amendment 13); Guý DuBeck or Ian Miller by phone at (301) 427–8503 (Amendment 14); Tobey Curtis by phone at (978) 281–9260 or Steve Durkee by phone at (202) 670–6637 (Spatial Management Regulatory Amendment).

SUPPLEMENTARY INFORMATION:

Background

Atlantic HMS (tunas, sharks, swordfish and billfish) are managed under the dual authority of the Magnuson-Stevens Fishery Management and Conservation Act (Magnuson-Stevens Act) and the Atlantic Tunas Convention Act. Under these authorities, regulations at 50 CFR part 635 implement the 2006 Consolidated HMS FMP as amended (copies are available upon request).

NMFS announces scoping meetings and webinars for three actions that will evaluate possible revisions to measures implemented under the 2006 Consolidated HMS FMP. The public process for these actions commences with scoping to determine the range of issues for each action. For each action, a notice announcing NMFS' intent to prepare an environmental analysis under the National Environmental Policy Act, and availability of an issues and options paper, published in separate **Federal Register** notices. While each of these actions are separate, they are interrelated in some ways. Depending on the outcomes, each action and results could have impacts on the other actions. During the rulemaking process, NMFS will coordinate these actions and clarify any interaction among the actions, or cumulative impacts.

NMFS recently released its ''Draft Three-Year Review of the Individual Bluefin Quota (IBQ) Program'' (Draft Three-Year Review). The IBQ Program, adopted in Amendment 7 to the 2006 Consolidated HMS FMP (Amendment 7), is a catch share program that introduced individual vessel accountability for bluefin tuna bycatch in the pelagic longline fishery. Formal reviews of such catch share programs are required to evaluate whether their objectives are met. In Amendment 7, NMFS proposed and finalized a plan to formally evaluate the success and performance of the IBQ Program after three years of operation, and to provide the HMS Advisory Panel with a publicly-available written document with its findings. This is the draft review, which is expected to be finalized by September 2019 after consideration by the HMS Advisory Panel.

NMFS also recently released a scoping document (Issues and Options: Amendment 13) for use in 2019 for scoping, a public process during which NMFS will consider a range of issues and objectives, as well as possible options, for Atlantic bluefin tuna management. The options presented in the issues and options paper consider the preliminary results of the Draft Three-Year Review, and respond to recent changes in the bluefin tuna fishery, and input from the public and HMS Advisory Panel. The options include refining the IBQ program, reassessing allocation of bluefin tuna quotas (including the potential discontinuation or phasing out of the Purse Seine category) and other regulatory provisions regarding bluefin tuna directed fisheries and bycatch in the pelagic longline fishery, to determine if existing measures are the best means of achieving current management objectives for bluefin tuna management. During scoping, public feedback will be accepted via written comments or at scoping meetings as described in a separate **Federal Register** notice.

NMFS has also recently published an issues and options paper for Amendment 14 that reviews annual catch limits and various target reference points for sharks. This action could result in a different process for establishing the annual catch limits for sharks, and therefore could affect all fishermen, commercial and recreational, that target or incidentally catch sharks. During scoping, public feedback will be accepted via written comments or scoping meetings as described in a separate **Federal Register** notice.

NMFS also released an issues and options paper considering approaches to collect data and perform research in areas that are currently closed to certain gears or fishing activities for Atlantic HMS. Such research will help evaluate and support spatial fisheries management for Atlantic HMS. ''Spatial management'' refers to a suite of fisheries conservation and management measures that are based on geographic area. When some spatial management tools, such as closed areas, are deployed, the collection of fishery-dependent data is reduced or eliminated. This loss of data can compromise effective fisheries management. The issues and options paper considers approaches to collect data and perform research in areas that may otherwise restrict commercial or recreational fishing, making the collection of fisheries-dependent data challenging or not possible. During scoping, public feedback will be accepted via written comments or at scoping meetings as described in a separate **Federal Register** notice.

In addition to the three actions listed above, NMFS is also currently in the process of developing a proposed rule regarding pelagic longline bluefin tuna area-based and weak hook management measures. For that action, NMFS recently released a Draft Environmental Impact Statement (DEIS) and intends to release a proposed rule shortly. The comment period of this proposed action overlaps with the comment periods for the three scoping actions. However, the public hearings for the DEIS and related proposed rule will be separate from the scoping meetings announced in this notice, with the exception of the July 30, 2019 meeting listed in Table 1 below. If the proposed rule publishes in time, the July 30 meeting in Toms River will begin with the proposed rule public hearing, and will close with the scoping meeting for Amendment 13. Please see the subsequent **Federal Register** notice announcing the proposed rule public hearings.

Scoping Process

NMFS encourages participation, by all persons affected or otherwise interested in recreational and commercial HMS fishing, in the process to determine the scope and significance of options to be analyzed and considered in the environmental analysis for these regulatory actions. All such persons are encouraged to submit written comments (see **ADDRESSES**), or comment at one of the scoping meetings or public webinars. Persons submitting comments are welcome to address the specific measures in the issues and options paper for each action. Requests for sign language interpretation or other auxiliary aids should be directed to Guý DuBeck at 301–427–8503, at least 7 days prior to the meeting.

NMFS is holding scoping meetings in the geographic areas that may be affected by these actions, including locations on the Atlantic and Gulf of Mexico coasts, and webinars accessible via the internet. Scoping meetings and webinars for each action are identified in Table 1. NMFS has also asked to present information on these actions to the Gulf of Mexico, South Atlantic, Mid-Atlantic, and New England Fishery Management Councils at their meetings during the public scoping period. Please see their meeting notices for dates, times, and locations. In addition, these

actions will be discussed at the HMS Advisory Panel meeting on May 21–23, 2019 (March 7, 2019; 84 FR 8306).

After public comment has been gathered and analyzed, NMFS will determine if it is necessary to proceed with preparation of an environmental analysis and proposed rule for each action, which would include additional opportunities for public comment. The scope of the environmental analysis would consist of the range of actions, alternatives, and impacts to be considered.

The process of developing a regulatory action is expected to take approximately two years. Until the environmental analysis and proposed rule are finalized or until other regulations are put into place, the current regulations remain in effect.

TABLE 1—DATES, TIMES AND LOCATIONS OF THE SCOPING MEETINGS AND WEBINARS INSTRUCTIONS

Action	Date	Time	Location and street address
SCOPING MEETINGS			
Amendment 13	June 3, 2019.	5:00–8:00 p.m.	Gulf of Maine Research Institute, 350 Commercial Street, Portland, ME 04101.
Amendment 13, Spatial Management Research.	June 4, 2019.	5:00–8:00 p.m.	National Marine Fisheries Service, Greater Atlantic Regional Office, 55 Great Republic Drive, Gloucester, MA 01930.
Amendment 13	June 18, 2019.	5:00–8:00 p.m.	Chatham Community Center, 702 Main Street, Chatham, MA 02633.
Amendment 13	June 19, 2019.	5:00–8:00 p.m.	Plymouth Public Library, 132 South Street, Plymouth, MA 02360.
Amendment 14	June 24, 2019.	5:00–8:00 p.m.	National Marine Fisheries Service, Southeast Regional Office, 263 13th Avenue South, Saint Petersburg, FL 33701.
All	June 25, 2019.	5:00–8:00 p.m.	Susan Broom Kilmer Branch Library, 101 Melody Lane, Ft. Pierce, FL 34950.
Amendment 13	July 9, 2019.	5:00–8:00 p.m.	NC Division of Marine Fisheries, 5285 Highway 70, Morehead City, NC 28557.
All	July 10, 2019.	5:00–8:00 p.m.	Dare County Administration Building, 954 Marshall Collins Dr., Commissioners Meeting Room, Manteo, NC 27954.
All	July 25, 2019.	5:00–8:00 p.m.	Terrebonne Parish Library (Main Branch), 151 Library Dr., Houma, LA 70360.
Amendment 13*	July 30, 2019.	5:00–8:00 p.m.	Ocean County Library, Toms River Branch, 101 Washington Street, Toms River, NJ 08753.
WEBINARS			
Amendment 13	June 10, 2019.	2:00–4:00 p.m.	Link: *https://noaanmfs-events1.webex.com/noaanmfs-events1/onstage/g.php?MTID=e25072f282e22bc58188f278a9328285e;* Dial In: 800–369–1177; Passcode: 2046577.
Amendment 14	May 28, 2019.	1:00–3:00 p.m.	Link:*https://noaanmfs-events1.webex.com/noaanmfs-events1/onstage/g.php?MTID=ed71080c2cb6d03424331aaa808865f0f;* Dial In: 888–282–0428; Passcode: 4913538.
Spatial Management Research	June 19, 2019.	2:00–4:00 p.m.	Link: *https://noaanmfs-events1.webex.com/noaanmfs-events1/onstage/g.php?MTID=e90547c85b1c1d30c8adedba286178d7d;* Dial In: 888–324–8014; Passcode: 5920937.

*The July 30, 2019 meeting in Toms River, NJ may be scheduled along with a public hearing for a proposed rule to modify pelagic longline bluefin tuna area-based and weak hook management measures. For further information, please see the subsequent **Federal Register** notice announcing the proposed rule public hearing schedule.

The public is reminded that NMFS expects participants at the scoping meetings to conduct themselves appropriately. At the beginning of each scoping meeting, a representative of NMFS will explain the ground rules (*e.g.,* alcohol is prohibited from the meeting room; attendees will be called to give their comments in the order in which they registered to speak; each attendee will have an equal amount of time to speak; and attendees should not interrupt one another). The NMFS representative will attempt to structure the meeting so that all attending members of the public will be able to comment, if they so choose, regardless of the controversial nature of the subject(s). Attendees are expected to respect the ground rules, and, if they do not, they may be asked to leave the scoping meeting.

Authority: 16 U.S.C. 971 *et seq;* 16 U.S.C. 1801 *et seq.*

Dated: May 16, 2019.

Kelly L. Denit,

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

[FR Doc. 2019–10578 Filed 5–21–19; 8:45 am]

BILLING CODE 3510–22–P

Notices

Federal Register

Vol. 84, No. 99

Wednesday, May 22, 2019

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[Document Number AMS–NOP–19–0038–NOP–18–06]

Meeting of the National Organic Standards Board

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice of public meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, as amended, the Agricultural Marketing Service (AMS), U.S. Department of Agriculture (USDA), is announcing a meeting of the National Organic Standards Board (NOSB). The NOSB assists the USDA in the development of standards for substances to be used in organic production and advises the Secretary of Agriculture on any other aspects of the implementation of the Organic Foods Production Act (OFPA).

DATES: An in-person meeting will be held October 23–25, 2019, from 8:30 a.m. to approximately 6:00 p.m. Eastern Time. The Board will hear oral public comments via webinars on Tuesday, October 15, 2019 and Thursday, October 17, 2019, from 1:00 p.m. to approximately 4:00 p.m. Eastern Time, and at the in-person meeting on Wednesday, October 23, 2019 and Thursday, October 24, 2019. The deadline to submit written comments and/or sign up for oral comment at either the webinar or in-person meeting is 11:59 p.m. ET, October 3, 2019.

ADDRESSES: The webinars are virtual and will be accessed via the internet and/or phone. Access information will be available on the AMS website prior to the webinars. The in-person meeting will take place at the DoubleTree by Hilton Hotel & Suites Pittsburgh Downtown, One Bigelow Square, Pittsburgh, Pennsylvania 15219, United States. Detailed information pertaining to the webinars and in-person meeting can be found at *https://www.ams.usda.gov/event/national-organic-standards-board-nosb-meeting-pittsburgh-pa*.

FOR FURTHER INFORMATION CONTACT: Ms. Michelle Arsenault, Advisory Committee Specialist, National Organic Standards Board, USDA–AMS–NOP, 1400 Independence Ave. SW, Room 2642–S, Mail Stop 0268, Washington, DC 20250–0268; Phone: (202) 720–3252; Email: *nosb@ams.usda.gov.*

SUPPLEMENTARY INFORMATION: The NOSB makes recommendations to the USDA about whether substances should be allowed or prohibited in organic production and/or handling, assists in the development of standards for organic production, and advises the Secretary on other aspects of the implementation of the OFPA. The NOSB is holding a public meeting to discuss and vote on proposed recommendations to the USDA, to receive updates from the USDA National Organic Program (NOP) on issues pertaining to organic agriculture, and to receive comments from the organic community. The meeting and webinars are open to the public. No registration is required except to sign up for oral comments. All meeting documents and instructions for participating will be available on the AMS website at *https://www.ams.usda.gov/event/national-organic-standards-board-nosb-meeting-pittsburgh-pa.* Please check the website periodically for updates. Meeting topics will encompass a wide range of issues, including substances petitioned for addition to or removal from the National List of Allowed and Prohibited Substances (National List), substances on the National List that are under sunset review, and guidance on organic policies. Participants and attendees may take photos and video at the meeting, but not in a manner that disturbs the proceedings.

Public Comments: Comments should address specific topics noted on the meeting agenda.

Written Comments: Written public comments will be accepted on or before 11:59 p.m. ET on October 3, 2019, via *http://www.regulations.gov:* Document #AMS–NOP–19–0038. Comments submitted after this date will be provided to the NOSB, but Board members may not have adequate time to consider those comments prior to making recommendations. The NOP strongly prefers comments be submitted electronically. However, written comments may also be submitted (*i.e.,* postmarked) via mail to the person listed under **FOR FURTHER INFORMATION CONTACT** by or before the deadline.

Oral Comments: The NOSB is offering the public multiple dates and opportunities to provide oral comments and will accommodate as many individuals and organizations as time permits. Persons or organizations wishing to make oral comments must pre-register by 11:59 p.m. ET, October 3, 2019, and can register for only one speaking slot: Either during the webinars scheduled for October 15 & 17, or at the in-person meeting, scheduled for October 23–25, 2019. Due to the limited time allotted for in-person public comments during the in-person meeting, commenters are strongly encouraged to comment during the webinar(s). Instructions for registering and participating in the webinar can be found at *www.ams.usda.gov/NOSBMeetings.*

Meeting Accommodations

The meeting hotel is Americans with Disabilities Act Compliant, and the USDA provides reasonable accommodation to individuals with disabilities where appropriate. If you need a reasonable accommodation to participate in this public meeting, please notify the person listed under **FOR FURTHER INFORMATION CONTACT.** Determinations for reasonable accommodation will be made on a case-by-case basis.

Dated: May 16, 2019.

Bruce Summers,

Administrator, Agricultural Marketing Service.

[FR Doc. 2019–10614 Filed 5–21–19; 8:45 am]

BILLING CODE 3410–00–P

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

May 17, 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: 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; the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; ways to enhance the quality, utility and clarity 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 appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments regarding this information collection received by June 21, 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.

National Institute of Food and Agriculture

Title: Application for Authorization to Use the 4–H Name and/or Emblem.

OMB Control Number: 0524–0034.

Summary of Collection: Use of the 4–H Club Name and/or Emblem is authorized by an Act of Congress, (Pub. L. 772, 80th Congress, 645, 2nd Session). Use of the 4–H Club Name and/or Emblem by anyone other than the 4–H Clubs and those duly authorized by them, representatives of the Department of Agriculture, the Land-Grant colleges and universities, and person authorized by the Secretary of Agriculture is prohibited by the provisions of 18 U.S.C. 707. The Secretary has delegated authority to the Director of the National Institute of Food and Agriculture (NIFA) to authorize others to use the 4–H Name and Emblem. The Director has promulgated regulations at 7 CFR part 8 that govern such use. Therefore, anyone requesting, authorization from the Director to use the 4–H Name and Emblem is asked to describe the proposed use in a formal application. NIFA will collect information using form NIFA–01 ''Application for Authorization to Use the 4–H Club Name or Emblem.''

Need and Use of the Information: The information collected by NIFA will be used to determine if those applying to use the 4–H name and emblem are meeting the requirements and quality of materials, products and/or services provided to the public. If this information is not collected, it would not be possible to ensure that the products, services, and materials meet the high standards of 4–H, its educational goals and objectives.

Description of Respondents: Not-for-profit institutions; Business or other for-profit; Individuals or households.

Number of Respondents: 60.

Frequency of Responses: Reporting: Other (every 3 years).

Total Burden Hours: 30.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 2019–10658 Filed 5–21–19; 8:45 am]

BILLING CODE 3410–09–P

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

May 16, 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: 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; the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; ways to enhance the quality, utility and clarity 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 appropriate automated, electronic, mechanical, or other technological collection techniques and other forms of information technology.

Comments regarding this information collection received by June 21, 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 20503. Commentors 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) 720–8681.

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.

Forest Service

Title: Commercial Use of Woodsy Owl Symbol—36 CFR part 272.

OMB Control Number: 0596–0087.

Summary of Collection: Part 272 of Title 36 CFR authorizes the Chief of the Forest Service to approve commercial use of the Woodsy Owl symbol and to collect royalty fees for such use. An individual or corporation may apply for a Woodsy Owl license by contacting Forest Service personnel by telephone, fax, and email or by writing. The Forest Service National Symbols Coordinator will evaluate the data to determine if an individual corporation, or organization, requesting a license to use the Woodsy Owl symbol commercially should be granted a license or, if currently licensed, to determine the royalty fee the licensed entity must pay to the agency based on a percentage of the licensee's total sales and whether the licensed entity has met its stated objectives.

Need and Use of the Information: FS will collect information to determine how long the individual, corporation, or organization has been in business; the products the individual, corporation, or organization sells or plans to see; the geographical location from which the products will be sold; the projected sales volume; and how the individual, corporation, or organization plans to market the products. If information is not collected royalty fees would not be collected in keeping with federal cash management policies, and quantity of merchandise objectives would not be effectively monitored.

Description of Respondents: Business or other for-profit.

Number of Respondents: 21.

Frequency of Responses: Recordkeeping; Reporting: Quarterly.

Total Burden Hours: 115.

Kimble Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 2019–10600 Filed 5–21–19; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF COMMERCE

Office of the Under Secretary for Economic Affairs

American Workforce Policy Advisory Board; Meeting

AGENCY: Office of the Under Secretary for Economic Affairs, Department of Commerce.

ACTION: Notice of public meeting.

SUMMARY: The Under Secretary for Economic Affairs announces the second meeting of the American Workforce Policy Advisory Board (Advisory Board). Discussions of the Advisory Board will include its progress toward achieving the goals set at its inaugural meeting on March 6, 2019, as well as other Advisory Board matters. The meeting will take place in Charlotte, NC, on Tuesday, June 18, 2019.

DATES: The Advisory Board will meet on June 18, 2019; the meeting will begin at 11:15 a.m. and end at approximately 2 p.m. (EDT).

ADDRESSES: The meeting will be in the Foundation For The Carolinas, 220 North Tryon Street, Charlotte, NC 28202 (*https://www.fftc.org/*). The meeting is open to the public via audio conference technology. Audio instructions will be prominently posted on the Advisory Board homepage at: *https://www.commerce.gov/americanworker/american-workforce-policy-advisory-board.* Please note: The Advisory Board website will maintain the most current information on the meeting agenda, schedule, and location. These items may be updated without further notice in the **Federal Register**.

The public may also submit statements or questions via the Advisory Board email address, *American WorkforcePolicyAdvisoryBoard@doc.gov* (please use the subject line ''June 2019 Advisory Board Meeting Public Comment''), or by letter to Sabrina Montes, c/o Office of Under Secretary for Economic Affairs, Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230. If you wish the Advisory Board to consider your statement or question during the meeting, we must receive your written statement or question no later than 5 p.m. (EST) four business days prior to the meeting. We will provide all statements or questions received after the deadline to the members; however, they may not consider them during the meeting.

FOR FURTHER INFORMATION CONTACT: Sabrina Montes, c/o Office of Under Secretary for Economic Affairs, Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230, (301) 278–9268, or *sabrina.montes@bea.gov.*

SUPPLEMENTARY INFORMATION: The Secretary of Commerce and the Advisor to the President overseeing the Office of Economic Initiatives serve as the co-chairs of the Advisory Board. In addition to the co-chairs, the Advisory Board comprises 25 members that represent various sectors of the economy. The Board advises the National Council for the American Worker.

Discussions at the June meeting will include updates toward achieving the four main goals announced at the inaugural meeting of the Advisory Board:

- *Develop a Campaign to Promote Multiple Pathways to Career Success.* Companies, workers, parents, and policymakers have traditionally assumed that a university degree is the best, or only, path to a middle-class career. Employers and job seekers should be aware of multiple career pathways and skill development opportunities outside of traditional 4-year degrees.
- *Increase Data Transparency to Better Match American Workers with American Jobs.* High-quality, transparent, and timely data can significantly improve the ability of employers, students, job seekers, education providers, and policymakers to make informed choices about education and employment—especially for matching education and training programs to in-demand jobs and the skills needed to fill them.
- *Modernize Candidate Recruitment and Training Practices.* Employers often struggle to fill job vacancies, yet their hiring practices may actually reduce the pool of qualified job applicants. To acquire a talented workforce, employers must better identify the skills needed for specific jobs and communicate those needs to education providers, job seekers, and students.
- *Measure and Encourage Employer-led Training Investments.* The size, scope, and impacts of education and skills training investments are still not fully understood. There is a lack of consistent data on company balance sheets and in federal statistics. Business and policy makers need to know how much is spent on training, the types of workers receiving training, and the long-term value of the money and time spent in classroom and on-the-job training.

Brian C. Moyer,

Acting Under Secretary for Economic Affairs and Director, Bureau of Economic Analysis.

[FR Doc. 2019–10665 Filed 5–21–19; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

Regulations and Procedures Technical Advisory Committee; Notice of Partially Closed Meeting

The Regulations and Procedures Technical Advisory Committee (RPTAC) will meet June 4, 2019, 9:00 a.m., Room 3884, in the Herbert C. Hoover Building, 14th Street between Constitution and Pennsylvania Avenues NW, Washington, DC. The Committee advises the Office of the Assistant Secretary for Export Administration on implementation of the Export Administration Regulations (EAR) and provides for continuing review to update the EAR as needed.

Agenda

Public Session

1. Opening remarks by the Chairman
2. Opening remarks by the Bureau of Industry and Security
3. Presentation of papers or comments by the Public
4. Export Enforcement update
5. Regulations update
6. Working group reports
7. Automated Export System update

Closed Session

8. Discussion of matters determined to be exempt from the provisions relating to public meetings found in 5 U.S.C. app. 2 §§ 10(a)(1) and 10(a)(3).

The open session will be accessible via teleconference to 25 participants on a first come, first serve basis. To join the conference, submit inquiries to Ms. Yvette Springer at *Yvette.Springer@bis.doc.gov* no later than May 29, 2019.

A limited number of seats will be available for the public session. Reservations are not accepted. To the extent that time permits, members of the public may present oral statements to the Committee. The public may submit written statements at any time before or

after the meeting. However, to facilitate the distribution of public presentation materials to the Committee members, the Committee suggests that presenters forward the public presentation materials prior to the meeting to Ms. Springer via email.

For more information, call Yvette Springer at (202) 482–2813.

Yvette Springer,

Committee Liaison Officer.

[FR Doc. 2019–10634 Filed 5–21–19; 8:45 am]

BILLING CODE 3510–JT–P

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

Judges Panel of the Malcolm Baldrige National Quality Award

AGENCY: National Institute of Standards and Technology, Department of Commerce.

ACTION: Notice of open meeting.

SUMMARY: The Judges Panel of the Malcolm Baldrige National Quality Award (Judges Panel) will meet on Wednesday, June 5, 2019, from 9:00 a.m. to 3:30 p.m. Eastern Time. The purpose of this meeting is to discuss and review the role and responsibilities of the Judges Panel and information received from the National Institute of Standards and Technology (NIST) in order to ensure the integrity of the Malcolm Baldrige National Quality Award (Award) selection process. The agenda will include: Judges Panel roles and processes; Baldrige Program updates; new business/public comment; lessons learned from the 2018 judging process; and the 2019 Award process.

DATES: The Judges Panel will meet on Wednesday, June 5, 2019 from 9:00 a.m. until 3:30 p.m. Eastern Time. The meeting will be open to the public.

ADDRESSES: The meeting will be held at the National Institute of Standards and Technology, Building 101, Lecture Room A, 100 Bureau Drive, Gaithersburg, MD 20899. Please note participation instructions under the **SUPPLEMENTARY INFORMATION** section of this notice.

FOR FURTHER INFORMATION CONTACT: Robert Fangmeyer, Director, Baldrige Performance Excellence Program, National Institute of Standards and Technology, 100 Bureau Drive, Mail Stop 1020, Gaithersburg, MD 2899–1020, 301–975–2361. Mr. Fangmeyer's email address is *robert.fangmeyer@nist.gov.*

SUPPLEMENTARY INFORMATION:

Authority: 15 U.S.C. 3711a(d)(1) as amended, and the Federal Advisory Committee Act, as amended, 5 U.S.C. App.

Pursuant to the Federal Advisory Committee Act, as amended, 5 U.S.C. App., notice is hereby given that the Judges Panel of the Malcolm Baldrige National Quality Award will meet on Wednesday, June 5, 2019 from 9:00 a.m. to 3:30 p.m. Eastern Time. The Judges Panel is composed of twelve members, appointed by the Secretary of Commerce, chosen for their familiarity with quality improvement operations and competitiveness issues of manufacturing companies, service companies, small businesses, nonprofits, health care providers, and educational institutions. The primary purpose of this meeting is to assemble to discuss and review the role and responsibilities of the Judges Panel and information received from NIST in order to ensure the integrity of the Malcolm Baldrige National Quality Award selection process. The agenda may change to accommodate Judges Panel business. The final agenda will be posted on the NIST website at *https://patapsco.nist.gov/BoardofExam/Examiners_Judge2.cfm.* The meeting is open to the public.

Individuals and representatives of organizations who would like to offer comments and suggestions related to the Committee's/Board's business are invited to request a place on the agenda. Approximately 30 minutes will be reserved for public comments and speaking times will be assigned on a first-come, first-serve basis. The amount of time per speaker will be determined by the number of requests received but is likely to be about 3 minutes each. Questions from the public will not be considered during this period. Speakers who wish to expand upon their oral statements, those who had wished to speak but could not be accommodated on the agenda, and those who were unable to participate are invited to submit written statements to the Baldrige Performance Excellence Program, Attention: Robyn Verner, National Institute of Standards and Technology, 100 Bureau Drive, Mail Stop 1020, Gaithersburg, Maryland 20899–1020, via fax at (301) 975–4967, or electronically by email to *robyn.verner@nist.gov.*

All visitors to the NIST site are required to pre-register to be admitted. Please submit your full name, time of arrival, email address, and phone number to Robyn Verner by 4:00 p.m. Eastern Time, Friday, May 31, 2019. Non-U.S. citizens must submit additional information; please contact Ms. Verner. Ms. Verner's email address is *robyn.verner@nist.gov* and her phone number is (301) 975–2361. For participants attending in person, please note that federal agencies, including NIST, can only accept a state-issued driver's license or identification card for access to federal facilities if such license or identification card is issued by a state that is compliant with the REAL ID Act of 2005 (Pub. L. 109–13), or by a state that has an extension for REAL ID compliance. NIST currently accepts other forms of federal-issued identification in lieu of a state-issued driver's license. For detailed information please contact Ms. Verner at (301) 975–2361 or visit: *http://www.nist.gov/public_affairs/visitor/.*

Kevin A. Kimball,

Chief of Staff.

[FR Doc. 2019–10729 Filed 5–21–19; 8:45 am]

BILLING CODE 3510–13–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Survey To Develop Estimates of Marine-Related Economic Activity in the United States; Proposed Information Collection; Comment Request

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 within 60 days after date of publication in the **Federal Register**.

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 Kate Quigley, Office for Coastal Management, 2234 S Hobson Avenue, Charleston, SC 29405–2413;

telephone: 843–740–1155; email: *kate.quigley@noaa.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

This is a request for a new collection of information. The objective of the survey is to collect information from manufacturers of technology used in marine related businesses. This data collection is needed for use by the National Oceanic and Atmospheric Administration (NOAA) to describe the group of businesses that comprise the marine technology sector of the economy. NOAA describes the marine economy of the United States and this information is used by decision-makers to make policy decisions. NOAA's mission is to understand and predict changes in climate, weather, oceans, and coasts, to share that knowledge and information with others, and to conserve and manage coastal and marine ecosystems and resources. NOAA is authorized to engage in estimation of the ocean economy under the Coastal Zone Management Act, 16 U.S.C. 1456c.

The information collected from manufacturers of technology used in marine related businesses will include (1) total revenue, (2) the proportion of revenue derived from marine related products and services and (3) information about sales going to consumers, businesses, and government. This information will be used to better understand marine related production of products and services by different manufacturers of technology used in marine related businesses. This information will be used to inform NOAA's understanding about this group of businesses that comprise the marine technology sector as part of NOAA's estimation of the ocean economy.

II. Method of Collection

The primary data collection vehicle will be an internet-based, survey distributed to manufacturers of technology used in marine related businesses. Respondents will volunteer to participate in the survey and choose which questions to answer. Telephone and personal interviews may be employed to supplement and verify survey responses. All responses will be kept confidential in accordance with government confidentiality procedures.

III. Data

OMB Control Number: 0648–xxxx.

Form Number(s): [None].

Type of Review: Regular submission (new information collection).

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 1,000.

Estimated Time per Response: 8 minutes.

Estimated Total Annual Burden Hours: 133 hours.

Estimated Total Annual Cost to Public: $0 in reporting/recordkeeping 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.

Written public comments must be received on or before June XX, 2019.

Dated: May 13, 2019.

Keelin Kuipers,

Deputy Director, Office for Coastal Management, National Ocean Service, National Oceanic and Atmospheric Administration.

[FR Doc. 2019–10627 Filed 5–21–19; 8:45 am]

BILLING CODE 3510–08–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XH038

New England Fishery Management Council; Public Meeting

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

ACTION: Notice of public meeting.

SUMMARY: The New England Fishery Management Council (Council, NEFMC) will hold a three-day meeting to consider actions affecting New England fisheries in the exclusive economic zone (EEZ).

DATES: The meeting will be held on Tuesday, June 11, 2019 through Thursday, June 13, 2019, beginning at 9 a.m. on June 11 and 8:30 a.m. on June 12 and 13.

ADDRESSES: The meeting will be held at the DoubleTree by Hilton, 363 Maine Mall Road, So. Portland, ME 04106; telephone: (207) 775–6161; online at *https://doubletree3.hilton.com/en/hotels/maine/doubletree-by-hilton-hotel-portland-me-PWMMMDT/index.html?WT.mc_id=zDA01MB2OLG34YX.*

Council address: New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950; telephone: (978) 465–0492; *www.nefmc.org.*

FOR FURTHER INFORMATION CONTACT: Thomas A. Nies, Executive Director, New England Fishery Management Council; telephone: (978) 465–0492, ext. 113.

SUPPLEMENTARY INFORMATION:

Agenda

Tuesday, June 11, 2019

After introductions and brief announcements, the meeting will begin with reports from the Council Chairman and Executive Director, NMFS's Regional Administrator for the Greater Atlantic Regional Fisheries Office (GARFO), liaisons from the Northeast Fisheries Science Center (NEFSC) and Mid-Atlantic Fishery Management Council (MAFMC), representatives from NOAA General Counsel and NOAA's Office of Law Enforcement, and staff from the Atlantic States Marine Fisheries Commission (ASMFC) and the U.S. Coast Guard. The Habitat Committee then will cover three issues: (1) Research planning efforts for the Great South Channel Habitat Management Area; (2) a report from the Habitat Plan Development Team (PDT) on a Fishing Effects Model; and (3) offshore energy developments. Next, members of the public will have the opportunity to speak during an open comment period on issues that relate to Council business but are not included on the published agenda for this meeting. The Council asks the public to limit remarks to 3–5 minutes.

After the lunch break, the Council will review alternatives and take final action on Framework Adjustment 6 to the Atlantic Herring Fishery Management Plan (FMP), which contains 2019–21 specifications for the fishery and proposes a new overfishing definition. The Scallop Committee will report next on three items. First, the Council will approve 2020–21 priorities for the Scallop Research Set-Aside Program. Second, the Council will

initiate Framework Adjustment 32 to the Atlantic Sea Scallop FMP, which contains specifications for the 2020 fishing year, 2021 default specifications, and other measures. Third, the Council will review scoping comments for Amendment 21 to the Scallop FMP, which is being developed to address Northern Gulf of Maine Management Area issues, limited access general category (LAGC) possession limits, and LAGC individual fishing quota (IFQ) transfers. The Council will review goals and objectives for Amendment 21 at this meeting. Then, the Council will discuss the recent Research Set-Aside Program Review and receive input from both the Scallop and Herring Committees on the review panel's findings and recommendations. After that, the Council will adjourn for the day.

Wednesday, June 12, 2019

The Council will begin its morning session with a presentation from the Northeast Fisheries Science Center's Fishery Management and Research Division. The presentation will cover: (1) The division's role and responsibilities; (2) cooperative research activities; and (3) observer program updates. The Council then will receive a presentation from its Whiting PDT on causes and sources of high groundfish bycatch in the small-mesh multispecies (whiting) fishery based on an analysis of sea sampling data. Next, the Council will receive a report from a sub-panel of the Scientific and Statistical Committee (SSC) that was charged with reviewing the scientific validity of information and analyses for Amendment 23 to the Northeast Multispecies (Groundfish) FMP, which is being developed to improve groundfish monitoring. This discussion will flow into the Groundfish Committee Report. Here, the Council is scheduled to approve the range of alternatives for further analysis in Amendment 23. The Council also will initiate Framework Adjustment 59 to the Groundfish FMP, which includes: (1) 2020 total allowable catches for U.S./Canada stocks of Eastern Georges Bank cod, Eastern Georges Bank haddock, and Georges Bank yellowtail flounder; (2) 2020–22 specifications for all stocks; and (3) other measures as needed.

Following the lunch break, the Council will continue its groundfish discussion until all related business is concluded. Next, the Council will receive an update on potential strategies for addressing recreational fishing issues more effectively. This discussion will be followed by a GARFO briefing on the ''Modernizing Recreational Fisheries Management Act of 2018,'' better known as the ''Modern Fish Act.'' The Council then will receive a presentation on new and revised electronic vessel reporting requirements for charter/headboat (for-hire) vessels with South Atlantic permits. NMFS Highly Migratory Species (HMS) issues will wrap up the afternoon. First, the Council will receive a presentation on a series of scoping meetings and public hearings being conducted by the HMS Division on four proposed management actions, which cover a number of bluefin tuna, shark, gear, quota system, and research issues. Next, the Council will receive a report on the HMS Advisory Panel's May 21–23, 2019 meeting, which will include input on the proposed NMFS HMS actions. Under this agenda item, the Council also will discuss bigeye tuna and yellowfin tuna management under the International Commission for the Conservation of Atlantic Tunas (ICCAT) before adjourning for the day.

Thursday, June 13, 2019

The third day of the meeting will begin with a progress report from the Ecosystem-Based Fishery Management (EBFM) Committee, which is developing an example Fishery Ecosystem Plan (eFEP) for Georges Bank. The Committee will provide updates on several components of the eFEP, including ones related to data and monitoring, incentive-based measures, and draft ecosystem forage fish management strategies. The report also will include a short overview of initial planning efforts for a Management Strategy Evaluation (MSE) related to ecosystem-based fishery management. The Monkfish Committee then will present two actions asking the Council to: (1) Initiate Framework Adjustment 12 to the Monkfish FMP, which includes 2020–22 specifications and any other needed measures; and (2) approve 2020–21 priorities for the Monkfish Research Set-Aside Program. Next, the Council will discuss the Mid-Atlantic Fishery Management Council's Commercial Electronic Vessel Trip Reporting (eVTR) Omnibus Framework Action, which proposes to implement electronic VTRs for all vessels with commercial permits for species managed by the Mid-Atlantic Council. The New England Council's discussion will focus on two jointly managed species between the Councils, those being monkfish and spiny dogfish. The New England Council then will determine a path forward regarding commercial eVTRs in its own fisheries, including monkfish and dogfish, given the Mid-Atlantic Council's evolving action. Afterwards, GARFO will provide a presentation on the results of the Atlantic Large Whale Take Reduction Team's April 23–26, 2019 meeting and discuss next steps for rulemaking.

Following the lunch break, the Council will take up the Skate Committee Report. The Council will initiate Framework Adjustment 8 to the Northeast Skate Complex FMP, which includes 2020–21 specifications and other measures if needed. Second, the Council will discuss Amendment 5 to the Skate FMP, which proposes to establish a limited access program for the skate wing and/or skate bait fisheries. Next, the Council will receive a presentation on the joint Northeast Fisheries Science Center and GARFO Regional Strategic Plan for 2020–23, which highlights collective priorities. Finally, the Council will close out the meeting with ''other business.''

Although non-emergency issues not contained on this agenda may come before the Council for discussion, those issues may not be the subject of formal action during this meeting. Council 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 Fishery Conservation and Management Act, provided the public has been notified of the Council's intent to take final action to address the emergency. The public also should be aware that the meeting will be recorded. Consistent with 16 U.S.C. 1852, a copy of the recording is available upon request.

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 (see **ADDRESSES**) at least 5 days prior to the meeting date.

Dated: May 17, 2019.

Rey Israel Marquez,

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

[FR Doc. 2019–10714 Filed 5–21–19; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–GAR–A003

Magnuson-Stevens Act Provisions; General Provisions for Domestic Fisheries; Application for Exempted Fishing Permits

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and

Atmospheric Administration (NOAA), Commerce.

ACTION: Notice; request for comments.

SUMMARY: The NMFS Assistant Regional Administrator for Sustainable Fisheries, Greater Atlantic Region, has made a preliminary determination that an exempted fishing permit application contains all of the required information and warrants further consideration. This exempted fishing permit would allow up to six commercial fishing vessels to use raised-footrope trawl gear to target small-mesh multispecies (silver and red hake) within Small Mesh Area 1 before the start of the open season. Regulations under the Magnuson-Stevens Fishery Conservation and Management Act require publication of this notification to provide interested parties the opportunity to comment on applications for a proposed exempted fishing permit.

DATES: Comments must be received on or before June 6, 2019.

ADDRESSES: You may submit written comments by any of the following methods:

- *Email: NMFS.GAR.EFP@noaa.gov.* Include in the subject line ''Comments on the Gloucester Fisheries Commission Whiting Exempted Fishery Study EFP.''
- *Mail:* Michael Pentony, Regional Administrator, NMFS, Greater Atlantic Regional Office, 55 Great Republic Drive, Gloucester, MA 01930. Mark the outside of the envelope ''Gloucester Fisheries Commission Exempted Fishery Study EFP.''

FOR FURTHER INFORMATION CONTACT: Laura Hansen, Fishery Management Specialist, (978) 281–9225.

SUPPLEMENTARY INFORMATION: The Gloucester Fisheries Commission (GFC) submitted an application for an EFP on May 6, 2019. This EFP would allow up to 6 commercial fishing vessels to take up to 60 trips to fish for small-mesh multispecies within Small Mesh Area 1 (SMA1). The GFC asserts that SMA 1 is underutilized during the current season and that small-mesh multispecies stocks may be more prevalent and more effectively targeted within the area before the start of the July 15 opening of the exemption area. This study would provide data on catch rates of small-mesh multispecies and bycatch of regulated Northeast multispecies (and other species) to help evaluate the potential for opening SMA1 earlier.

The small-mesh multispecies fishery is open in SMA1 from July 15 through November 15. This EFP would allow the participating vessels to fish in SMA1 as early as June 1 through July 14, 2019. The exact start date may be after June 1, as some details of participation and monitoring resources are still being finalized. The length of each trip would be at the discretion of the vessel operators, consistent with normal commercial fishing practices. Fishing would not occur in any area closed to protect spawning groundfish.

Participating vessels would use a raised-footrope trawl with diamond mesh codends that have a mesh size of greater than 2.5 inches but less than 3 inches, consistent with 50 CFR 648.80(a)(9)(ii). Massachusetts Division of Marine Fisheries (MA DMF) staff would inspect all gear prior to use to verify that it meets the required mesh size and gear specifications. Per regulation, this size mesh will allow participating vessels to retain up to 3,000 lb (3.4 mt) of whiting/offshore hake and 7,500 lb (1.4 mt) of red hake per trip. Participating vessels would also be exempt from the possession limits and minimum size requirements for biological sampling purposes only. All catch that is not retained for sale will be promptly returned to the sea.

A contracted observer or Northeast Fisheries Science Center staff would be on board all trips to collect data on catch composition, length and weight measurements, and operational data (location, weather, time, duration of tow, trawl speed, etc.).

The table below shows catch estimates for the project that are based on a similar study conducted by MA DMF, in 2016 and 2017. There is potential to catch up to 18 percent of the red hake total allowable landings (TAL) as part of this project which may be of concern to other fishermen that are not participating in the EFP.

TABLE 1—ESTIMATED CATCH FOR WHITING, RED HAKE, REGULATED GROUNDFISH, AND OTHER SPECIES

[Numbers in metric tons]

Species	Average catch/trip 2016	Average catch/trip 2017	Project average	Expected catch (60 trips)	Percent of quota
Nothern Silver Hake	2.4	1.9	2.1	128.5	0.5
Northern Red Hake	0.9	0.8	0.8	50.2	* 18.0
Cod	<0.1	<0.1	<0.1	0.2	<0.1
Haddock	0.5	0.1	0.3	19.0	<0.1
American plaice	<0.1	0.1	0.1	3.2	<0.1
Herring	<0.1	0.9	0.5	27.5	<0.1
Yellowtail flounder	<0.1	0.1	<0.1	2.4	<0.1
Groundfish Excluding Haddock	0.1	0.1	0.1	6.8	

* This number is the percent of the TAL for Northern red hake.

If approved, the applicant may request minor modifications and extensions to the EFP throughout the year. EFP modifications and extensions may be granted without further notice if they are deemed essential to facilitate completion of the proposed research and have minimal impact that does not change the scope of the initially approved EFP request. Any fishing activity conducted outside the scope of the exempted fishing activity would be prohibited.

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

Dated: May 17, 2019.

Jennifer M. Wallace,

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

[FR Doc. 2019–10672 Filed 5–21–19; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

U.S. Integrated Ocean Observing System (IOOS®) Advisory Committee

AGENCY: National Ocean Service, National Oceanic and Atmospheric Administration (NOAA), Department of Commerce.

ACTION: Notice of open meeting.

SUMMARY: Notice is hereby given of a meeting of the U.S. Integrated Ocean Observing System (IOOS®) Advisory Committee (Committee) the Consortium for Ocean Leadership Office, in Washington, DC.

DATES AND TIMES: The meeting will be held on Monday, June 3, 2019, from 8:30 a.m. to 5:30 p.m., Tuesday, June 4, 2019 from 8:30 a.m.–12:30 p.m. These times and the agenda topics described below are subject to change. Refer to the web page listed below for the most up-to-date agenda.

ADDRESSES: The meeting will be held at the Consortium for Ocean Leadership Office, 1201 New York Ave. NW, Washington, DC 20005. Venue may be subject to change. Refer to the web page listed below for the most up-to-date information.

FOR FURTHER INFORMATION CONTACT: Krisa Arzayus, Designated Federal Official, U.S. IOOS Advisory Committee, U.S. IOOS Program, 1315 East-West Highway, Silver Spring, MD 20910; Phone 240–533–9455; Fax 301–713–3281; Email *krisa.arzayus@noaa.gov* or visit the U.S. IOOS Advisory Committee website at *http://ioos.noaa.gov/community/u-s-ioos-advisory-committee/.*

SUPPLEMENTARY INFORMATION: The Committee was established by the NOAA Administrator as directed by Section 12304 of the Integrated Coastal and Ocean Observation System Act, part of the Omnibus Public Land Management Act of 2009 (Pub. L. 111–11). The Committee advises the NOAA Administrator and the Interagency Ocean Observation Committee (IOOC) on matters related to the responsibilities and authorities set forth in section 12302 of the Integrated Coastal and Ocean Observation System Act of 2009 and other appropriate matters as the Under Secretary refers to the Committee for review and advice.

The Committee will provide advice on:

(a) Administration, operation, management, and maintenance of the System;

(b) Expansion and periodic modernization and upgrade of technology components of the System;

(c) Identification of end-user communities, their needs for information provided by the System, and the System's effectiveness in dissemination information to end-user communities and to the general public; and

(d) Any other purpose identified by the Under Secretary of Commerce for Oceans and Atmosphere or the Interagency Ocean Observation Committee.

The meeting will be open to public participation with a 15-minute public comment period on June 3, 2019, from 5:00 p.m. to 5:15 p.m., on June 4, 2019 from 12:00 p.m. to 12:15 p.m. (check agenda on website to confirm time.) The Committee 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 the Designated Federal Official by May 24, 2019 to provide sufficient time for Committee review. Written comments received after May 24th, 2019 will be distributed to the Committee, but may not be reviewed prior to the meeting date. Seats will be available on a first-come, first-served basis. Pre-registration is required for those attending in person. Please send your name as it appears on driver's license and the organization/company affiliation you represent to Krisa Arzayus. This information must be received by May 17, 2019. Additionally, a webinar will be provided. Sign-up information for the webinar will be posted on the website.

Matters To Be Considered: The meeting will focus on ongoing committee priorities, and developing the next set of recommendations. The latest version of the agenda will be posted at *http://ioos.noaa.gov/community/u-s-ioos-advisory-committee/.*

Special Accomodations: These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Krisa Arzayus, Designated Federal Official at 240–533–9455 by May 24, 2019.

Dated: April 12, 2019.

Carl C. Gouldman,

Director, U.S. IOOS Program, National Ocean Service.

[FR Doc. 2019–10626 Filed 5–21–19; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Evaluation of Great Bay National Estuarine Research Reserve; Public Meeting

AGENCY: Office for Coastal Management (OCM), National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC).

ACTION: Notice of public meeting.

SUMMARY: The National Oceanic and Atmospheric Administration (NOAA), Office for Coastal Management will hold a public meeting to solicit comments for the performance evaluation of the Great Bay National Estuarine Research Reserve.

DATES: *Great Bay National Estuarine Research Reserve Evaluation:* The public meeting will be held on Tuesday, July 23, 2019, and written comments must be received on or before Friday, August 2, 2019.

For the specific date, time, and location of the public meeting, see **SUPPLEMENTARY INFORMATION.**

ADDRESSES: You may submit comments on the reserve by any of the following methods:

Public Meeting and Oral Comments: A public meeting will be held in Greenland, New Hampshire for the Great Bay National Estuarine Research Reserve. For the specific location, see **SUPPLEMENTARY INFORMATION.**

Written Comments: Please direct written comments to Susie Holst Rice, Evaluator, NOAA Office for Coastal Management, 35 Colovos Road, University of New Hampshire, Gregg Hall, Room 142, Durham, New Hampshire 03824, or via email to *Susie.Holst@noaa.gov.*

FOR FURTHER INFORMATION CONTACT: Susie Holst Rice, Evaluator, NOAA Office for Coastal Management, 35 Colovos Road, University of New Hampshire, Gregg Hall, Room 142, Durham, New Hampshire 03824, by phone at (603) 862–1205, or via email to *Susie.Holst@noaa.gov.* Copies of the previous evaluation findings, Management Plan, and Site Profile may be viewed and downloaded on the internet at *http://coast.noaa.gov/czm/evaluations.* A copy of the evaluation notification letter and most recent performance report may be obtained upon request by contacting the person identified under **FOR FURTHER INFORMATION CONTACT.**

SUPPLEMENTARY INFORMATION: Sections 312 and 315 of the Coastal Zone

Management Act (CZMA) require NOAA to conduct periodic evaluations of federally-approved National Estuarine Research Reserves. The process includes a public meeting, consideration of written public comments, and consultations with interested Federal, state, and local agencies and members of the public. For the evaluation of National Estuarine Research Reserves, NOAA will consider the extent to which the state has met the national objectives, adhered to its management plan approved by the Secretary of Commerce, and adhered to the terms of financial assistance under the Coastal Zone Management Act. When the evaluation is completed, NOAA's Office for Coastal Management will place a notice in the **Federal Register** announcing the availability of the Final Evaluation Findings.

You may participate and submit oral comments at the public meeting scheduled as follows:

Date: Tuesday, July 23, 2019.

Time: 5:00 p.m., local time.

Location: Hugh Gregg Conservation Center, 91 Depot Road, Greenland, NH 03840.

Written comments must be received on or before Friday, August 2, 2019.

Dated: May 13, 2019.

Keelin Kuipers,

Deputy Director, Office for Coastal Management, National Ocean Service, National Oceanic and Atmospheric Administration.

Federal Domestic Assistance Catalog 11.419.

Coastal Zone Management Program Administration.

[FR Doc. 2019–10628 Filed 5–21–19; 8:45 am]

BILLING CODE 3510–08–P

CONSUMER FINANCIAL PROTECTION BUREAU

Consumer Advisory Board Meetings

AGENCY: Consumer Financial Protection Bureau.

ACTION: Notice of public meeting.

SUMMARY: Under the Federal Advisory Committee Act (FACA), this notice sets forth the announcement of a public meeting of the Consumer Advisory Board (CAB or Board) of the Bureau of Consumer Financial Protection (Bureau). The notice also describes the functions of the Board.

DATES: The meeting date is Wednesday, June 5, 2019, from approximately 12:30 p.m. to 4:15 p.m. eastern daylight time and Thursday, June 6th, 2019, from approximately 10 a.m. to 3:30 p.m.

ADDRESSES: The meeting location is the Bureau of Consumer Financial Protection, 1700 G Street NW, Washington, DC 20552.

FOR FURTHER INFORMATION CONTACT: Kim George, Outreach and Engagement Associate, Advisory Board and Councils Office, External Affairs, at 202–435–7884, *CFPB_CABandCouncilsEvents@cfpb.gov.* If you require this document in an alternative electronic format, please contact *CFPB_Accessibility@cfpb.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

Section 3 of the Charter of the Board states that:

The purpose of the Board is outlined in section 1014(a) of the Dodd-Frank Wall Street Reform and Consumer Protection Act, which states that the Board shall ''advise and consult with the Bureau in the exercise of its functions under the Federal consumer financial laws'' and ''provide information on emerging practices in the consumer financial products or services industry, including regional trends, concerns, and other relevant information.''

To carry out the Board's purpose, the scope of its activities shall include providing information, analysis, and recommendations to the Bureau. The Board will generally serve as a vehicle for market intelligence and expertise for the Bureau. Its objectives will include identifying and assessing the impact on consumers and other market participants of new, emerging, and changing products, practices, or services.

II. Agenda

The Board will discuss broad matters related to the Bureau's Unified Regulatory Agenda and general scope of authority.

Persons who need a reasonable accommodation to participate should contact *CFPB_504Request@cfpb.gov,* 202–435–9EEO, 1–855–233–0362, or 202–435–9742 (TTY) at least ten business days prior to the meeting or event to request assistance. The request must identify the date, time, location, and title of the meeting or event, the nature of the assistance requested, and contact information for the requester. The Bureau will strive to provide, but cannot guarantee that accommodation will be provided for late requests.

Written comments will be accepted from interested members of the public and should be sent to *CFPB_CABandCouncilsEvents@cfpb.gov,* a minimum of seven (7) days in advance of the meeting. The comments will be provided to the CAB members for consideration.

Individuals who wish to join the Board must RSVP via this link *https://consumer-financial-protection-bureau.forms.fm/june-2019-cfpb-advisory-committee-meetings-in-washington-dc* by noon, June 3, 2019. Members of the public must RSVP by the due date.

III. Availability

The Board's agenda will be made available to the public on Tuesday, May 21, 2019, via *consumerfinance.gov.* Individuals should express in their RSVP if they require a paper copy of the agenda.

A recording and summary of this meeting will be available after the meeting on the Bureau's website *consumerfinance.gov.*

Dated: May 16, 2019.

Kirsten Sutton,

Chief of Staff, Consumer Financial Protection Bureau.

[FR Doc. 2019–10635 Filed 5–21–19; 8:45 am]

BILLING CODE 4810–AM–P

BUREAU OF CONSUMER FINANCIAL PROTECTION

Credit Union Advisory Council Meeting

AGENCY: Consumer Financial Protection Bureau.

ACTION: Notice of public meeting.

SUMMARY: Under the Federal Advisory Committee Act (FACA), this notice sets forth the announcement of a public meeting of the Credit Union Advisory Council (CUAC or Council) of the Bureau of Consumer Financial Protection (Bureau). The notice also describes the functions of the Council.

DATES: The meeting date is Wednesday, June 5, 2019, from approximately 12:30 p.m. to 4:15 p.m. eastern daylight time and Thursday, June 6, 2019, from approximately 10 a.m. to 3:30 p.m.

ADDRESSES: The meeting location is the Bureau of Consumer Financial Protection, 1700 G Street NW, Washington, DC 20552.

FOR FURTHER INFORMATION CONTACT: Kim George, Outreach and Engagement Associate, Consumer Advisory Board and Councils Office, External Affairs, at 202–435–7884, *CFPB_CABandCouncilsEvents@cfpb.gov.* If you require this document in an alternative electronic format, please contact *CFPB_Accessibility@cfpb.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

Section 2 of the CUAC Charter provides that pursuant to the executive and administrative powers conferred on the Bureau by section 1012 of the Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank Act), the Director established the Credit Union Advisory Council under agency authority.

Section 3 of the CUAC Charter states: ''The purpose of the Advisory Council is to advise the Bureau in the exercise of its functions under the Federal consumer financial laws as they pertain to community banks with total assets of $10 billion or less.''

II. Agenda

The Council will discuss broad policy matters related to the Bureau's Unified Regulatory Agenda and general scope of authority.

Persons who need a reasonable accommodation to participate should contact *CFPB_504Request@cfpb.gov,* 202–435–9EEO, 1–855–233–0362, or 202–435–9742 (TTY) at least ten business days prior to the meeting or event to request assistance. The request must identify the date, time, location, and title of the meeting or event, the nature of the assistance requested, and contact information for the requester. The Bureau will strive to provide, but cannot guarantee that accommodation will be provided for late requests.

Written comments will be accepted from interested members of the public and should be sent to *CFPB_CABandCouncilsEvents@cfpb.gov,* a minimum of seven (7) days in advance of the meeting. The comments will be provided to the CUAC members for consideration.

Individuals who wish to join the CUAC must RSVP via this link *https://consumer-financial-protection-bureau.forms.fm/june-2019-cfpb-advisory-committee-meetings-in-washington-dc* by noon, June 3, 2019. Members of the public must RSVP by the due date.

III. Availability

The Council's agenda will be made available to the public on Tuesday, May 21, 2019, via *consumerfinance.gov.* Individuals should express in their RSVP if they require a paper copy of the agenda.

A recording and summary of this meeting will be available after the meeting on the Bureau's website *consumerfinance.gov.*

Dated: May 16, 2019.

Kirsten Sutton,

Chief of Staff, Consumer Financial Protection Bureau.

[FR Doc. 2019–10637 Filed 5–21–19; 8:45 am]

BILLING CODE 4810–AM–P

BUREAU OF CONSUMER FINANCIAL PROTECTION

Community Bank Advisory Council Meeting

AGENCY: Consumer Financial Protection Bureau.

ACTION: Notice of public meeting.

SUMMARY: Under the Federal Advisory Committee Act (FACA), this notice sets forth the announcement of a public meeting of the Community Bank Advisory Council (CBAC or Council) of the Bureau of Consumer Financial Protection (Bureau). The notice also describes the functions of the Council.

DATES: The meeting date is Wednesday, June 5, 2019, from approximately 12:30 p.m. to 4:15 p.m. eastern daylight time and Thursday, June 6, 2019, from approximately 10 a.m. to 3:30 p.m.

ADDRESSES: The meeting location is the Bureau of Consumer Financial Protection, 1700 G Street NW, Washington, DC 20552.

FOR FURTHER INFORMATION CONTACT: Kim George, Outreach and Engagement Associate, Consumer Advisory Board and Councils Office, External Affairs, at 202–435–7884, *CFPB_CABandCouncilsEvents@cfpb.gov.* If you require this document in an alternative electronic format, please contact *CFPB_Accessibility@cfpb.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

Section 2 of the CBAC Charter provides that pursuant to the executive and administrative powers conferred on the Bureau by section 1012 of the Dodd-Frank Wall Street Reform and Consumer Protection Act, the Director established the Community Bank Advisory Council under agency authority.

Section 3 of the CBAC Charter states: ''The purpose of the Advisory Council is to advise the Bureau in the exercise of its functions under the Federal consumer financial laws as they pertain to community banks with total assets of $10 billion or less.''

II. Agenda

The Council will discuss broad policy matters related to the Bureau's Unified Regulatory Agenda and general scope of authority.

Persons who need a reasonable accommodation to participate should contact *CFPB_504Request@cfpb.gov,* 202–435–9EEO, 1–855–233–0362, or 202–435–9742 (TTY) at least ten business days prior to the meeting or event to request assistance. The request must identify the date, time, location, and title of the meeting or event, the nature of the assistance requested, and contact information for the requester. The Bureau will strive to provide, but cannot guarantee that accommodation will be provided for late requests.

Written comments will be accepted from interested members of the public and should be sent to *CFPB_CABandCouncilsEvents@cfpb.gov,* a minimum of seven (7) days in advance of the meeting. The comments will be provided to the CBAC members for consideration. Individuals who wish to join the Council must RSVP via this link *https://consumer-financial-protection-bureau.forms.fm/june-2019-cfpb-advisory-committee-meetings-in-washington-dc* by noon, June 3, 2019. Members of the public must RSVP by the due date.

III. Availability

The Council's agenda will be made available to the public on Tuesday, May 21, 2019, via *consumerfinance.gov.* Individuals should express in their RSVP if they require a paper copy of the agenda.

A recording and summary of this meeting will be available after the meeting on the Bureau's website *consumerfinance.gov.*

Dated: May 16, 2019.

Kirsten Sutton,

Chief of Staff, Consumer Financial Protection Bureau.

[FR Doc. 2019–10636 Filed 5–21–19; 8:45 am]

BILLING CODE 4810–AM–P

DEPARTMENT OF DEFENSE

Department of the Army

[Docket ID: USA–2019–HQ–0018]

Proposed Collection; Comment Request

AGENCY: Army & Air Force Exchange Service (Exchange), DoD.

ACTION: Information collection notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995,* the Army & Air Force Exchange Service (Exchange) announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; the accuracy of the agency's estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by July 22, 2019.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Department of Defense, Office of the Chief Management Officer, Directorate for Oversight and Compliance, 4800 Mark Center Drive, Mailbox #24, Suite 08D09B, Alexandria, VA 22350–1700.

Instructions: All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

Any associated form(s) for this collection may be located within this same electronic docket and downloaded for review/testing. Follow the instructions at *http://www.regulations.gov* for submitting comments. Please submit comments on any given form identified by docket number, form number, and title.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the Army & Air Force Exchange Service, Office of the General Counsel, Compliance Division, ATTN: Teresa Schreurs, Privacy Manager, 3911 South Walton Walker Blvd., Dallas, TX 75236–1598 or call the Exchange Compliance Division at 800–967–6067.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Exchange Employee Management and Pay System; Exchange Form 1450–011 ''Annuity Application,'' Exchange Form 1450–018 ''Application for Payment of Survivor Annuity,'' Exchange Form 1700–012 ''Beneficiary Designation'', Web-based ''Health/Benefit Enrollment''; OMB Control Number 0702–0139.

Needs and Uses: The information collection requirement is necessary to administer a number of different benefits and pay to eligible Exchange associates, former associates (retirees), their dependents, beneficiaries, spouses, and ex-spouses. This includes collecting data needed to provide and administer pay, salary and retirement entitlements.

Affected Public: Individuals or Households and Federal Government.

Annual Burden Hours: 7,755.

Number of Respondents: 10,340.

Responses per Respondent: 1.

Annual Responses: 10,340.

Average Burden per Response: 45 minutes.

Frequency: On occasion.

Respondents are active, former/retired or terminated Exchange personnel, including family members, beneficiaries and survivors. Respondents provide Annuity Application, Survivor annuity and may provide the Beneficiary Designation manually. Other benefits such as enrollment in health coverage, beneficiary designation, and retirement options are done so primarily through electronic means. Health, and 401(k) retirement collections are maintained by the service provider.

Dated: May 17, 2019.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2019–10713 Filed 5–21–19; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Defense Acquisition Regulations System

[Docket Number DARS–2019–0020; OMB Control Number 0704–0478]

Information Collection Requirement; Defense Federal Acquisition Regulation Supplement (DFARS); Cyber Incident Reporting and Cloud Computing

AGENCY: Defense Acquisition Regulations System, Department of Defense (DoD).

ACTION: Notice and request for comments regarding a proposed extension of an approved information collection requirement.

SUMMARY: In compliance with section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, DoD announces the proposed extension of a public information collection requirement and seeks public comment on the provisions thereof. *DoD invites comments on:* Whether the proposed collection of information is necessary for the proper performance of the functions of DoD, including whether the information will have practical utility; the accuracy of the estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including the use of automated collection techniques or other forms of information technology. The Office of Management and Budget (OMB) has approved this information collection for use through July 31, 2019. DoD proposes that OMB extend its approval for use for three additional years beyond the current expiration date.

DATES: DoD will consider all comments received by July 22, 2019.

ADDRESSES: You may submit comments, identified by OMB Control Number 0704–0478, using any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Email: osd.dfars@mail.mil.* Include OMB Control Number 0704–0478 in the subject line of the message.
- *Fax:* 571–372–6094.
- *Mail:* Defense Acquisition Regulations System, Attn: Ms. Kimberly Ziegler, OUSD(A&S)DPC(DARS), 3060 Defense Pentagon, Room 3B941, Washington, DC 20301–3060.

Comments received generally will be posted without change to *http://www.regulations.gov,* including any personal information provided.

FOR FURTHER INFORMATION CONTACT: Ms. Kimberly Ziegler, at 571- 372–6095.

SUPPLEMENTARY INFORMATION:

Title, Associated Form, and OMB Number: Safeguarding Covered Defense Information, Cyber Incident Reporting, and Cloud Computing; OMB Control Number 0704–0478.

Needs and Uses: Offerors and contractors must report cyber incidents on unclassified networks or information systems, within cloud computing services, and when they affect contractors designated as providing operationally critical support, as required by statute.

a. The clause at DFARS 252.204–7012, Safeguarding Covered Defense Information and Cyber Incident Reporting, covers cyber incident reporting requirements for incidents that affect a covered contractor information system or the covered defense information residing therein, or that affects the contractor's ability to perform the requirements of the contract that are designated as operationally critical support and identified in the contract.

b. DFARS provision 252.204–7008, Compliance with Safeguarding Covered Defense Information Controls, requires an offeror that proposes to vary from any of the security controls of National Institute of Standards and Technology (NIST) Special Publication (SP) 800–171 in effect at the time the solicitation is issued to submit to the contracting officer a written explanation of how the specified security control is not applicable or an alternative control or protective measure is used to achieve equivalent protection.

c. DFARS provision 252.239–7009, Representation of Use of Cloud Computing, requires contractors to report that they ''anticipate'' or ''do not anticipate'' utilizing cloud computing service in performance of the resultant contract. The representation will notify contracting officers of the applicability of the cloud computing requirements at DFARS clause 252.239–7010 of the contract.

d. DFARS clause 252.239–7010, Cloud Computing Services, requires reporting of cyber incidents that occur when DoD is purchasing cloud computing services.

These DFARS provisions and clauses facilitate mandatory cyber incident reporting requirements in accordance with statutory regulations. When reports are submitted, DoD will analyze the reported information for cyber threats and vulnerabilities in order to develop response measures as well as improve U.S. Government understanding of advanced cyber threat activity. In addition, the security requirements in NIST SP 800–171 are specifically tailored for use in protecting sensitive information residing in contractor information systems and generally reduce the burden placed on contractors by eliminating Federal-centric processes and requirements. The information provided will inform the Department in assessing the overall risk to DoD covered defense information on unclassified contractor systems and networks.

Affected Public: Businesses or other for-profit and not-for-profit institutions.

Respondent's Obligation: Required to obtain or retain benefits.

Number of Respondents: 2,017.

Responses per Respondent: Approximately 17.35.

Annual Responses: 34,974.

Average Burden per Response: .29 hours.

Annual Burden Hours: 10,071.

Frequency: On occasion.

Jennifer Lee Hawes,

Regulatory Control Officer, Defense Acquisition Regulations System.

[FR Doc. 2019–10459 Filed 5–21–19; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Revised Non-Foreign Overseas Per Diem Rates

AGENCY: Defense Human Resources Activity, Policy and Regulations Branch, Defense Travel Management Office, DoD.

ACTION: Notice of revised per diem rates in non-foreign areas outside the contiguous U.S.

SUMMARY: The Defense Travel Management Office publishes this Civilian Personnel Per Diem Bulletin Number 309. Bulletin Number 309 lists current per diem rates prescribed for reimbursement of subsistence expenses while on official Government travel to Alaska, Hawaii, the Commonwealth of Puerto Rico, and the possessions of the United States. The Fiscal Year (FY) 2019 per diem rate review for Alaska resulted in lodging and meal rate changes in certain locations.

DATES: *Effective Date:* June 1, 2019.

FOR FURTHER INFORMATION CONTACT: Mr. Scott Laws, 571–372–1282.

SUPPLEMENTARY INFORMATION: This notice notifies the public of revisions in per diem rates prescribed by the Defense Travel Management Office for travel to non-foreign areas outside the contiguous United States. The FY 2019 per diem rate review for Alaska resulted in lodging, meal and incidental rate changes in certain locations. Bulletin Number 309 is published in the **Federal Register** to ensure that Government travelers outside the Department of Defense are notified of revisions to the current reimbursement rates.

If you believe the lodging, meal or incidental allowance rate for a locality listed in the following table is insufficient, you may request a rate review for that location. For more information about how to request a review, please see DTMO's Per Diem Rate Review Frequently Asked Questions (FAQ) page at *https://www.defensetravel.dod.mil/site/faqraterev.cfm.*

Dated: May 17, 2019.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

State or territory	Locality	Season start	Season end	Lodging	M&IE	Total per diem	Effective date
ALASKA	[OTHER]	01/01	12/31	161	113	274	06/01/2019
ALASKA	ADAK	01/01	12/31	161	117	278	06/01/2019
ALASKA	ANCHORAGE [INCL NAV RES]	05/01	08/31	229	125	354	06/01/2019
ALASKA	ANCHORAGE [INCL NAV RES]	09/01	04/30	199	125	324	06/01/2019
ALASKA	BARROW	05/15	09/14	320	129	449	06/01/2019
ALASKA	BARROW	09/15	05/14	265	129	394	06/01/2019
ALASKA	BARTER ISLAND LRRS	01/01	12/31	161	113	274	06/01/2019
ALASKA	BETHEL	01/01	12/31	219	101	320	06/01/2019
ALASKA	BETTLES	01/01	12/31	161	113	*274	06/01/2019
ALASKA	CAPE LISBURNE LRRS	01/01	12/31	161	113	274	06/01/2019
ALASKA	CAPE NEWENHAM LRRS	01/01	12/31	161	113	274	06/01/2019
ALASKA	CAPE ROMANZOF LRRS	01/01	12/31	161	113	274	06/01/2019
ALASKA	CLEAR AB	01/01	12/31	161	113	274	06/01/2019
ALASKA	COLD BAY	01/01	12/31	161	113	274	06/01/2019
ALASKA	COLD BAY LRRS	01/01	12/31	161	113	274	06/01/2019
ALASKA	COLDFOOT	01/01	12/31	161	93	254	06/01/2019
ALASKA	COPPER CENTER	01/01	12/31	161	115	276	06/01/2019
ALASKA	CORDOVA	01/01	12/31	140	106	246	06/01/2019
ALASKA	CRAIG	05/01	09/30	139	94	233	06/01/2019
ALASKA	CRAIG	10/01	04/30	109	94	203	06/01/2019

State or territory	Locality	Season start	Season end	Lodging	M&IE	Total per diem	Effective date
ALASKA	DEADHORSE	01/01	12/31	120	113	*233	06/01/2019
ALASKA	DELTA JUNCTION	01/01	12/31	161	101	262	06/01/2019
ALASKA	DENALI NATIONAL PARK	05/17	09/17	189	98	287	06/01/2019
ALASKA	DENALI NATIONAL PARK	09/18	05/16	139	98	237	06/01/2019
ALASKA	DILLINGHAM	05/01	09/30	275	113	388	06/01/2019
ALASKA	DILLINGHAM	10/01	04/30	230	113	343	06/01/2019
ALASKA	DUTCH HARBOR-UNALASKA	01/01	12/31	161	129	290	06/01/2019
ALASKA	EARECKSON AIR STATION	01/01	12/31	146	74	220	07/01/2016
ALASKA	EIELSON AFB	05/16	09/15	154	100	254	06/01/2019
ALASKA	EIELSON AFB	09/16	05/15	75	100	175	06/01/2019
ALASKA	ELFIN COVE	01/01	12/31	161	113	274	06/01/2019
ALASKA	ELMENDORF AFB	05/01	08/31	229	125	354	06/01/2019
ALASKA	ELMENDORF AFB	09/01	04/30	199	125	324	06/01/2019
ALASKA	FAIRBANKS	05/16	09/15	154	100	254	06/01/2019
ALASKA	FAIRBANKS	09/16	05/15	75	100	175	06/01/2019
ALASKA	FORT YUKON LRRS	01/01	12/31	161	113	274	06/01/2019
ALASKA	FT. GREELY	01/01	12/31	161	101	262	06/01/2019
ALASKA	FT. RICHARDSON	05/01	08/31	229	125	354	06/01/2019
ALASKA	FT. RICHARDSON	09/01	04/30	199	125	324	06/01/2019
ALASKA	FT. WAINWRIGHT	05/16	09/15	154	100	254	06/01/2019
ALASKA	FT. WAINWRIGHT	09/16	05/15	75	100	175	06/01/2019
ALASKA	GAMBELL	01/01	12/31	161	113	274	06/01/2019
ALASKA	GLENNALLEN	01/01	12/31	161	115	276	06/01/2019
ALASKA	HAINES	01/01	12/31	107	113	220	06/01/2019
ALASKA	HEALY	06/01	08/31	189	98	287	06/01/2019
ALASKA	HEALY	09/01	05/31	139	98	237	06/01/2019
ALASKA	HOMER	05/01	09/30	189	124	313	06/01/2019
ALASKA	HOMER	10/01	04/30	129	124	253	06/01/2019
ALASKA	JB ELMENDORF-RICHARDSON	05/01	08/31	229	125	354	06/01/2019
ALASKA	JB ELMENDORF-RICHARDSON	09/01	04/30	199	125	324	06/01/2019
ALASKA	JUNEAU	04/16	09/15	189	118	307	06/01/2019
ALASKA	JUNEAU	09/16	04/15	169	118	287	06/01/2019
ALASKA	KAKTOVIK	01/01	12/31	161	129	*290	06/01/2019
ALASKA	KAVIK CAMP	01/01	12/31	161	113	*274	06/01/2019
ALASKA	KENAI–SOLDOTNA	05/01	09/30	159	113	272	06/01/2019
ALASKA	KENAI–SOLDOTNA	10/01	04/30	89	113	202	06/01/2019
ALASKA	KENNICOTT	01/01	12/31	161	85	246	06/01/2019
ALASKA	KETCHIKAN	04/01	10/01	250	118	368	06/01/2019
ALASKA	KETCHIKAN	10/02	03/31	160	118	278	06/01/2019
ALASKA	KING SALMON	01/01	12/31	161	89	250	06/01/2019
ALASKA	KING SALMON LRRS	01/01	12/31	161	113	274	06/01/2019
ALASKA	KLAWOCK	05/01	09/30	139	94	233	06/01/2019
ALASKA	KLAWOCK	10/01	04/30	109	94	203	06/01/2019
ALASKA	KODIAK	05/01	09/30	194	109	303	06/01/2019
ALASKA	KODIAK	10/01	04/30	136	109	245	06/01/2019
ALASKA	KOTZEBUE	01/01	12/31	161	121	282	06/01/2019
ALASKA	KULIS AGS	05/01	08/31	229	125	354	06/01/2019
ALASKA	KULIS AGS	09/01	04/30	199	125	324	06/01/2019
ALASKA	MCCARTHY	01/01	12/31	161	85	246	06/01/2019
ALASKA	MCGRATH	01/01	12/31	161	113	*274	06/01/2019
ALASKA	MURPHY DOME	05/16	09/15	154	100	254	06/01/2019
ALASKA	MURPHY DOME	09/16	05/15	75	100	175	06/01/2019
ALASKA	NOME	01/01	12/31	185	118	303	06/01/2019
ALASKA	NOSC ANCHORAGE	05/01	08/31	229	125	354	06/01/2019
ALASKA	NOSC ANCHORAGE	09/01	04/30	199	125	324	06/01/2019
ALASKA	NUIQSUT	01/01	12/31	161	113	*274	06/01/2019
ALASKA	OLIKTOK LRRS	01/01	12/31	161	113	274	06/01/2019
ALASKA	PALMER	01/01	12/31	155	117	272	06/01/2019
ALASKA	PETERSBURG	01/01	12/31	130	108	238	06/01/2019
ALASKA	POINT BARROW LRRS	01/01	12/31	161	113	274	06/01/2019
ALASKA	POINT HOPE	01/01	12/31	161	113	*274	06/01/2019
ALASKA	POINT LONELY LRRS	01/01	12/31	161	113	274	06/01/2019
ALASKA	PORT ALEXANDER	01/01	12/31	161	113	*274	06/01/2019
ALASKA	PORT ALSWORTH	01/01	12/31	161	113	274	06/01/2019
ALASKA	PRUDHOE BAY	01/01	12/31	120	113	*233	06/01/2019
ALASKA	SELDOVIA	05/01	09/30	189	124	313	06/01/2019
ALASKA	SELDOVIA	10/01	04/30	129	124	253	06/01/2019
ALASKA	SEWARD	04/02	09/30	309	146	455	06/01/2019
ALASKA	SEWARD	10/01	04/01	80	146	226	06/01/2019
ALASKA	SITKA-MT-EDGECUMBE	04/01	09/30	245	116	361	06/01/2019
ALASKA	SITKA-MT-EDGECUMBE	10/01	03/31	200	116	316	06/01/2019
ALASKA	SKAGWAY	04/01	10/01	250	118	368	06/01/2019
ALASKA	SKAGWAY	10/02	03/31	160	118	278	06/01/2019
ALASKA	SLANA	01/01	12/31	161	113	274	06/01/2019
ALASKA	SPARREVOHN LRRS	01/01	12/31	161	113	274	06/01/2019
ALASKA	SPRUCE CAPE	05/01	09/30	194	109	303	06/01/2019
ALASKA	SPRUCE CAPE	10/01	04/30	136	109	245	06/01/2019
ALASKA	ST. GEORGE	01/01	12/31	161	113	274	06/01/2019
ALASKA	TALKEETNA	01/01	12/31	161	120	281	06/01/2019
ALASKA	TANANA	01/01	12/31	185	118	303	06/01/2019
ALASKA	TATALINA LRRS	01/01	12/31	161	113	274	06/01/2019
ALASKA	TIN CITY LRRS	01/01	12/31	161	113	274	06/01/2019
ALASKA	TOK	04/01	09/30	105	113	218	06/01/2019

State or territory	Locality	Season start	Season end	Lodging	M&IE	Total per diem	Effective date
ALASKA	TOK	10/01	03/31	99	113	212	06/01/2019
ALASKA	VALDEZ	05/16	09/15	197	110	307	06/01/2019
ALASKA	VALDEZ	09/16	05/15	179	110	289	06/01/2019
ALASKA	WAINWRIGHT	01/01	12/31	275	77	352	06/01/2019
ALASKA	WAKE ISLAND DIVERT AIRFIELD	01/01	12/31	161	113	274	06/01/2019
ALASKA	WASILLA	05/01	09/29	162	94	256	06/01/2019
ALASKA	WASILLA	09/30	04/30	98	94	192	06/01/2019
ALASKA	WRANGELL	04/01	10/01	250	118	368	06/01/2019
ALASKA	WRANGELL	10/02	03/31	160	118	278	06/01/2019
ALASKA	YAKUTAT	01/01	12/31	150	111	261	06/01/2019
AMERICAN SAMOA	AMERICAN SAMOA	01/01	12/31	139	77	216	11/01/2017
AMERICAN SAMOA	PAGO PAGO	01/01	12/31	139	77	216	11/01/2017
GUAM	GUAM (INCL ALL MIL INSTAL)	01/01	12/31	159	87	246	07/01/2015
GUAM	JOINT REGION MARIANAS (ANDERSEN).	01/01	12/31	159	87	246	07/01/2015
GUAM	JOINT REGION MARIANAS (NAVAL BASE).	01/01	12/31	159	87	246	07/01/2015
GUAM	TAMUNING	01/01	12/31	159	87	246	12/01/2015
HAWAII	[OTHER]	01/01	12/31	199	117	316	08/01/2017
HAWAII	CAMP H M SMITH	01/01	12/31	177	138	315	08/01/2017
HAWAII	EASTPAC NAVAL COMP TELE AREA	01/01	12/31	177	138	315	08/01/2017
HAWAII	FT. DERUSSEY	01/01	12/31	177	138	315	08/01/2017
HAWAII	FT. SHAFTER	01/01	12/31	177	138	315	08/01/2017
HAWAII	HICKAM AFB	01/01	12/31	177	138	315	08/01/2017
HAWAII	HILO	01/01	12/31	199	117	316	08/01/2017
HAWAII	HONOLULU	01/01	12/31	177	138	315	08/01/2017
HAWAII	ISLE OF HAWAII: HILO	01/01	12/31	199	117	316	08/01/2017
HAWAII	ISLE OF HAWAII: OTHER	12/18	03/25	239	161	400	08/01/2017
HAWAII	ISLE OF HAWAII: OTHER	03/26	12/17	189	161	350	08/01/2017
HAWAII	ISLE OF KAUAI	01/01	12/31	325	135	460	04/01/2016
HAWAII	ISLE OF MAUI	01/01	12/31	269	160	429	08/01/2017
HAWAII	ISLE OF OAHU	01/01	12/31	177	138	315	08/01/2017
HAWAII	JB PEARL HARBOR-HICKAM	01/01	12/31	177	138	315	08/01/2017
HAWAII	KAPOLEI	01/01	12/31	177	138	315	08/01/2017
HAWAII	KEKAHA PACIFIC MISSILE RANGE FAC.	01/01	12/31	325	135	460	04/01/2016
HAWAII	KILAUEA MILITARY CAMP	01/01	12/31	199	117	316	08/01/2017
HAWAII	LANAI	01/01	12/31	254	111	365	08/01/2017
HAWAII	LIHUE	01/01	12/31	325	135	460	04/01/2016
HAWAII	LUALUALEI NAVAL MAGAZINE	01/01	12/31	177	138	315	08/01/2017
HAWAII	MCB HAWAII	01/01	12/31	177	138	315	08/01/2017
HAWAII	MOLOKAI	01/01	12/31	176	115	291	08/01/2017
HAWAII	NOSC PEARL HARBOR	01/01	12/31	177	138	315	08/01/2017
HAWAII	PEARL HARBOR	01/01	12/31	177	138	315	08/01/2017
HAWAII	PMRF BARKING SANDS	01/01	12/31	325	135	460	10/01/2016
HAWAII	SCHOFIELD BARRACKS	01/01	12/31	177	138	315	08/01/2017
HAWAII	TRIPLER ARMY MEDICAL CENTER	01/01	12/31	177	138	315	08/01/2017
HAWAII	WAHIAWA NCTAMS PAC	01/01	12/31	177	138	315	08/01/2017
HAWAII	WHEELER ARMY AIRFIELD	01/01	12/31	177	138	315	08/01/2017
MIDWAY ISLANDS	MIDWAY ISLANDS	01/01	12/31	125	81	206	08/01/2017
NORTHERN MARIANA ISLANDS	[OTHER]	01/01	12/31	69	84	153	08/01/2017
NORTHERN MARIANA ISLANDS	ROTA	01/01	12/31	130	107	237	07/01/2015
NORTHERN MARIANA ISLANDS	SAIPAN	01/01	12/31	161	101	262	08/01/2017
NORTHERN MARIANA ISLANDS	TINIAN	01/01	12/31	69	84	153	08/01/2017
PUERTO RICO	[OTHER]	01/01	12/31	109	112	221	06/01/2012
PUERTO RICO	AGUADILLA	01/01	12/31	171	84	255	11/01/2015
PUERTO RICO	BAYAMON	12/01	05/31	195	88	283	12/01/2015
PUERTO RICO	BAYAMON	06/01	11/30	167	88	255	12/01/2015
PUERTO RICO	CAROLINA	12/01	05/31	195	88	283	12/01/2015
PUERTO RICO	CAROLINA	06/01	11/30	167	88	255	12/01/2015
PUERTO RICO	CEIBA	01/01	12/31	139	92	231	10/01/2012
PUERTO RICO	CULEBRA	01/01	12/31	150	98	248	03/01/2012
PUERTO RICO	FAJARDO [INCL ROOSEVELT RDS NAVSTAT].	01/01	12/31	139	92	231	10/01/2012
PUERTO RICO	FT. BUCHANAN [INCL GSA SVC CTR, GUAYNABO].	12/01	05/31	195	88	283	12/01/2015
PUERTO RICO	FT. BUCHANAN [INCL GSA SVC CTR, GUAYNABO].	06/01	11/30	167	88	255	12/01/2015
PUERTO RICO	HUMACAO	01/01	12/31	139	92	231	10/01/2012
PUERTO RICO	LUIS MUNOZ MARIN IAP AGS	12/01	05/31	195	88	283	12/01/2015
PUERTO RICO	LUIS MUNOZ MARIN IAP AGS	06/01	11/30	167	88	255	12/01/2015
PUERTO RICO	LUQUILLO	01/01	12/31	139	92	231	10/01/2012
PUERTO RICO	MAYAGUEZ	01/01	12/31	109	112	221	09/01/2010
PUERTO RICO	PONCE	01/01	12/31	149	89	238	09/01/2012
PUERTO RICO	RIO GRANDE	01/01	12/31	169	123	292	06/01/2012
PUERTO RICO	SABANA SECA [INCL ALL MILITARY]	12/01	05/31	195	88	283	12/01/2015
PUERTO RICO	SABANA SECA [INCL ALL MILITARY]	06/01	11/30	167	88	255	12/01/2015
PUERTO RICO	SAN JUAN & NAV RES STA	06/01	11/30	167	88	255	12/01/2015
PUERTO RICO	SAN JUAN & NAV RES STA	12/01	05/31	195	88	283	12/01/2015
PUERTO RICO	VIEQUES	01/01	12/31	175	95	270	03/01/2012
VIRGIN ISLANDS (U.S.)	ST. CROIX	12/15	04/14	299	116	415	06/01/2015
VIRGIN ISLANDS (U.S.)	ST. CROIX	04/15	12/14	247	110	357	06/01/2015
VIRGIN ISLANDS (U.S.)	ST. JOHN	12/04	04/30	230	113	343	08/01/2015

State or territory	Locality	Season start	Season end	Lodging	M&IE	Total per diem	Effective date
VIRGIN ISLANDS (U.S.)	ST. JOHN	05/01	12/03	170	107	277	08/01/2015
VIRGIN ISLANDS (U.S.)	ST. THOMAS	04/15	12/15	249	110	359	03/01/2017
VIRGIN ISLANDS (U.S.)	ST. THOMAS	12/16	04/14	339	110	449	03/01/2017
WAKE ISLAND	WAKE ISLAND	01/01	12/31	129	70	199	07/01/2016

*Where meals are included in the lodging rate, a traveler is only allowed a meal rate on the first and last day of travel.

[FR Doc. 2019–10731 Filed 5–21–19; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DOD–2019–OS–0063]

Proposed Collection; Comment Request

AGENCY: The Office of the Assistant Secretary of Defense for Research and Engineering, DoD.

ACTION: Information collection notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995,* the Science, Mathematics and Research for Transformation (SMART) Scholarship-for-Service Program announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; the accuracy of the agency's estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by July 22, 2019.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

Federal eRulemaking Portal: http://www.regulations.gov. Follow the instructions for submitting comments.

Mail: Department of Defense, Office of the Chief Management Officer, Directorate for Oversight and Compliance, 4800 Mark Center Drive, Mailbox #24, Suite 08D09, Alexandria, VA 22350–1700.

Instructions: All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the SMART Program Office, 4800 Mark Center Drive, Suite 17C08, Alexandria, VA 22350, Mr. Joseph Morici, or call 571–372–6535.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Science, Mathematics and Research for Transformation (SMART) Scholarship Program; DD Forms x784–1, x784–2, x784–3, x784–4, x784–6, x784–7, x784–8, x784–9, x784–10, x784–11, x784–12, x784–13, x784–14, x784–15; OMB Control Number 0704–0466.

Needs and Uses: SMART is designed to increase the number of new civilian science, technology, engineering, and mathematics (STEM) entrants to the DoD. Additionally, the SMART Program develops and retains current DoD civilian STEM employees that are critical to the national security functions of the Department of Defense and are needed in the Department of Defense workforce. SMART awards scholarships, ranging from 1.5 to 5 years, to undergraduate and graduate level students pursuing a degree in one of 21 technical disciplines. Upon graduation, scholars fulfill a service commitment with the DoD facility that nominated the scholar for an award (the sponsoring facility, or SF). The information collection activity under review is a statutory and functional requirement necessary to administer the scholarship program.

SMART Application

Annual Burden Hours: 22,400.
Number of Respondents: 2,800.
Responses per Respondent: 1.
Annual Responses: 2,800.
Average Burden per Response: 8 hours.

SMART Service Agreement/Handbook Packages

Annual Burden Hours: 1,375.
Number of Respondents: 250.
Responses per Respondent: 1.
Annual Responses: 250.
Average Burden per Response: 5.5 hours.

DD–X784–7—SMART Phase 1 Annual Report

Annual Burden Hours: 3,400.
Number of Respondents: 850.
Responses per Respondent: 1.
Annual Responses: 850.
Average Burden per Response: 4 hours.

Award Change Requests

Annual Burden Hours: 102,000.
Number of Respondents: 850.
Responses per Respondent: 8.
Annual Responses: 6,800.
Average Burden per Response: 15 hours.

DD–X784–14—SMART Notice of Withdrawal

Annual Burden Hours: 50.
Number of Respondents: 50.
Responses per Respondent: 1.
Annual Responses: 50.
Average Burden per Response: 1 hour.
Affected Public: Individual and households.
Frequency: As required.
Total Annual Responses: 10,750.
Total Number of Respondents: 2,800 (a percentage of respondents complete one or multiple instruments).
Total Annual Burden Hours: 129,225.

Dated: May 17, 2019.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2019–10707 Filed 5–21–19; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Advisory Committee on Women in the Services; Notice of Federal Advisory Committee Meeting

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

ACTION: Notice of Federal Advisory Committee meeting.

SUMMARY: The Department of Defense (DoD) is publishing this notice to

announce that the following Federal Advisory Committee meeting of the Defense Advisory Committee on Women in the Services will take place.

DATES: Open to the public Tuesday, June 11, 2019 from 9:15 a.m. to 3:00 p.m.

ADDRESSES: The address of the open meeting is the Hilton Alexandria—Mark Center, 5000 Seminary Road, Alexandria, VA 22311.

FOR FURTHER INFORMATION CONTACT: Colonel Toya J. Davis, U.S. Army, (703) 697–2122 (Voice), 703–614–6233 (Facsimile), *toya.j.davis.mil@mail.mil* (Email). Mailing address is 4800 Mark Center Drive, Suite 04J25–01, Alexandria, VA 22350. Website: *http://dacowits.defense.gov.* The most up-to-date changes to the meeting agenda can be found on the website.

SUPPLEMENTARY INFORMATION: This meeting is being held under the provisions of the Federal Advisory Committee Act (FACA) of 1972 (5 U.S.C., Appendix, as amended), the Government in the Sunshine Act of 1976 (5 U.S.C. 552b, as amended), and 41 CFR 102–3.140 and 102–3.150.

Purpose of the Meeting: The purpose of the meeting is for the DACOWITS to receive information and briefings on the following topics: Findings from the Coast Guard's 2019 Improving Gender Diversity study; childcare resources and initiatives; and pregnancy and parenthood policies. Additionally, five new Committee members will be sworn in.

Agenda: Tuesday, June 11, 2019, from 9:15 a.m. to 3:00 p.m.—Welcome, Introductions, and Announcements; Request for Information Status Update; New Member Swearing-In Ceremony; Briefings and DACOWITS discussion on: Findings from USCG 2019 Gender Diversity Study; Childcare Resources and Initiatives; Pregnancy and Parenthood Polices; and a Public Comment period.

Meeting Accessibility: Pursuant to 5 U.S.C. 552b, as amended, and 41 CFR 102–3.140 through 102–3.165, this meeting is open to the public, subject to the availability of space.

Written Statements: Pursuant to 41 CFR 102–3.140, and section 10(a)(3) of the FACA, interested persons may submit a written statement to the DACOWITS. Individuals submitting a written statement must submit their statement no later than 5:00 p.m., Monday, June 3, 2019 to Mr. Robert Bowling (703) 697–2122 (Voice), 703–614–6233 (Facsimile), *osd.pentagon.ousd-p-r.mbx.dacowits@mail.mil* (Email). Mailing address is 4800 Mark Center Drive, Suite 04J25–01, Alexandria, VA 22350. If members of the public are interested in making an oral statement, a written statement should be submitted. If a statement is not received by Monday, June 3, 2019, prior to the meeting, which is the subject of this notice, then it may not be provided to or considered by the DACOWITS during this quarterly business meeting. After reviewing the written statements, the Chair and the DFO will determine if the requesting persons are permitted to make an oral presentation of their issue during an open portion of this meeting or at a future meeting. The DFO will review all timely submissions with the DACOWITS Chair and ensure they are provided to the members of the Committee.

Dated: May 16, 2019.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2019–10647 Filed 5–21–19; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DOD–2019–OS–0032]

Submission for OMB Review; Comment Request

AGENCY: Office of the General Counsel, DoD.

ACTION: 30-Day information collection notice.

SUMMARY: The Department of Defense has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act.

DATES: Consideration will be given to all comments received by June 21, 2019.

ADDRESSES: Comments and recommendations on the proposed information collection should be emailed to Ms. Jasmeet Seehra, DoD Desk Officer, at *oira_submission@omb.eop.gov.* Please identify the proposed information collection by DoD Desk Officer, Docket ID number, and title of the information collection.

FOR FURTHER INFORMATION CONTACT: Angela James, 571–372–7574, or *whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil.*

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Post Government Employment Advice Opinion Request; DD Form 2945; OMB Control Number 0704–0467.

Type of Request: Extension.

Number of Respondents: 250.

Responses per Respondent: 1.

Annual Responses: 250.

Average Burden per Response: 60 minutes.

Annual Burden Hours: 250.

Needs and Uses: The information collection requirement is necessary to obtain minimal information on which to base an opinion about post Government employment of select former and departing DoD employees seeking to work for Defense Contractors within two years after leaving DoD. The departing or former DoD employee uses the form to organize and provide employment-related information to an ethics official who will use the information to render an advisory opinion to the employee requesting the opinion. The National Defense Authorization Act for Fiscal Year 2008, Public Law 110–181, section 847, requires that select DoD officials and former DoD officials who, within two years after leaving DoD, expect to receive compensation from a DoD Contractor, shall, before accepting such compensation, request a written opinion regarding the applicability of post-employment restrictions to activities that the official or former official may undertake on behalf of a contractor.

Affected Public: Individuals or households.

Frequency: On occasion.

Respondent's Obligation: Voluntary.

OMB Desk Officer: Ms. Jasmeet Seehra.

You may also submit comments and recommendations, identified by Docket ID number and title, by the following method:

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

Instructions: All submissions received must include the agency name, Docket ID number, and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

DOD Clearance Officer: Ms. Angela James.

Requests for copies of the information collection proposal should be sent to Ms. James at *whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil.*

Dated: May 17, 2019.

Aaron T. Siegel,

Alternate OSD Federal Register, Liaison Officer, Department of Defense.

[FR Doc. 2019–10677 Filed 5–21–19; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DOD–2019–HA–0062]

Proposed Collection; Comment Request

AGENCY: Office of the Assistant Secretary of Defense for Health Affairs, DoD.

ACTION: Information collection notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995,* the Defense Health Agency announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; the accuracy of the agency's estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by July 22, 2019.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

Federal eRulemaking Portal: http://www.regulations.gov. Follow the instructions for submitting comments.

Mail: Department of Defense, Office of the Chief Management Officer, Directorate for Oversight and Compliance, 4800 Mark Center Drive, Mailbox #24, Suite 08D09, Alexandria, VA 22350–1700.

Instructions: All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to Defense Healthcare Management System Modernization (DHMSM), 1501 Wilson Blvd., Arlington, Virginia 22203, James A. Perkins—Assistant Program Manager DHMSM Program Management Office (PMO)—Business Operations; Telephone Number: (703) 588–5834.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: MHS GENESIS Patient Registration Module & Patient Portal; OMB Control Number 0720–XXXX.

Needs and Uses: The information collection requirement is necessary to provide and document medical care; determine eligibility for benefits and entitlements; adjudicate claims; determine whether a third party is responsible for the cost of MHS provided healthcare and recover that cost; and evaluate fitness for duty and medical concerns which may have resulted from an occupational or environmental hazard. Obtaining this information is essential for the Department of Defense (DoD) to provide medical care and recover costs.

Affected Public: Individuals or households.

Annual Burden Hours: 334,872.8.

Number of Respondents: 2,870,338.

Responses per Respondent: 1.

Annual Responses: 2,870,338.

Average Burden per Response: 7 minutes.

Frequency: As required.

Information is collected from a variety of sources. The primary source of information collection is when a patient comes into an MTF, and medical are generated during that medical encounter. Under certain circumstances information may be collected from a family member (*e.g.,* spouse, parent) or a co-worker/colleague (*e.g.,* wounded or injured on job) via interview. MHS GENESIS may also collect information from other DoD information systems by importing data from legacy DoD Electronic Health Record (EHR) systems, such as AHLTA and CHCS, through system-to-system interfaces that allow medical documents generated in other systems to be stored in MHS GENESIS, or accessible through MHS GENESIS.

Information collection takes place in patient interviews by a healthcare professional (in-person or via telephone) who inputs the information into the MHS GENESIS system. The healthcare professional collects information such as patient medical history, prescription drug information, allergies, reason for visit, and medical vitals. A healthcare provider also collects information from an examination or procedure for input into the system. Lab test and radiology results are also collected for input. Via in-person interviews, administrative information such as information related to billing, scheduling, and demographics is collected and input into the MHS GENESIS system.

Dated: May 17, 2019.

Aaron T. Siegel,

Alternate OSD Federal Register, Liaison Officer, Department of Defense.

[FR Doc. 2019–10696 Filed 5–21–19; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of the Navy

[Docket ID: USN–2019–HQ–0011]

Proposed Collection; Comment Request

AGENCY: Department of the Navy (DON), Department of Defense (DoD).

ACTION: Information collection notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995,* Program Executive Officer for Enterprise Information Systems (PEO EIS); Enterprise Systems and Services (PMW 250) announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; the accuracy of the agency's estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by July 22, 2019.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

Federal eRulemaking Portal: http://www.regulations.gov. Follow the instructions for submitting comments.

Mail: Department of Defense, Office of the Chief Management Officer, Directorate for Oversight and Compliance, 4800 Mark Center Drive, Mailbox #24, Suite 08D09, Alexandria, VA 22350–1700.

Instructions: All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at *http://*

www.regulations.gov as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to Program Executive Officer for Enterprise Information Systems (PEO EIS); Enterprise Systems and Services (PMW 250), 701 South Courthouse Road, Suite 1400, Arlington, VA 22204, Attn: Frank Sowa, 757–541–5850.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Risk Management Information (RMI) system; OPNAV 3750/16 Safety Investigation Report Enclosure (Promise of Confidentiality) Advice to Witness, OPNAV 5102/10 Advice to Witness, OPNAV 5102/11 Advice to Witness (Promise of Confidentiality); OMB Control Number 0703–0065.

Needs and Uses: The information collection requirement is necessary to collect information on injuries/fatalities, occupational illnesses required of Federal governmental agencies by the Occupational Safety and Health Administration (OSHA), and pertinent information for property damage occurring during DON operations. The data maintained in this system will be used for analytical purposes to improve the DON's accident prevention policies, procedures, standards and operations, as well as to ensure internal data quality assurance. The collection will also help to ensure that all individuals receive required safety, fire, security, force protection, and emergency management training courses necessary to perform assigned duties and comply with Federal, DoD, and DON related regulations.

Affected Public: Individuals and Household, Federal Government.

Annual Burden Hours: 37.5 Hours.

Number of Respondents: 25.

Responses per Respondent: 1.

Annual Responses: 25.

Average Burden per Response: 1.5 Hours.

Frequency: On Occasion.

Respondents are Federal contractors who are involved in an incident or mishap while performing duties in support of a DON contract, or while in/on a DON base, building, vessel, vehicle, or other facility; Military retirees and foreign nationals who are involved in an incident while in/on a DON base, building, vessel, vehicle, or other facility; Military dependents who are involved in an incident while in/on a DON base, building, vessel, vehicle, or other facility, or while accompanying their military sponsor.

Dated: May 16, 2019.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2019–10646 Filed 5–21–19; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF EDUCATION

Annual Updates to the Income Contingent Repayment (ICR) Plan Formula for 2019—William D. Ford Federal Direct Loan Program

AGENCY: Federal Student Aid, Department of Education.

ACTION: Notice.

SUMMARY: The Secretary announces the annual updates to the ICR plan formula for 2019 to give notice to borrowers and the public regarding how monthly ICR payment amounts will be calculated for the 2019–2020 year under the William D. Ford Federal Direct Loan (Direct Loan) Program, Catalog of Federal Domestic Assistance number 84.063.

DATES: The adjustments to the income percentage factors for the ICR plan formula contained in this notice are applicable from July 1, 2019, to June 30, 2020, for any borrower who enters the ICR plan or has his or her monthly payment amount recalculated under the ICR plan during that period.

FOR FURTHER INFORMATION CONTACT: Ian Foss, U.S. Department of Education, 830 First Street NE, Room 113H2, Washington, DC 20202. Telephone: (202) 377–3681. Email: *ian.foss@ed.gov.*

If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call the Federal Relay Service, toll free, at 1–800–877–8339.

SUPPLEMENTARY INFORMATION: Under the Direct Loan Program, borrowers may choose to repay their non-defaulted loans (Direct Subsidized Loans, Direct Unsubsidized Loans, Direct PLUS Loans made to graduate or professional students, and Direct Consolidation Loans) under the ICR plan. The ICR plan bases the borrower's repayment amount on the borrower's income, family size, loan amount, and the interest rate applicable to each of the borrower's loans.

ICR is one of several income-driven repayment plans. Other income-driven repayment plans include the Income-Based Repayment (IBR) plan, the Pay As You Earn Repayment (PAYE) plan, and the Revised Pay As You Earn Repayment (REPAYE) plan. The IBR, PAYE, and REPAYE plans provide lower payment amounts than the ICR plan for most borrowers.

A Direct Loan borrower who repays his or her loans under the ICR plan pays the lesser of: (1) The amount that he or she would pay over 12 years with fixed payments multiplied by an income percentage factor; or (2) 20 percent of discretionary income.

Each year, to reflect changes in inflation, we adjust the income percentage factor used to calculate a borrower's ICR payment, as required by 34 CFR 685.209(b)(1)(ii)(A). We use the adjusted income percentage factors to calculate a borrower's monthly ICR payment amount when the borrower initially applies for the ICR plan or when the borrower submits his or her annual income documentation, as required under the ICR plan. This notice contains the adjusted income percentage factors for 2019, examples of how the monthly payment amount in ICR is calculated, and charts showing sample repayment amounts based on the adjusted ICR plan formula. This information is included in the following three attachments:

- *Attachment 1—Income Percentage Factors for 2019*
- *Attachment 2—Examples of the Calculations of Monthly Repayment Amounts*
- *Attachment 3—Charts Showing Sample Repayment Amounts for Single and Married Borrowers*

In Attachment 1, to reflect changes in inflation, we updated the income percentage factors that were published in the **Federal Register** on August 2, 2018 (83 FR 37802). Specifically, we have revised the table of income percentage factors by changing the dollar amounts of the incomes shown by a percentage equal to the estimated percentage change between the not-seasonally-adjusted Consumer Price Index for all urban consumers for December 2018 and December 2019.

The income percentage factors reflected in Attachment 1 may cause a borrower's payments to be lower than they were in prior years, even if the borrower's income is the same as in the prior year. The revised repayment amount more accurately reflects the impact of inflation on the borrower's current ability to repay.

Accessible Format: Individuals with disabilities can obtain this document in an accessible format (*e.g.,* braille, large print, audiotape, or compact disc) on request to the contact person listed under **FOR FURTHER INFORMATION CONTACT**.

Electronic Access to This Document: The official version of this document is

the document published in the **Federal Register**. You may access the official edition of the **Federal Register** and the Code of Federal Regulations at *www.govinfo.gov.* At this site, you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Portable Document Format (PDF). To use PDF, you must have Adobe Acrobat Reader, which is available free at this site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at *www.federalregister.gov.* Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Program Authority: 20 U.S.C. 1087 *et seq.*

Mark A. Brown,

Chief Operating Officer, Federal Student Aid.

Attachment 1—Income Percentage Factors for 2019

INCOME PERCENTAGE FACTORS FOR 2019

Single		Married/head of household	
Income	% Factor	Income	% Factor
$12,147	55.00	$12,147	50.52
$16,714	57.79	$19,165	56.68
$21,506	60.57	$22,839	59.56
$26,407	66.23	$29,858	67.79
$31,087	71.89	$36,989	75.22
$36,989	80.33	$46,460	87.61
$46,460	88.77	$58,268	100.00
$58,269	100.00	$70,081	100.00
$70,081	100.00	$87,800	109.40
$84,229	111.80	$117,322	125.00
$107,852	123.50	$158,657	140.60
$152,755	141.20	$221,889	150.00
$175,147	150.00	$362,583	200.00
$311,967	200.00		

Attachment 2—Examples of the Calculations of Monthly Repayment Amounts

General notes about the examples in this attachment:

- We have a calculator that borrowers can use to estimate what their payment amounts would be under the ICR plan. The calculator is called the ''Repayment Estimator'' and is available at *StudentAid.gov/repayment-estimator.* Based on information inputted into the calculator by the borrower (for example, income, family size, and tax filing status), this calculator provides a detailed, individualized assessment of a borrower's loans and repayment plan options, including the ICR plan.
- The interest rates used in the examples are for illustration only. The actual interest rates on an individual borrower's Direct Loans depend on the loan type and when the postsecondary institution first disbursed the Direct Loan to the borrower.
- The Poverty Guideline amounts used in the examples are from the 2019 U.S. Department of Health and Human Services (HHS) Poverty Guidelines for the 48 contiguous States and the District of Columbia. Different Poverty Guidelines apply to residents of Alaska and Hawaii. The Poverty Guidelines for 2019 were published in the **Federal Register** on February 1, 2019 (84 FR 1167).
- All of the examples use an income percentage factor corresponding to an adjusted gross income (AGI) in the table in Attachment 1. If an AGI is not listed in the income percentage factors table in Attachment 1, the applicable income percentage can be calculated by following the instructions under the ''Interpolation'' heading later in this attachment.
- Married borrowers may repay their Direct Loans jointly under the ICR plan. If a married couple elects this option, we add the outstanding balance on the Direct Loans of each borrower and we add together both borrowers' AGIs to determine a joint ICR payment amount. We then prorate the joint payment amount for each borrower based on the proportion of that borrower's debt to the total outstanding balance. We bill each borrower separately.
- For example, if a married couple, John and Sally, has a total outstanding Direct Loan debt of $60,000, of which $40,000 belongs to John and $20,000 to Sally, we would apportion 67 percent of the monthly ICR payment to John and the remaining 33 percent to Sally. To take advantage of a joint ICR payment, married couples need not file taxes jointly; they may file separately and subsequently provide the other spouse's tax information to the borrower's Federal loan servicer.

Calculating the monthly payment amount using a standard amortization and a 12-year repayment period.

The formula to amortize a loan with a standard schedule (in which each payment is the same over the course of the repayment period) is as follows:

$$M = P \times <(I \div 12) \div [1 - \{1 + (I \div 12)\} \wedge - N]>$$

In the formula—

- M is the monthly payment amount;
- P is the outstanding principal balance of the loan at the time the calculation is performed;
- I is the annual interest rate on the loan, expressed as a decimal (for example, for a loan with an interest rate of 6 percent, 0.06); and
- N is the total number of months in the repayment period (for example, for a loan with a 12-year repayment period, 144 months).

For example, assume that Billy has a $10,000 Direct Unsubsidized Loan with an interest rate of 6 percent.

Step 1: To solve for M, first simplify the numerator of the fraction by which we multiply P, the outstanding principal balance. To do this divide I, the interest rate, as a decimal, by 12. In this example, Billy's interest rate is 6 percent. As a decimal, 6 percent is 0.06.

- $0.06 \div 12 = 0.005$

Step 2: Next, simplify the denominator of the fraction by which we multiply P. To do this divide I, the interest rate, as a decimal, by 12. Then, add one. Next, raise the sum of the two figures to the negative power that corresponds to the length of the repayment period in months. In this example, because we are amortizing a loan to calculate the monthly payment

amount under the ICR plan, the applicable figure is 12 years, which is 144 months. Finally, subtract the result from one.

- 0.06 ÷ 12 = 0.005
- 1 + 0.005 = 1.005
- 1.005 ^ −144 = 0.48762628
- 1 − 0.48762628 = 0.51237372

Step 3: Next, resolve the fraction by dividing the result from Step 1 by the result from Step 2.

- 0.005 ÷ 0.51237372 = 0.0097585

Step 4: Finally, solve for M, the monthly payment amount, by multiplying the outstanding principal balance of the loan by the result of Step 3.

- $10,000 × 0.0097585 = $97.59

The remainder of the examples in this attachment will only show the results of the formula.

Example 1. Brenda is single with no dependents and has $15,000 in Direct Subsidized and Unsubsidized Loans. The interest rate on Brenda's loans is 6 percent, and she has an AGI of $31,087.

Step 1: Determine the total monthly payment amount based on what Brenda would pay over 12 years using standard amortization. To do this, use the formula that precedes Example 1. In this example, the monthly payment amount would be $146.38.

Step 2: Multiply the result of Step 1 by the income percentage factor shown in the income percentage factors table (see Attachment 1 to this notice) that corresponds to Brenda's AGI. In this example, an AGI of $31,087 corresponds to an income percentage factor of 71.89 percent.

- 0.7189 × $146.38 = $105.23

Step 3: Determine 20 percent of Brenda's discretionary income and divide by 12 (discretionary income is AGI minus the HHS Poverty Guideline amount for a borrower's family size and State of residence). For Brenda, subtract the Poverty Guideline amount for a family of one from her AGI, multiply the result by 20 percent, and then divide by 12:

- $31,087 − $12,490 = $18,597
- $18,597 × 0.20 = $3,719.40
- $3,719.40 ÷ 12 = $309.95

Step 4: Compare the amount from Step 2 with the amount from Step 3. The lower of the two will be the monthly ICR payment amount. In this example, Brenda will be paying the amount calculated under Step 2 ($105.23).

Note: Brenda would have a lower payment under other income-driven repayment plans. Specifically, Brenda's payment would be $102.93 under the PAYE and REPAYE plans. However, Brenda's payment would be $154.40 under the IBR plan, which is higher than the payment she would have under the ICR plan.

Example 2. Joseph is married to Susan and has no dependents. They file their Federal income tax return jointly. Joseph has a Direct Loan balance of $10,000, and Susan has a Direct Loan balance of $15,000. The interest rate on all of the loans is 6 percent.

Joseph and Susan have a combined AGI of $87,800 and are repaying their loans jointly under the ICR plan (for general information regarding joint ICR payments for married couples, see the fifth and sixth bullets under the heading ''General notes about the examples in this attachment'').

Step 1: Add Joseph's and Susan's Direct Loan balances to determine their combined aggregate loan balance:

- $10,000 + $15,000 = $25,000

Step 2: Determine the combined monthly payment amount for Joseph and Susan based on what both borrowers would pay over 12 years using standard amortization. To do this, use the formula that precedes Example 1. In this example, the combined monthly payment amount would be $243.96.

Step 3: Multiply the result of Step 2 by the income percentage factor shown in the income percentage factors table (see Attachment 1 to this notice) that corresponds to Joseph and Susan's combined AGI. In this example, the combined AGI of $87,800 corresponds to an income percentage factor of 109.40 percent.

- 1.094 × $243.96 = $266.90

Step 4: Determine 20 percent of Joseph and Susan's combined discretionary income (discretionary income is AGI minus the HHS Poverty Guideline amount for a borrower's family size and State of residence). To do this, subtract the Poverty Guideline amount for a family of two from the combined AGI, multiply the result by 20 percent, and then divide by 12:

- $87,800 − $16,910 = $70,890
- $70,890 × 0.20 = $14,178.00
- $14,178.00 ÷ 12 = $1,181.50

Step 5: Compare the amount from Step 3 with the amount from Step 4. The lower of the two will be Joseph and Susan's joint monthly payment amount. Joseph and Susan will jointly pay the amount calculated under Step 3 ($266.90).

Note: For Joseph and Susan, the ICR plan provides the lowest monthly payment of all of the income-driven repayment plans. Joseph and Susan would not be eligible for the IBR or PAYE plans, and would have a combined monthly payment under the REPAYE plan of $520.29.

Step 6: Because Joseph and Susan are jointly repaying their Direct Loans under the ICR plan, the monthly payment amount calculated under Step 5 applies to both Joseph's and Susan's loans. To determine the amount for which each borrower will be responsible, prorate the amount calculated under Step 4 by each spouse's share of the combined Direct Loan debt. Joseph has a Direct Loan debt of $10,000 and Susan has a Direct Loan debt of $15,000. For Joseph, the monthly payment amount will be:

- $10,000 ÷ ($10,000 + $15,000) = 40 percent
- 0.40 × $266.90 = $106.76

For Susan, the monthly payment amount will be:

- $15,000 ÷ ($10,000 + $15,000) = 60 percent
- 0.60 × $266.90 = $160.14

Example 3. David is single with no dependents and has $60,000 in Direct Subsidized and Unsubsidized Loans. The interest rate on all of the loans is 6 percent, and David's AGI is $36,989.

Step 1: Determine the total monthly payment amount based on what David would pay over 12 years using standard amortization. To do this, use the formula that precedes Example 1. In this example, the monthly payment amount would be $585.51.

Step 2: Multiply the result of Step 1 by the income percentage factor shown in the income percentage factors table (see Attachment 1 to this notice) that corresponds to David's AGI. In this example, an AGI of $36,989 corresponds to an income percentage factor of 80.33 percent.

- 0.8033 × $585.51 = $470.34

Step 3: Determine 20 percent of David's discretionary income and divide by 12 (discretionary income is AGI minus the HHS Poverty Guideline amount for a borrower's family size and State of residence). To do this, subtract the Poverty Guideline amount for a family of one from David's AGI, multiply the result by 20 percent, and then divide by 12:

- $36,989 − $12,490 = $24,499.00
- $24,499 × 0.20 = $4,899.80
- $4,899.90 ÷ 12 = $408.32

Step 4: Compare the amount from Step 2 with the amount from Step 3. The lower of the two will be David's monthly payment amount. In this example, David will be paying the amount calculated under Step 3 ($408.32).

Note: David would have a lower payment under each of the other income-driven plans. Specifically, David's payment would be $152.12 under the PAYE and REPAYE plans and $228.18 under the IBR plan.

Interpolation. If an income is not included on the income percentage factor table, calculate the income percentage factor through linear interpolation. For example, assume that Joan is single with an income of $50,000.

Step 1: Find the closest income listed that is less than Joan's income of $50,000 ($46,460) and the closest income listed that is greater than Joan's income of $50,000 ($58,269).

Step 2: Subtract the lower amount from the higher amount (for this discussion we will call the result the ''income interval''):

- $58,269 − $46,460 = $11,809

Step 3: Determine the difference between the two income percentage factors that correspond to the incomes used in Step 2 (for this discussion, we will call the result the ''income percentage factor interval''):

- 100.00 percent − 88.77 percent = 11.23 percent

Step 4: Subtract from Joan's income the closest income shown on the chart that is less than Joan's income of $50,000:

- $50,000 − $46,460 = $3,540

Step 5: Divide the result of Step 4 by the income interval determined in Step 2:

- $3,540 ÷ $11,809 = 29.98 percent

Step 6: Multiply the result of Step 5 by the income percentage factor interval:

- 11.23 percent × 29.98 percent = 3.37 percent

Step 7: Add the result of Step 6 to the lower of the two income percentage factors used in Step 3 to calculate the income percentage factor interval for $50,000 in income:

- 3.37 percent + 88.77 percent = 92.14 percent (rounded to the nearest hundredth)

The result is the income percentage factor that we will use to calculate Joan's monthly repayment amount under the ICR plan.

Attachment 3—Charts Showing Sample Income-Driven Repayment Amounts for Single and Married Borrowers

Below are two charts that provide first-year payment amount estimates for a variety of loan debt sizes and incomes under all of the income-driven repayment plans and the 10-Year Standard Repayment Plan. The first chart is for single borrowers who have a family size of one. The second chart is for a borrower who is married or a head of household and who has a family size of three. The calculations in Attachment 3 assume that the loan debt has an interest rate of 6 percent. For married borrowers, the calculations assume that the borrower files a joint Federal income tax return with his or her spouse and that the borrower's spouse does not have Federal student loans. A field with a ''-'' character indicates that the borrower in the example would not be eligible to enter the applicable income-driven repayment plan based on the borrower's income, loan debt, and family size.

SAMPLE FIRST-YEAR MONTHLY REPAYMENT AMOUNTS FOR A SINGLE BORROWER

Family Size = 1							
	Income	Plan	$20,000	$40,000	$60,000	$80,000	$100,000
Initial Debt	$20,000	ICR	$117	$162	$195	$211	$233
		IBR	16	...	...	...	...
		PAYE	11	177	...	...	...
		REPAYE	11	177	344	511	677
		10-Year Standard	222	222	222	222	222
	40,000	ICR	125	324	344	423	472
		IBR	16	266	...	...	...
		PAYE	11	177	344	...	...
		REPAYE	11	177	344	511	682
		10-Year Standard	444	444	444	444	444
	60,000	ICR	125	459	586	634	700
		IBR	16	266	516	...	...
		PAYE	11	177	344	511	...
		REPAYE	11	177	344	511	677
		10-Year Standard	666	666	666	666	666
	80,000	ICR	125	459	781	845	934
		IBR	16	266	516	766	...
		PAYE	11	177	344	511	677
		REPAYE	11	177	344	511	677
		10-Year Standard	888	888	888	888	888
	100,000	ICR	125	459	792	1,057	1,167
		IBR	16	266	516	766	1,016
		PAYE	11	177	344	511	677
		REPAYE	11	177	344	511	677
		10-Year Standard	1,110	1,110	1,110	1,110	1,110

SAMPLE FIRST-YEAR MONTHLY REPAYMENT AMOUNTS FOR A MARRIED OR HEAD-OF-HOUSEHOLD BORROWER

Family Size = 3							
	Income	Plan	$20,000	$40,000	$60,000	$80,000	$100,000
Initial Debt	$20,000	ICR	$0	$154	$195	$205	$226
		IBR	0	100	...	...	...
		PAYE	0	67	...	...	...
		REPAYE	0	67	233	400	567
		10-Year Standard	222	222	222	222	222
	40,000	ICR	0	309	390	15	457

SAMPLE FIRST-YEAR MONTHLY REPAYMENT AMOUNTS FOR A MARRIED OR HEAD-OF-HOUSEHOLD BORROWER—Continued

Family Size = 3							
	Income	Plan	$20,000	$40,000	$60,000	$80,000	$100,000
		IBR	0	100	350	.....	.....
		PAYE	0	67	233	400	.....
		REPAYE	0	67	233	400	574
		10-Year Standard	444	444	444	444	444
	60,000	ICR	0	320	586	622	686
		IBR	0	100	350	600	.....
		PAYE	0	67	233	400	574
		REPAYE	0	67	233	400	574
		10-Year Standard	666	666	666	666	666
	80,000	ICR	0	311	645	822	904
		IBR	0	100	350	600	850
		PAYE	0	67	233	400	567
		REPAYE	0	67	233	400	567
		10-Year Standard	888	888	888	888	888
	100,000	ICR	0	311	645	978	1,131
		IBR	0	100	350	600	850
		PAYE	0	67	233	400	567
		REPAYE	0	67	233	400	567
		10-Year Standard	1,110	1,110	1,110	1,110	1,110

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DEPARTMENT OF EDUCATION

Applications for New Awards; Personnel Development To Improve Services and Results for Children With Disabilities—Preparation of Special Education, Early Intervention, and Related Services Leadership Personnel

AGENCY: Office of Special Education and Rehabilitative Services, Department of Education.

ACTION: Notice.

SUMMARY: The mission of the Office of Special Education and Rehabilitative Services (OSERS) is to improve early childhood, educational, and employment outcomes and raise expectations for all people with disabilities, their families, their communities, and the Nation. As such, the Department of Education (Department) is issuing a notice inviting applications for new awards for fiscal year (FY) 2019 for Personnel Development to Improve Services and Results for Children with Disabilities—Preparation of Special Education, Early Intervention, and Related Services Leadership Personnel, Catalog of Federal Domestic Assistance (CFDA) number 84.325D. This notice relates to the approved information collection under OMB control number 1820–0028.

Applications Available: May 22, 2019.

Deadline for Transmittal of Applications: July 8, 2019.

Pre-Application Webinar Information: No later than May 28, 2019, OSERS will post pre-recorded informational webinars designed to provide technical assistance to interested applicants. The webinars may be found at *www2.ed.gov/fund/grant/apply/osep/new-osep-grants.html.*

Pre-Application Q & A Blog: No later than May 28, 2019, OSERS will open a blog where interested applicants may post questions about the application requirements for this competition and where OSERS will post answers to the questions received. OSERS will not respond to questions unrelated to the application requirements for this competition. The blog may be found at *www2.ed.gov/fund/grant/apply/osep/new-osep-grants.html* and will remain open until June 10, 2019. After the blog closes, applicants should direct questions to the person listed under **FOR FURTHER INFORMATION CONTACT**.

Deadline for Intergovernmental Review: September 4, 2019

ADDRESSES: For the addresses for obtaining and submitting an application, please refer to our Common Instructions for Applicants to Department of Education Discretionary Grant Programs, published in the **Federal Register** on February 13, 2019 (84 FR 3768), and available at *www.govinfo.gov/content/pkg/FR-2019-02-13/pdf/2019-02206.pdf.*

FOR FURTHER INFORMATION CONTACT: Celia Rosenquist, U.S. Department of Education, 400 Maryland Avenue SW, Room 5158, Potomac Center Plaza, Washington, DC 20202–5076. Telephone: (202) 245–7373. Email: *Celia.Rosenquist@ed.gov.*

If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call the Federal Relay Service (FRS), toll free, at 1–800–877–8339.

SUPPLEMENTARY INFORMATION:

Full Text of Announcement

I. Funding Opportunity Description

Purpose of Program: The purposes of this program are to (1) help address State-identified needs for personnel preparation in special education, early intervention, related services, and regular education to work with children, including infants and toddlers, with disabilities; and (2) ensure that those personnel have the necessary skills and knowledge, derived from practices that have been determined through scientifically based research and experience, to be successful in serving those children.

Priorities: This competition includes two absolute priorities and three competitive preference priorities. In accordance with 34 CFR 75.105(b)(2)(v), the absolute priorities and competitive preference priorities are from allowable activities specified in the statute (see sections 662 and 681 of the Individuals with Disabilities Education Act (IDEA); 20 U.S.C. 1462 and 1481).

Absolute Priorities: For FY 2019 and any subsequent year in which we make awards from the list of unfunded applications from this competition, these priorities are absolute priorities. Under 34 CFR 75.105(c)(3), we consider only applications that meet either

Absolute Priority 1 or Absolute Priority 2. Applicants may apply under both absolute priorities but must submit separate applications.

These priorities are:

Absolute Priority 1— Preparation of Special Education, Early Intervention, and Related Services Faculty.

Background: The purpose of this priority is to support existing doctoral degree programs that prepare special education, early intervention, and related services personnel who are well-qualified for, and can act effectively in, leadership positions as researchers and preparers of special education, early intervention, and related services personnel in institutions of higher education (IHEs). This priority is consistent with Supplemental Priority 2—Promoting Innovation and Efficiency, Streamlining Education with an Increased Focus on Improving Student Outcomes, and Providing Increased Value to Students and Taxpayers; Supplemental Priority 5—Meeting the Unique Needs of Students and Children With Disabilities and/or Those with Unique Gifts and Talents; and Supplemental Priority 8—Promoting Effective Instruction in Classrooms and Schools.

There is a well-documented need for leadership personnel to fill faculty positions within IHEs in special education, early intervention, and related services (Castillo, Curtis, & Tan, 2014; Montrosse & Young, 2012; Robb, Smith, & Montrosse, 2012; Smith, Montrosse, Robb, Tyler, & Young, 2011; Smith, Robb, West, & Tyler, 2010; Woods & Snyder, 2009). These leaders conduct research to increase the knowledge of effective interventions and services for children, including infants and toddlers, and youth with disabilities. These leaders also teach practices supported by evidence to future special education, early intervention, related services, and regular education professionals who will work in a variety of educational settings and provide services directly to these children (deBettencourt, Hoover, Rude, & Taylor, 2016; Robb et al., 2012; Smith et al., 2010; West & Hardman, 2012). Shortages in these leadership positions limit the field's capacity to generate new knowledge of effective interventions and to prepare future professionals to improve outcomes for children with disabilities (Smith et al., 2011).

Leadership personnel in IHEs play an essential role in promoting high expectations for each child with a disability and provide, or prepare others to provide, effective interventions and services that improve outcomes for children, including infants, toddlers, and youth with disabilities. Critical competencies for special education, early intervention, and related services faculty vary depending on the type and the requirements of the preparation program but can include, for example, skills needed for postsecondary instruction, research, administration, policy development, professional practice, the use of technologies to support teaching and student learning, and leadership. However, all leadership personnel need to promote high expectations and have current knowledge of effective interventions and services that improve outcomes for children with disabilities, including high-need children with disabilities. This knowledge should be applicable to children served in a variety of educational settings (*e.g.,* urban or rural public schools, including charter schools, or urban or rural private schools) or early childhood and early intervention settings (*e.g.,* home, community-based, Early Head Start and Head Start, child care, or public and private preschools). The interventions and services must include those that improve early childhood, educational, and employment outcomes.

Priority: The purpose of this priority is to support existing doctoral degree programs that prepare special education, early intervention, and related services personnel at the doctoral degree level who are well qualified for, and can act effectively in, faculty positions in IHEs as researchers and preparers of personnel.

This priority will provide support to help address identified needs for personnel with the knowledge and skills to establish and meet high expectations for each child with a disability. Programs must culminate in a doctoral degree, which may include a Doctor of Education (Ed.D.) degree. To be considered for funding under this absolute priority, program applicants must meet the application requirements contained in the priority. All projects funded under this absolute priority also must meet the programmatic and administrative requirements specified in the priority.

Note: Preparation programs that lead to clinical doctoral degrees in related services (*e.g.,* a Doctor of Audiology degree or Doctor of Physical Therapy degree) are not included in this priority. These types of preparation programs are eligible to apply for funding under the Personnel Preparation in Special Education, Early Intervention, and Related Services priority (CFDA 84.325K) that the Office of Special Education Programs (OSEP) intends to fund in FY 2019.

Note: Applicants must demonstrate matching support for the proposed project at 10 percent of the total amount of the grant as specified in paragraph (d)(10) of the requirements of this priority for an application to be reviewed and be considered eligible to receive an award.

To meet the requirements of this priority, an applicant must—

(a) Demonstrate, in the narrative section of the application under ''Significance,'' how—

(1) The project addresses the need for leadership personnel to promote high expectations and provide, or prepare others to provide, effective interventions and services that improve outcomes for children with disabilities, including high-need children with disabilities.[1] To address this requirement, the applicant must present—

(i) Appropriate and applicable data (*e.g.,* national, State) demonstrating the need for the leadership personnel the applicant proposes to prepare; and

(ii) Data demonstrating the success of the doctoral program to date in producing faculty in special education, early intervention, or related services, such as: The professional accomplishments of program graduates (*e.g.,* public service, awards, or publications) that demonstrate their leadership in special education, early intervention, or related services; the average amount of time it takes for program graduates to complete the program; the number of program graduates; and the percentage of program graduates finding employment directly related to their preparation; and

Note: Data on the success of a doctoral program should be no older than five years prior to the start date of the project proposed in the application. When reporting percentages, the denominator (*i.e.,* the total number of scholars or program graduates) must be provided.

(2) Scholar competencies to be acquired in the program relate to knowledge and skills needed by the leadership personnel the applicant proposes to prepare. To address this requirement, the applicant must—

(i) Identify the competencies needed by leadership personnel in order to provide, or prepare others to provide,

[1] For purposes of this priority, ''high-need children with disabilities'' refers to children or students (ages birth through 21, depending on the State) who are eligible for services under IDEA, and who may be at risk of educational failure or otherwise in need of special assistance or support because they: (1) Are living in poverty, (2) are English learners, (3) are academically far below grade level, (4) have left school before receiving a regular high school diploma, (5) are at risk of not graduating with a regular high school diploma on time, (6) are homeless, (7) are in foster care, or (8) have been incarcerated.

effective interventions and services that improve outcomes for children with disabilities, including high-need children with disabilities; and

(ii) Provide the conceptual framework of the leadership preparation program, including any empirical support, that will promote the acquisition of the identified competencies needed by leadership personnel.

(b) Demonstrate, in the narrative section of the application under ''Quality of project services,'' how—

(1) The applicant will recruit and support high-quality scholars.[2] The narrative must describe—

(i) The selection criteria the applicant will use to identify high-quality applicants for admission in the program;

(ii) The recruitment strategies the applicant will use to attract high-quality applicants and any specific recruitment strategies targeting high-quality applicants from groups that are underrepresented in the profession, including individuals with disabilities; and

(iii) The approach the applicant will use to help all scholars, including individuals with disabilities, complete the program; and

(2) The project is designed to promote the acquisition of the competencies needed by leadership personnel to promote high expectations and provide, or prepare others to provide, effective interventions and services that improve outcomes for children with disabilities, including high-need children with disabilities. To address this requirement, the applicant must—

(i) Describe how the components of the project, such as coursework, internship experiences, research requirements, and other opportunities provided to scholars will enable the scholars to acquire the competencies needed by leadership personnel the applicant proposes to prepare;

(ii) Describe how the components of the project are integrated in order to support the acquisition and enhancement of the identified competencies needed by leadership personnel the applicant proposes to prepare;

(iii) Describe how the components of the project prepare scholars to promote high expectations and to provide, or prepare others to provide, effective interventions and services that improve outcomes for children with disabilities, including high-need children with disabilities, in a variety of educational or early childhood and early intervention settings;

(iv) Demonstrate, through a letter of support from a public, non-traditional public, parochial, or private partnering agency, school, or program, that it will provide scholars with a high-quality internship experience in a high-need LEA,[3] a high-poverty school,[4] a school implementing a comprehensive support and improvement plan,[5] a school implementing a targeted support and improvement plan[6] for children with disabilities, an SEA, an early childhood and early intervention program located within the geographical boundaries of a high-need LEA, or an early childhood and early intervention program located within the geographical boundaries of an LEA serving the highest percentage of schools identified for comprehensive support and improvement or implementing targeted support and improvement plans in the State;

(v) Describe how the project will partner with diverse stakeholders to inform project components;

(vi) Describe how the project will use resources, as appropriate, available through technical assistance centers, which may include centers funded by the Department;

(vii) Describe the approach that faculty members will use to mentor or otherwise support scholars with the goal of helping them acquire competencies needed by leadership personnel and advancing their careers in special education, early intervention, or related services; and

(viii) Describe how the components of the project will promote the acquisition of scholars' critical leadership skills, including communication, networking, and collaboration.

(c) Demonstrate, in the narrative section of the application under ''Quality of the project evaluation,'' how the applicant will—

(1) Evaluate how well the goals or objectives of the proposed leadership project have been met. The applicant must describe the outcomes to be measured for both the project and the scholars, particularly the acquisition of scholars' competencies; and the evaluation methodologies to be employed, including proposed instruments, data collection methods, and possible analyses;

(2) Collect, analyze, and use data on current scholars and scholars who graduate from the program to improve the proposed program on an ongoing basis; and

(3) Report the evaluation results to OSEP in the applicant's annual and final performance reports.

(d) Demonstrate, in the narrative under ''Required Project Assurances'' or appendices as directed, that the following program requirements are met. The applicant must—

(1) Include in appendix B of the application—

(i) Course syllabi for all coursework in the major and any required coursework for a minor;

(ii) Course syllabi for all research methods, evaluation methods, or data analysis courses required by the degree program and elective research methods, evaluation methods, or data analysis courses that have been completed by more than one scholar enrolled in the program in the last five years; and

(iii) For new coursework, proposed syllabi;

(2) Ensure that the proposed number of scholars to be recruited into the program can graduate from the program by the end of the project period. The described scholar recruitment strategies, including recruitment of individuals with disabilities, the program components and their sequence, and proposed budget must be consistent with this requirement;

(3) Ensure scholars will not be selected based on race or national origin/ethnicity. Per the Supreme

[2] For the purposes of this priority, ''scholar'' is limited to an individual who (a) is pursuing a doctoral degree related to special education, early intervention, or related services; (b) receives scholarship assistance as authorized under section 662 of IDEA (34 CFR 304.3(g)); and (c) will be able to be employed in a position that serves children with disabilities for either 51 percent of their time or case load. See *https://pdp.ed.gov/OSEP/Home/Regulation* for more information.

[3] For the purposes of this priority, ''high-need LEA'' means an LEA (a) that serves not fewer than 10,000 children from families with incomes below the poverty line; or (b) for which not less than 20 percent of the children served by the LEA are from families with incomes below the poverty line.

[4] For the purposes of this priority, ''high-poverty school'' means a school in which at least 50 percent of students are from low-income families as determined using one of the measures of poverty specified under section 1113(a)(5) of the Elementary and Secondary Education Act of 1965, as amended (ESEA). For middle and high schools, eligibility may be calculated on the basis of comparable data from feeder schools. Eligibility as a high-poverty school is determined on the basis of the most currently available data.

[5] For the purposes of this priority, a ''school implementing a comprehensive support and improvement plan'' is a school identified for comprehensive support and improvement by the State under section 1111(c)(4)(D) of the ESEA that includes (a) not less than the lowest-performing five percent of all schools receiving funds under Title I, Part A of the ESEA; (b) all public high schools in the State failing to graduate one-third or more of their students; and (c) public schools in the State described under section 1111(d)(3)(A)(i)(II) of the ESEA.

[6] For the purposes of this priority, a ''school implementing a targeted support and improvement plan'' means a school identified for targeted support and improvement by a State that has developed and is implementing a school-level targeted support and improvement plan to improve student outcomes based on the indicators in the statewide accountability system as defined in section 1111(d)(2) of the ESEA.

Court's decision in *Adarand Constructors, Inc.* v. *Pena,* 515 U.S. 200 (1995), the Department does not allow the selection of individuals on the basis of race or national origin/ethnicity. For this reason, grantees must ensure that any discussion of the recruitment of scholars based on race or national origin/ethnicity distinguishes between increasing the pool of applicants and actually selecting scholars;

(4) Ensure that the project will meet the requirements in 34 CFR 304.23, particularly those related to (a) informing all scholarship recipients of their service obligation commitment; and (b) disbursing scholarships. Failure by a grantee to properly meet these requirements is a violation of the grant award that may result in sanctions, including the grantee being liable for returning any misused funds to the Department;

(5) Ensure that prior approval from the OSEP project officer will be obtained before admitting additional scholars beyond the number of scholars proposed in the application and before transferring a scholar to another preparation program funded by OSEP;

(6) Ensure that the project will meet the statutory requirements in section 662(e) through (h) of IDEA;

(7) Ensure that at least 65 percent of the total budget over the project period will be used for scholar support;

(8) Ensure that the IHE will not require scholars enrolled in the program to work (*e.g.,* as graduate assistants) as a condition of receiving support (*e.g.,* tuition, stipends) from the proposed project, unless the work is specifically related to the acquisition of scholars' competencies or the requirements for completion of their personnel preparation program. This prohibition on work as a condition of receiving support does not apply to the service obligation requirements in section 662(h) of IDEA;

(9) Ensure that the project will be operated in a manner consistent with nondiscrimination requirements contained in the U.S. Constitution and the Federal civil rights laws;

(10) Demonstrate, in the budget information (ED Form 524, Section B) and budget narrative, matching support for the proposed project at 10 percent of the total amount of the grant. Applicants must propose the amount of cash or in-kind resources;

Note: Under 34 CFR 75.562, educational training grants under this program have an 8 percent limit on indirect costs. The difference between a grantee's negotiated indirect cost rate and the 8 percent limit cannot be used to meet this requirement.

Matching support can be either cash or in-kind donations. Under 2 CFR 200.306, a cash expenditure or outlay of cash with respect to the matching budget by the grantee is considered a cash contribution. Certain cash contributions that the organization normally considers an indirect cost should not be counted as a direct cost for the purposes of meeting matching support. Unrecovered indirect costs cannot be used to meet the non-Federal matching support. Under 2 CFR 200.434, third-party in-kind contributions are services or property (*e.g.,* land, buildings, equipment, materials, supplies) that are contributed by a non-Federal third party at no charge to the grantee.

(11) Ensure that the budget includes attendance by the project director at a three-day project directors' meeting in Washington, DC, during each year of the project. The budget may also provide for the attendance of scholars at the same three-day project directors' meetings in Washington, DC;

(12) Ensure that the project director, key personnel, and scholars will actively participate in the cross-project collaboration, advanced trainings, and cross-site learning opportunities (*e.g.,* webinars, briefings) supported by OSEP. This network is intended to promote opportunities for participants to share resources and generate new knowledge by addressing topics of common interest to participants across projects including Department priorities and needs in the field;

(13) Ensure that if the project maintains a website, that it will be of high quality, with an easy-to-navigate design, that meets government or industry-recognized standards for accessibility;

(14) Ensure that annual progress toward meeting project goals is posted on the project website;

(15) Ensure that scholar accomplishments (*e.g.,* public service, awards, publications) will be reported in annual and final performance reports; and

(16) Ensure that annual data will be submitted on each scholar who receives grant support (OMB Control Number 1820–0686). The primary purposes of the data collection are to track the service obligation fulfillment of scholars who receive funds from OSEP grants and to collect data for program performance measure reporting under the Government Performance and Results Act of 1993 (GPRA). Applicants are encouraged to visit the Personnel Development Program Data Collection System (DCS) website at *https://pdp.ed.gov/osep* for further information about this data collection requirement. Typically, data collection begins in January of each year, and grantees are notified by email about the data collection period for their grant, although grantees may submit data as needed, year-round. This data collection must be submitted electronically by the grantee and does not supplant the annual grant performance report required of each grantee for continuation funding (see 34 CFR 75.590). Data collection includes the submission of a signed, completed Pre-Scholarship Agreement and Exit Certification for each scholar funded under an OSEP grant (see paragraph (4) of this section).

Absolute Priority 2—Preparation of Special Education and Early Intervention Administrators.

Background: The purpose of this priority is to support existing doctoral degree programs that prepare special education or early intervention personnel who are well-qualified for, and can act effectively in, leadership positions in traditional and non-traditional public school systems, such as State educational agencies (SEAs), charter management organizations (CMOs), charter school authorizers, lead agencies (LAs), local educational agencies (LEAs), private school networks, parochial schools, early intervention services programs (EIS programs), or schools. This priority is consistent with Supplemental Priority 2—Promoting Innovation and Efficiency, Streamlining Education with an Increased Focus on Improving Student Outcomes, and Providing Increased Value to Students and Taxpayers; Supplemental Priority 5—Meeting the Unique Needs of Students and Children With Disabilities and/or Those with Unique Gifts and Talents; and Supplemental Priority 8—Promoting Effective Instruction in Classrooms and Schools.

Shortages of leadership personnel at State and local agencies to fill special education and early intervention administrator positions have been noted (Bellamy & Iwaszuk, 2017; Billingsley, Crockett, & Kamman, 2014). The turnover rate for leaders in State and local agencies has also increased substantially over the past decade, which impacts the ongoing efforts at the State and local levels to improve educational practices (NCSI, 2018a; NCSI, 2018b). These administrators supervise and evaluate the implementation of instructional programs to make sure that State or local agencies are meeting the needs of children with disabilities. Administrators also ensure that schools and programs meet Federal, State, and local requirements for special education, early intervention, and related services (Billingsley et al., 2014;

Bruns, LaRocca, Sharp, & Sopko, 2017; Boscardin & Lashley, 2018).

Special education and early intervention administrators play an essential role in promoting high expectations for each child with a disability and supervising the provision of effective interventions and services that improve outcomes for children, including infants, toddlers, and youth with disabilities. Critical competencies for special education or early intervention administrators vary depending on the type of leadership personnel and the requirements of the preparation program but can include, for example, skills needed for implementing special education policies and laws, administration and supervision, organizational and system change, program planning and implementation, evaluation of educational programs, technology implementation, and collaboration with stakeholders (Boscardin & Lashley, 2018; Bruns et al., 2017). However, all leadership personnel need to promote high expectations and have current knowledge of effective interventions and services that improve outcomes for children with disabilities, including high-need children with disabilities. This knowledge should be applicable to children served in a variety of educational settings (*e.g.,* urban or rural public schools, including charter schools, or urban or rural private schools) or early childhood and early intervention settings (*e.g.,* home, community-based, Early Head Start and Head Start, child care, or public and private preschools). The interventions and services must include those that improve early childhood, educational, and employment outcomes.

Priority: The purpose of this priority is to support existing doctoral degree programs that prepare special education or early intervention personnel to work as administrators in traditional and non-traditional public school systems such as SEAs, CMOs, charter school authorizers, LAs, LEAs, private school networks, parochial schools, EIS programs, or schools in positions such as SEA special education administrators, LEA or regional special education directors, school-based special education directors, preschool coordinators, and early intervention coordinators.

This priority will provide support to help address identified needs for personnel with the knowledge and skills to establish and meet high expectations for each child with a disability. Doctoral programs in educational administration that include a focus on special education are eligible under this priority. Programs must culminate in a doctoral degree, which may include a Doctor of Education (Ed.D.) degree. The preparation of school principals is not included under this priority. Under this priority, applicants may propose projects that enroll scholars who are concurrently employed (*e.g.,* as special education teachers) while enrolled in the program. To be considered for funding under this absolute priority, all applicants must meet all of the application requirements contained in the priority. All projects funded under this absolute priority also must meet all of the programmatic and administrative requirements specified in the priority.

To meet the requirements of this priority, an applicant must—

(a) Demonstrate, in the narrative section of the application under ''Significance,'' how—

(1) The project addresses the need for leadership personnel to promote high expectations and supervise the provision of effective interventions and services that improve outcomes for children with disabilities, including high-need children with disabilities.[7] To address this requirement, the applicant must present—

(i) Appropriate and applicable data (*e.g.,* State, region, district, local) demonstrating the need for the special education or early intervention administrators the applicant proposes to prepare; and

(ii) Data demonstrating the success of the doctoral program to date in producing special education or early intervention administrators, such as: The professional accomplishments of program graduates (*e.g.,* public service, awards) that demonstrate their leadership in special education or early intervention; the average amount of time it takes for program graduates to complete the program; the number of program graduates; and the percentage of program graduates finding employment directly related to their preparation; and

Note: Data on the success of a doctoral program should be no older than five years prior to the start date of the project proposed in the application. When reporting percentages, the denominator (*i.e.,* the total number of scholars or program graduates) must be provided.

(2) Scholar competencies to be acquired in the program relate to knowledge and skills needed by the leadership personnel the applicant proposes to prepare. To address this requirement, the applicant must—

(i) Identify the competencies needed by leadership personnel to supervise the provision of effective interventions and services that improve outcomes for children with disabilities, including high-need children with disabilities; and

(ii) Provide the conceptual framework of the leadership preparation program, including any empirical support, that will promote the acquisition of the identified competencies needed by leadership personnel.

(b) Demonstrate, in the narrative section of the application under ''Quality of project services,'' how—

(1) The applicant will recruit and support high-quality scholars.[8] The narrative must describe—

(i) The selection criteria the applicant will use to identify high-quality applicants for admission in the program;

(ii) The recruitment strategies the applicant will use to attract high-quality applicants and any specific recruitment strategies targeting high-quality applicants from groups that are underrepresented in the profession, including individuals with disabilities; and

(iii) The approach the applicant will use to help all scholars, including individuals with disabilities, complete the program; and

(2) The project is designed to promote the acquisition of the competencies needed by leadership personnel to promote high expectations and supervise the provision of effective interventions and services that improve outcomes for children with disabilities, including high-need children with disabilities. To address this requirement, the applicant must—

(i) Describe how the components of the project, such as coursework, work-based experiences aligned with project components (*e.g.,* internships, current employment), program evaluation, and other opportunities provided to scholars, will enable the scholars to

[7] For purposes of this priority, ''high-need children with disabilities'' refers to children or students (ages birth through 21, depending on the State) who are eligible for services under IDEA, and who may be at risk of educational failure or otherwise in need of special assistance or support because they: (1) Are living in poverty, (2) are English learners, (3) are academically far below grade level, (4) have left school before receiving a regular high school diploma, (5) are at risk of not graduating with a regular high school diploma on time, (6) are homeless, (7) are in foster care, or (8) have been incarcerated.

[8] For the purposes of this priority, ''scholar'' is limited to an individual who (a) is pursuing a doctoral degree related to special education, early intervention, or related services; (b) receives scholarship assistance as authorized under section 662 of IDEA (34 CFR 304.3(g)); and (c) will be able to be employed in a position that serves children with disabilities for either 51 percent of their time or case load. See *https://pdp.ed.gov/OSEP/Home/Regulation* for more information.

acquire the competencies needed by leadership personnel the applicant proposes to prepare;

(ii) Describe how the components of the project are integrated in order to support the acquisition and enhancement of the identified competencies needed by leadership personnel the applicant proposes to prepare;

(iii) Describe how the components of the project prepare scholars to promote high expectations and to supervise the provision of effective interventions and services that improve outcomes for children with disabilities, including high-need children with disabilities, in a variety of educational or early childhood and early intervention settings;

(iv) Demonstrate, through a letter of support from a public, non-traditional public, parochial, or private partnering agency, school, or program, that it will provide scholars with a high-quality internship experience in a high-need LEA,[9] a high-poverty school,[10] a school implementing a comprehensive support and improvement plan,[11] a school implementing a targeted support and improvement plan [12] for children with disabilities, an SEA, an early childhood and early intervention program located within the geographical boundaries of a high-need LEA, or an early childhood and early intervention program located within the geographical boundaries of an LEA serving the highest percentage of schools identified for comprehensive support and improvement or implementing targeted support and improvement plans in the State;

(v) Describe how the project will partner with diverse stakeholders to inform project components;

(vi) Describe how the project will use resources, as appropriate, available through technical assistance centers, which may include centers funded by the Department;

(vii) Describe the approach that faculty members will use to mentor or otherwise support scholars, including scholars who are pursuing a degree on a part-time basis or are concurrently employed on a full-time basis, with the goal of helping them acquire competencies needed by leadership personnel and advancing their careers in special education or early intervention administration; and

(viii) Describe how the components of the project will promote the acquisition of scholars' critical leadership skills, including communication, networking, and collaboration.

(c) Demonstrate, in the narrative section of the application under ''Quality of the project evaluation,'' how the applicant will—

(1) Evaluate how well the goals or objectives of the proposed leadership project have been met. The applicant must describe the outcomes to be measured for both the project and the scholars, particularly the acquisition of scholars' competencies; and the evaluation methodologies to be employed, including proposed instruments, data collection methods, and possible analyses;

(2) Collect, analyze, and use data on current scholars and scholars who graduate from the program to improve the proposed program on an ongoing basis; and

(3) Report the evaluation results to OSEP in the applicant's annual and final performance reports.

(d) Demonstrate, in the narrative under ''Required Project Assurances'' or appendices as directed, that the following program requirements are met. The applicant must—

(1) Include in appendix B of the application—

(i) Course syllabi for all coursework in the major and any required coursework for a minor;

(ii) Course syllabi for all evaluation methods or data analysis courses required by the degree program and for all elective evaluation methods or data analysis courses that have been completed by more than one scholar enrolled in the program in the last five years; and

(iii) For new coursework, proposed syllabi;

(2) Ensure that the proposed number of scholars to be recruited into the program can graduate from the program by the end of the project period. The described scholar recruitment strategies, including recruitment of individuals with disabilities, the program components and their sequence, and proposed budget must be consistent with this requirement;

(3) Ensure scholars will not be selected based on race or national origin/ethnicity. Per the Supreme Court's decision in *Adarand Constructors, Inc.* v. *Pena,* 515 U.S. 200 (1995), the Department does not allow the selection of individuals on the basis of race or national origin/ethnicity. For this reason, grantees must ensure that any discussion of the recruitment of scholars based on race or national origin/ethnicity distinguishes between increasing the pool of applicants and actually selecting scholars;

(4) Ensure that the project will meet the requirements in 34 CFR 304.23, particularly those related to (a) informing all scholarship recipients of their service obligation commitment; and (b) disbursing scholarships. Failure by a grantee to properly meet these requirements is a violation of the grant award that may result in sanctions, including the grantee being liable for returning any misused funds to the Department;

(5) Ensure that prior approval from the OSEP project officer will be obtained before admitting additional scholars beyond the number of scholars proposed in the application and before transferring a scholar to another preparation program funded by OSEP;

(6) Ensure that the project will meet the statutory requirements in section 662(e) through (h) of IDEA;

(7) Ensure that at least 65 percent of the total budget over the project period will be used for scholar support;

(8) Ensure that the IHE will not require scholars enrolled in the program to work (*e.g.,* as graduate assistants) as a condition of receiving support (*e.g.,* tuition, stipends) from the proposed project, unless the work is specifically related to the acquisition of scholars' competencies or the requirements for completion of their personnel preparation program. This prohibition on work as a condition of receiving support does not apply to the service obligation requirements in section 662(h) of IDEA;

(9) Ensure that the project will be operated in a manner consistent with

[9] For the purposes of this priority, ''high-need LEA'' means an LEA (a) that serves not fewer than 10,000 children from families with incomes below the poverty line; or (b) for which not less than 20 percent of the children served by the LEA are from families with incomes below the poverty line.

[10] For the purposes of this priority, ''high-poverty school'' means a school in which at least 50 percent of students are from low-income families as determined using one of the measures of poverty specified under section 1113(a)(5) of the Elementary and Secondary Education Act of 1965, as amended (ESEA). For middle and high schools, eligibility may be calculated on the basis of comparable data from feeder schools. Eligibility as a high-poverty school is determined on the basis of the most currently available data.

[11] For the purposes of this priority, a ''school implementing a comprehensive support and improvement plan'' is a school identified for comprehensive support and improvement by the State under section 1111(c)(4)(D) of the ESEA that includes (a) not less than the lowest-performing five percent of all schools receiving funds under Title I, Part A of the ESEA; (b) all public high schools in the State failing to graduate one-third or more of their students; and (c) public schools in the State described under section 1111(d)(3)(A)(i)(II) of the ESEA.

[12] For the purposes of this priority, a ''school implementing a targeted support and improvement plan'' means a school identified for targeted support and improvement by a State that has developed and is implementing a school-level targeted support and improvement plan to improve student outcomes based on the indicators in the statewide accountability system as defined in section 1111(d)(2) of the ESEA.

nondiscrimination requirements contained in the U.S. Constitution and the Federal civil rights laws;

(10) Ensure that the budget includes attendance by the project director at a three-day project directors' meeting in Washington, DC, during each year of the project. The budget may also provide for the attendance of scholars at the same three-day project directors' meetings in Washington, DC;

(11) Ensure that the project director, key personnel, and scholars will actively participate in the cross-project collaboration, advanced trainings, and cross-site learning opportunities (*e.g.,* webinars, briefings) supported by OSEP. This network is intended to promote opportunities for participants to share resources and generate new knowledge by addressing topics of common interest to participants across projects including Department priorities and needs in the field;

(12) Ensure that if the project maintains a website, that it will be of high quality, with an easy-to-navigate design, that meets government or industry-recognized standards for accessibility;

(13) Ensure that annual progress toward meeting project goals is posted on the project website;

(14) Ensure that scholar accomplishments (*e.g.,* public service, awards, program implementation demonstrating improved child outcomes) will be reported in annual and final performance reports; and

(15) Ensure that annual data will be submitted on each scholar who receives grant support (OMB Control Number 1820–0686). The primary purposes of the data collection are to track the service obligation fulfillment of scholars who receive funds from OSEP grants and to collect data for program performance measure reporting under the Government Performance and Results Act of 1993 (GPRA). Applicants are encouraged to visit the Personnel Development Program Data Collection System (DCS) website at *https://pdp.ed.gov/osep* for further information about this data collection requirement. Typically, data collection begins in January of each year, and grantees are notified by email about the data collection period for their grant, although grantees may submit data as needed, year-round. This data collection must be submitted electronically by the grantee and does not supplant the annual grant performance report required of each grantee for continuation funding (see 34 CFR 75.590). Data collection includes the submission of a signed, completed Pre-Scholarship Agreement and Exit Certification for each scholar funded under an OSEP grant (see paragraph (4) of this section).

Competitive Preference Priorities: Within Absolute Priorities 1 and 2, we give competitive preference to applications that address Competitive Preference Priorities 1, 2, and 3. Under 34 CFR 75.105(c)(2)(i), we award an additional 5 points to an application that meets Competitive Preference Priority 1, up to an additional 5 points to an application that meets Competitive Preference Priority 2, depending on how well the application meets Competitive Preference Priority 2, and we award an additional 3 points to an application that meets Competitive Preference Priority 3. The total maximum points we may award an application that chooses to address all of the competitive preference priorities is 13. Applicants should indicate in the abstract which competitive preference priorities are addressed.

These priorities are:

Competitive Preference Priority 1 (0 or 5 points).

An application that proposes a partnership consisting of two or three IHEs in a high-need area of leadership shortages. To meet the competitive preference priority, a project must—

(a) Establish a partnership comprised of two or three IHEs with existing doctoral programs that prepare scholars to work as doctoral-level leaders in the high-need area proposed;

(b) Address in the project narrative the high-need area (*e.g.,* early childhood behavior, secondary transition, or special education administration) in which the partnership proposes to prepare scholars;

(c) Address in the project narrative how the opportunities provided to scholars through the partnership activities will promote the competencies needed by leaders the project proposes to prepare; and

(d) Address in the project narrative how policies, procedures, standards, and fiscal management of the partnership will be established.

Note: For additional information regarding group applications, refer to 34 CFR 75.127, 75.128, and 75.129.

Competitive Preference Priority 2 (Up to 5 points).

An application that demonstrates matching support for the proposed project at—

(a) 20 percent of the requested Federal award (1 point);

(b) 40 percent of the total amount of the requested Federal award (2 points);

(c) 60 percent of the total amount of the requested Federal award (3 points);

(d) 80 percent of the total amount of the requested Federal award (4 points); or

(e) 100 percent of the total amount of the requested Federal award (5 points).

Applicants must address this competitive preference priority in the budget information (ED Form 524, Section B) and budget narrative.

Competitive Preference Priority 3 (0 or 3 points).

Projects proposed by applicants that have not had an active grant award under this program (CFDA number 84.325D) at any point in the preceding five fiscal years (*i.e.,* FY 2014–FY 2018).

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Waiver of Proposed Rulemaking: Under the Administrative Procedure Act (APA) (5 U.S.C. 553) the Department generally offers interested parties the opportunity to comment on proposed priorities and requirements. Section 681(d) of IDEA, however, makes the public comment requirements of the APA inapplicable to the priorities in this notice.

Program Authority: 20 U.S.C. 1462 and 1481.

Applicable Regulations: (a) The Education Department General Administrative Regulations in 34 CFR parts 75, 77, 79, 81, 82, 84, 86, 97, 98, and 99. (b) The Office of Management and Budget Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement) in 2 CFR part 180, as adopted and amended as regulations of the Department in 2 CFR part 3485. (c) The Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards in 2 CFR part 200, as adopted and amended as regulations of the Department in 2 CFR part 3474. (d) The regulations for this program in 34 CFR part 304.

Note: The regulations in 34 CFR part 86 apply to IHEs only.

II. Award Information

Type of Award: Discretionary grants.

Note: In accordance with 34 CFR 75.200(b)(4), the Department may award a cooperative agreement under this program if the Secretary determines that substantial involvement between the Department and the recipient is necessary to carry out a collaborative project.

Estimated Available Funds: $4,250,000.

Contingent upon the availability of funds and the quality of applications, we may make additional awards in FY 2020 from the list of unfunded applications from this competition.

Estimated Range of Awards: $225,000–$250,000 per year for an individual IHE; $450,000–$500,000 per year for a two-IHE group application; and $675,000–$750,000 for a three-IHE group application.

Estimated Average Size of Awards: $237,500 per year for an individual IHE; $475,000 per year for a two-IHE group application; and $712,500 per year for a three-IHE group application.

Maximum Award: For a single budget period of 12 months, we will not make an award exceeding: For an individual IHE, $250,000; for a two-IHE group application, $500,000; and, for a three-IHE group application, $750,000.

Estimated Number of Awards: Up to 17 awards for individual IHEs but the number of awards may change depending on the number of group application awards. OSEP intends to fund in FY 2019 at least 7 high-quality applications meeting the requirements for Absolute Priority 2.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 60 months.

III. Eligibility Information

1. *Eligible Applicants:* IHEs and private nonprofit organizations.

2. *Cost Sharing or Matching:* Cost sharing or matching is required for Absolute Priority 1.

3. *Subgrantees:* A grantee under this competition may not award subgrants to entities to directly carry out project activities described in its application.

4. *Other General Requirements:* (a) Recipients of funding under this competition must make positive efforts to employ and advance in employment qualified individuals with disabilities (see section 606 of IDEA).

(b) Applicants for, and recipients of, funding must, with respect to the aspects of their proposed project relating to Absolute Priority 1 or 2, involve individuals with disabilities, or parents of individuals with disabilities ages birth through 26, in planning, implementing, and evaluating the project (see section 682(a)(1)(A) of IDEA).

IV. Application and Submission Information

1. *Application Submission Instructions:* Applicants are required to follow the Common Instructions for Applicants to Department of Education Discretionary Grant Programs, published in the **Federal Register** on February 13, 2019 (84 FR 3768), and available at *www.govinfo.gov/content/pkg/FR-2019-02-13/pdf/2019-02206.pdf,* which contain requirements and information on how to submit an application.

2. *Intergovernmental Review:* This competition is subject to Executive Order 12372 and the regulations in 34 CFR part 79. Information about Intergovernmental Review of Federal Programs under Executive Order 12372 is in the application package for this competition.

3. *Funding Restrictions:* We reference regulations outlining funding restrictions in the *Applicable Regulations* section of this notice.

4. *Recommended Page Limit:* The application narrative (Part III of the application) is where you, the applicant, address the selection criteria that reviewers use to evaluate your application. We recommend that you (1) limit the application narrative to no more than 50 pages and (2) use the following standards:

- A ''page'' is 8.5″ x 11″, on one side only, with 1″ margins at the top, bottom, and both sides.
- Double-space (no more than three lines per vertical inch) all text in the application narrative, including titles, headings, footnotes, quotations, reference citations, and captions, as well as all text in charts, tables, figures, graphs, and screen shots.
- Use a font that is 12 point or larger.
- Use one of the following fonts: Times New Roman, Courier, Courier New, or Arial.

The recommended page limit does not apply to Part I, the cover sheet; Part II, the budget section, including the narrative budget justification; Part IV, the assurances and certifications; or the abstract (follow the guidance provided in the application package for completing the abstract), the table of contents, the list of priority requirements, the resumes, the reference list, the letters of support, or the appendices. However, the recommended page limit does apply to all of the application narrative, including all text in charts, tables, figures, graphs, and screen shots.

V. Application Review Information

1. *Selection Criteria:* The selection criteria for this competition are from 34 CFR 75.210 and are as follows:

(a) *Significance (10 points).*

(1) The Secretary considers the significance of the proposed project.

(2) In determining the significance of the proposed project, the Secretary considers the following factors:

(i) The extent to which the proposed project will prepare personnel for fields in which shortages have been demonstrated;

(ii) The importance or magnitude of the results or outcomes likely to be attained by the proposed project; and

(iii) The extent to which there is a conceptual framework underlying the proposed research or demonstration activities and the quality of that framework.

(b) *Quality of project services (45 points).*

(1) The Secretary considers the quality of the services to be provided by the proposed project.

(2) In determining the quality of the services to be provided by the proposed project, the Secretary considers the quality and sufficiency of strategies for ensuring equal access and treatment for eligible project participants who are members of groups that have traditionally been underrepresented based on race, color, national origin, gender, age, or disability.

(3) In addition, the Secretary considers the following factors:

(i) The extent to which the training or professional development services to be provided by the proposed project are of sufficient quality, intensity, and duration to lead to improvements in practice among the recipients of those services;

(ii) The extent to which the proposed activities constitute a coherent, sustained program of training in the field; and

(iii) The extent to which the services to be provided by the proposed project reflect up-to-date knowledge from research and effective practice.

(c) *Quality of project evaluation (25 points).*

(1) The Secretary considers the quality of the evaluation to be conducted of the proposed project.

(2) In determining the quality of the evaluation, the Secretary considers the following factors:

(i) The extent to which the methods of evaluation are thorough, feasible, and appropriate to the goals, objectives, and outcomes of the proposed project;

(ii) The extent to which the goals, objectives, and outcomes to be achieved by the proposed project are clearly specified and measurable;

(iii) The extent to which the methods of evaluation include the use of objective performance measures that are clearly related to the intended outcomes of the project and will produce quantitative and qualitative data to the extent possible; and

(iv) The extent to which the methods of evaluation will provide timely guidance for quality assurance.

(d) *Quality of the management plan and adequacy of resources (20 points).*

(1) The Secretary considers the quality of the management plan and the adequacy of resources for the proposed project.

(2) In determining the quality of the management plan and the adequacy of resources, the Secretary considers the following factors:

(i) The qualifications, including relevant training and experience, of key project personnel;

(ii) The adequacy of the management plan to achieve the objectives of the proposed project on time and within budget, including clearly defined responsibilities, timelines, and milestones for accomplishing project tasks;

(iii) The extent to which the time commitments of the project director and principal investigator and other key project personnel are appropriate and adequate to meet the objectives of the proposed project;

(iv) The adequacy of support, including facilities, equipment, supplies, and other resources, from the applicant organization or the lead applicant organization; and

(v) The extent to which the budget is adequate to support the proposed project.

2. *Review and Selection Process:* We remind potential applicants that in reviewing applications in any discretionary grant competition, the Secretary may consider, under 34 CFR 75.217(d)(3), the past performance of the applicant in carrying out a previous award, such as the applicant's use of funds, achievement of project objectives, and compliance with grant conditions. The Secretary may also consider whether the applicant failed to submit a timely performance report or submitted a report of unacceptable quality.

In addition, in making a competitive grant award, the Secretary requires various assurances, including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

3. *Additional Review and Selection Process Factors:* In the past, the Department has had difficulty finding peer reviewers for certain competitions because so many individuals who are eligible to serve as peer reviewers have conflicts of interest. The standing panel requirements under section 682(b) of IDEA also have placed additional constraints on the availability of reviewers. Therefore, the Department has determined that for some discretionary grant competitions, applications may be separated into two or more groups and ranked and selected for funding within specific groups. This procedure will make it easier for the Department to find peer reviewers by ensuring that greater numbers of individuals who are eligible to serve as reviewers for any particular group of applicants will not have conflicts of interest. It also will increase the quality, independence, and fairness of the review process, while permitting panel members to review applications under discretionary grant competitions for which they also have submitted applications.

4. *Risk Assessment and Specific Conditions:* Consistent with 2 CFR 200.205, before awarding grants under this competition the Department conducts a review of the risks posed by applicants. Under 2 CFR 3474.10, the Secretary may impose specific conditions and, in appropriate circumstances, high-risk conditions on a grant if the applicant or grantee is not financially stable; has a history of unsatisfactory performance; has a financial or other management system that does not meet the standards in 2 CFR part 200, subpart D; has not fulfilled the conditions of a prior grant; or is otherwise not responsible.

5. *Integrity and Performance System:* If you are selected under this competition to receive an award that over the course of the project period may exceed the simplified acquisition threshold (currently $250,000), under 2 CFR 200.205(a)(2) we must make a judgment about your integrity, business ethics, and record of performance under Federal awards—that is, the risk posed by you as an applicant—before we make an award. In doing so, we must consider any information about you that is in the integrity and performance system (currently referred to as the Federal Awardee Performance and Integrity Information System (FAPIIS)), accessible through the System for Award Management. You may review and comment on any information about yourself that a Federal agency previously entered and that is currently in FAPIIS.

Please note that, if the total value of your currently active grants, cooperative agreements, and procurement contracts from the Federal Government exceeds $10,000,000, the reporting requirements in 2 CFR part 200, Appendix XII, require you to report certain integrity information to FAPIIS semiannually. Please review the requirements in 2 CFR part 200, Appendix XII, if this grant plus all the other Federal funds you receive exceed $10,000,000.

VI. Award Administration Information

1. *Award Notices:* If your application is successful, we notify your U.S. Representative and U.S. Senators and send you a Grant Award Notification (GAN); or we may send you an email containing a link to access an electronic version of your GAN. We may notify you informally, also.

If your application is not evaluated or not selected for funding, we notify you.

2. *Administrative and National Policy Requirements:* We identify administrative and national policy requirements in the application package and reference these and other requirements in the *Applicable Regulations* section of this notice.

We reference the regulations outlining the terms and conditions of an award in the *Applicable Regulations* section of this notice and include these and other specific conditions in the GAN. The GAN also incorporates your approved application as part of your binding commitments under the grant.

3. *Open Licensing Requirements:* Unless an exception applies, if you are awarded a grant under this competition, you will be required to openly license to the public grant deliverables created in whole, or in part, with Department grant funds. When the deliverable consists of modifications to pre-existing works, the license extends only to those modifications that can be separately identified and only to the extent that open licensing is permitted under the terms of any licenses or other legal restrictions on the use of pre-existing works. Additionally, a grantee that is awarded competitive grant funds must have a plan to disseminate these public grant deliverables. This dissemination plan can be developed and submitted after your application has been reviewed and selected for funding. For additional information on the open licensing requirements please refer to 2 CFR 3474.20.

4. *Reporting:* (a) If you apply for a grant under this competition, you must ensure that you have in place the necessary processes and systems to comply with the reporting requirements in 2 CFR part 170 should you receive funding under the competition. This does not apply if you have an exception under 2 CFR 170.110(b).

(b) At the end of your project period, you must submit a final performance report, including financial information, as directed by the Secretary. If you receive a multiyear award, you must submit an annual performance report that provides the most current performance and financial expenditure information as directed by the Secretary under 34 CFR 75.118. The Secretary may also require more frequent performance reports under 34 CFR 75.720(c). For specific requirements on reporting, please go to *www.ed.gov/fund/grant/apply/appforms/appforms.html.*

5. *Performance Measures:* Under GPRA, the Department has established a set of performance measures, including long-term measures, that are designed to yield information on the quality of the Personnel Development to Improve Services and Results for Children with Disabilities program. These measures include: (1) The percentage of preparation programs that incorporate scientifically or evidence-based [13] practices into their curricula; (2) the percentage of scholars completing preparation programs who are knowledgeable and skilled in evidence-based practices for children with disabilities; (3) the percentage of scholars who exit preparation programs prior to completion due to poor academic performance; (4) the percentage of scholars completing preparation programs who are working in the area(s) in which they were prepared upon program completion; and (5) the Federal cost per scholar who completed the preparation program.

In addition, the Department will gather information on the following outcome measures: (1) The percentage of scholars who completed the preparation program and are employed in high-need districts; (2) the percentage of scholars who completed the preparation program and are employed in the field of special education for at least two years; and (3) the percentage of scholars who completed the preparation program and who are rated effective by their employers.

Grantees may be asked to participate in assessing and providing information on these aspects of program quality.

[13] For the purposes of this priority, ''evidence-based'' means, at a minimum, evidence that demonstrates a rationale (as defined in 34 CFR 77.1), where a key project component included in the project's logic model is informed by research or evaluation findings that suggest the project component is likely to improve relevant outcomes.

6. *Continuation Awards:* In making a continuation award under 34 CFR 75.253, the Secretary considers, among other things: Whether a grantee has made substantial progress in achieving the goals and objectives of the project; whether the grantee has expended funds in a manner that is consistent with its approved application and budget; and, if the Secretary has established performance measurement requirements, the performance targets in the grantee's approved application.

In making a continuation award, the Secretary also considers whether the grantee is operating in compliance with the assurances in its approved application, including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

VII. Other Information

Accessible Format: Individuals with disabilities can obtain this document and a copy of the application package in an accessible format (*e.g.,* Braille, large print, audiotape, or compact disc) by contacting the Management Support Services Team, U.S. Department of Education, 400 Maryland Avenue SW, Room 5074A, Potomac Center Plaza, Washington, DC 20202–2500. Telephone: (202) 245–7363. If you use a TDD or a TTY, call the FRS, toll free, at 1–800–877–8339.

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register**. You may access the official edition of the **Federal Register** and the Code of Federal Regulations at *www.govinfo.gov.* At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at *www.federalregister.gov.* Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Johnny W. Collett,

Assistant Secretary for Special Education and Rehabilitative Services.

[FR Doc. 2019–10710 Filed 5–21–19; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER19–1870–000]

Shawnee Power, LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of Shawnee Power, LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is June 5, 2019.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 5 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

The filings in the above-referenced proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for electronic review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the website that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov.* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: May 16, 2019.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2019–10692 Filed 5–21–19; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER19–1868–000]

Niles Power, LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of Niles Power, LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is June 5, 2019.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 5 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

The filings in the above-referenced proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for electronic review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the website that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov.* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: May 16, 2019.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2019–10690 Filed 5–21–19; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER19–1866–000]

Hamilton Power, LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of Hamilton Power, LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is June 5, 2019.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 5 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

The filings in the above-referenced proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for electronic review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the website that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov.* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: May 16, 2019.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2019–10688 Filed 5–21–19; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER19–1871–000]

Titus Power, LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of Titus Power, LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is June 5, 2019.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 5 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

The filings in the above-referenced proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for electronic review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the website that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov.* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: May 16, 2019.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2019–10693 Filed 5–21–19; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER19–1865–000]

Blossburg Power, LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of Blossburg Power, LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is June 5, 2019.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 5 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

The filings in the above-referenced proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for electronic review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the website that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov.* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: May 16, 2019.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2019–10687 Filed 5–21–19; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER19–1869–000]

Orrtanna Power, LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of Orrtanna Power, LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR

part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is June 5, 2019.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 5 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

The filings in the above-referenced proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for electronic review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the website that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov.* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: May 16, 2019.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2019–10691 Filed 5–21–19; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER19–1867–000]

Hunterstown Power, LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of Hunterstown Power, LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is June 5, 2019.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 5 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

The filings in the above-referenced proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for electronic review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the website that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov.* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: May 16, 2019.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2019–10689 Filed 5–21–19; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP19–465–000]

Oneok Rockies Midstream, L.L.C. and Steel Reef Burke, L.L.C.; Notice of Application

Take notice that on May 6, 2019, Oneok Rockies Midstream, L.L.C. (Oneok), 100 West Fifth Street, Tulsa, OK, 74103 and Steel Reef Burke, L.L.C. (Steel Reef), Suite 1200–333, 7th Avenue SW, Calgary, Alberta T2P 2Z1 Canada, filed in Docket No. CP19–465–000, a joint application pursuant to section 3 of the Natural Gas Act and Part 153 of the Commission's regulations requesting authorization to transfer ownership and operation of the North Portal Pipeline Border Crossing Facilities (Border Crossing Facilities). Specifically, ONEOK requests authority to surrender its Section 3 Authorization and Presidential Permit of the Border Crossing Facilities and to transfer ownership of such facilities to Steel Reef. Steel Reef, in turn, seeks Section 3 Authorization and a Presidential Permit in connection with its ownership of the Border Crossing Facilities. The Border Crossing Facilities are an approximately 1.2-mile pipeline that interconnects with a gathering line located in Burke County, North Dakota, that has also been sold to Steel Reef. The Border Crossing Facilities have been shut in since 2012 and plans have not yet been developed by Steel Reef to resume service. All relevant information is more fully set forth in the application, which is on file with the Commission and open to public inspection. The filing may also be viewed on the web at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC at *FERCOnlineSupport@ferc.gov* or call toll-free, (866) 208–3676 or TTY, (202) 502–8659.

Any questions regarding this application should be directed to Chris Anderson, Steel Reef Infrastructure Corp., Suite 500–407, 8th Avenue SW,

Calgary, Alberta T2P 1E5, Canada, or (403) 263–8333 or *chris.anderson@steelreef.ca.*

Pursuant to section 157.9 of the Commission's rules, 18 CFR 157.9, within 90 days of this Notice the Commission staff will either: Complete its environmental assessment (EA) and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or EA for this proposal. The filing of the EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, on or before the comment date stated below, file with the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit 3 copies of filings made with the Commission and must provide a copy to the applicant and to every other party in the proceeding. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commenters will be placed on the Commission's environmental mailing list and will be notified of any meetings associated with the Commission's environmental review process. Environmental commenters will not be required to serve copies of filed documents on all other parties. However, the non-party commenters will not receive copies of all documents filed by other parties or issued by the Commission and will not have the right to seek court review of the Commission's final order.

As of the February 27, 2018 date of the Commission's order in Docket No. CP16–4–001, the Commission will apply its revised practice concerning out-of-time motions to intervene in any new Natural Gas Act section 3 or section 7 proceeding.[1] Persons desiring to become a party to a certificate proceeding are to intervene in a timely manner. If seeking to intervene out-of-time, the movant is required to ''show good cause why the time limitation should be waived,'' and should provide justification by reference to factors set forth in Rule 214(d)(1) of the Commission's Rules and Regulations.[2]

The Commission strongly encourages electronic filings of comments, protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 3 copies of the protest or intervention to the Federal Energy regulatory Commission, 888 First Street NE, Washington, DC 20426.

Comment Date: 5:00 p.m. Eastern Time on June 5, 2019.

Dated: May 15, 2019.

Kimberly D. Bose,

Secretary.

[FR Doc. 2019–10598 Filed 5–21–19; 8:45 am]

BILLING CODE 6717–01–P

[1] *Tennessee Gas Pipeline Company, L.L.C.,* 162 FERC ¶ 61,167 at ¶ 50 (2018).

[2] 18 CFR 385.214(d)(1).

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: RP19–839–001.
Applicants: Vector Pipeline L.P.
Description: Compliance filing NAESB 3.1 Supplement to Compliance Filing to be effective 8/1/2019.
Filed Date: 5/13/19.
Accession Number: 20190513–5061.
Comments Due: 5 p.m. ET 5/28/19.

Docket Numbers: RP19–1221–000.
Applicants: White River Hub, LLC.
Description: Annual Fuel Gas Reimbursement Percentage Report of White River Hub, LLC under RP19–1221.
Filed Date: 5/15/19.
Accession Number: 20190515–5183.
Comments Due: 5 p.m. ET 5/28/19.

Docket Numbers: RP19–1222–000.
Applicants: Apache Corporation,Presidio Investment Holdings LLC.
Description: Joint Petition for Temporary Waiver of Commission Policies, Capacity Release Regulations, et al. of Apache Corporation, et al. under RP19–1222.
Filed Date: 5/15/19.
Accession Number: 20190515–5234.
Comments Due: 5 p.m. ET 5/22/19.

Docket Numbers: RP19–1223–000.
Applicants: Rockies Express Pipeline LLC.
Description: Penalty Charge Reconciliation Filing of Rockies Express Pipeline LLC under RP19–1223.
Filed Date: 5/15/19.
Accession Number: 20190515–5260.
Comments Due: 5 p.m. ET 5/28/19.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/*

docs-filing/efiling/filing-req.pdf. For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: May 16, 2019.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2019–10685 Filed 5–21–19; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER19–1872–000]

Tolna Power, LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of Tolna Power, LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is June 5, 2019.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 5 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

The filings in the above-referenced proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for electronic review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the website that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov.* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: May 16, 2019.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2019–10694 Filed 5–21–19; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP19–763–000]

Columbia Gas Transmission, LLC; Notice of Technical Conference

Take notice that a technical conference will be held on Wednesday, July 10, 2019 at 10:00 a.m. (Eastern Daylight Time), at a room to be designated, at the offices of the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

At the technical conference, the Commission Staff and the parties to the proceeding should be prepared to discuss all issues raised by the filing and set for technical conference by the Commission in its March 27, 2019 order, *Columbia Gas Transmission, LLC,* 166 FERC ¶ 61,229. All interested persons are permitted to attend.

Commission conferences are accessible under section 508 of the Rehabilitation Act of 1973. For accessibility accommodations please send an email to *accessibility@ferc.gov* or call toll free 1–866–208–3372 (voice) or 202–502–8659 (TTY); or send a fax to 202–208–2106 with the required accommodations.

For more information about this technical conference please contact Joseph Robichaud at (202)-502–8090 or *joseph.robichaud@ferc.gov.*

Dated: May 15, 2019.

Kimberly D. Bose,

Secretary.

[FR Doc. 2019–10597 Filed 5–21–19; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. Ic19–16–000]

Commission Information Collection Activities (Ferc–556); Comment Request; Extension

AGENCY: Federal Energy Regulatory Commission, Department of Energy.

ACTION: Notice of information collection and request for comments.

SUMMARY: In compliance with the requirements of the Paperwork Reduction Act of 1995, the Federal Energy Regulatory Commission (Commission or FERC) is soliciting public comment on the currently approved information collection FERC–556 (Certification of Qualifying Facility (QF) Status for a Small Power Production or Cogeneration Facility) and submitting the information collection to the Office of Management and Budget (OMB) for review. Any interested person may file comments directly with OMB and should address a copy of those comments to the Commission as explained below. On March 14, 2019, the Commission published a Notice in the **Federal Register** in Docket No. IC19–16–000 requesting public comments. The Commission received no public comments, as stated in the related submittal to OMB.

DATES: Comments on the collection of information are due June 21, 2019.

ADDRESSES: Comments filed with OMB, identified by OMB Control No. 1902–0075, should be sent via email to the Office of Information and Regulatory Affairs: *oira_submission@omb.gov.* Attention: Federal Energy Regulatory Commission Desk Officer.

A copy of the comments should also be sent to the Commission, in Docket No. IC19–16–000, by either of the following methods:

- *eFiling at Commission's website: http://www.ferc.gov/docs-filing/efiling.asp.*
- *Mail/Hand Delivery/Courier:* Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street NE, Washington, DC 20426.

Instructions: All submissions must be formatted and filed in accordance with submission guidelines at: *http://www.ferc.gov/help/submission-guide.asp.* For user assistance, contact FERC Online Support by email at *ferconlinesupport@ferc.gov,* or by phone at: (866) 208–3676 (toll-free), or (202) 502–8659 for TTY.

Docket: Users interested in receiving automatic notification of activity in this docket or in viewing/downloading comments and issuances in this docket may do so at *http://www.ferc.gov/docs-filing/docs-filing.asp.*

FOR FURTHER INFORMATION CONTACT: Ellen Brown may be reached by email at *DataClearance@FERC.gov,* telephone at (202) 502–8663, and fax at (202) 273–0873.

SUPPLEMENTARY INFORMATION:

Title: FERC–556, Certification of Qualifying Facility (QF) Status for a Small Power Production or Cogeneration Facility.

OMB Control No.: 1902–0075.

Type of Request: Three-year extension of the FERC–556 information collection requirements with no changes to the current reporting and recordkeeping requirements.

Abstract: Form No. 556 is required to implement sections 201 and 210 of the Public Utility Regulatory Policies Act of 1978 [1] (PURPA). FERC is authorized, under those sections, to encourage cogeneration and small power production and to prescribe such rules as necessary in order to carry out the statutory directives.

A primary statutory objective is efficient use of energy resources and facilities by electric utilities. One means of achieving this goal is to encourage production of electric power by cogeneration facilities which make use of reject heat associated with commercial or industrial processes, and by small power production facilities which use other wastes and renewable resources. PURPA encourages the development of small power production facilities and cogeneration facilities that meet certain technical and corporate criteria through establishment of various regulatory benefits. Facilities that meet these criteria are called Qualifying Facilities (QFs).

FERC's regulations in 18 CFR part 292, as relevant here, specify: (a) The certification procedures which must be followed by owners or operators of small power production and cogeneration facilities; (b) the criteria which must be met; (c) the information which must be submitted to FERC in order to obtain qualifying status; and (d) the PURPA benefits which are available to QFs to encourage small power production and cogeneration.

18 CFR part 292 also exempts QFs from certain corporate, accounting, reporting, and rate regulation requirements of the Federal Power Act,[2] certain state laws, and the Public Utility Holding Company Act of 2005.[3]

Type of Respondents: Facilities that are self-certifying their status as a cogenerator or small power producer or that are submitting an application for FERC certification of their status as a cogenerator or small power producer.

Estimate of Annual Burden: [4] The Commission estimates the burden and cost for this information collection as follows:

FERC–556—CERTIFICATION OF QUALIFYING FACILITY STATUS FOR A SMALL POWER PRODUCTION OR COGENERATION FACILITY

Facility type	Filing type	Number of respondents (1)	Annual number of responses per respondent (2)	Total number of responses (1) * (2) = (3)	Average burden hours & cost per response [5] (4)	Total annual burden hours & total annual cost (rounded) (3) * (4) = (5)	Cost per respondent ($) (rounded) (5) ÷ (1)
Cogeneration Facility >1 MW [6].	Self-certification	63	1.25	78.75	1.5 hrs.; $118.5	118.125 hrs.; $9,332	$148
Cogeneration Facility >1 MW.	Application for FERC certification.	1	1.25	1.25	50 hrs.; $3,950	62.5 hrs.; $4,938	4,938
Small Power Production Facility >1 MW.	Self-certification	2,698	1.25	3,372.5	1.5 hrs.; $118.5	5,058.75 hrs.; $399,641	148
Small Power Production Facility >1 MW.	Application for FERC certification.	0	1.25	0	50 hrs.; $3,950	0 hrs.; $0	0
Cogeneration and Small Power Production Facility ≤1 MW (Self-Certification) [7].	Self-certification	692	1.25	865	1.5 hrs.; $118.5	1,297.5 hrs.; $102,503	148
Total		3,454		4,317.5		6,536.875 hrs.; $516,413.13	

The estimated burden in the Paperwork Reduction Act Notice on page 1 of the FERC Form 556 will be corrected to provide the current burden estimates (shown above). It will read ''[t]he estimated burden for completing the FERC Form No. 556, including gathering and reporting information, is as follows: 1.5 hours for self-certification of a small power production facility, 1.5 hours for self-certifications of a cogeneration facility, 50 hours for an application for Commission certification of a small power production facility, and 50 hours for an application for Commission certification of a cogeneration facility.'' The reporting requirements are not changing.

Comments: Comments are invited on: (1) Whether the collection of information is necessary for the proper performance of the functions of the Commission, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information collection; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

[1] 16 U.S.C. 796, 824a–3.

[2] 16 U.S.C. 791, *et seq.*

[3] 42 U.S.C. 16, 451–63.

[4] ''Burden'' is the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. For further explanation of what is included in the information collection burden, refer to Title 5 Code of Federal Regulations 1320.3.

[5] The Commission staff believes that industry is similarly situated in terms of wages and benefits. Therefore, cost estimates are based on FERC's 2018 average annual wage (and benefits) for a full-time employee of $164,820 (or $79.00/hour).

[6] MW = megawatt.

[7] Not required to file.

Dated: May 15, 2019.

Kimberly D. Bose,

Secretary.

[FR Doc. 2019–10599 Filed 5–21–19; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 14961–000]

Renewable Energy Aggregators; Notice of Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Competing Applications

On January 10, 2019, Renewable Energy Aggregators, filed an application for a preliminary permit, pursuant to section 4(f) of the Federal Power Act (FPA), proposing to study the feasibility of the Eastern Industries Pumped Storage Hydroelectric Project to be located in Dauphin County, Pennsylvania. The sole purpose of a preliminary permit, if issued, is to grant the permit holder priority to file a license application during the permit term. A preliminary permit does not authorize the permit holder to perform any land-disturbing activities or otherwise enter upon lands or waters owned by others without the owners' express permission.

The proposed project would consist of the following: (1) A new upper reservoir with a surface area of 62 acres and a storage capacity of 929.9 acre-feet at a surface elevation of approximately 1,343 feet above mean sea level (msl) created through construction of a new roller-compacted concrete or rock-filled dam; (2) a new lower reservoir with a surface area of 22.3 acres and a total storage capacity of 1,337.9 acre-feet at a surface elevation of 1,057 feet msl; (3) a new 834-foot-long, 48-inch-diameter penstock connecting the upper and lower reservoirs; (4) a new 150-foot-long, 50-foot-wide powerhouse containing one turbine-generator unit with a total rated capacity of 20 megawatts; (5) a new transmission line connecting the powerhouse to a nearby electric grid interconnection point with options to evaluate multiple grid interconnection locations; and (6) appurtenant facilities. The proposed project would have an annual generation of 88,434 megawatt-hours.

Applicant Contact: Adam Rousselle II, Renewable Energy Aggregators, 5710 Oak Crest Drive, Doylestown, PA 18902; phone: 215–485–1708.

FERC Contact: Monir Chowdhury; phone: (202) 502–6736.

Deadline for filing comments, motions to intervene, competing applications (without notices of intent), or notices of intent to file competing applications: 60 days from the issuance of this notice.[1] Competing applications and notices of intent must meet the requirements of 18 CFR 4.36.

The Commission strongly encourages electronic filing. Please file comments, motions to intervene, notices of intent, and competing applications using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. The first page of any filing should include docket number P–14961–000.

More information about this project, including a copy of the application, can be viewed or printed on the ''eLibrary'' link of the Commission's website at *http://www.ferc.gov/docs-filing/elibrary.asp.* Enter the docket number (P–14961) in the docket number field to access the document. For assistance, contact FERC Online Support.

Dated: May 15, 2019.

Kimberly D. Bose,

Secretary.

[FR Doc. 2019–10596 Filed 5–21–19; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EF19–3–000]

Western Area Power Administration; Notice of Filing

Take notice that on May 10, 2019, Western Area Power Administration submitted tariff filing per: Extension of the Falcon and Amistad Projects' Firm Power Formula Rate-Rate Order No. WAPA–186 to be effective April 1, 2019.

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, 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 June 11, 2019.

Dated: May 16, 2019.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2019–10686 Filed 5–21–19; 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 exempt wholesale generator filings:

Docket Numbers: EG19–113–000.
Applicants: Sage Draw Wind, LLC.
Description: Notice of Self-Certification of EWG Status Sage Draw Wind, LLC.
Filed Date: 5/16/19.
Accession Number: 20190516–5009.
Comments Due: 5 p.m. ET 6/6/19.

Docket Numbers: EG19–114–000.
Applicants: 231RC 8me LLC.

[1] The Commission is issuing a second notice for this project because the first notice issued on March 8, 2019, did not correctly identify the county where the project would be located and some municipalities may not have been notified by the first notice.

Description: Self-Certification of EWG Status of 231RC 8me LLC.
Filed Date: 5/16/19.
Accession Number: 20190516–5048.
Comments Due: 5 p.m. ET 6/6/19.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER11–2774–003.
Applicants: Virginia Electric and Power Company, Dominion Energy Generation Marketing, Inc., Dominion Energy Nuclear Connecticut, Inc., NedPower Mount Storm, LLC, Fowler Ridge Wind Farm LLC, Dominion Bridgeport Fuel Cell, LLC, South Carolina Electric & Gas Company.
Description: Supplement to February 8, 2019 Notice of Non-Material Change in Status of Dominion Resources Services, Inc., on behalf of Virginia Electric and Power Company, *et al.*
Filed Date: 5/15/19.
Accession Number: 20190515–5257.
Comments Due: 5 p.m. ET 6/5/19.

Docket Numbers: ER12–303–003.
Applicants: Virginia Electric and Power Company, NedPower Mount Storm, LLC, Fowler Ridge Wind Farm LLC, Dominion Energy Nuclear Connecticut, Inc., Dominion Energy Generation Marketing, Inc., Dominion Bridgeport Fuel Cell, LLC, South Carolina Electric & Gas Company.
Description: Supplement to February 8, 2019 Notice of Non-Material Change in Status of Dominion Resources Services, Inc., on behalf of Virginia Electric and Power Company, *et al.*
Filed Date: 5/15/19.
Accession Number: 20190515–5254.
Comments Due: 5 p.m. ET 6/5/19.

Docket Numbers: ER15–1429–011.
Applicants: Emera Maine.
Description: Compliance Filing revising 2018–2019 Formula Rate Charges of Emera Maine.
Filed Date: 5/16/19.
Accession Number: 20190516–5031.
Comments Due: 5 p.m. ET 6/6/19.

Docket Numbers: ER19–601–003.
Applicants: AEP Texas Inc., Appalachian Power Company, Indiana Michigan Power Company, Kentucky Power Company, Kingsport Power Company, Wheeling Power Company, Public Service Company of Oklahoma, Southwestern Electric Power Company, AEP Energy Partners, Inc.
Description: Compliance filing: MBR Tariff, FERC Electric Tariff for Market Based Sales to be effective 3/1/2019.
Filed Date: 5/15/19.
Accession Number: 20190515–5182.
Comments Due: 5 p.m. ET 6/5/19.

Docket Numbers: ER19–606–003.
Applicants: AEP Generation Resources Inc., Southwestern Electric Power Company, Public Service Company of Oklahoma, Wheeling Power Company, Kingsport Power Company, Kentucky Power Company, Indiana Michigan Power Company, Appalachian Power Company, AEP Texas Inc.
Description: Compliance filing: MBR Tariff, FERC Electric Tariff For Market-Based Sales to be effective 3/1/2019.
Filed Date: 5/15/19.
Accession Number: 20190515–5190.
Comments Due: 5 p.m. ET 6/5/19.

Docket Numbers: ER19–1874–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Original SA No. 5371; Queue No. NQ147–1 to be effective 4/22/2019.
Filed Date: 5/15/19.
Accession Number: 20190515–5164.
Comments Due: 5 p.m. ET 6/5/19.

Docket Numbers: ER19–1875–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Original Service Agreement No. 5372; Queue No. AD2–097 to be effective 4/16/2019.
Filed Date: 5/15/19.
Accession Number: 20190515–5174.
Comments Due: 5 p.m. ET 6/5/19.

Docket Numbers: ER19–1876–000.
Applicants: Duke Energy Carolinas, LLC, Duke Energy Progress, LLC, Duke Energy Florida, LLC.
Description: Petition for Waiver of Tariff Provisions of the Duke Southeast Companies.
Filed Date: 5/15/19.
Accession Number: 20190515–5188.
Comments Due: 5 p.m. ET 6/5/19.

Docket Numbers: ER19–1877–000.
Applicants: Southern California Edison Company.
Description: § 205(d) Rate Filing: Letter Agreement Acorn I Energy Storage, LLC to be effective 4/23/2019.
Filed Date: 5/15/19.
Accession Number: 20190515–5201.
Comments Due: 5 p.m. ET 6/5/19.

Docket Numbers: ER19–1878–000.
Applicants: Midcontinent Independent System Operator, Inc., Ameren Illinois Company.
Description: § 205(d) Rate Filing: 2019–05–15_SA 3301 Ameren-KCPL Interchange Agreement to be effective 5/16/2019.
Filed Date: 5/15/19.
Accession Number: 20190515–5202.
Comments Due: 5 p.m. ET 6/5/19.

Docket Numbers: ER19–1879–000.
Applicants: Telysium Energy Marketing, LLC.
Description: Tariff Cancellation: Cancellation of MBR to be effective 5/15/2019.
Filed Date: 5/15/19.
Accession Number: 20190515–5216.
Comments Due: 5 p.m. ET 6/5/19.

Docket Numbers: ER19–1880–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Original ISA, SA No. 5364; Queue No. AB2–160 to be effective 5/16/2019.
Filed Date: 5/16/19.
Accession Number: 20190516–5055.
Comments Due: 5 p.m. ET 6/6/19.

Docket Numbers: ER19–1881–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Original ISA, SA No. 5366; Queue No. AB2–161 to be effective 4/16/2019.
Filed Date: 5/16/19.
Accession Number: 20190516–5077.
Comments Due: 5 p.m. ET 6/6/19.

Docket Numbers: ER19–1882–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Original Interim ISA SA No. 5373; Queue No. AC1–204 to be effective 4/19/2019.
Filed Date: 5/16/19.
Accession Number: 20190516–5078.
Comments Due: 5 p.m. ET 6/6/19.

Docket Numbers: ER19–1883–000.
Applicants: NorthWestern Corporation.
Description: Tariff Cancellation: Notice of Cancellation of South Dakota OATT (Tariff ID 39) to be effective 7/16/2019.
Filed Date: 5/16/19.
Accession Number: 20190516–5079.
Comments Due: 5 p.m. ET 6/6/19.

Docket Numbers: ER19–1884–000.
Applicants: NorthWestern Corporation.
Description: Tariff Cancellation: Notice of Cancellation: SA 663, 664 & 665, Service Agreements with PPL to be effective 5/17/2019.
Filed Date: 5/16/19.
Accession Number: 20190516–5089.
Comments Due: 5 p.m. ET 6/6/19.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing

requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: May 16, 2019.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2019–10684 Filed 5–21–19; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OECA–2012–0655; FRL–9993–21–OMS]

Information Collection Request Submitted to OMB for Review and Approval; Comment Request; NSPS for Ammonium Sulfate Manufacturing Plants (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) has submitted an information collection request (ICR), NSPS for Ammonium Sulfate Manufacturing Plants (EPA ICR Number 1066.09, OMB Control Number 2060–0032), to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. This is a proposed extension of the ICR, which is currently approved through May 31, 2019. Public comments were previously requested via the **Federal Register** on May 30, 2018 during a 60-day comment period. This notice allows for an additional 30 days for public comments. A fuller description of the ICR is given below, including its estimated burden and cost to the public. An agency may neither conduct nor sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

DATES: Additional comments may be submitted on or before June 21, 2019.

ADDRESSES: Submit your comments, referencing Docket ID Number EPA-HQ–OECA–2012–0655, to: (1) EPA online using *www.regulations.gov* (our preferred method), or by email to *docket.oeca@epa.gov,* or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460; and (2) OMB via email to *oira_submission@omb.eop.gov.* Address comments to OMB Desk Officer for EPA.

EPA's policy is that all comments received will be included in the public docket without change, including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI), or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: Patrick Yellin, Monitoring, Assistance, and Media Programs Division, Office of Compliance, Mail Code 2227A, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: (202) 564–2970; fax number: (202) 564–0050; email address: *yellin.patrick@epa.gov.*

SUPPLEMENTARY INFORMATION: Supporting documents, which explain in detail the information that the EPA will be, 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, EPA West, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit: *http://www.epa.gov/dockets.*

Abstract: The New Source Performance Standards (NSPS) for Ammonium Sulfate Manufacturing Plants (40 CFR part 60, subpart PP) were proposed on February 4, 1980, promulgated on November 12, 1980, and amended on October 17, 2000. These regulations apply to ammonium sulfate dryers located at both existing and new ammonium sulfate manufacturing plants in the caprolactam by-product, synthetic, and coke oven by-products sectors of the ammonium sulfate manufacturing industry. New facilities include those that commenced construction, modification or reconstruction after the date of proposal. This information is being collected to assure compliance with 40 CFR part 60, subpart PP.

In general, all NSPS standards require initial notifications, performance tests, and periodic reports by the owners/operators of the affected facilities. They are also required to maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility, or any period during which the monitoring system is inoperative. These notifications, reports, and records are essential in determining compliance, and are required of all affected facilities subject to NSPS.

Form numbers: None.

Respondents/affected entities: Ammonium sulfate manufacturing facilities.

Respondent's obligation to respond: Mandatory (40 CFR part 60 Subpart PP).

Estimated number of respondents: 2 (total).

Frequency of response: Initially and semiannually.

Total estimated burden: 286 hours (per year). Burden is defined at 5 CFR 1320.3(b).

Total estimated cost: $32,600 (per year), which includes $0 for both annualized capital/startup and operation & maintenance costs.

Changes in the estimates: There is no change in the total estimated burden compared with the ICR currently approved by OMB. The regulations have not changed over the past three years and are not anticipated to change over the next three years; therefore, the growth rate for the industry is non-existent. This ICR reflects the on-going burden and costs for two existing facilities.

Courtney Kerwin,

Director, Regulation Support Division.

[FR Doc. 2019–10681 Filed 5–21–19; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OECA–2012–0497; FRL–9993–13–OMS]

Information Collection Request Submitted to OMB for Review and Approval; Comment Request; NSPS for Fossil Fuel Fired Steam Generating Units (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) has submitted an information collection request (ICR), NSPS for Fossil Fuel Fired Steam Generating Units (EPA ICR Number 1052.12, OMB Control Number 2060–0026), to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. This is a proposed extension of the ICR, which is currently approved through May 31, 2019. Public comments were previously requested via the **Federal Register** on May 30, 2018 during a 60-day comment period. This notice allows for an additional 30 days for public comments. A fuller description of the ICR is given below, including its estimated burden and cost to the public. An agency may neither

conduct nor sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

DATES: Additional comments may be submitted on or before June 21, 2019.

ADDRESSES: Submit your comments, referencing Docket ID Number EPA–HQ–OECA–2012–0497, to: (1) EPA 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; and (2) OMB via email to *oira_submission@omb.eop.gov.* Address comments to OMB Desk Officer for EPA.

EPA's policy is that all comments received will be included in the public docket without change, including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI), or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: Patrick Yellin, Monitoring, Assistance, and Media Programs Division, Office of Compliance, Mail Code 2227A, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: (202) 564–2970; fax number: (202) 564–0050; email address: *yellin.patrick@epa.gov.*

SUPPLEMENTARY INFORMATION: Supporting documents, which explain in detail the information that the EPA will be collecting, are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov* or in person at the EPA Docket Center, EPA West, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit: *http://www.epa.gov/dockets.*

Abstract: The New Source Performance Standards (NSPS) for these regulations (40 CFR part 60 Subpart D) apply to each fossil fuel fired steam generating unit with heat input rate of 73 megawatts (MW) (250 MMbtu/hr) or more, which commenced construction, reconstruction, or modification after August 17, 1971. Subpart D regulations apply to both electric utility and industrial boilers. Owners and operators of affected facilities are required to comply with reporting and record keeping requirements for the General Provisions (40 CFR part 60, subpart A), as well as for the specific requirements at 40 CFR part 60, subpart D. This includes submitting initial notifications, performance tests and periodic reports and results, and maintaining 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 these standards.

Form numbers: None.

Respondents/affected entities: Fossil fuel fired steam generating units.

Respondent's obligation to respond: Mandatory (40 CFR part 60 Subpart D).

Estimated number of respondents: 660 (total).

Frequency of response: Initially and semiannually.

Total estimated burden: 71,500 hours (per year). Burden is defined at 5 CFR 1320.3(b).

Total estimated cost: $18,100,000 (per year), which includes $9,900,000 in annualized capital/startup and/or operation & maintenance costs.

Changes in the estimates: There is no increase in the total estimated burden as currently identified in the OMB Inventory of Approved Burdens. The regulations have not changed over the past three years and are not anticipated to change over the next three years, and there is no significant industry growth.

Courtney Kerwin,

Director, Regulatory Support Division.

[FR Doc. 2019–10680 Filed 5–21–19; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OECA–2012–0502; FRL–9993–23–OMS]

Information Collection Request Submitted to OMB for Review and Approval; Comment Request; NSPS for Hospital/Medical/Infectious Waste Incinerators (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) has submitted an information collection request (ICR), NSPS for Hospital/Medical/Infectious Waste Incinerators (EPA ICR Number 1730.11, OMB Control Number 2060–0363), to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. This is a proposed extension of the ICR, which is currently approved through May 31, 2019. Public comments were previously requested via the **Federal Register** on May 30, 2018 during a 60-day comment period. This notice allows for an additional 30 days for public comments. A fuller description of the ICR is given below, including its estimated burden and cost to the public. An agency may neither conduct nor sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

DATES: Additional comments may be submitted on or before June 21, 2019.

ADDRESSES: Submit your comments, referencing Docket ID Number EPA–HQ–OECA–2012–0502, to: (1) EPA 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: and (2) OMB via email to *oira_submission@omb.eop.gov.* Address comments to OMB Desk Officer for EPA.

EPA's policy is that all comments received will be included in the public docket without change, including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI), or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: Patrick Yellin, Monitoring, Assistance, and Media Programs Division, Office of Compliance, Mail Code 2227A, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: (202) 564–2970; fax number: (202) 564–0050; email address: *yellin.patrick@epa.gov.*

SUPPLEMENTARY INFORMATION: Supporting documents, which explain in detail the information that the EPA will be collecting, are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov,* or in person at the EPA Docket Center, EPA West, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit: *http://www.epa.gov/dockets.*

Abstract: The New Source Performance Standards (NSPS) for Hospital/Medical/Infectious Waste Incinerators (40 CFR part 60, subpart Ec) were proposed on February 27, 1995, promulgated on September 15, 1997, and amended on both October 6, 2009, and February 27, 2014. The original standards applied to either owners or operators of Hospital/Medical/Infectious

Waste Incinerators (HMIWI) for which construction commenced after June 20, 1996, or for which modification commenced after March 16, 1998, but no later than April 6, 2010. Sources subject to the original standards are now covered under the revised Emission Guidelines for HMIWI at 40 CFR part 60, subpart Ce. This information request covers the reporting and recordkeeping requirements associated with the revised NSPS, which apply to new facilities only. New facilities include those that commenced construction after December 1, 2008 or commenced modification after April 6, 2010. This information is being collected to assure compliance with 40 CFR part 60, subpart Ec.

In general, all NSPS standards require initial notifications, performance tests, and periodic reports by the owners/operators of the affected facilities. They are also required to maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility, or any period during which the monitoring system is inoperative. These notifications, reports, and records are essential in determining compliance, and are required of all affected facilities subject to NSPS.

Form numbers: None.

Respondents/affected entities: Hospital/medical/infectious waste incinerators.

Respondent's obligation to respond: Mandatory (40 CFR part 60, subpart Ec).

Estimated number of respondents: 11 (total).

Frequency of response: Initially, semiannually and annually.

Total estimated burden: 7,410 hours (per year). Burden is defined at 5 CFR 1320.3(b).

Total estimated cost: $1,360,000 (per year), which includes $519,000 in annualized capital/startup and/or operation & maintenance costs.

Changes in the estimates: There is an increase in the total estimated respondent burden compared with the ICR currently-approved by OMB. This is due to an increase in the estimated number of sources subject to the regulations and is not caused by program changes. We estimate the industry will continue to grow at the rate of one new source per year. This results in increases in the respondent labor hours, number of responses, and capital and O&M costs.

Courtney Kerwin,

Director, Regulatory Support Division.

[FR Doc. 2019–10682 Filed 5–21–19; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OAR–2018–0663; FRL–9990–75–OMS]

Information Collection Request Submitted to OMB for Review and Approval; Comment Request; Performance-Based Measurement System for Fuels (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) has submitted an information collection request (ICR), Performance-Based Measurement System for Fuels (EPA ICR Number 2459.03, OMB Control Number 2060–0692) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. This is a proposed extension of the ICR, which is currently approved through May 31, 2019. Public comments were previously requested via the **Federal Register** on November 5, 2018 during a 60-day comment period. This notice allows for an additional 30 days for public comments. A fuller description of the ICR is given below, including its estimated burden and cost to the public. An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

DATES: Comments must be submitted on or before June 21, 2019.

ADDRESSES: Submit your comments, referencing Docket ID No. EPA–HQ–OAR–2018–0663, to (1) EPA online using *www.regulations.gov* (our preferred method), by email to *a-and-r-docket@epa.gov,* or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460, and (2) OMB via email to *oria_submission@omb.eop.gov.* Address comments to OMB Desk Officer for EPA.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: James W. Caldwell, Compliance Division, Office of Transportation and Air Quality, 6405A, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: 202–343–9303; fax number: 202–343–2802; email address: *caldwell.jim@epa.gov.*

SUPPLEMENTARY INFORMATION: Supporting documents, which explain in detail the information that the EPA will be collecting, are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov* or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit *http://www.epa.gov/dockets.*

Abstract: EPA regulations at 40 CFR part 80 set standards for certain parameters of gasoline and diesel fuel, such as sulfur content, to control harmful vehicle emissions and protect emission controls. Refiners and importers are required to test for these parameters and report the results to EPA. The regulations at 40 CFR part 80.47, 80.584, and 80.585 (1) identify acceptable test methods for some of the regulated parameters, (2) specify criteria for precision, accuracy, and quality control for the test methods used to measure the regulated parameters (certain test methods in use prior to October 28, 2013 are exempt from some of the criteria), and (3) establish procedures by which a test laboratory can demonstrate that an alternative test method meets the criteria and is thus ''qualified'' for use. This program for the qualification of test methods is known as the Performance-Based Measurement System (PBMS). Test laboratories are required to generate certain records to demonstrate compliance with PBMS program requirements. This ICR covers the recordkeeping and reporting requirements for PBMS records. There are no required forms. Example formats for certain records are at: *https://www.epa.gov/fuels-registration-reporting-and-compliance-help/compliance-performance-based-measurement-system.*

Form Numbers: None.

Respondents/affected entities: Laboratories that test gasoline and diesel fuel.

Respondent's obligation to respond: Mandatory.

Estimated number of respondents: 1,015 (total).

Frequency of response: On occasion, periodically (varies with test method).

Total estimated burden: 26,696 hours (per year). Burden is defined at 5 CFR 1320.03(b).

Total estimated cost: $2,460,454 (per year), includes $0 annualized capital or operation & maintenance costs.

Changes in Estimates: There is an increase of 17,198 hours in the total estimated respondent burden compared with the ICR currently approved by OMB. This increase is due to an incorrect estimate of 52 laboratories for the current approval while the actual number should have been near 1,000.

Courtney Kerwin,

Director, Regulatory Support Division.

[FR Doc. 2019–10706 Filed 5–21–19; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–RCRA–2015–0836; FRL–9992–66–OMS]

Information Collection Request Submitted to OMB for Review and Approval; Comment Request; Collection of Information on Anaerobic Digestion Facilities Processing Wasted Food To Support EPA's Sustainable Food Management Program (Revision)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) has submitted an information collection request (ICR), Collection of Information on Anaerobic Digestion Facilities Processing Wasted Food to support EPA's Sustainable Food Management Program (EPA ICR Number 2533.02, OMB Control Number 2050–0217) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. This is a proposed revision of the ICR, which is currently approved through December 31, 2019. Public comments were previously requested via the **Federal Register** on October 3, 2018 during a 60-day comment period. This notice allows for an additional 30 days for public comments. A fuller description of the ICR is given below, including its estimated burden and cost to the public. An agency may 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: Additional comments may be submitted on or before June 21, 2019.

ADDRESSES: Submit your comments, referencing Docket ID Number EPA–HQ–RCRA–2015–0836, to (1) EPA online using *www.regulations.gov* (our preferred method), or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave., NW, Washington, DC 20460, and (2) OMB via email to *oira_submission@omb.eop.gov.* Address comments to OMB Desk Officer for EPA.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: Melissa Pennington, U.S. Environmental Protection Agency, Region 3, Mail Code 3LC33, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: (215) 814–3372; fax number: 215–814–3114; email address: *pennington.melissa@epa.gov.*

SUPPLEMENTARY INFORMATION: Supporting documents, which explain in detail the information that the EPA will be collecting, are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov* or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit *http://www.epa.gov/dockets.*

Abstract: EPA's Sustainable Food Management (SFM) Program promotes the sustainable management of food which is a systematic approach that seeks to reduce wasted food and its associated impacts over its' entire lifecycle. The lifecycle of food includes use of natural resources, manufacturing, sales, and consumption and ends with decisions on recovery or final disposal. Diversion of food waste from landfills is a critical component of this effort. In order to effectively divert food waste from landfills, sufficient capacity to process the diverted materials is required. Knowledge of organics recycling capacity is needed to facilitate food waste diversion and anaerobic digestion facilities provide a significant amount of the needed capacity.

EPA's food recovery hierarchy prioritizes potential actions to prevent and divert wasted food. According to the hierarchy, processing wasted food via anaerobic digestion is a more desirable option than landfilling or incineration because it creates more benefits for the environment, society and the economy. Anaerobic digestion of food waste and other organic materials generates renewable energy, reduces methane emissions to the atmosphere, and provides opportunities to improve soil health through the production of soil amendments. The SFM program supports these efforts by educating state and local governments and communities about the benefits of wasted food diversion. The SFM program also builds partnerships with state agencies and other strategic partners interested in developing organics recycling capacity and provides tools to assist organizations in developing anaerobic digestion (AD) projects.

The nationwide collection of data about AD facilities processing food waste began in 2017 with a survey of all known AD facilities under the currently approved Information Collection Request (ICR). EPA published the first annual report of findings based on this data in July 2018. EPA is renewing this ICR in order to continue to monitor growth and evaluate trends in the capacity for processing of food waste and the amount of food waste being processed via AD in the United States.

Data will be collected using electronic surveys that will be distributed to respondents by email and will be available on EPA's AD website. Participation in this data collection effort is voluntary. Respondents are not required to reveal confidential business information.

Form Numbers: EPA Form 6700–03, EPA Form 6700–04, EPA Form 6700–05

Respondents/affected entities: Project Developers, Project Owners or Plant Operators, and Livestock Farmers.

Respondent's obligation to respond: Voluntary.

Estimated number of respondents: 254 (total).

Frequency of response: Annually.

Total estimated burden: 127 hours (per year). Burden is defined at 5 CFR 1320.03(b).

Total estimated cost: $7,594 (per year), includes $0 annualized capital or operation & maintenance costs.

Changes in the Estimates: The overall burden has slightly decreased from the original ICR. For this renewal, some questions have been revised for clarity, numerous questions have been eliminated and a series of questions have been streamlined. The time to complete the survey will decrease for operating years 2017, 2018, 2019 and

2020 for Respondents that previously provided data.

Courtney Kerwin,

Director, Regulatory Support Division.

[FR Doc. 2019–10705 Filed 5–21–19; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2019–0188; FRL–9992–25]

Innovate, Inc.; Transfer of Data

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces that pesticide related information submitted to EPA's Office of Pesticide Programs (OPP) pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and the Federal Food, Drug, and Cosmetic Act (FFDCA), including information that may have been claimed as Confidential Business Information (CBI) by the submitter, will be transferred to Innovate, Inc. in accordance with the CBI regulations. Innovate, Inc. has been awarded a contract to perform work for OPP, and access to this information will enable Innovate, Inc. to fulfill the obligations of the contract.

DATES: Innovate, Inc. will be given access to this information on or before May 28, 2019.

FOR FURTHER INFORMATION CONTACT: William Northern, Information Technology and Resources Management Division (7502P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; telephone number: 703 305–6478 email address: *Northern.William@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

This action applies to the public in general. As such, the Agency has not attempted to describe all the specific entities that may be affected by this action.

B. How can I get copies of this document and other related information?

The docket for this action, identified by docket identification (ID) number EPA- EPA–HQ–OPP–2019–0188, is available at *http://www.regulations.gov* or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW, Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPP Docket is (703) 305–5805. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets.*

II. Contractor Requirements

Under this contract number, the contractor will perform the following:

Under Contract No. 68HERH19C0001, The Contractor shall designate a single primary point of contact for all Office of Chemical Safety Pollution Prevention (OCSPP) activities and issues. The Contractor shall ensure that the point of contact (POC) provides sufficient management accordingly, to ensure that the work is performed efficiently, accurately, and that the deliverables are delivered in a timely manner and in compliance with the requirements as stated in this Performance Work Statement (PWS). The Contractor shall ensure that it provides the required labor and expertise to perform under this PWS. The Contractor shall notify the Contracting Officer Representative (COR) within 30 days of the estimated date when the accrued costs associated with the PWS is estimated to be over 75% of the funded amount. The contractor shall provide EPA with the source codes to all programs created under this contract and the EPA will have sole ownership rights to all programs and software bought, designed, programed, including Systems Technical Documentation, and all Technical Materials, etc. under this contract. The contractor shall provide the COR with monthly reports for work conducted under this PWS. One kick-off meeting and one or more project requirements meetings, as appropriate, shall be required. Supporting services to the Contractor's business including, but not limited to, accounting, clerical, executive management, and business development are not chargeable to the Government as they are included in the Contractor's fully burdened rates. Because of the constantly changing nature of information technology, federal government initiatives and emphasis, and federal budgetary uncertainty, the number and nature of projects over the base period and option year of this contract will vary. The deliverable quantities provided in this PWS are provided as estimates only. The Contractor shall comply with all applicable Federal and EPA security policies, guidance and practices. EPA will provide systems access as necessary where it is required for work under the Task. The Contractor shall provide any information necessary for issuance and continued authority to access government systems. The Quality Assurance Surveillance Plan (QASP) is stated at Attachment 1. The contractor shall provide EPA with the source codes to all programs created under this contract and the EPA will have sole ownership rights to all programs and software bought, designed, programed, etc. under this contract.

This contract involves no subcontractors.

OPP has determined that the contract described in this document involve work that is being conducted in connection with FIFRA, in that pesticide chemicals will be the subject of certain evaluations to be made under this contract. These evaluations may be used in subsequent regulatory decisions under FIFRA.

Some of this information may be entitled to confidential treatment. The information has been submitted to EPA under FIFRA sections 3, 4, 6, and 7 and under FFDCA sections 408 and 409.

In accordance with the requirements of 40 CFR 2.307(h)(3), the contract with Innovate, Inc., prohibits use of the information for any purpose not specified in these contract; prohibits disclosure of the information to a third party without prior written approval from the Agency; and requires that each official and employee of the contractor sign an agreement to protect the information from unauthorized release and to handle it in accordance with the *FIFRA Information Security Manual.* In addition, Innovate, Inc. is required to submit for EPA approval a security plan under which any CBI will be secured and protected against unauthorized release or compromise. No information will be provided to Innovate, Inc. until the requirements in this document have been fully satisfied. Records of information provided to Innovate, Inc. will be maintained by EPA Project Officers for this contract. All information supplied to Innovate, Inc. by EPA for use in connection with this contract will be returned to EPA when Innovate, Inc. has completed its work.

Authority: 7 U.S.C. 136 *et seq.;* 21 U.S.C. 301 *et seq.*

Dated: April 11, 2019.

Delores Barber,

Director, Information Technology and Resources Management Division, Office of Pesticide Programs.

[FR Doc. 2019–10678 Filed 5–21–19; 8:45 am]

BILLING CODE 6560–50–P

EXPORT–IMPORT BANK

Sunshine Act Meeting

TIME AND DATE: Thursday, May 30, 2019, at 9:30 a.m. (EDT).

PLACE: 811 Vermont Avenue NW, Room 1125, Washington, DC 20571.

STATUS: Portions of this meeting will be open to the public. Remaining items will be closed to the public.

MATTERS TO BE CONSIDERED: Open Meeting of the Board of Directors of the Export-Import Bank of the United States (EXIM Bank):

1. Ceremonial Swearing-In of Chairman Kimberly A. Reed; Director Spencer Bachus, III; and Director Judith DelZoppo Pryor
2. Appointment of Lisa V. Terry as Chief Ethics Officer
3. Appointment of Kenneth M. Tinsley as Chief Risk Officer
4. Amendment and Restatement of the Bylaws of EXIM Bank

PORTIONS OPEN TO THE PUBLIC: The meeting will be open to public participation for Items No. 1–4 only.

CONTACT PERSON FOR MORE INFORMATION: Members of the public who wish to attend the meeting should call Kita Hall, Office of the General Counsel, 811 Vermont Avenue NW, Washington, DC 20571 (202) 565–3584 by 4:00 p.m. (EDT), Tuesday, May 28, 2019.

Joyce Brotemarkle Stone,

Assistant Corporate Secretary.

[FR Doc. 2019–10781 Filed 5–20–19; 11:15 am]

BILLING CODE P

FEDERAL MARITIME COMMISSION

Notice of Request for Additional Information

The Commission gives notice that it has formally requested that the parties to the below listed agreements provide additional information pursuant to 46 U.S.C. 40304(d). This action prevents the agreements from becoming effective as originally scheduled. Interested parties may file comments within fifteen (15) days after publication of this notice appears in the **Federal Register**.

Agreement No.: 201292.

Title: Puerto Nuevo Terminals LLC Cooperative Working Agreement.

Parties: Luis Ayala Colon and Puerto Rico Terminals.

Agreement No.: 201293.

Title: Georgia—South Carolina Marine Terminal Operator Cooperative Working Agreement.

Parties: Ports America Florida, Inc.; SSA Atlantic, LLC; and Ceres Marine Terminals Inc.

By Order of the Federal Maritime Commission.

Dated: May 16, 2019.

Rachel Dickon,

Secretary.

[FR Doc. 2019–10624 Filed 5–21–19; 8:45 am]

BILLING CODE 6731–AA–P

FEDERAL MARITIME COMMISSION

Notice of Agreements Filed

The Commission hereby gives notice of the filing of the following agreements under the Shipping Act of 1984. Interested parties may submit comments on the agreements to the Secretary by email at *Secretary@fmc.gov,* or by mail, Federal Maritime Commission, Washington, DC 20573, within twelve days of the date this notice appears in the **Federal Register**. Copies of agreements are available through the Commission's website (*www.fmc.gov*) or by contacting the Office of Agreements at (202)–523–5793 or *tradeanalysis@fmc.gov.*

Agreement No.: 012334–002.

Title: Hyundai Glovis/Hoegh Transpacific Space Charter Agreement.

Parties: Hoegh Autoliners AS and Hyundai Glovis Co. Ltd.

Filing Party: Wayne R..; Cozen O'Conner.

Synopsis: The Amendment adds the eastbound direction to the geographic scope, expands the scope to cover all U.S. coasts, and adds Singapore, Thailand, Vietnam, Taiwan, Malaysia, Brunei and Indonesia to the scope of the Agreement. It also clarifies authority in Article 5.3.

Proposed Effective Date: 5/15/2019.

Location: http://fmcinet/Fmc.Agreements.Web/Public/AgreementHistory/29.

Agreement No.: 201305.

Agreement Name: CMA CGM/Marfret Mediterranean—Caribbean/US Gulf Vessel Sharing Agreement.

Parties: CMA CGM SA and Compagnie Maritime Marfret S.A.S.

Filing Party: Draughn Arbona; CMA CGM (America) LLC.

Synopsis: The Agreement authorizes the Parties to cooperate on the provision of a weekly liner service in the trade between the U.S. Gulf Coast on the one hand and Italy, France, Spain, Malta, the French Indies, Dominican Republic, Colombia, Mexico, Costa Rica, and Panama on the other hand. The Parties have requested expedited review.

Proposed Effective Date: 6/24/2019.

Location: http://fmcinet/Fmc.Agreements.Web/Public/AgreementHistory/22400.

Agreement No.: 201306.

Title: Seaboard/Zeamarine Space Charter Agreement.

Parties: Seaboard Marine Ltd. and Zeamarine Carrier GmbH.

Filing Party: Wayne R.; Cozen O'Conner.

Synopsis: The Agreement authorizes the Parties to charter space from one another in the trade on an as needed/as available basis between the U.S. Gulf Coast on the one hand and Chile, Colombia, Ecuador and Peru on the other hand.

Proposed Effective Date: 5/15/2019.

Location: http://fmcinet/Fmc.Agreements.Web/Public/AgreementHistory/22401.

Dated: May 17, 2019

JoAnne D. O'Bryant,

Program Analyst.

[FR Doc. 2019–10717 Filed 5–21–19; 8:45 am]

BILLING CODE 6731–AA–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The applications will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than June 18, 2019.

A. Federal Reserve Bank of Minneapolis (Mark A. Rauzi, Vice

President), 90 Hennepin Avenue, Minneapolis, Minnesota 55480–0291:

1. *Merchants Financial Group, Inc., Winona, Minnesota;* to acquire 100 percent of the voting shares of The First National Bank of Northfield, Northfield, Minnesota.

Board of Governors of the Federal Reserve System, May 17, 2019.

Yao-Chin Chao,

Assistant Secretary of the Board.

[FR Doc. 2019–10698 Filed 5–21–19; 8:45 am]

BILLING CODE P

FEDERAL RESERVE SYSTEM

Agency Information Collection Activities: Announcement of Board Approval Under Delegated Authority and Submission to OMB

AGENCY: Board of Governors of the Federal Reserve System.

SUMMARY: The Board of Governors of the Federal Reserve System (Board) is adopting a proposal to extend for three years, without revision, the Application Form for Membership on the Community Advisory Council (FR 1401; OMB 7100–0371).

FOR FURTHER INFORMATION CONTACT: Federal Reserve Board Clearance Officer—Nuha Elmaghrabi—Office of the Chief Data Officer, Board of Governors of the Federal Reserve System, Washington, DC 20551 (202) 452–3829. Telecommunications Device for the Deaf (TDD) users may contact (202) 263–4869, Board of Governors of the Federal Reserve System, Washington, DC 20551.

Office of Management and Budget (OMB) Desk Officer—Shagufta Ahmed—Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10235, 725 17th Street NW, Washington, DC 20503 or by fax to (202) 395–6974.

SUPPLEMENTARY INFORMATION: On June 15, 1984, OMB delegated to the Board authority under the Paperwork Reduction Act (PRA) to approve and assign OMB control numbers to collection of information requests and requirements conducted or sponsored by the Board. Board-approved collections of information are incorporated into the official OMB inventory of currently approved collections of information. Copies of the PRA Submission, supporting statements and approved collection of information instrument(s) are placed into OMB's public docket files. The Board may not conduct or sponsor, and the respondent is not required to respond to, an information collection that has been extended, revised, or implemented on or after October 1, 1995, unless it displays a currently valid OMB control number.

Final approval under OMB delegated authority of the extension for three years, without revision, of the following information collection:

Report title: Application Form for Membership on the Community Advisory Council.

Agency form number: FR 1401.

OMB control number: 7100–0371.

Frequency: Annually.

Respondents: Applicants who seek to be considered for Community Advisory Council membership.

Estimated number of respondents: 314.

Estimated average hours per response: 1.

Estimated annual burden hours: 314.

General description of report: The Application Form for Membership on the Community Advisory Council (Application) is used to obtain information about the experience and qualifications of persons seeking to be considered for membership on the Board's Community Advisory Council (CAC).

Legal authorization and confidentiality: The Application is authorized pursuant to the Board's general authority to establish the CAC, which is derived from sections 2A and 10 of the Federal Reserve Act (FRA). Section 2A of the FRA requires the Board and the Federal Open Market Committee to maintain long run growth of the monetary and credit aggregates commensurate with the economy's long-run potential to increase production, so as to promote effectively the goals of maximum employment, stable prices, and moderate long-term interest rates (12 U.S.C. 225a). Section 10 of the FRA authorizes the Board to ''determine and prescribe the manner in which its obligations shall be incurred and its disbursements and expenses allowed and paid'' (12 U.S.C. 244). The obligation to respond is required to obtain the benefit of consideration for CAC membership.

Information provided on the Application will be kept confidential under exemption 6 of the Freedom of Information Act (FOIA) to the extent that the disclosure of information ''would constitute a clearly unwarranted invasion of personal privacy'' (5 U.S.C. 552(b)(6)). For example, the release of information such as an applicant's address, home telephone number, and personal email address would likely constitute a clearly unwarranted invasion of personal privacy, and therefore, be kept confidential under exemption 6 of the FOIA. However, the release of information such as the educational and professional qualifications of successful applicants would not likely constitute a clearly unwarranted invasion of personal privacy, and may be disclosed under the FOIA. In addition, once a person becomes a member of the CAC, their name, and the name and location of the organization where they are employed, would generally be listed on the Board's public website.

Current actions: On January 31, 2019, the Board published a notice in the **Federal Register** (84 FR 718) requesting public comment for 60 days on the extension, without revision, of the Application. The comment period for this notice expired on April 1, 2019. The Board did not receive any comments.

Board of Governors of the Federal Reserve System, May 16, 2019.

Michele Taylor Fennell,

Assistant Secretary of the Board.

[FR Doc. 2019–10662 Filed 5–21–19; 8:45 am]

BILLING CODE 6210–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Decision To Evaluate a Petition To Designate a Class of Employees From the West Valley Demonstration Project in West Valley, New York, To Be Included in the Special Exposure Cohort

AGENCY: National Institute for Occupational Safety and Health (NIOSH), Centers for Disease Control and Prevention, Department of Health and Human Services.

ACTION: Notice.

SUMMARY: NIOSH gives notice of a decision to evaluate a petition to designate a class of employees from the West Valley Demonstration Project in West Valley, New York, to be included in the Special Exposure Cohort under the Energy Employees Occupational Illness Compensation Program Act of 2000.

FOR FURTHER INFORMATION CONTACT: Stuart L. Hinnefeld, Director, Division of Compensation Analysis and Support, National Institute for Occupational Safety and Health, 1090 Tusculum Avenue, MS C–46, Cincinnati, OH 45226–1938, Telephone 877–222–7570. Information requests can also be submitted by email to *DCAS@CDC.GOV.*

SUPPLEMENTARY INFORMATION:

Authority: 42 CFR 83.9–83.12.

Pursuant to 42 CFR 83.12, the initial proposed definition for the class being evaluated, subject to revision as warranted by the evaluation, is as follows:

Facility: West Valley Demonstration Project.

Location: West Valley, New York.

Job Titles and/or Job Duties: ''All Atomic Weapons Employees (AWE) who worked at the West Valley Demonstration Project in West Valley, New York, during the operational AWE period from January 1, 1966 through December 31, 1973, for a number of work days aggregating at least 250 work days, occurring either solely under this employment or in combination with work days within the parameters established for one or more other classes of employees in the Special Exposure Cohort.''

Period of Employment: January 1, 1966 through December 31, 1973.

John J. Howard,

Director, National Institute for Occupational Safety and Health.

[FR Doc. 2019–10659 Filed 5–21–19; 8:45 am]

BILLING CODE 4163–19–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; Child Care and Development Fund (CCDF) for States and Territories for FFY 2019–2021 (ACF–118)

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 a reinstatment of the form ACF–118: Child Care and Development Fund for States and Territories for FFY 2019–2021 (OMB #0970–0114; expired 11/30/2018). There are no changes to the form requested.

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 States and Territories is required from each CCDF 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–118, 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) requested and was granted clearance from the Office of Management and Budget (OMB) for the FY 2019–2021 CCDF Plan Preprint under emergency clearance procedure for six months with an expiration date of November 30, 2018. This **Federal Register** publication is to reinstate this data collection for states' and territories' Lead Agencies to submit their CCDF Plans. Any comments received will be addressed when OCC revises the Plan Preprint document for the FY 2022–2024 Plan effective period.

This 30-day second Public Comment Period provides an opportunity for the public to submit comments to the OMB.

Respondents: State and Territory Lead Agencies.

ANNUAL BURDEN ESTIMATES

Instrument	Total number of respondents	Number of responses per respondent	Average burden hours per response	Annual burden hours
ACF–118	56	0.33	200	3,696

Estimated Total Annual Burden Hours: 3,696.

Authority: 42 U.S.C. 9858.

Mary B. Jones,

ACF/OPRE Certifying Officer.

[FR Doc. 2019–10652 Filed 5–21–19; 8:45 am]

BILLING CODE 4184–81–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; National Directory of New Hires

AGENCY: Office of Child Support Enforcement; Administration for Children and Families; HHS.

ACTION: Request for public comment.

SUMMARY: The Office of Child Support Enforcement; Administration for Children and Families (ACF) is requesting a three-year extension of the National Directory of New Hires (OMB #0970–0166, expiration 7/31/2019). The NDNH Guide for Data Submission/Record Specifications and the Multistate Employer Registration form underwent minor revisions.

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 federal Office of Child Support Enforcement operates the National Directory of New Hires (NDNH), which is a centralized directory of employment and wage information. The information maintained in the NDNH is collected electronically and helps child support agencies locate parents and enforce child support orders. NDNH information is also used for authorized purposes by specific state and federal agencies to help administer certain programs authorized under 42 U.S.C. 653(i)(1).

Respondents: Employers, State Child Support Agencies, and State Workforce Agencies.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Rounded number of responses per respondent	Average burden hours per response	Total
New Hire: Employers Reporting Manually	5,265,682	1.39	.025 hours (1.5 minutes)	182,982.45
New Hire: Employers Reporting Electronically	635,049	103.46	.00028 hours (1 second)	18,396.61
New Hire: States	54	135,185.19	.017 hours (1 minute)	124,100.00
Quarterly Wage (QW) & Unemployment Insurance (UI)	53	26.00	.00028 hours (1 second)	0.39
Multistate Employer Registration Form	4,075	1.00	.050 hours (3 minutes)	203.75

Estimated Total Annual Burden Hours: 325,683.

Authorities: 42 U.S.C. 653A(b)(1)(A) and (B); 42 U.S.C. 653A(g)(2)(A); 26 U.S.C. 3304(a)(16)(B); 42 U.S.C. 503(h)(1)(A); and, 42 U.S.C. 653A(g)(2)(B).

Mary B. Jones,

ACF/OPRE Certifying Officer.

[FR Doc. 2019–10701 Filed 5–21–19; 8:45 am]

BILLING CODE 4184–41–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2019–D–2102]

Development of Therapeutic Protein Biosimilars: Comparative Analytical Assessment and Other Quality-Related Considerations; 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 ''Development of Therapeutic Protein Biosimilars: Comparative Analytical Assessment and Other Quality-Related Considerations.'' This draft guidance describes the Agency's recommendations on the design and evaluation of comparative analytical studies intended to support a demonstration that a proposed therapeutic protein product is biosimilar to a reference product licensed under the Public Health Service Act (PHS Act). Additionally, this draft guidance is intended to provide recommendations to sponsors on the scientific and technical information for the chemistry, manufacturing, and controls (CMC) portion of a marketing application for a proposed product submitted under the PHS Act. This draft guidance revises the guidance entitled ''Quality Considerations in Demonstrating Biosimilarity of a Therapeutic Protein Product to a Reference Product'' that was published on April 30, 2015.

DATES: Submit either electronic or written comments on the draft guidance by July 22, 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–2102 for ''Development of Therapeutic Protein Biosimilars: Comparative Analytical Assessment and Other Quality-Related Considerations.'' Received comments will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday.

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

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

You may submit comments on any guidance at any time (see 21 CFR 10.115(g)(5)).

Submit written requests for single copies of the draft guidance to the Division of Drug Information, Center for Drug Evaluation and Research, Food and Drug Administration, 10001 New Hampshire Ave., Hillandale Building, 4th Floor, Silver Spring, MD 20993–0002; or to the Office of Communication, Outreach and Development, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 3128, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist that office in processing your requests. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the draft guidance document.

FOR FURTHER INFORMATION CONTACT: Sandra Benton, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave. Bldg. 75, Rm. 6522, Silver Spring, MD 20993–0002, 301–796–1042; or Stephen Ripley, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave. Bldg. 71, Rm. 7301, Silver Spring, MD 20993–0002, 240–402–7911.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a draft guidance for industry entitled ''Development of Therapeutic Protein Biosimilars: Comparative Analytical Assessment and Other Quality-Related Considerations.'' This draft guidance describes the Agency's recommendations on the design and evaluation of comparative analytical studies intended to support a demonstration that a proposed therapeutic protein product is biosimilar to a reference product licensed under section 351(a) of the PHS Act (42 U.S.C. 262(a)). Additionally, this draft guidance is intended to provide recommendations to sponsors on of the scientific and technical information for the CMC portion of a marketing application for a proposed product submitted under section 351(k) of the PHS Act. Although the 351(k) pathway applies generally to biological products, this guidance focuses on therapeutic protein products.

The Biologics Price Competition and Innovation Act of 2009 was enacted as part of the Patient Protection and Affordable Care Act (Pub. L. 111–148) on March 23, 2010, and created an abbreviated licensure pathway under section 351(k) of the PHS Act for biological products demonstrated to be biosimilar to, or interchangeable with, a reference product. Under this abbreviated licensure pathway, FDA will license a proposed biological product submitted under section 351(k) of the PHS Act if, among other things, FDA determines that the information submitted in the application is sufficient to show that the biological product is biosimilar to the reference product.

In the **Federal Register** of February 15, 2012 (77 FR 8884), FDA announced the availability of the draft guidance entitled ''Quality Considerations in Demonstrating Biosimilarity to a Reference Protein Product.'' FDA received a number of comments on the draft guidance. In response to these comments, FDA provided further clarification on the general principles described through a final guidance entitled ''Quality Considerations in Demonstrating Biosimilarity of a Therapeutic Protein Product to a Reference Product,'' which was announced in the **Federal Register** of April 30, 2015 (80 FR 24257).

In the **Federal Register** of September 22, 2017 (82 FR 44425), FDA announced the availability of the draft guidance entitled ''Statistical Approaches to Evaluate Analytical Similarity.'' FDA received a number of comments on the draft guidance. Comments submitted to the docket addressed a range of issues that could impact the cost and efficiency of biosimilar development, including the number of reference product lots the draft guidance would have recommended that biosimilar developers sample in their evaluation of high similarity and the statistical methods for this evaluation. After considering the public comments that FDA received, FDA determined it would withdraw the draft guidance to give further consideration to the scientific and regulatory issues involved. FDA announced the withdrawal of the draft

guidance on June 21, 2018, with the intention of issuing future draft guidance on the evaluation of analytical data to support a demonstration that a proposed biosimilar product is highly similar to a reference product.

This draft guidance revises the guidance issued on April 30, 2015. FDA has adjusted the title of this draft guidance to more clearly communicate that this draft guidance includes the Agency's recommendations on the design and evaluation of comparative analytical studies intended to support a demonstration that a proposed therapeutic protein product is biosimilar to a reference product. In addition to editorial and clarifying edits, the draft guidance includes a section that fulfills the Biosimilar User Fee Act II commitment to publish a revised draft or final guidance, describing statistical considerations for the analysis of analytical similarity data intended to support a demonstration of ''highly similar'' for biosimilar biological products within 18 months after the close of the public comment period for the withdrawn guidance, ''Statistical Approaches to Evaluate Analytical Similarity.''

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 ''Development of Therapeutic Protein Biosimilars: Comparative Analytical Assessment and Other Quality-Related Considerations.'' 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 guidance refers to previously approved collections of information found in FDA regulations, which are not expected to change as a result of the guidance. 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 related to the submission of: (1) An investigational new drug application, which is covered under 21 CFR part 312 and approved under OMB control number 0910–0014; (2) a new drug application, which is covered under 21 CFR 314.50 and approved under OMB control number 0910–0001; (3) a biologics license application (BLA) under section 351(a) of the PHS Act, which is covered under part 601 (21 CFR part 601) and approved under OMB control number 0910–0338; and (4) a BLA under section 351(k), which is covered under part 601 and approved under OMB control number 0910–0719.

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, https://www.fda.gov/BiologicsBloodVaccines/GuidanceComplianceRegulatoryInformation/Guidances/default.htm*, or *https://www.regulations.gov.*

Dated: May 16, 2019.

Lowell J. Schiller,

Principal Associate Commissioner for Policy.

[FR Doc. 2019–10667 Filed 5–21–19; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Proposed Changes to the Scholarships to Disadvantaged Students Program

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services (HHS).

ACTION: Request for public comment on the Scholarships for Disadvantaged Students program.

SUMMARY: The Scholarships for Disadvantaged Students (SDS) program is authorized by the Public Health Service Act (PHS Act) and administered by HRSA. The program promotes diversity among the health professions and nursing workforce by providing awards to eligible health professions and nursing schools for use in awarding scholarships to students from disadvantaged backgrounds. This notice seeks public comment to inform and guide policy and planning associated with the SDS program.

DATES: Individuals and organizations interested in providing information must submit written comments no later than 11:59 p.m. Eastern Time on June 21, 2019.

ADDRESSES: Interested parties should submit their comments to Denise Sorrell, SDS Project Officer, via email at *SDSProgram@HRSA.gov.* Please include the title of this notice, ''Request for Comment: SDS Program'' in the subject line of the email. Response to this request is voluntary. Responders are free to address any or all of the proposals listed below. This request is for information and planning purposes only and should not be construed as a solicitation or as an obligation on the part of the federal government. All submitted comments will be available to the public in their entirety.

FOR FURTHER INFORMATION CONTACT: Denise Sorrell, SDS Project Officer, Division of Health Careers and Financial Support, Bureau of Health Workforce, HRSA, 5600 Fishers Lane, Room 15N78, Rockville, Maryland 20857, phone (301) 443–2909, or email *SDSProgram@HRSA.gov.*

SUPPLEMENTARY INFORMATION: HRSA is considering updating the SDS program to increase the impact of the program. The authorizing statute allows the Secretary of HHS to make grants to certain health professions and nursing schools that are carrying out a program for recruiting and retaining students from disadvantaged backgrounds, including students who are members of racial and ethnic minority groups, to provide scholarships to eligible students (PHS Act, Sec. 737(a), (d)(1)). Grantees provide scholarships to individuals who meet the following requirements: (1) are from disadvantaged backgrounds; (2) have a financial need for a scholarship; and (3) are enrolled (or accepted for enrollment) at an eligible health professions or nursing school as a full-time student in a program leading to a degree in a health profession or nursing (PHS Act, Sec. 737(d)(2)(A–C)). Under the statute, priority is given to eligible entities based on the proportion of graduating students practicing in primary care settings, the proportion of underrepresented minority student enrollees and graduates, and the proportion of graduates working in medically underserved communities (MUCs) (PHS Act, Sec. 737(c)). The PHS Act requires HRSA to award at least 16 percent of the available funds to schools of nursing (PHS Act, Sec. 740(a)).

Eligible applicants are public or non-profit private accredited schools of allopathic medicine, osteopathic medicine, dentistry, nursing, pharmacy, podiatric medicine, optometry, veterinary medicine, public health, chiropractic, or allied health; a school offering a graduate program in behavioral and mental health practice; or an entity providing programs for the training of physician assistants as determined in Section 737(d)(1)(A) of the PHS Act. Faith-based and community-based organizations, tribes, and tribal organizations are eligible to apply if all other eligibility requirements are met. Additionally, Section 737(d)(2) requires ''a school must be carrying out a recruitment and

retention program for students from disadvantaged backgrounds.''

As explained in the most recent Notice of Funding Opportunity (HRSA–16–069), published on November 25, 2015, HRSA determined at least 20 percent of a school's enrollees and graduates must be disadvantaged individuals. For the purposes of the SDS program, an individual from a disadvantaged background is defined as one who: (1) comes from an environment that has inhibited the individual from obtaining the knowledge, skills, and abilities required to enroll in and graduate from a health profession or nursing school, or from a program providing education or training in allied health professions; or (2) comes from a family with an annual income below the established Census Bureau low-income thresholds, adjusted by the Secretary of HHS for health professions and nursing programs eligibility.

As explained in the most recent Notice of Funding Opportunity, (HRSA–16–069), scholarship awards equal an amount no less than 50 percent of the student's annual tuition costs, up to a maximum amount of $30,000 to cover the cost of attendance. Scholarships may be expended only for a recipient's cost of tuition expenses, other reasonable educational expenses, and reasonable living expenses incurred by attendance at the participant's school of enrollment, as described in Section 737(a) of the PHS Act. The project period for this program may be altered within the range of one to five years. HRSA will announce any future changes to the project period for the SDS program through the relevant Notice of Funding Opportunity.

Scholarships for Disadvantaged Students Program in FY 2020—Proposal for Public Comment

HRSA is seeking comments from interested parties, including current and former grant recipients and former applicants to the program, on the following proposed changes. In your comments, please address one or more of the following proposals. Please reference the section number in your comments.

1. In an effort to combat workforce shortages, HRSA will distribute SDS funding to award recipients consistent with promoting health professions careers projected to experience the most severe shortages as determined by the National Center for Health Workforce Analysis. Section 740(a) of the PHS Act requires HRSA to distribute at least 16 percent of the SDS funding to nursing schools. Precise distributions for each competition will be announced in the relevant Notice of Funding Opportunity. This adjustment of funding would allow HRSA to strategically target SDS funding for the health professions with a current or projected workforce shortage.

2. At least 20 percent of the school's full-time enrolled students and graduates must be from a disadvantaged background. Institutions are required to provide 1 year of data to demonstrate this eligibility requirement. The proposal is to require schools to provide the average for the most recent 3-year period to demonstrate their eligibility. A 3-year average is a more accurate portrayal of school enrollment patterns than 1 year. This change would allow SDS to support the grantees who have demonstrated a commitment over time to serving students from disadvantaged backgrounds. Any future changes to the disadvantaged student percentage or data collection period will be announced through the SDS Notice of Funding Opportunity for the relevant grant funding cycle.

3. HRSA has analyzed SDS award data, compared it with performance measures, and discovered providing amounts to students to cover a substantial portion of their education costs positively correlates with better graduation rates, consistent with the statutory aims. Data suggests the availability of scholarships, especially for disadvantaged students, continues to limit educational opportunities for students. SDS last increased its scholarship amount in 2016. Without sufficient financial support, disadvantaged students are much more likely to be unable to successfully complete their education. Based on this understanding and the steady increase in tuition nationally, HRSA proposes to increase the maximum scholarship award to $40,000 per student, to ensure the SDS program will continue to impact students who receive the awards and ensure their success in completing the program. HRSA also reserves the right to adjust the scholarship award amount as necessary to accommodate any rise in tuition and will announce any such changes in the Notice of Funding Opportunity for the relevant funding cycle.

HRSA will announce any future administrative changes to the SDS program through the relevant Notice of Funding Opportunity.

Dated: May 16, 2019.

George Sigounas,

Administrator.

[FR Doc. 2019–10727 Filed 5–21–19; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Establishment of the Interdepartmental Substance Use Disorders Coordinating Committee and Solicitation of Nominations for Committee Members; Correction

AGENCY: U.S. Department of Health and Human Services, Office of the Secretary, Office of the Assistant Secretary for Health.

ACTION: Notice; correction.

SUMMARY: The U.S. Department of Health and Human Services (HHS) published a document in the **Federal Register** of May 15, 2019, concerning the establishment of the Interdepartmental Substance Use Disorders Coordinating Committee and Solicitation of Nominations for Committee Members. The document contained an inadvertent omission of the following membership category from the list of non-federal members that the Secretary of HHS will appoint to the committee: Public safety officer with extensive experience in interacting with adults with a substance use disorder.

FOR FURTHER INFORMATION CONTACT: Roula K. Sweis, Psy.D., M.A., Chief, Operations and Management, Office of the Assistant Secretary for Health; U.S. Department of Health and Human Services; Telephone: 202–260–6619; Fax: 202–690–4631; Email address: *SUDCommittee@hhs.gov*.

SUPPLEMENTARY INFORMATION:

Correction

In the **Federal Register** of May 15, 2019, in FR Doc. 2019–09969, on page 21793 under the header Membership and Designation the following category was inadvertently omitted from the list of non-federal members that the Secretary of HHS will appoint to the committee: ''at least one such member will be a public safety officer with extensive experience in interacting with adults with a substance use disorder.''

Dated: May 16, 2019.

Roula K. Sweis,

Designated Federal Official.

[FR Doc. 2019–10679 Filed 5–21–19; 8:45 am]

BILLING CODE 4150–28–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute 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 grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Cancer Institute Special Emphasis Panel; Collaborative Research at the NIH Clinical Center.

Date: July 2, 2019.

Time: 11:00 a.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: NCI Shady Grove, 9609 Medical Center Drive, Room 7W246, Rockville, MD 20850 (Telephone Conference Call).

Contact Person: Jun Fang, Ph.D., Scientific Review Officer, Research Technology & Contract Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W246, Bethesda, MD 20892–9750, 240–276–5460, *jfang@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: May 16, 2019.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–10604 Filed 5–21–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Aging Special Emphasis Panel; Statin Therapy in Older Adults Trial.

Date: June 18, 2019.

Time: 12:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute on Aging, Gateway Building, 7201 Wisconsin Avenue, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Isis S. Mikhail, MD, MPH, DRPH, National Institute on Aging, Gateway Building, 7201 Wisconsin Avenue, Suite 2C212, Bethesda, MD 20892, 301–402–7704, *MIKHAILI@MAIL.NIH.GOV.*

Name of Committee: National Institute on Aging Special Emphasis Panel; Evaluation of Clinical Applications ZAG1–ZIJ G O2.

Date: June 20, 2019.

Time: 11:00 a.m. to 2:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute on Aging, Gateway Building, 7201 Wisconsin Avenue, Bethesda, Md 20814 (Telephone Conference Call).

Contact Person: Maurizio Grimaldi, MD, Ph.D., Scientific Review Officer, National Institute on Aging, National Institutes of Health, 7201 Wisconsin Avenue, Room 2C218, Bethesda, MD 20892, 301–496–9374, *grimaldim2@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS)

Dated: May 16, 2019.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–10605 Filed 5–21–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Dental & Craniofacial Research; 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 contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Dental and Craniofacial Research Special Emphasis Panel; NIDCR CROMS Contract Review.

Date: May 30, 2019.

Time: 8:00 a.m. to 1:00 p.m.

Agenda: To review and evaluate contract proposals.

Place: Hilton Garden Inn Bethesda, 7301 Waverly Street, Bethesda, MD 20814.

Contact Person: Guo He Zhang, MPH, Ph.D., Scientific Review Officer, Scientific Review Branch, Natl Institute of Dental and Craniofacial Research, National Institutes of Health, 6701 Democracy Boulevard, Suite 672, Bethesda, MD 20892, *zhanggu@mail.nih.gov.*

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.

(Catalogue of Federal Domestic Assistance Program Nos. 93.121, Oral Diseases and Disorders Research, National Institutes of Health, HHS)

Dated: May 16, 2019.

Natasha Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–10607 Filed 5–21–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Cell Biology Integrated Review Group; Biology of the Visual System Study Section.
Date: June 18–19, 2019.
Time: 8:00 a.m. to 3:00 p.m.
Agenda: To review and evaluate grant applications.
Place: Courtyard by Marriott, 5520 Wisconsin Avenue, Chevy Chase, MD 20815.
Contact Person: Michael H. Chaitin, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5202, MSC 7850, Bethesda, MD 20892, (301) 435–0910, *chaitinm@csr.nih.gov.*

Name of Committee: Cardiovascular and Respiratory Sciences Integrated Review Group; Respiratory Integrative Biology and Translational Research Study Section.
Date: June 20–21, 2019.
Time: 7:00 a.m. to 6:00 p.m.
Agenda: To review and evaluate grant applications.
Place: Admiral Fell Inn, 888 South Broadway, Baltimore, MD 21231.
Contact Person: Bradley Nuss, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4142, MSC 7814, Bethesda, MD 20892, 301–451–8754, *nussb@csr.nih.gov.*

Name of Committee: Interdisciplinary Molecular Sciences and Training Integrated Review Group; Enabling Bioanalytical and Imaging Technologies Study Section.
Date: June 20–21, 2019.
Time: 8:00 a.m. to 6:00 p.m.
Agenda: To review and evaluate grant applications.
Place: The Westgate Hotel, 1055 Second Avenue, San Diego, CA 92101.
Contact Person: Kenneth Ryan, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3218, MSC 7717, Bethesda, MD 20892, 301–435–0229, *kenneth.ryan@nih.hhs.gov.*

Name of Committee: Endocrinology, Metabolism, Nutrition and Reproductive Sciences Integrated Review Group; Cellular, Molecular and Integrative Reproduction Study Section.
Date: June 20, 2019.
Time: 8:00 a.m. to 6:00 p.m.
Agenda: To review and evaluate grant applications.
Place: InterContinental Chicago Hotel, 505 North Michigan Avenue, Chicago, IL 60611.
Contact Person: Gary Hunnicutt, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6164, MSC 7892, Bethesda, MD 20892, 301–435–0229, *hunnicuttgr@csr.nih.gov.*

Name of Committee: Molecular, Cellular and Developmental Neuroscience Integrated Review Group; Neurotransporters, Receptors, and Calcium Signaling Study Section.
Date: June 20, 2019.
Time: 8:00 a.m. to 6:00 p.m.
Agenda: To review and evaluate grant applications.
Place: Canopy by Hilton, 940 Rose Avenue, North Bethesda, MD 20852.
Contact Person: Peter B. Guthrie, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4182, MSC 7850, Bethesda, MD 20892, (301) 435–1239, *guthriep@csr.nih.gov.*

Name of Committee: Molecular, Cellular and Developmental Neuroscience Integrated Review Group; Drug Discovery for the Nervous System Study Section.
Date: June 20–21, 2019.
Time: 8:00 a.m. to 2:00 p.m.
Agenda: To review and evaluate grant applications.
Place: The Westgate Hotel, 1055 Second Avenue, San Diego, CA 92101.
Contact Person: Mary Custer, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4148, MSC 7850, Bethesda, MD 20892, (301) 435–1164, *custerm@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Topics in Gastroenterology.
Date: June 20–21, 2019.
Time: 8:00 a.m. to 6:00 p.m.
Agenda: To review and evaluate grant applications.
Place: Mayflower Park Hotel, 405 Olive Way, Seattle, WA 98101.
Contact Person: Terez Shea-Donohue, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2180, MSC 7818, Bethesda, MD 20892, *sheadonohuept@mail.nih.gov.*

Name of Committee: Digestive, Kidney and Urological Systems Integrated Review Group; Systemic Injury by Environmental Exposure.
Date: June 20–21, 2019.
Time: 8:00 a.m. to 6:00 p.m.
Agenda: To review and evaluate grant applications.
Place: Lorien Hotel & Spa, 1600 King Street, Alexandria, VA 22314.
Contact Person: Meenakshisundar Ananthanarayanan, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4200, Bethesda, MD 20817, 301–435–1234, *ananth.ananthanarayanan@nih.gov.*

Name of Committee: Endocrinology, Metabolism, Nutrition and Reproductive Sciences Integrated Review Group; Integrative and Clinical Endocrinology and Reproduction Study Section.
Date: June 20–21, 2019.
Time: 8:00 a.m. to 12:00 p.m.
Agenda: To review and evaluate grant applications.
Place: Ritz Carlton Hotel, 1150 22nd Street NW, Washington, DC 20037.
Contact Person: Dianne Hardy, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6175, MSC 7892, Bethesda, MD 20892, 301–435–1154, *dianne.hardy@nih.gov.*

Name of Committee: Bioengineering Sciences & Technologies Integrated Review Group; Biomaterials and Biointerfaces Study Section.
Date: June 20–21, 2019.
Time: 8:00 a.m. to 6:00 p.m.
Agenda: To review and evaluate grant applications.
Place: Palomar Hotel, 2121 P Street NW, Washington, DC 20037.
Contact Person: Joseph D. Mosca, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5158, MSC 7808, Bethesda, MD 20892, (301) 408–9465, *moscajos@csr.nih.gov.*

Name of Committee: Oncology 2—Translational Clinical Integrated Review Group; Cancer Immunopathology and Immunotherapy Study Section.
Date: June 20–21, 2019.
Time: 8:00 a.m. to 5:00 p.m.
Agenda: To review and evaluate grant applications.
Place: Embassy Suites, 1900 Diagonal Rd., Alexandria, VA 22314.
Contact Person: Denise R. Shaw, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6158, MSC 7804, Bethesda, MD 20892, 301–435–0198, *shawdeni@csr.nih.gov.*

Name of Committee: Cardiovascular and Respiratory Sciences Integrated Review Group; Cardiac Contractility, Hypertrophy, and Failure Study Section.
Date: June 20–21, 2019.
Time: 8:00 a.m. to 4:00 p.m.
Agenda: To review and evaluate grant applications.
Place: Wyndham Grand Chicago Riverfront, 71 E Wacker Dr., Chicago, IL 60601.
Contact Person: Abdelouahab Aitouche, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4222, MSC 7814, Bethesda, MD 20892, 301–435–2365, *aitouchea@csr.nih.gov.*

Name of Committee: Healthcare Delivery and Methodologies Integrated Review Group; Health Disparities and Equity Promotion Study Section.
Date: June 20–21, 2019.
Time: 8:00 a.m. to 6:00 p.m.
Agenda: To review and evaluate grant applications.
Place: Hilton Alexandria Old Town, 1767 King Street, Alexandria, VA 22314.
Contact Person: Jessica Bellinger, Ph.D., Scientific Review Administrator, Center for Scientific of Review, National Institutes of Health, 6701 Rockledge Drive, Room 3158, Bethesda, MD 20892, 301–827–4446, *bellingerjd@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Fellowships: Brain Disorders and Related Neurosciences.
Date: June 20–21, 2019.
Time: 8:00 a.m. to 6:00 p.m.
Agenda: To review and evaluate grant applications.
Place: Wyndham Grand Chicago Riverfront, 71 E Wacker Dr., Chicago, IL 60601.
Contact Person: Vilen A. Movsesyan, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4040M, MSC 7806, Bethesda, MD 20892, 301–402–7278, *movsesyanv@csr.nih.gov.*

Name of Committee: Immunology Integrated Review Group; Immunity and Host Defense Study Section.

Date: June 20–21, 2019.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda North Marriott Hotel & Conference Center, 5701 Marinelli Road, Bethesda, MD 20852.

Contact Person: Scott Jakes, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4198, MSC 7812, Bethesda, MD 20892, 301–435–1506, *jakesse@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: May 16, 2019.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–10603 Filed 5–21–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Office of the Director, National Institutes of Health; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the Advisory Committee to the Director, National Institutes of Health, June 13, 2019, 09:00 a.m. to June 14, 2019, 01:00 p.m. National Institutes of Health, Building 1, Wilson Hall, 1 Center Drive, Bethesda, MD, 20892 which was published in the **Federal Register** on May 2, 2019, 84 FR 18854.

The meeting notice is amended to change the meeting end time on June 13, 2019 from 5:30 p.m. to 6:00 p.m. and the meeting end time on June 14, 2019 from 1:00 p.m. to 12:15 p.m. The meeting is open to the public.

Dated: May 16, 2019.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–10612 Filed 5–21–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Diseases; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; Fellowships in Diabetes, Endocrinology and Metabolism.

Date: June 19, 2019.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Doubletree Hotel Bethesda (Formerly Holiday Inn Select), 8120 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Thomas A. Tatham, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 7021, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–3993, *tathamt@mail.nih.gov.*

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; DDK–B Conflicts.

Date: June 19, 2019.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Doubletree Hotel Bethesda (Formerly Holiday Inn Select), 8120 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Thomas A. Tatham, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 7021, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–3993, *tathamt@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS)

Dated: May 16, 2019.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–10608 Filed 5–21–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the Hypersensitivity, Autoimmune, and Immune-mediated Diseases Study Section, June 6, 2019, 08:00 a.m. to June 7, 2019, 05:00 p.m., which was published in the **Federal Register** on May 09, 2019, 84 FR PG 20377.

The meeting location is being changed to Hilton Garden Inn Washington DC/Georgetown, 2201 M Street NW, Washington, DC. Meeting dates remain the same. The meeting is closed to the public.

Dated: May 16, 2019.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–10601 Filed 5–21–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of General Medical Sciences; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of General Medical Sciences Special Emphasis Panel; Review of NIGMS Support of Competitive Research (SCORE) Award Applications.

Date: June 28, 2019.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Brian R. Pike, Ph.D., Scientific Review Officer, Office of Scientific Review, National Institute of General Medical Sciences, National Institutes of Health, 45

Center Drive, Room 3AN18, Bethesda, MD 20892, 301–594–3907, *pikebr@mail.nih.gov.*

Name of Committee: National Institute of General Medical Sciences Special Emphasis Panel; Review of the Centers for Biomedical Research Excellence—Phase 1 Applications.

Date: July 8–9, 2019.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Embassy Suites—Chevy Chase Pavilion, 4300 Military Road NW, Washington, DC 20015.

Contact Person: Saraswathy Seetharam, Scientific Review Officer, Office Scientific Review, National Institute of General Medical Sciences, National Institutes Health, 45 Center Drive, Room 3AN12C, Bethesda, MD 20892, 301–594–2763, *seetharams@nigms.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.375, Minority Biomedical Research Support; 93.821, Cell Biology and Biophysics Research; 93.859, Pharmacology, Physiology, and Biological Chemistry Research; 93.862, Genetics and Developmental Biology Research; 93.88, Minority Access to Research Careers; 93.96, Special Minority Initiatives; 93.859, Biomedical Research and Research Training, National Institutes of Health, HHS)

Dated: May 16, 2019.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–10609 Filed 5–21–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of General Medical Sciences; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: NIGMS Initial Review Group; Training and Workforce Development Subcommittee—B, Review of Predoctoral Training Grant Applications.

Date: June 18–19, 2019.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: The Dupont Circle Hotel, 1500 New Hampshire Avenue NW, Washington, DC 20036.

Contact Person: Lisa A. Newman, Sc.D., Scientific Review Officer, Office of Scientific Review, National Institutes of General Medical Sciences, 45 Center Dr., Rm. 3AN18A, Bethesda, MD 20814, (301) 435–0965, *newmanla2@mail.nih.gov.*

Name of Committee: NIGMS Initial Review Group; Training and Workforce Development Subcommittee—A, Review of T32 Applications.

Date: June 24–25, 2019.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: John J. Laffan, Ph.D., Scientific Review Officer, Office of Scientific Review, National Institute of General Medical Sciences, National Institutes of Health, Natcher Building, Room 3AN18J, Bethesda, MD 20892, 301–594–2773, *laffanjo@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.375, Minority Biomedical Research Support; 93.821, Cell Biology and Biophysics Research; 93.859, Pharmacology, Physiology, and Biological Chemistry Research; 93.862, Genetics and Developmental Biology Research; 93.88, Minority Access to Research Careers; 93.96, Special Minority Initiatives; 93.859, Biomedical Research and Research Training, National Institutes of Health, HHS)

Dated: May 16, 2019.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–10610 Filed 5–21–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious 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 Allergy and Infectious Diseases Special Emphasis Panel; Fc-Dependent Mechanisms of Antibody-Mediated Killing (U01 Clinical Trial Not Allowed).

Date: June 20, 2019.

Time: 9:30 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 5601 Fishers Lane, Rockville, MD 20892 (Telephone Conference Call).

Contact Person: Sandip Bhattacharyya, Ph.D., Scientific Review Program, DEA/NIAID/NIH/DHHS, 5601 Fishers Lane, MSC–9823, Rockville, MD 20852, 240–292–0189, *sandip.bhattacharyya@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: May 16, 2019.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–10606 Filed 5–21–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of General Medical Sciences; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of General Medical Sciences Special Emphasis Panel; NIGMS Postdoctoral T32 Training Grant Review.

Date: July 9, 2019.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Brian R. Pike, Ph.D., Scientific Review Officer, Office of Scientific Review, National Institute of General Medical Sciences, National Institutes of Health, 45 Center Drive, Room 3AN18, Bethesda, MD 20892, 301–594–3907, *pikebr@mail.nih.gov.*

Name of Committee: National Institute of General Medical Sciences Special Emphasis Panel; To Review Centers of Biomedical Research Excellence (COBRE) P20 Applications.

Date: July 11–12, 2019.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Nina Sidorova, Ph.D., Scientific Review Officer, Office of Scientific Review, National Institute of General Medical Sciences, National Institutes of Health, 45 Center Drive, Room 3An.22, Bethesda, MD 20892–6200, 301–594–3663, *sidorova@nigms.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.375, Minority Biomedical Research Support; 93.821, Cell Biology and Biophysics Research; 93.859, Pharmacology, Physiology, and Biological Chemistry Research; 93.862, Genetics and Developmental Biology Research; 93.88, Minority Access to Research Careers; 93.96, Special Minority Initiatives; 93.859, Biomedical Research and Research Training, National Institutes of Health, HHS)

Dated: May 16, 2019.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–10611 Filed 5–21–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Fellowships: Cell Biology, Developmental Biology and Bioengineering.

Date: June 13–14, 2019.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Courtyard by Marriott, 5520 Wisconsin Avenue, Chevy Chase, MD 20815.

Contact Person: Raj K. Krishnaraju, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6190, Bethesda, MD 20892, 301–435–1047, *kkrishna@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Neurodegeneration and Neuroprotection.

Date: June 13–14, 2019.

Time: 11:00 a.m. to 4:30 p.m.

Agenda: To review and evaluate grant applications.

Place: Canopy by Hilton, 940 Rose Avenue, North Bethesda, MD 20852.

Contact Person: Carole L. Jelsema, Ph.D., Chief and Scientific Review Administrator, MDCN Scientific Review Group, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4146, MSC 7850, Bethesda, MD 20892, (301) 435–1248, *jelsemac@csr.nih.gov.*

Name of Committee: Endocrinology, Metabolism, Nutrition and Reproductive Sciences Integrated Review Group, Molecular and Cellular Endocrinology Study Section.

Date: June 18–19, 2019.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: The Westin Georgetown, 2350 M Street NW, Washington, DC 20037.

Contact Person: Liliana Norma Berti-Mattera, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, RM 4215, Bethesda, MD 20892, *liliana.berti-mattera@nih.gov.*

Name of Committee: Digestive, Kidney and Urological Systems Integrated Review Group; Hepatobiliary Pathophysiology Study Section.

Date: June 18–19, 2019.

Time: 11:00 a.m. to 9:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Sir Francis Drake Hotel, 450 Powell Street at Sutter, San Francisco, CA 94102.

Contact Person: Jianxin Hu, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2156, Bethesda, MD 20892, 301–827–4417, *jianxinh@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR Panel: AREA and REAP Review: Cancer Biology.

Date: June 18, 2019.

Time: 1:00 p.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Reigh-Yi Lin, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, 301–827–6009, *lin.reigh-yi@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: May 16, 2019.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–10602 Filed 5–21–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Immigration and Customs Enforcement

[OMB Control Number 1653–0043]

Agency Information Collection Activities: Extension of a Currently Approved Collection: Electronic Funds Transfer Waiver Request

AGENCY: U.S. Immigration and Customs Enforcement, Department of Homeland Security.

ACTION: 60-Day notice.

SUMMARY: In accordance with the Paperwork Reductions Act (PRA) of 1995 the Department of Homeland Security (DHS), U.S. Immigration and Customs Enforcement (ICE) will submit the following Information Collection Request (ICR) to the Office of Management and Budget (OMB) for review and clearance.

DATES: Comments are encouraged and will be accepted until July 22, 2019.

ADDRESSES: All submissions received must include the OMB Control Number 1653–0043 in the body of the letter, the agency name and Docket ID ICEB–2019–0004. All comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided. To avoid duplicate submissions, please use only *one* of the following methods to submit comments:

(1) *Online.* Submit comments via the Federal eRulemaking Portal website at *http://www.regulations.gov* under e-Docket ID number ICEB–2019–0004;

(2) *Mail:* Submit written comments to DHS, ICE, Office of the Chief Information Officer (OCIO), PRA Clearance, Washington, DC 20536–5800.

SUPPLEMENTARY INFORMATION:

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 of a Currently Approved Collection.

(2) *Title of the Form/Collection:* Electronic Funds Transfer Waiver Request.

(3) *Agency form number, if any, and the applicable component of the Department of Homeland Security sponsoring the collection:* ICE Form 10–002; 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 to 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:* 650 responses at 30 minutes (.50 hours) per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 350 annual burden hours.

Dated: May 16, 2019.

Scott Elmore,

PRA Clearance Officer, Office of the Chief Information Officer, U.S. Immigration and Customs Enforcement, Department of Homeland Security.

[FR Doc. 2019–10631 Filed 5–21–19; 8:45 am]

BILLING CODE 9111–28–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[CIS No. 2647–19; DHS Docket No. USCIS–2019–0009]

RIN 1615–ZB80

Continuation of Documentation for Beneficiaries of Temporary Protected Status Designations for Nepal and Honduras; Correction

AGENCY: U.S. Citizenship and Immigration Services (USCIS), DHS.

ACTION: Notice; correction.

SUMMARY: The Department of Homeland Security (DHS) makes a correction to the notice titled ''Continuation of Documentation for Beneficiaries of Temporary Protected Status Designations for Nepal and Honduras'' published in the **Federal Register** on May 10, 2019, at 84 FR 20647. The CIS No., the DHS Docket No., and the RIN in the notice are corrected as follows: the CIS No. is updated to read ''CIS No. 2647–19''; the DHS Docket No. is updated to read ''DHS Docket No. USCIS–2019–0009''; and the RIN is updated to read ''RIN 1615–ZB80.''

FOR FURTHER INFORMATION CONTACT: Samantha Deshommes, Chief, Regulatory Coordination Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, U.S. Department of Homeland Security, by mail at 20 Massachusetts Avenue NW, Washington, DC 20529–2060; or by phone at 800–375–5283.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of May 10, 2019, at 84 FR 20647, on page 20647, in the second column, correct the CIS No. to read ''CIS No. 2647–19''; correct the DHS Docket No. to read ''DHS Docket No. USCIS–2019–0009''; and correct the RIN to read ''RIN 1615–ZB80''.

Samantha Deshommes,

Chief, Regulatory Coordination Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, U.S. Department of Homeland Security.

[FR Doc. 2019–10676 Filed 5–21–19; 8:45 am]

BILLING CODE 9111–97–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–7014–N–16]

60-Day Notice of Proposed Information Collection: Section 202 Supportive Housing for the Elderly Application Submission Requirements

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Notice.

SUMMARY: HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comment from all interested parties on the proposed collection of information. The purpose of this notice is to allow for 60 days of public comment.

DATES: *Comments Due Date: July 22, 2019.*

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW, Room 4176, Washington, DC 20410–5000; telephone 202–402–3400 (this is not a toll-free number) or email at *Colette.Pollard@hud.gov* for a copy of the proposed forms or other available information. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

FOR FURTHER INFORMATION CONTACT: Katonia Jackson, Systems Support Manager, Office of Multifamily Housing, Office of Recapitalization, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410; email Katonia at *katonia.l.jackson@hud.gov* or telephone (202) 402–8380. This is not a toll-free number. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

Copies of available documents submitted to OMB may be obtained from Ms. Pollard.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

A. Overview of Information Collection

Title of Information Collection: Section 202 Supportive Housing for the Elderly.

OMB Approval Number: 2502–0267.

OMB Last Expiration Date: 02/28/2017.

Type of Request: Reinstatement with change, of previously approved collection.

Form Number: Form SF–424, Form HUD–92015–CA, Form HUD–2530, Form HUD–2880, Form HUD–2993, Form HUD–92041, Form HUD–92042, Standard Form LLL.

Description of the need for the information and proposed use: This is a reinstatement with changes of a previously approved collection that expired per the Consolidated Appropriations Act of 2018 which appropriated $105,000,000 for new capital advances and project-rental assistance contracts. Under the new appropriation, the Section 202 program has been redesigned to (1) strategically target funds to the most vulnerable elderly persons with the greatest unmet housing needs, and (2) select the most effective sponsors that could achieve positive outcomes in the most expeditious manner. Therefore, we have updated the total annual cost burden to respondents and the annualized costs to the Federal government to reflect current costs.

Respondents (*i.e., affected public):* Eligible applicants and any co-sponsors must be private, nonprofit organizations and nonprofit consumer cooperatives with tax exempt status under Internal Revenue Service code.

Estimated Number of Respondents: 150.

Estimated Number of Responses: 13,150.

Frequency of Response: Annual, dependent on new Congressional appropriation.

Average Hours per Response: 40.

Total Estimated Burden: 5,295.

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

C. Authority

Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. chapter 35.

Date: May 7, 2019.

Vance T. Morris,

Special Assistant to the Assistant, Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 2019–10722 Filed 5–21–19; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–7014–N–18]

60-Day Notice of Proposed Information Collection: Requisition for Disbursements of Sections 202 & 811 Capital Advance/Loan Funds

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Notice.

SUMMARY: HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comment from all interested parties on the proposed collection of information. The purpose of this notice is to allow for 60 days of public comment.

DATES: Comments Due Date: July 22, 2019.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW, Room 4176, Washington, DC 20410–5000; telephone 202–402–3400 (this is not a toll-free number) or email at *Colette.Pollard@hud.gov* for a copy of the proposed forms or other available information. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

FOR FURTHER INFORMATION CONTACT: Katina Washington, Program Analyst, Multifamily Housing Programs, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410; email: *Katina.X.Washington@hud.gov* or telephone 202–402–2651. This is not a toll-free number. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

Copies of available documents submitted to OMB may be obtained from Ms. Pollard.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

A. Overview of Information Collection

Title of Information Collection: Requisition for Disbursement of Sections 202 & 811 Capital Advance/Loan Funds.

OMB Approval Number: 2502–0187.

OMB Expiration Date: 8/31/2019.

Type of Request: Revision of a currently approved collection.

Form Numbers: HUD–92403–CA and HUD–92403–EH

Description of the need for the information and proposed use: Owner entities submit requisitions to HUD during construction to obtain Section 202/811 capital advance/loan funds. This collection helps to identify the owner, project, type of disbursement, items covered, name of the depository, and account number.

Respondents (*i.e. affected public*): Affected Public.

Estimated Number of Respondents: 178.

Estimated Number of Responses: 356.

Frequency of Response: 4.

Average Hours per Response: .50.

Total Estimated Burden: 178.

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Ways to minimize the burden of the collection of information on those

who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

C. Authority

Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

Date: May 7, 2019.

Vance T. Morris,

Special Assistant to the Assistant, Secretary for Housing-Federal Housing Commissioner.

[FR Doc. 2019–10720 Filed 5–21–19; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–7014–N–17]

60-Day Notice of Proposed Information Collection: Single Family Premium Collection Subsystem-Upfront (SFPCS–U)

AGENCY: Office of the Assistant Secretary for Housing-Federal Housing Commissioner, HUD.

ACTION: Notice.

SUMMARY: HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comment from all interested parties on the proposed collection of information. The purpose of this notice is to allow for 60 days of public comment.

DATES: Comments Due Date: July 22, 2019.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW, Room 4176, Washington, DC 20410–5000; telephone 202–402–3400 (this is not a toll-free number) or email at *Colette.Pollard@hud.gov* for a copy of the proposed forms or other available information. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

FOR FURTHER INFORMATION CONTACT: Natalia Yee, Director, Single Family Insurance Operations Division, Department of Housing and Urban Development, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410; email or telephone 202–402–3506. This is not a toll-free number. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

Copies of available documents submitted to OMB may be obtained from Ms. Pollard.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

A. Overview of Information Collection

Title of Information Collection: Single Family Insurance Premium Collection Subsystem—Upfront (Lender Assistance).

OMB Approval Number: 2502–0423.

Type of Request: Revision.

Form Number: None.

Description of the need for the information and proposed use: To continue to collect MIP information and improve customer service and FHA lender portfolio management capabilities.

Respondents: Business or other for profit.

Estimated Number of Respondents: 3153.

Estimated Number of Responses: 27,718.

Frequency of Response: 12 per year/monthly.

Average Hours per Response: .15.

Total Estimated Burdens: 4157 hours.

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) The accuracy of the agency's estimate of the burden of the proposed collection of information; (3) Ways to enhance the quality, utility, and clarity of the information to be collected; and (4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

C. Authority

Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

Dated: May 9, 2019.

Vance T. Morris,

Special Assistant to the Assistant, Secretary for Housing-Federal Housing Commissioner.

[FR Doc. 2019–10721 Filed 5–21–19; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[192A2100DD/AAKC001030/A0A501010.999900 253G]

Johnson-O'Malley Program

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of Tribal consultation and opportunity for public comment.

SUMMARY: The Bureau of Indian Education (BIE) will conduct consultations on which source can provide the most applicable and accurate data for a preliminary report on the number of eligible Indian students served, or potentially served, by entities eligible for participation in the Johnson-O'Malley (JOM) Supplemental Indian Education Program. The sources under consideration are: The Bureau of the Census, the National Center for Education Statistics, or the Office of Indian Education of the Department of Education. The preliminary report will reflect an initial determination regarding the eligible Indian student count for the purposes of calculating formula allocations for programs under the JOM Act of 1934, as amended by the JOM Supplemental Indian Education Program Modernization Act (JOM Modernization Act). BIE is also interested in determining the interest of Tribes, State and local educational agencies, and Alaska Native organizations of entering into JOM contracts.

DATES: Comments must be received on or before July 22, 2019. See the **SUPPLEMENTARY INFORMATION** section for dates and locations of the consultation sessions.

ADDRESSES: Send comments to: Bureau of Indian Education, ATTN: JOM Comments, C/O Angela Barnett, Program Manager, 1011 Indian School Road NW, Suite 332, Albuquerque, NM

87104. Or email comments to: *JOMcomments@bie.edu.*

FOR FURTHER INFORMATION CONTACT: Angela Barnett, Program Specialist, Bureau of Indian Education; telephone (405) 605–6051 ext. 302; email *ANGELA.BARNETT1@bie.edu.*

SUPPLEMENTARY INFORMATION: The JOM Act of 1934 was enacted to subsidize education, medical services, and other social services provided to Indians living within the borders of states and territories. Today, JOM funding is used to support programs designed to meet the specialized and unique educational and cultural needs of eligible Indian students, including programs that supplement existing school programming operational supports.

The JOM Modernization Act, Public Law 115–404, enacted December 31, 2018, directs the Secretary of the Interior (Secretary) to conduct an accurate and comprehensive student count for the purposes of calculating formula allocations for programs under the JOM Act and for other purposes. The JOM Modernization Act also requires the Secretary to make an initial determination of the number of eligible Indian students served, or potentially served, by each eligible entity. In accordance with the JOM Modernization Act, the BIE will use the most applicable and accurate data (from the fiscal year preceding the fiscal year for which the initial determination is to be made) from one of the following sources:

1. Bureau of the Census;
2. National Center for Education Statistics; or
3. Office of Indian Education of the Department of Education.

The BIE would like feedback on which of these three sources can provide the most accurate data for use in the preliminary report. To obtain this feedback, BIE is announcing Tribal consultation sessions and the opportunity for eligible entities and interested parties to provide input. Eligible entities include existing JOM contractors and potential JOM contractors, including States, public school districts, tribal organizations, Indian corporations, and previously private schools. Interested parties include, but are not limited to, JOM Indian Education Committee members, Tribal organizations, employees of public schools serving American Indian students, urban Indian communities, Indian school boards, parents, and student organizations.

BIE is also interested in determining the interest of Tribes, State and local educational agencies, and Alaska Native organizations of entering into JOM contracts.

BIE will conduct a telephonic consultation session and will accept both oral and written comments. The first hour of the session is reserved for Tribal leaders and their representatives to provide input. The rest of the time is open to eligible parties and any other interested parties who would like to provide input, as follows:

June 21, 2019.

1 p.m.–3 p.m. MDT.

Please visit & join the meeting space from your computer, tablet, or smartphone.

https://www.gotomeet.me/valerietodacheene/jom-consultation-m-lesky.

Call-in number: (312) 757–3121.

Passcode: 843–649–541.

You can find additional information at the BIE JOM web page at: *https://www.bie.edu/JOM/.* The BIE strongly recommends that anyone planning to attend a consultation session first review the preliminary data located on BIE's web page, to best engage in meaningful dialogue.

At the conclusion of the consultations, BIE will publish the preliminary report and announce its availability in the **Federal Register**. Following publication of the preliminary report, BIE will again seek feedback for consideration in preparing the final report.

Dated: May 7, 2019.

Tara Sweeney,

Assistant Secretary—Indian Affairs.

[FR Doc. 2019–10718 Filed 5–21–19; 8:45 am]

BILLING CODE 4337–15–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–NCR–WHHO–SSB–NPS0027381; PPNCWHHOP0, PPMVSIE1Z.I00000 (199); OMB Control Number 1024–0277]

Agency Information Collection Activities; National Park Service President's Park National Christmas Tree Music Program Application; Withdrawal

AGENCY: National Park Service, Interior.

ACTION: Notice of information collection; withdrawal.

SUMMARY: The National Park Service is withdrawing a notice requesting comments published in the May 14, 2019 issue of the **Federal Register** entitled ''National Park Service President's Park National Christmas Tree Music Program Application''.

DATES: As of May 22, 2019 the document published at 84 FR 21354 on May 14, 2019, is withdrawn.

FOR FURTHER INFORMATION CONTACT: Phadrea Ponds, Acting NPS Information Collection Clearance Officer, 1201 Oakridge Drive, Fort Collins, CO 80525; at 970–267–7231.

SUPPLEMENTARY INFORMATION: The National Park Service wishes to inform the public it is withdrawing a 60-day public notice in the **Federal Register** titled, ''National Park Service President's Park National Christmas Tree Music Program Application'' (84 FR 21354) published on Wednesday, May 14, 2019. This notice was published in error and is being withdrawn immediately for public comment.

Phadrea Ponds,

Acting Information Collection Clearance Officer, National Park Service.

[FR Doc. 2019–10697 Filed 5–21–19; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–392]

Importer of Controlled Substances Registration

ACTION: Notice of registration.

SUMMARY: The registrants listed below have applied for and been granted registration by the Drug Enforcement Administration (DEA) as importers of schedule I and schedule II controlled substances.

SUPPLEMENTARY INFORMATION: The companies listed below applied to be registered as importers of various basic classes of controlled substances. Information on previously published notices is listed in the table below. No comments or objections were submitted and no requests for a hearing were submitted for these notices.

Company	FR docket	Published
Meridian Medical Technologies	84 FR 7129	March 1, 2019.
Organic Standards Solutions International, LLC	84 FR 13958	April 8, 2019.
SpecGx LLC	84 FR 13954	April 8, 2019.

The DEA has considered the factors in 21 U.S.C. 823, 952(a) and 958(a) and determined that the registration of the listed registrants to import the applicable basic classes of schedule I and II controlled substances is consistent with the public interest and with United States obligations under international treaties, conventions, or protocols in effect on May 1, 1971. The DEA investigated each of the company's maintenance of effective controls against diversion by inspecting and testing each company's physical security systems, verifying each company's compliance with state and local laws, and reviewing each company's background and history.

Therefore, pursuant to 21 U.S.C. 952(a) and 958(a), and in accordance with 21 CFR 1301.34, the DEA has granted a registration as an importer for schedule I and schedule II controlled substances to the above listed companies.

Dated: May 7, 2019.

John J. Martin,

Assistant Administrator.

[FR Doc. 2019–10669 Filed 5–21–19; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–392]

Importer of Controlled Substances Application: United States Pharmacopeial Convention

ACTION: Notice of application.

DATES: Registered bulk manufacturers of the affected basic classes, and applicants therefore, may file written comments on or objections to the issuance of the proposed registration on or before June 21, 2019. Such persons may also file a written request for a hearing on the application on or before June 21, 2019.

ADDRESSES: Written comments should be sent to: Drug Enforcement Administration, Attention: DEA Federal Register Representative/DPW, 8701 Morrissette Drive, Springfield, Virginia 22152. All requests for a hearing must be sent to: Drug Enforcement Administration, Attn: Administrator, 8701 Morrissette Drive, Springfield, Virginia 22152. All request for a hearing should also be sent to: (1) Drug Enforcement Administration, Attn: Hearing Clerk/OALJ, 8701 Morrissette Drive, Springfield, Virginia 22152; and (2) Drug Enforcement Administration, Attn: DEA Federal Register Representative/DPW, 8701 Morrissette Drive, Springfield, Virginia 22152.

SUPPLEMENTARY INFORMATION: The Attorney General has delegated his authority under the Controlled Substances Act to the Administrator of the Drug Enforcement Administration (DEA), 28 CFR 0.100(b). Authority to exercise all necessary functions with respect to the promulgation and implementation of 21 CFR part 1301, incident to the registration of manufacturers, distributors, dispensers, importers, and exporters of controlled substances (other than final orders in connection with suspension, denial, or revocation of registration) has been redelegated to the Assistant Administrator of the DEA Diversion Control Division (''Assistant Administrator'') pursuant to section 7 of 28 CFR part 0, appendix to subpart R.

In accordance with 21 CFR 1301.34(a), this is notice that on March 8, 2019, United States Pharmacopeial, 12601 Twinbrook Parkway, Rockville, Maryland 20852–1717 applied to be registered as an importer of the following basic classes of controlled substances:

Controlled substance	Drug code	Schedule
Methamphetamine	1105	II
Cathinone	1235	I
Phenmetrazine	1631	II
Methylphenidate	1724	II
Amobarbital	2125	II
Pentobarbital	2270	II
Secobarbital	2315	II
Glutethimide	2550	II
Methaqualone	2565	I
Lysergic acid diethylamide	7315	I
4-Methyl-2,5-dimethoxyamphetamine	7395	I
3,4-Methylenedioxyamphetamine	7400	I
4-Methoxyamphetamine	7411	I
Phencyclidine	7471	II
4-Anilino-N-phenethyl-4-piperidine (ANPP)	8333	II
Phenylacetone	8501	II
Alphaprodine	9010	II
Anileridine	9020	II
Cocaine	9041	II
Codeine-N-oxide	9053	I
Dihydrocodeine	9120	II
Difenoxin	9168	I
Diphenoxylate	9170	II
Heroin	9200	I
Levomethorphan	9210	II
Levorphanol	9220	II
Meperidine	9230	II
Dextropropoxyphene, bulk (non-dosage forms)	9273	II

Controlled substance	Drug code	Schedule
Morphine-N-oxide	9307	I
Thebaine	9333	II
Norlevorphanol	9634	II
Oxymorphone	9652	II
Noroxymorphone	9668	II
Alfentanil	9737	II
Sufentanil	9740	II

The company plans to import the bulk control substances for distribution of analytical reference standards to its customers for analytical testing of raw materials.

Dated: May 7, 2019.

John J. Martin,

Assistant Administrator.

[FR Doc. 2019–10668 Filed 5–21–19; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Foreign Claims Settlement Commission

[F.C.S.C. Meeting and Hearing Notice No. 04–19]

Sunshine Act Meeting

The Foreign Claims Settlement Commission, pursuant to its regulations (45 CFR part 503.25) and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice in regard to the scheduling of open meetings as follows:

TIME AND DATE: Thursday, May 30, 2019, at 10:00 a.m.

PLACE: All meetings are held at the Foreign Claims Settlement Commission, 601 D Street NW, Suite 10300, Washington, DC.

STATUS: Open.

MATTERS TO BE CONSIDERED: 10:00 a.m.—Oral hearings on Objection to Commission's Proposed Decisions in Claim Nos. IRQ–II–346 and IRQ–II–365.

11:30 a.m.—Issuance of Proposed Decisions under the Guam World War II Loyalty Recognition Act, Title XVII, Public Law 114–328.

CONTACT PERSON FOR MORE INFORMATION: Requests for information, or advance notices of intention to observe an open meeting, may be directed to: Patricia M. Hall, Foreign Claims Settlement Commission, 601 D Street NW, Suite 10300, Washington, DC 20579. Telephone: (202) 616–6975.

Brian Simkin,

Chief Counsel.

[FR Doc. 2019–10735 Filed 5–20–19; 11:15 am]

BILLING CODE 4410–BA–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Settlement Agreement Under the Clean Air Act

On May 16, 2019, the Department of Justice lodged a proposed Stipulation of Settlement and Order (''Agreement'') with the United States District Court for the District of Massachusetts in the lawsuit entitled *United States* v. *Kayem Foods, Inc.,* Civil Action No. 1:19–cv–11126.

In this action, the United States filed a complaint alleging that Kayem Foods, Inc. (''Kayem'') violated Section 112(r)(7) of the Clean Air Act, 42 U.S.C. 7412(r)(7), at Kayem's food processing facility located in Chelsea, Massachusetts. Section 112(r)(7) of the CAA, 42 U.S.C. 7412(r)(7), provides that the Administrator of the EPA is authorized to promulgate regulations requiring owners or operators of a stationary source at which a regulated substance is present in more than a threshold amount to, among other things, prepare and implement a risk management plan to detect and prevent or minimize accidental releases of regulated substances from the stationary source, and to provide a prompt emergency response to any such releases in order to protect human health and the environment. EPA has promulgated regulations to implement Section 112(r)(7), codified at 40 CFR part 68 (''Part 68 Regulations''). The Complaint alleges that Kayem violated the Part 68 Regulations in connection with the operation of its ammonia refrigeration system at its Chelsea facility and seeks the payment of civil penalties.

The proposed Agreement resolves Kayem's civil liability to the United States for the alleged violations in the Complaint. Pursuant to the proposed Agreement, Kayem will pay a penalty of $138,281. Injunctive relief is not required.

The publication of this notice opens a period for public comment on the Agreement. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States* v. *Kayem Foods, Inc.*. No. 1:19–cv–11126 (D. Mass.) D.J. Ref. No. 90–5–2–1–11490. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail:

To submit comments:	*Send them to:*
By email	*pubcomment-ees.enrd@usdoj.gov.*
By mail	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

During the public comment period, the Agreement may be examined and downloaded at this Justice Department website: *https://www.justice.gov/enrd/consent-decrees.* We will provide a paper copy of the Agreement upon written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree Library, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

Please enclose a check or money order for $2.75 (25 cents per page reproduction cost) payable to the United States Treasury.

Robert Maher,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2019–10673 Filed 5–21–19; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF LABOR

Employment and Training Administration

Agency Information Collection Activities; Comment Request; State Training Provider Eligibility Collection

ACTION: Notice.

SUMMARY: The Department of Labor's (DOL's), Employment and Training Administration (ETA) is soliciting comments concerning a proposed extension for the authority to conduct the information collection request (ICR) titled, ''State Training Provider

Eligibility Collection.'' This comment request is part of continuing Departmental efforts to reduce paperwork and respondent burden in accordance with the Paperwork Reduction Act of 1995 (PRA).

DATES: Consideration will be given to all written comments received by July 22, 2019.

ADDRESSES: A copy of this ICR with applicable supporting documentation; including a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained free by contacting Crystal Antiri by telephone at 202–693–3512 (this is not a toll-free number), TTY 1–877–889–5627 (this is not a toll-free number), or by email at *antiri.crystal@dol.gov.*

Submit written comments about, or requests for a copy of, this ICR by mail or courier to the U.S. Department of Labor, Employment and Training Administration, Office of Workforce Investment, 200 Constitution Avenue NW, Washington, DC 20210; by email: *antiri.crystal@dol.gov;* or by Fax at 202–693–3817.

FOR FURTHER INFORMATION CONTACT: Crystal Antiri by telephone 202–693–3512 (this is not a toll-free number) or by email at *antiri.crystal@dol.gov.*

SUPPLEMENTARY INFORMATION: DOL, as part of continuing efforts to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and Federal agencies an opportunity to comment on proposed and/or continuing collections of information before submitting them to the OMB for final approval. This program helps to ensure requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements can be properly assessed.

This ICR collects the required information for Training Provider Eligibility Collection, which is determined by the State. At a minimum, the information to be collected is that which enables the State to comply with regulations under 20 CFR 680 and the Workforce Innovation and Opportunity Act.

In June 2016, OMB approved the Information Collection Request (ICR), OMB control number 1205–0523, that allows the Department of Labor (the Department) to collect information from States pertaining to Eligible Training Provider List and their retention of that data. OMB granted approval for the ICR through September of 2019. The Workforce Innovation and Opportunity Act authorizes this information collection.

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid Control Number. See 5 CFR 1320.5(a) and 1320.6.

Interested parties are encouraged to provide comments to the contact shown in the **ADDRESSES** section. Comments must be written to receive consideration, and they will be summarized and included in the request for OMB approval of the final ICR. In order to help ensure appropriate consideration, comments should mention OMB control number 1205–0523.

Submitted comments will also be a matter of public record for this ICR and posted on the internet, without redaction. DOL encourages commenters not to include personally identifiable information, confidential business data, or other sensitive statements/information in any comments.

DOL is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Agency: DOL–ETA.

Type of Review: Extension with changes.

Title of Collection: State Training Provider Eligibility Collection.

Form: N/A.

OMB Control Number: 1205–0523.

Affected Public: State governments.

Estimated Number of Respondents: 57.

Frequency: Annually.

Total Estimated Annual Responses: 57.

Estimated Average Time per Response: 6 hours.

Estimated Total Annual Burden Hours: 8,912 hours.

Total Estimated Annual Other Cost Burden: $0.

Authority: 44 U.S.C. 3506(c)(2)(A).

Molly E. Conway,

Acting Assistant Secretary for Employment and Training.

[FR Doc. 2019–10621 Filed 5–21–19; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Bureau of Labor Statistics

Technical Advisory Committee; Notice of Meeting and Agenda

The Bureau of Labor Statistics Technical Advisory Committee will meet on Friday, June 21, 2019. The meeting will be held from 9:15 a.m. to 4:00 p.m. in the Postal Square Building, 2 Massachusetts Avenue NE, Washington, DC.

The Committee presents advice and makes recommendations to the Bureau of Labor Statistics (BLS) on technical aspects of data collection and the formulation of economic measures and makes recommendations on areas of research. The BLS presents issues and then draws on the expertise of Committee members representing specialized fields within the academic disciplines of economics, statistics, and survey design.

The meeting will be held in Rooms 1, 2, and 3 of the Postal Square Building Janet Norwood Conference Center. The schedule and agenda for the meeting are as follows:

9:15 a.m.—Commissioner's Welcome and Review of Agency Developments
9:45 a.m.—Improving Estimates of Hours Worked for U.S. Productivity Measurement
1:00 p.m.—Contingent Worker Supplement
2:30 p.m.—Using Administrative Trade Data to Create Export Price Indexes
4:00 p.m.—Approximate conclusion

The meeting is open to the public. Any questions concerning the meeting should be directed to Sarah Dale, Bureau of Labor Statistics Technical Advisory Committee, at 202–691–5643 or *dale.sarah@bls.gov.* Individuals who

require special accommodations should contact Ms. Dale at least two days prior to the meeting date.

Signed at Washington, DC, this 16th day of May 2019.

Mark Staniorski,

Chief, Division of Management Systems.

[FR Doc. 2019–10619 Filed 5–21–19; 8:45 am]

BILLING CODE 4510–24–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA–2016–0005]

Preparations for the 37th Session of the UN Sub-Committee of Experts on the Globally Harmonized System of Classification and Labelling of Chemicals (UNSCEGHS)

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Notice of public meeting.

SUMMARY: This notice is to advise interested persons that on Thursday, June 20, 2019, OSHA will conduct a public meeting to discuss proposals in preparation for the 37th session of the United Nations Sub-Committee of Experts on the Globally Harmonized System of Classification and Labelling of Chemicals (UNSCEGHS) to be held July 8 through July 10, 2019, in Geneva, Switzerland. OSHA, along with the U.S. Interagency Globally Harmonized System of Classification and Labelling of Chemicals (GHS) Coordinating Group, plans to consider the comments and information gathered at this public meeting when developing the U.S. Government positions for the UNSCEGHS meeting. OSHA also will give an update on the Regulatory Cooperation Council (RCC).

Also on Thursday, June 20, 2019, the Department of Transportation (DOT), Pipeline and Hazardous Materials Safety Administration (PHMSA) will conduct a public meeting (See 84 FR 11865, March 28, 2019) to discuss proposals in preparation for the 55th session of the United Nations Sub-Committee of Experts on the Transport of Dangerous Goods (UNSCE TDG) to be held July 1 through July 5, 2019, in Geneva, Switzerland. During this meeting, PHMSA is also requesting comments relative to potential new work items that may be considered for inclusion in its international agenda. PHMSA will also provide an update on recent actions to enhance transparency and stakeholder interaction through improvements to the international standards portion of its website.

DATES: The PHMSA public meeting will be held on June 20, 2019, 9:00 a.m. to 12:00 p.m., ET. The OSHA public meeting will also be held June 20, 2019, 1:00 p.m. to 4:00 p.m., ET.

ADDRESSES: Both meetings will be held at the DOT Headquarters Conference Center, West Building, Oklahoma City Conference Room, 1200 New Jersey Avenue SE, Washington, DC 20590.

Written Comments: Interested parties may submit comments by July 8, 2019, on the Working and Informal Papers for the 37th session of the UNSCEGHS to the docket established for International/Globally Harmonized System (GHS) efforts at: *http://www.regulations.gov,* Docket No. OSHA–2016–0005.

Registration To Attend and/or To Participate in the Meeting: DOT requests that attendees pre-register for these meetings by completing the form at: *https://www.surveymonkey.com/r/TM8VS3B.* Attendees may use the same form to pre-register for both meetings. Failure to pre-register may delay your access into the DOT Headquarters building. Additionally, if you are attending in person, arrive early to allow time for security checks necessary to access the building. Conference call-in and ''Skype meeting'' capability will be provided for both meetings. Information on how to access the conference call and ''Skype meeting'' will be posted when available at: *https://www.phmsa.dot.gov/international-program/international-program-overview* under Upcoming Events. This information will also be posted on OSHA's Hazard Communication website on the international tab at: *https://www.osha.gov/dsg/hazcom/hazcom_international.html#meeting-notice.*

FOR FURTHER INFORMATION CONTACT:

At the Department of Transportation: Please contact Mr. Steven Webb or Mr. Aaron Wiener, Office of Hazardous Materials Safety, Department of Transportation, Washington, DC 20590, telephone: (202) 366–8553.

At the Department of Labor: Please contact Ms. Maureen Ruskin, OSHA Directorate of Standards and Guidance, Department of Labor, Washington, DC 20210, telephone: (202) 693–1950, email: *ruskin.maureen@dol.gov.*

SUPPLEMENTARY INFORMATION:

The OSHA Meeting

OSHA is hosting an open informal public meeting of the U.S. Interagency GHS Coordinating Group to provide interested groups and individuals with an update on GHS-related issues and an opportunity to express their views orally and in writing for consideration in developing U.S. Government positions for the upcoming UNSCEGHS meeting.

General topics on the agenda include:

- Review of Working Papers
- Correspondence Group updates
- Regulatory Cooperation Council (RCC) update

Information on the work of the UNSCEGHS including meeting agendas, reports, and documents from previous sessions can be found on the United Nations Economic Commission for Europe (UNECE) Transport Division website located at the following web address: *http://www.unece.org/trans/danger/publi/ghs/ghs_welcome_e.html.*

The UNSCEGHS bases its decisions on Working Papers. The Working Papers for the 37th session of the UNSCEGHS are located at: *https://www.unece.org/trans/main/dgdb/dgsubc4/c42019.html.*

Informal Papers submitted to the UNSCEGHS provide information for the Sub-Committee and are used either as a mechanism to provide information to the Sub-Committee or as the basis for future Working Papers. Informal Papers for the 37th session of the UNSCEGHS are located at: *https://www.unece.org/trans/main/dgdb/dgsubc4/c4inf37.html.*

The PHMSA Meeting

The **Federal Register** notice and additional detailed information relating to PHMSA's public meeting will be available upon publication at: *http://www.regulations.gov* (Docket No. PHMSA–2018–0113), and on the PHMSA website at: *https://www.phmsa.dot.gov/international-program/international-program-overview.*

The primary purpose of PHMSA's meeting is to prepare for the 55th session of the UNSCE TDG. This session represents the first meeting scheduled for the 2019–2020 biennium. UNSCE will consider proposals for the 21st Revised Edition of the *United Nations Recommendations on the Transport of Dangerous Goods* (Model Regulations), which may be implemented into relevant domestic, regional, and international regulations from January 1, 2021. Copies of working documents, informal documents, and the meeting agenda may be obtained from the United Nations (UN) Transport Division's website at: *https://www.unece.org/trans/main/dgdb/dgsubc3/c32019.html.*

During this meeting, PHMSA is also soliciting input relative to preparing for the 55th session of the UNSCE TDG as well as potential new work items which may be considered for inclusion in its international agenda. Following the 55th session of the UNSCE TDG, a copy

of the Sub-Committee's report will be available at the UN Transport Division's website at: *http://www.unece.org/trans/main/dgdb/dgsubc3/c3rep.html.*

Additional information regarding the UNSCE TDG and related matters can be found on PHMSA's website at: *https://www.phmsa.dot.gov/international-program/international-program-overview.*

Authority and Signature

Loren Sweatt, Acting Assistant Secretary for Occupational Safety and Health, U.S. Department of Labor, authorized the preparation of this notice under the authority granted by sections 4, 6, and 8 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, 657), and Secretary's Order 1–2012 (77 FR 3912), (Jan. 25, 2012).

Signed at Washington, DC, on May 16, 2019.

Loren Sweatt,

Acting Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2019–10625 Filed 5–21–19; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR

Veterans' Employment and Training Service

Advisory Committee on Veterans' Employment, Training and Employer Outreach (ACVETEO): Meeting

AGENCY: Veterans' Employment and Training Service (VETS), Department of Labor (DOL).

ACTION: Notice of open meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the ACVETEO. The ACVETEO will discuss the DOL core programs and services that assist veterans seeking employment and raise employer awareness as to the advantages of hiring veterans. There will be an opportunity for individuals or organizations to address the committee. Any individual or organization that wishes to do so should contact Mr. Gregory Green at 202–693–4734.

Individuals who will need accommodations for a disability in order to attend the meeting (*e.g.,* interpreting services, assistive listening devices, and/or materials in alternative format) should notify the Advisory Committee no later than Friday, June 11, 2019 by contacting Mr. Gregory Green at 202–693–4734. Requests made after this date will be reviewed, but availability of the requested accommodations cannot be guaranteed. The meeting site is accessible to individuals with disabilities. This Notice also describes the functions of the ACVETEO. Notice of this meeting is required under Section 10(a) (2) of the Federal Advisory Committee Act. This document is intended to notify the general public.

DATES: Tuesday, June 11, 2019 beginning at 9:00 a.m. and ending at approximately 4:30 p.m. (EST).

ADDRESSES: The meeting will take place at the U.S. Department of Labor, Frances Perkins Building, 200 Constitution Avenue NW, Washington, DC 20210, Conference Room N4437 A B & C. Members of the public are encouraged to arrive early to allow for security clearance into the Frances Perkins Building.

Security Instructions: Meeting participants should use the visitor's entrance to access the Frances Perkins Building, one block north of Constitution Avenue at 3rd and C Streets NW. For security purposes meeting participants must:

1. Present a valid photo ID to receive a visitor badge.
2. Know the name of the event being attended: The meeting event is the Advisory Committee on Veterans' Employment, Training and Employer Outreach (ACVETEO).
3. Visitor badges are issued by the security officer at the Visitor Entrance located at 3rd and C Streets NW. When receiving a visitor badge, the security officer will retain the visitor's photo ID until the visitor badge is returned to the security desk.
4. Laptops and other electronic devices may be inspected and logged for identification purposes.
5. Due to limited parking options, Metro's Judiciary Square station is the easiest way to access the Frances Perkins Building.

Notice of Intent to Attend the Meeting: All meeting participants should submit a notice of intent to attend by Friday, May 31, 2019, via email to Mr. Gregory Green at *green.gregory.b@dol.gov,* subject line ''June 2019 ACVETEO Meeting.''

FOR FURTHER INFORMATION CONTACT: Mr. Gregory Green, Designated Federal Official for the ACVETEO, (202) 693–4734.

SUPPLEMENTARY INFORMATION: The ACVETEO is a Congressionally mandated advisory committee authorized under Title 38, U.S. Code, Section 4110 and subject to the Federal Advisory Committee Act, 5 U.S.C. App. 2, as amended. The ACVETEO is responsible for: Assessing employment and training needs of veterans; determining the extent to which the programs and activities of the U.S. Department of Labor meet these needs; assisting to conduct outreach to employers seeking to hire veterans; making recommendations to the Secretary, through the Assistant Secretary for Veterans' Employment and Training Service, with respect to outreach activities and employment and training needs of veterans; and carrying out such other activities necessary to make required reports and recommendations. The ACVETEO meets at least quarterly.

Agenda

9:00 a.m.—Welcome and remarks, Sam Shellenberger, Acting Assistant Secretary, Veterans' Employment and Training Service
9:05 a.m.—Administrative Business, Gregory Green, Designated Federal Official
9:15 a.m.—BLS briefing on the 2018 Employment Situation of Veterans
9:45 a.m.—ODEP/VETS briefing on DOL Programs for Disabled Veterans
10:15 p.m.—Panel on Current Employment Challenges for Military Spouses
11:00 p.m.—Break
11:15 p.m.—Briefing on Spouse Education and Career Opportunities Program (SECO)
12:00 p.m.—Lunch
1:00 p.m.—Briefing on Innovative Employment Programs
2:15 p.m.—Subcommittees Breakout Sessions
4:00 p.m.—Public Forum, Gregory Green, Designated Federal Official
4:30 p.m.—Adjourn

Signed in Washington, DC, this 16th day of May 2019.

Joseph S. Shellenberger,

Acting Assistant Secretary, Veterans' Employment and Training Service.

[FR Doc. 2019–10622 Filed 5–21–19; 8:45 am]

BILLING CODE 4510–79–P

DEPARTMENT OF LABOR

Wage and Hour Division

Agency Information Collection Activities; Comment Request; Proposed Extension of the Approval of Information Collection Requirements: Establishing Paid Sick Leave for Federal Contractors

AGENCY: Wage and Hour Division, Labor.

ACTION: Notice.

SUMMARY: The Department of Labor (DOL), as part of its continuing effort to

reduce paperwork and respondent burden, conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Wage and Hour Division is soliciting comments concerning its proposal to extend Office of Management and Budget (OMB) approval of the Information Collection: Establishing Paid Sick Leave for Federal Contractors. A copy of the proposed information collection request can be obtained by contacting the office listed below in the **FOR FURTHER INFORMATION CONTACT** section of this Notice.

DATES: Written comments must be submitted to the office listed in the addresses section below on or before July 22, 2019.

ADDRESSES: You may submit comments, identified by Control Number 1235–0029, by either one of the following methods:

Email: WHDPRAComments@dol.gov.

Mail, Hand Delivery, Courier: Regulatory Analysis Branch, Wage and Hour Division, U.S. Department of Labor, Room S–3502, 200 Constitution Avenue NW, Washington, DC 20001.

Instructions: Please submit one copy of your comments by only one method. All submissions received must include the agency name and Control Number identified above for this information collection. Because we continue to experience delays in receiving mail in the Washington, DC area, commenters are strongly encouraged to transmit their comments electronically via email or to submit them by mail early. Comments, including any personal information provided, become a matter of public record. They will also be summarized and/or included in the request for Office of Management and Budget approval of the information collection request.

FOR FURTHER INFORMATION CONTACT: Robert Waterman, Division of Regulations, Legislation, and Interpretation, Wage and Hour Division, U.S. Department of Labor, Room S–3502, 200 Constitution Avenue NW, Washington, DC 20001; telephone: (202) 693–0406 (this is not a toll-free number). Copies of this notice may be obtained in alternative formats (Large Print, Braille, Audio Tape or Disc), upon request, by calling (202) 693–0023 (not a toll-free number). TTY/TDD callers may dial toll-free (877) 889–5627 to obtain information or request materials in alternative formats.

SUPPLEMENTARY INFORMATION:

I. Background: On September 7, 2015, President Barack Obama signed Executive Order 13706 (80 FR 54697, September 10, 2015). The Executive Order established paid sick leave for Federal Contractors. Executive Order 13706 stated that the Federal Government's procurement interests in efficiency and cost savings are promoted when the Federal Government contracts with sources that ensure workers on those contracts can earn paid sick leave. The Executive Order therefore required parties who contract with the Federal Government to provide their employees with up to seven days of paid sick time annually, including paid time allowing for family care. The Final Rule established standards and procedures for implementing and enforcing the paid sick leave requirements of Executive Order 13706. As required by the Order, the Final Rule incorporated, to the extent practicable, existing definitions, procedures, remedies, and enforcement processes under the Fair Labor Standards Act, the McNamara-O'Hara Service Contract Act, the Davis-Bacon Act, the Family and Medical Leave Act, the Violence Against Women Act, and Executive Order 13658, Establishing a Minimum Wage for Contractors. Among other requirements, the regulations require employers subject to the Order to make and maintain records for notifications to employees on leave accrual and requests to use paid sick leave, dates and amounts of paid sick leave used, written responses to requests to use paid sick leave, records relating to certification and documentation where an employer requires this from an employee using at least three consecutive days of leave, tracking of or calculations related to an employee's accrual or use of paid sick leave, the relevant covered contract, pay and benefits provided to an employee using leave, and any financial payment for unused sick leave made to an employee on separation from employment. The information collection was submitted with the Final Rule and is currently approved for use through December, 2019.

II. Review Focus: The DOL is particularly interested in comments that:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

2. evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

3. enhance the quality, utility, and clarity of the information to be collected; and

4. minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses.

III. Current Actions: The DOL seeks to extend the information collection requests for Establishing Paid Sick Leave for Federal Contractors.

Type of Review: Extension.

Agency: Wage and Hour Division.

Titles: Establishing Paid Sick Leave for Federal Contractors.

OMB Number: 1235–0029.

Affected Public: Federal Contractors.

Respondents: 454,067.

Total Annual Responses: 1,816,268.

Estimated Total Burden Hours: 30,272.

Estimated Time per Response: 5 minutes.

Frequency: On Occasion, but no more often than annual.

Total Burden Cost (capital/startup): $0.

Total Burden Cost (operating/maintenance): $392,910.

Dated: April 30, 2019.

Robert M. Waterman,

Division of Regulations, Legislation and Interpretation.

[FR Doc. 2019–10620 Filed 5–21–19; 8:45 am]

BILLING CODE 4510–27–P

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

[NARA 2019–0005; NARA–2019–022]

Records Schedules; Availability and Request for Comments

AGENCY: National Archives and Records Administration (NARA).

ACTION: Notice of availability of proposed records schedules; request for comments.

SUMMARY: The National Archives and Records Administration (NARA) publishes notice of certain Federal agency requests for records disposition authority (records schedules). We

publish notice in the **Federal Register** and on *regulations.gov* for records schedules in which agencies propose to dispose of records they no longer need to conduct agency business. We invite public comments on such records schedules.

DATES: NARA must receive comments by July 8, 2019.

ADDRESSES: You may submit comments by either of the following methods. You must cite the control number, which appears on the records schedule in parentheses after the name of the agency that submitted the schedule.

- *Federal eRulemaking Portal: http://www.regulations.gov.*
- *Mail:* Records Appraisal and Agency Assistance (ACR); National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740–6001.

FOR FURTHER INFORMATION CONTACT: Records Management Operations by email at *request.schedule@nara.gov,* by mail at the address above, or by phone at 301–837–1799.

SUPPLEMENTARY INFORMATION:

Public Comment Procedures

We are publishing notice of records schedules in which agencies propose to dispose of records they no longer need to conduct agency business. We invite public comments on these records schedules, as required by 44 U.S.C. 3303a(a), and list the schedules at the end of this notice by agency and subdivision requesting disposition authority.

In addition, this notice lists the organizational unit(s) accumulating the records or states that the schedule has agency-wide applicability. It also provides the control number assigned to each schedule, which you will need if you submit comments on that schedule. We have uploaded the records schedules and accompanying appraisal memoranda to the *regulations.gov* docket for this notice as ''other'' documents. Each records schedule contains a full description of the records at the file unit level as well as their proposed disposition. The appraisal memorandum for the schedule includes information about the records.

We will post comments, including any personal information and attachments, to the public docket unchanged. Because comments are public, you are responsible for ensuring that you do not include any confidential or other information that you or a third party may not wish to be publicly posted. If you want to submit a comment with confidential information or cannot otherwise use the *regulations.gov* portal, you may contact *request.schedule@nara.gov* for instructions on submitting your comment.

We will consider all comments submitted by the posted deadline and consult as needed with the Federal agency seeking the disposition authority. After considering comments, we will post on *regulations.gov* a ''Consolidated Reply'' summarizing the comments, responding to them, and noting any changes we have made to the proposed records schedule. We will then send the schedule for final approval by the Archivist of the United States. You may elect at *regulations.gov* to receive updates on the docket, including an alert when we post the Consolidated Reply, whether or not you submit a comment. You may request additional information about the disposition process through the contact information listed above.

We will post schedules on our website in the Records Control Schedule (RCS) Repository, at *https://www.archives.gov/records-mgmt/rcs,* after the Archivist approves them. The RCS contains all schedules approved since 1973.

Background

Each year, Federal agencies create billions of records. To control this accumulation, agency records managers prepare schedules proposing retention periods for records and submit these schedules for NARA's approval. Once approved by NARA, records schedules provide mandatory instructions on what happens to records when no longer needed for current Government business. The records schedules authorize agencies to preserve records of continuing value in the National Archives or to destroy, after a specified period, records lacking continuing administrative, legal, research, or other value. Some schedules are comprehensive and cover all the records of an agency or one of its major subdivisions. Most schedules, however, cover records of only one office or program or a few series of records. Many of these update previously approved schedules, and some include records proposed as permanent.

Agencies may not destroy Federal records without the approval of the Archivist of the United States. The Archivist grants this approval only after thorough consideration of the records' administrative use by the agency of origin, the rights of the Government and of private people directly affected by the Government's activities, and whether or not the records have historical or other value. Public review and comment on these records schedules is part of the Archivist's consideration process.

Schedules Pending

1. Department of Defense, Defense Security Service, National Industrial Security Program Contract Classification System (DAA–0446–2019–0001).

2. Department of Defense, Defense Threat Reduction Agency, Automated Trip Request Information Process (DAA–0374–2019–0001).

3. Department of Homeland Security, U.S. Citizenship and Immigration Services, Validation Instrument for Business Enterprises (VIBE) (DAA–0566–2017–0029).

4. Department of State, Office of the Chief of Protocol, Consolidated Schedule (DAA–0059–2017–0004).

5. Department of Transportation, Federal Highway Administration, Long-Term Pavement Performance Database (DAA–0406–2019–0002).

6. Department of Veterans Affairs, Office of Small and Disadvantaged Business Utilization, Verification Records (DAA–0015–2018–0003).

7. Administrative Office of the United States Courts, Judicial Services Offices, Legislative Review Files (DAA–0116–2019–0006).

8. Administrative Office of the United States Courts, Office of General Counsel, Legal and Complaint Records (DAA–0116–2019–0004).

9. Central Intelligence Agency, Agency-wide, 10-year Records (N1–263–14–2).

10. Central Intelligence Agency, Agency-wide, 3-year Records (N1–263–14–3).

11. Council of the Inspectors General on Integrity and Efficiency, Agency-wide, Records of the Council of the Inspectors General on Integrity and Efficiency (DAA–0597–2019–0002).

12. Federal Mine Safety and Health Review Commission, Office of General Counsel, Case Files (DAA–0470–2019–0003).

13. Railroad Retirement Board, Office of the General Counsel, Board Docket System (DAA–0184–2018–0009).

Laurence Brewer,

Chief Records Officer for the U.S. Government.

[FR Doc. 2019–10650 Filed 5–21–19; 8:45 am]

BILLING CODE 7515–01–P

NATIONAL FOUNDATION OF THE ARTS AND THE HUMANITIES

Institute of Museum and Library Services

39th Meeting of the National Museum and Library Services Board

AGENCY: Institute of Museum and Library Services (IMLS), National Foundation of the Arts and the Humanities (NFAH).

ACTION: Notice of meeting; updated start time and agenda.

SUMMARY: Pursuant to the Federal Advisory Committee Act, notice is hereby given that the National Museum and Library Services Board will meet to advise the Director of the Institute of Museum and Library Services (IMLS) with respect to duties, powers, and authority of IMLS relating to museum, library, and information services, as well as coordination of activities for the improvement of these services.

DATES: The meeting will be held on June 12, 2019, from 9:30 a.m. until adjourned.

ADDRESSES: The meeting will be held at 955 L'Enfant Plaza North SW, First Floor Conference Room, Washington, DC 20024.

FOR FURTHER INFORMATION CONTACT: Katherine Maas, Project Specialist and Alt. Designated Federal Officer, Institute of Museum and Library Services, Suite 4000, 955 L'Enfant Plaza North SW, Washington, DC 20024; (202) 653–4798; *kmaas@imls.gov* (*mailto:kmaas@imls.gov*).

SUPPLEMENTARY INFORMATION: The National Museum and Library Services Board is meeting pursuant to the National Museum and Library Service Act, 20 U.S.C. 9105a, and the Federal Advisory Committee Act (FACA), as amended, 5 U.S.C. App.

The 39th Meeting of the National Museum and Library Services Board will be held on June 12, 2019. A plenary session (open to the public) will convene at 9:30 a.m., followed by an Executive Session (closed to the public) discussion of specific agreements and programs before the Board.

The agenda for the plenary session of the National Museum and Library Services Board will be as follows:

I. Welcoming Remarks
II. Approval of Minutes
III. Legislative Update
IV. Director's Report and Program Updates
V. Financial and Operations Report
VI. Office of Digital and Information Strategy Report

As identified above, portions of the meeting of the National Museum and Library Services Board will be closed to the public pursuant to subsections (c)(4), (c)(6) and (c)(9) of section 552b of Title 5, United States Code, as amended. The closed session will consider information that may disclose: Trade secrets and commercial or financial information obtained from a person and privileged or confidential; and information the premature disclosure of which would be likely to significantly frustrate implementation of a proposed agency action.

If you wish to attend the public session of the meeting, please inform IMLS as soon as possible by contacting Katherine Maas at (202) 653–4798 or *kmaas@imls.gov.* Please provide notice of any special needs or accommodations by May 29, 2019.

Please note that this Notice updates the meeting's start time and agenda and that this Notice accordingly supersedes the information in the Notice previously published in the **Federal Register** on May 16, 2019 (84 FR 22170 (2019) (*https://www.federalregister.gov/documents/2019/05/16/2019-10194/39th-meeting-of-the-national-museum-and-library-services-board*).

Dated: May 16, 2019.

Kim Miller,

Grants Management Specialist, Institute of Museum and Library Services.

[FR Doc. 2019–10618 Filed 5–21–19; 8:45 am]

BILLING CODE 7036–01–P

NATIONAL SCIENCE FOUNDATION

Agency Information Collection Activities: Comment Request; Grantee Reporting Requirements for Partnership for Research and Education in Materials (PREM)

AGENCY: National Science Foundation.

ACTION: Notice.

SUMMARY: The National Science Foundation (NSF) is announcing plans to renew this collection. In accordance with the requirements of the Paperwork Reduction Act of 1995, we are providing opportunity for public comment on this action. After obtaining and considering public comment, NSF will prepare the submission requesting Office of Management and Budget (OMB) clearance of this collection for no longer than 3 years.

DATES: Written comments on this notice must be received by July 22, 2019 to be assured consideration. Comments received after that date will be considered to the extent practicable. Send comments to address below.

FOR FURTHER INFORMATION CONTACT: Suzanne H. Plimpton, Reports Clearance Officer, National Science Foundation, 2415 Eisenhower Avenue, Suite W18200, Alexandria, Virginia 22314; telephone (703) 292–7556; or send email to *splimpto@nsf.gov.* Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339, which is accessible 24 hours a day, 7 days a week, 365 days a year (including Federal holidays).

SUPPLEMENTARY INFORMATION:

Title of Collection: Grantee Reporting Requirements for Partnerships for Research and Education in Materials (PREM).

OMB Number: 3145–0232.

Expiration Date of Approval: October 31, 2019.

Type of Request: Intent to seek approval to renew an information collection.

Overview of this Information Collection: The Partnerships for Research and Education in Materials (PREM) aims to enhance diversity in materials research and education by stimulating the development of formal, long-term, collaborative research and education relationships between minority-serving colleges and universities and centers, institutes and facilities supported by the NSF Division of Materials Research (DMR). With this collaborative model PREMs build intellectual and physical infrastructure within and between disciplines, weaving together knowledge creation, knowledge integration, and knowledge transfer. PREMs conduct world-class research through partnerships of academic institutions, national laboratories, industrial organizations, and/or other public/private entities. New knowledge thus created is meaningfully linked to society, with an emphasis on enhancing diversity.

PREMs enable and foster excellent education, integrate research and education, and create bonds between learning and inquiry so that discovery and creativity more fully support the learning process. PREMs capitalize on diversity through participation and collaboration in center activities and demonstrate leadership in the involvement of groups underrepresented in science and engineering.

PREMs will be required to submit annual reports on progress and plans, which will be used as a basis for performance review and determining the level of continued funding. To support this review and the management of the award PREMs will

be required to develop a set of management and performance indicators for submission annually to NSF via the Research Performance Project Reporting module in *Research.gov.* These indicators are both quantitative and descriptive and may include, for example, the characteristics of personnel and students; sources of financial support and in-kind support; expenditures by operational component; research activities; education activities; patents, licenses; publications; degrees granted to students involved in PREM activities; descriptions of significant advances and other outcomes of the PREM effort.

Each PREM's annual report will include the following categories of activities: (1) Research, (2) education (3) outreach, (4) partnerships, (5) diversity, (6) management, and (7) budget issues.

For each of the categories the report will describe overall objectives for the year, problems the PREM has encountered in making progress towards goals, anticipated problems in the following year, and specific outputs and outcomes.

PREMs are required to file a final report through the RPPR and external technical assistance contractor. Final reports contain similar information and metrics as annual reports but are retrospective.

Use of the Information: NSF will use the information to continue funding of PREMs, and to evaluate the progress of the program.

Estimate of Burden: 50 hours per PREM for 15 PREMs for a total of 750 hours.

Respondents: Non-profit institutions.

Estimated Number of Responses per Report: One from each of the fifteen PREMs.

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 of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information on respondents, including through the use of automated collection techniques or other forms of information technology; and (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Dated: May 16, 2019.

Suzanne H. Plimpton,

Reports Clearance Officer, National Science Foundation.

[FR Doc. 2019–10651 Filed 5–21–19; 8:45 am]

BILLING CODE 7555–01–P

OVERSEAS PRIVATE INVESTMENT CORPORATION

Sunshine Act Meeting Notice

TIME AND DATE: Wednesday, June 12, 2019 2 p.m. (OPEN Portion); 2:15 p.m. (CLOSED Portion).

PLACE: Offices of the Corporation, Twelfth Floor Board Room, 1100 New York Avenue NW, Washington, DC.

STATUS: Meeting OPEN to the Public from 2 p.m. to 2:15 p.m.; Closed portion will commence at 2:15 p.m. (approx.).

MATTERS TO BE CONSIDERED:

1. President's Report
2. Minutes of the Open Session of the March 20, 2019, Board of Directors Meeting

FURTHER MATTERS TO BE CONSIDERED (CLOSED TO THE PUBLIC 2:15 P.M.):

1. Finance Project—Argentina
2. Finance Project—Egypt
3. Minutes of the Closed Session of the March 20, 2019, Board of Directors Meeting
4. Reports
5. Pending Projects

CONTACT PERSON FOR MORE INFORMATION: Information on the meeting may be obtained from Catherine F.I. Andrade at (202) 336–8768, or via email at *Catherine.Andrade@opic.gov.*

Dated: May 20, 2019.

Catherine Andrade,

Corporate Secretary, Overseas Private Investment Corporation.

[FR Doc. 2019–10827 Filed 5–20–19; 4:15 pm]

BILLING CODE 3210–01–P

POSTAL REGULATORY COMMISSION

[Docket No. CP2012–23]

New Postal Product

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing for the Commission's consideration concerning a negotiated service agreement. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* May 24, 2019.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov.* Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction
II. Docketed Proceeding(s)

I. Introduction

The Commission gives notice that the Postal Service filed request(s) for the Commission to consider matters related to negotiated service agreement(s). The request(s) may propose the addition or removal of a negotiated service agreement from the market dominant or the competitive product list, or the modification of an existing product currently appearing on the market dominant or the competitive product list.

Section II identifies the docket number(s) associated with each Postal Service request, the title of each Postal Service request, the request's acceptance date, and the authority cited by the Postal Service for each request. For each request, the Commission appoints an officer of the Commission to represent the interests of the general public in the proceeding, pursuant to 39 U.S.C. 505 (Public Representative). Section II also establishes comment deadline(s) pertaining to each request.

The public portions of the Postal Service's request(s) can be accessed via the Commission's website (*http://www.prc.gov*). Non-public portions of the Postal Service's request(s), if any, can be accessed through compliance with the requirements of 39 CFR 3007.301.[1]

The Commission invites comments on whether the Postal Service's request(s) in the captioned docket(s) are consistent with the policies of title 39. For request(s) that the Postal Service states concern market dominant product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3622, 39 U.S.C. 3642, 39 CFR part 3010, and 39 CFR part 3020, subpart B. For request(s) that the Postal Service states concern competitive product(s), applicable

[1] *See* Docket No. RM2018–3, Order Adopting Final Rules Relating to Non-Public Information, June 27, 2018, Attachment A at 19–22 (Order No. 4679).

statutory and regulatory requirements include 39 U.S.C. 3632, 39 U.S.C. 3633, 39 U.S.C. 3642, 39 CFR part 3015, and 39 CFR part 3020, subpart B. Comment deadline(s) for each request appear in section II.

II. Docketed Proceeding(s)

1. *Docket No(s).:* CP2012–23; *Filing Title:* USPS Notice of Amendment to Parcel Select Contract 2, Filed Under Seal; *Filing Acceptance Date:* May 16, 2019; *Filing Authority:* 39 CFR 3015.5; *Public Representative:* Gregory Stanton; *Comments Due:* May 24, 2019.

This Notice will be published in the **Federal Register**.

Stacy L. Ruble,

Secretary.

[FR Doc. 2019–10711 Filed 5–21–19; 8:45 am]

BILLING CODE 7710–FW–P

POSTAL SERVICE

Product Change—Priority Mail Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* May 22, 2019.

FOR FURTHER INFORMATION CONTACT: Elizabeth Reed, 202–268–3179.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on May 17, 2019, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Contract 528 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2019–138, CP2019–152.

Elizabeth Reed,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2019–10732 Filed 5–21–19; 8:45 am]

BILLING CODE 7710–12–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–85879; File No. SR–CboeEDGX–2019–012]

Self-Regulatory Organizations; Cboe EDGX Exchange, Inc.; Notice of Designation of Longer Period for Commission Action on Proposed Rule Change To Introduce Retail Priority

May 16, 2019.

On March 18, 2019, Cboe EDGX Exchange, Inc. (''Exchange'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule change to introduce order book priority for equity orders submitted on behalf of retail investors. The proposed rule change was published for comment in the **Federal Register** on April 5, 2019.[3] The Commission received four comment letters on the proposed rule change.[4]

Section 19(b)(2) of the Act [5] provides that within 45 days of the publication of notice of the filing of a proposed rule change, or within such longer period up to 90 days as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or as to which the self-regulatory organization consents, the Commission shall either approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether the proposed rule change should be disapproved. The 45th day for this filing is May 20, 2019.

The Commission is extending the 45-day time period for Commission action on the proposed rule change. The Commission finds that it is appropriate to designate a longer period within which to take action on the proposed rule change so that it has sufficient time to consider the Exchange's proposed rule change, the comments received, and the Exchange's response to comments.

Accordingly, pursuant to Section 19(b)(2)(A)(ii)(I) of the Act [6] and for the reasons stated above, the Commission designates July 4, 2019 as the date by which the Commission should either approve or disapprove, or institute proceedings to determine whether to disapprove, the proposed rule change (File No. CboeEDGX–2019–012).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[7]

Eduardo A. Aleman,

Deputy Secretary.

[FR Doc. 2019–10644 Filed 5–21–19; 8:45 am]

BILLING CODE 8011–01–P

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 85482 (April 2, 2019), 84 FR 13729 (''Notice'').

[4] *See* letters to Vanessa Countryman, Acting Secretary, Commission, from Sean Paylor, Trader, AJO, L.P., dated April 25, 2019; Joseph Saluzzi and Sal Arnuk, Partners, Themis Trading LLC, dated May 8, 2019; T. Sean Bennett, Principal Associate General Counsel, Nasdaq, dated May 9, 2019; letter to Eduardo A. Aleman, Deputy Secretary, Commission from Stephen John Berger, Global Head of Government & Regulatory Policy, Citadel Securities, dated April 26, 2019. All comments received by the Commission on the proposed rule change are available at: *https://www.sec.gov/comments/sr-cboeedgx-2019-012/srcboeedgx2019012.htm.*

[5] 15 U.S.C. 78s(b)(2).

[6] 15 U.S.C. 78s(b)(2)(A)(ii)(I).

[7] 17 CFR 200.30–3(a)(31).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–85875; File No. SR–NYSEAMER–2019–17]

Self-Regulatory Organizations; NYSE American LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Modify Rule 961 and Conforming Changes to Rules 933NY and 995NY Governing the Give Up of a Clearing Broker

May 16, 2019.

Pursuant to Section 19(b)(1) [1] of the Securities Exchange Act of 1934 (the ''Act'') [2] and Rule 19b–4 thereunder,[3] notice is hereby given that on May 2, 2019, NYSE American LLC (''NYSE American'' or the ''Exchange'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to modify Rule 961 regarding the Give Up of a Clearing Member by ATP Holders and proposes conforming changes to Rules 933NY and 995NY. The proposed rule change is available on the Exchange's website at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of this filing is to modify Rule 961 regarding the Give Up of a Clearing Member [4] by ATP Holders and to make conforming changes to Rule 933NY.

Rule 961: Current Process To Give Up a Clearing Member

In 2015, the Exchange adopted its current ''give up'' procedure for ATP Holders executing transactions on the Exchange.[5] Per Rule 961, an ATP Holder may give up a ''Designated Give Up'' or its ''Guarantor,'' as defined in the Rule and described below.

The Rule defines ''Designated Give Up'' as any Clearing Member that an ATP Holder (other than a Market Maker [6]) identifies to the Exchange, in writing, as a Clearing Member the ATP Holder requests the ability to give up. To designate a ''Designated Give Up,'' an ATP Holder must submit written notification to the Exchange. Specifically, the Exchange uses a standardized form (''Notification Form''). An ATP Holder may currently designate any Clearing Member as a Designated Give Up. Additionally, there is no minimum or maximum number of Designated Give Ups that an ATP Holder must identify. Similarly, should an ATP Holder no longer want the ability to give up a particular Designated Give Up, the ATP Holder informs the Exchange in writing.

Rule 961 also requires that the Exchange notify a Clearing Member, in writing and as soon as practicable, of each ATP Holder that has identified it as a Designated Give Up. However, the Exchange will not accept any instructions from a Clearing Member to prohibit an ATP Holder from designating the Clearing Member as a Designated Give Up. Additionally, there is no subjective evaluation of an ATP Holder's list of Designated Give Ups by the Exchange. The Rule does, however, provide that a Designated Give Up may determine to not accept a trade on which its name was given up so long as it believes in good faith that it has a valid reason not to accept the trade.[7]

The Rule defines ''Guarantor'' as a Clearing Member that has issued a Letter of Guarantee or Letter of Authorization for the executing ATP Holder, pursuant to Rules of the Exchange [8] that is in effect at the time of the execution of the applicable trade. An executing ATP Holder may give up its Guarantor without such Guarantor being a ''Designated Give Up.'' Additionally, Rule 924NY provides that a Letter of Guarantee is required to be issued and filed by each Clearing Member through which a Market Maker clears transactions. Accordingly, a Market Maker is enabled to give up only a Guarantor that had executed a Letter of Guarantee on its behalf pursuant to Rule 924NY; a Market Maker does not need to identify any Designated Give Ups. Like Designated Give Ups, Guarantors likewise have the ability to reject a trade.[9]

Beginning in early 2018, certain Clearing Members (in conjunction with the Securities Industry and Financial Markets Association (''SIFMA'')) expressed concerns related to the process by which executing brokers on U.S. options exchanges (the ''Exchanges'') are allowed to designate or 'give up' a clearing firm for purposes of clearing particular transactions. The SIFMA-affiliated Clearing Members have recently identified the current give-up process as a significant source of risk for clearing firms. SIFMA-affiliated Clearing Members subsequently requested that the Exchanges alleviate this risk by amending Exchange rules governing the give up process.[10]

* * * * *

Proposed Amendment to Rules 961, 933NY and 995NY

Based on the above, the Exchange proposes to amend its rules regarding the current give up process in order to allow a Clearing Member to opt in, at The Options Clearing Corporation (''OCC'') clearing number level, to a feature that, if enabled by the Clearing Member, would allow the Clearing Member to specify which ATP Holders are authorized to give up that OCC clearing number. As proposed, Rule 961, Give Up of a Clearing Member, will be re-titled as ''Authorizing Give Up of a Clearing Member'' and would provide that for each transaction in which a non-Market Maker ATP Holder participates, the ATP Holder may indicate any OCC number of a Clearing Member through which a transaction will be cleared (''Give Up''), provided the Clearing Member has not elected to ''Opt In,'' as defined in paragraph (b) of the proposed Rule, and restricted the OCC number (''Restricted OCC Number'').[11] Further, as proposed, an ATP Holder may Give Up a Restricted OCC Number provided the ATP Holder has written authorization as described in paragraph (b)(ii) of the Rule (''Authorized ATP Holder'').[12]

Proposed Rule 961(b) provides that Clearing Members may request that the Exchange restrict one or more of their OCC clearing numbers (''Opt In'') as described in subparagraph (b)(i) of the Rule. As proposed, if a Clearing Member Opts In, the Exchange would require written authorization from the Clearing Member permitting an ATP Holder to

[4] Rule 900.2NY(11) defines ''Clearing Member'' as an Exchange ATP Holder which has been admitted to membership in the Options Clearing Corporation pursuant to the provisions of the Rules of the Options Clearing Corporation.

[5] *See* Securities and Exchange Act Release No. 75642 (August 7, 2015), 80 FR 48594 (August 13, 2015) (SR–NYSEMKT–2015–55).

[6] For purposes of this rule, references to ''Market Maker'' refer to ATP Holders acting in the capacity of a Market Maker and include all Exchange Market Maker capacities *e.g.,* Lead Market Makers. As explained below, Market Makers give up Guarantors that have executed a Letter of Guarantee on behalf of the Marker Maker, pursuant to Rule 932NY; Market Makers need not give up Designated Give Ups.

[7] *See* Rule 961(f)(1) (setting forth procedures for rejecting a trade). An example of a valid reason to reject a trade may be that the Designated Give Up does not have a customer for that particular trade.

[8] *See* Rule 924NY (Letters of Guarantees); Rule 932NY (Letters of Authorization).

[9] *See* Rule 961(f)(2) (providing that a Guarantor may ''change the give up to another Clearing Member that has agreed to be the give up on the subject trade, provided such Clearing Member has notified the Exchange and the executing ATP Holder in writing of its intent to accept the trade'').

[10] Nasdaq PHLX LLC (''Phlx'') recently modified its give up procedure to allow clearing members to ''opt in'' such that the clearing member may specify which Phlx member organizations are authorized to give up that clearing member. *See* Phlx Rule 1037. *See also* Securities and Exchange Act Release Nos. 84624 (November 19. 2018), 83 FR 60547 (Notice); 85136 (February 14, 2019), 84 FR 5526 (February 21, 2019) (SR–Phlx–2018–72) (Approval Order). The Exchange's proposal leads to the same result of providing its Clearing Members the ability to control risk and includes Phlx's ''opt in'' process, but it otherwise differs in process from Phlx's proposal.

[11] *See* proposed Rule 961(a).

[12] The Exchange proposes to delete the use of the modifier ''executing'' as relates to ATP Holder in the rule, which is extraneous and unnecessary, particularly in light of new concept of Authorized ATP Holder. *See* proposed Rule 961(c)(i), (e)(2), (f)(1)–(3), (g)(1) and (h)(1).

Give Up a Clearing Member's Restricted OCC Number. An Opt In would remain in effect until the Clearing Member terminates the Opt In as described in subparagraph (iii). If a Clearing Member does not Opt In, that Clearing Member's OCC number may be subject to Give Up by any ATP Holder (other than a Market Maker).[13]

Proposed Rule 961(b)(i) would set forth the process by which a Clearing Member may Opt In. Specifically, a Clearing Member may Opt In by sending a completed ''Clearing Member Restriction Form'' listing all Restricted OCC Numbers.[14] A copy of the proposed form is attached in Exhibit 3A. As proposed, a Clearing Member may elect to restrict one or more OCC clearing numbers that are registered in its name at OCC. The Clearing Member would be required to submit the Clearing Member Restriction Form to the Exchange's Client Relationship Services (''CRS'') department as described on the form. Once submitted, the Exchange requires ninety days before a Restricted OCC Number is effective. The Exchange believes this 90-day time period would provide adequate time for ATP Holders that use a Restricted OCC Number to obtain the necessary written authorization for that Restricted OCC Number. During this 90-day time period, ATP Holders lacking the requisite authorization (and affected by this proposed provision) would still be able to Give Up that Restricted OCC Number (*i.e.,* until the number becomes restricted within the System).

Proposed 961(b)(ii) would set forth the process for ATP Holders to Give Up a Clearing Member's Restricted OCC Number. Specifically, as proposed, an ATP Holder desiring to Give Up a Restricted OCC Number must become an Authorized ATP Holder.[15] The Clearing Member would be required to authorize an ATP Holder by submitting a completed ''Authorized ATP Holder Form'' to the Exchange's CRS department, unless the Restricted OCC Number is already subject to a Letter of Guarantee or a Letter of Authorization to which the ATP Holder is a party, as set forth in proposed paragraph (c) of the Rule. A copy of the proposed form is attached in Exhibit 3B.[16]

Pursuant to proposed Rule 961(b)(iii), a Clearing Member may amend its Authorized ATP Holders or Restricted OCC Numbers by submitting a new Authorized ATP Holder Form or a Clearing Member Restriction Form to the Exchange's CRS department indicating the amendment as described on the form. As proposed, once a Restricted OCC Number is effective pursuant to Rule 961(b)(i), the Exchange may permit the Clearing Member to authorize, or remove authorization for, an ATP Holder to Give Up the Restricted OCC Number intra-day only in unusual circumstances, and on the next business day in all regular circumstances. The Exchange will promptly notify the ATP Holders if they are no longer authorized to Give Up a Clearing Member's Restricted OCC Number. Finally, as proposed, if a Clearing Member removes a Restricted OCC Number, any ATP Holder (other than a Market Maker) may Give Up that OCC clearing number once the removal has become effective on or before the next business day.[17]

In light of the proposed changes to the Give Up process, the Exchange proposes to delete certain paragraphs of the current Rule related to the current Designated Give Up process. Specifically, the Exchange proposes to delete current paragraphs (a), (b)(1), (3)–(4), (6)–(7), (d).

As proposed, paragraph (c) to Rule 961 would be re-title ''Guarantors and Market Makers.'' Proposed Rule 961(c)(i) would maintain the current definition and role of Guarantor (set forth in current paragraphs (a)(3) and (6)) and combine such information with language from Phlx Rule 1037(d) to provide, in relevant part that ''[a] Guarantor for an ATP Holder will be enabled to be given up for that ATP Holder without any further action by the ATP Holder such that a clearing arrangement subject to a Letter of Guarantee or Letter of Authorization would immediately permit the Give Up of a Restricted OCC Number by the ATP Holder that is party to the arrangement.''[18] In addition, to streamline the proposed Rule the Exchange proposes to relocate text from current Rule 961(a)(5) regarding Market Makers to proposed Rule 961(c)(ii) without any textual changes.[19] The Exchange also proposes to clarify how the System would handle orders in light of the proposed changes to the Give Up process. As proposed, for any Restricted OCC Number, the Exchange's trading systems would only accept orders for that number from an Authorized ATP Holder.[20]

To further update the Rule to reflect the shift from an ATP Holder designating a certain Clearing Member as the give up to the Clearing Member having the ability to limit which ATP Holders may give up that Clearing Member, the Exchange proposes to replace certain references to Designated Give Up with reference to ''Clearing Member for whom they are an Authorized ATP Holder''[21] or affiliated Clearing Member''[22] or simply ''Clearing Member,''[23] as appropriate.

The Exchange also proposes to add paragraph (i) to the Rule to provide that an ''intentional misuse of this Rule is impermissible, and may be treated as a violation of Rule 995NY(b), Prohibited Conduct.'' And, consistent with this change, to modify Rule 995NY(b), which was previously held in Reserve, to provide that it would be ''considered conduct inconsistent with just and equitable principles of trade for an ATP Holder or associated person of an ATP Holder to intentionally misuse Rule 961, Authorizing Give Up of a Clearing Member.'' This language will make clear that the Exchange will regulate an intentional misuse of this Rule and that such behavior would be a violation of Exchange rules.

Finally, consistent with this proposed change, the Exchange also proposes to amend Rule 933NY(f) regarding the responsibilities of Floor Brokers to maintain error accounts ''for the purposes of correcting bona fide errors, as provided in Rule 960.'' As proposed, the Exchange would specify that ''it will not be a violation of this provision if a trade is transferred away from an error account through the CMTA process at OCC.''[24] This additional language would enable an executing ATP Holder that has executed an order to CMTA that order through its own clearing

[13] *See* proposed Rule 961(b).

[14] The Exchange's forms will be available on the Exchange's website. The Exchange also intends to maintain, on its website, a list of the Restricted OCC Numbers, which will be updated on a regular basis, and the Clearing Member's contact information to assist ATP Holders (to the extent they are not already Authorized ATP Holders) with requesting authorization for a Restricted OCC Number. The Exchange may utilize additional means to inform its members of such updates on a periodic basis.

[15] The Exchange will develop procedures for notifying ATP Holders that they are authorized or unauthorized by Clearing Members.

[16] *See supra* note 14.

[17] *See* proposed Rule 961(b)(iii).

[18] *See* proposed Rule 961(c)(i).

[19] *See* proposed Rule 961(c)(ii). To conform to the foregoing changes to the organization of the Rule, the Exchange proposes to reclassify current paragraph (c) as proposed Rule 961(d).

[20] *See* proposed Rule 961(d).

[21] *See* proposed Rule 961(g)(1).

[22] *See* proposed Rule 961(g)(2).

[23] *See generally* proposed Rule 961(e)–(h). *See also* proposed Rule 961(d) and (e)(1) (as relates to replacing Designated Give Up with Authorized ATP Holder) and (e)(2), (f)(1)–(3), (g)(1) and (h)(1). The Exchange also proposes to rename Rule 961(e) (from Designated Give Up, to Authorized ATP Holder, as relates to the process for accepting a trade). The Exchange also proposes to update the cross reference in paragraph (e)(1) from ''paragraph (i)'' to proposed ''paragraph (g).'' *See* proposed Rule 961(e)(1).

[24] *See* proposed Rule 933NY(f).

relationship. For example, assume a Floor Broker executes a trade giving up Firm A (a Clearing Member that is one of its Authorized ATP Holders) and, after the execution, the Floor Broker is informed that a portion of the trade needs to be changed to give-up Firm B (a Clearing Member that is not one of the Floor Broker's Authorized ATP Holders). The proposed language would enable the Floor Broker to CMTA the trade to Firm B through its own clearing arrangement (as long as the authorizations are in place for that CMTA to occur) rather than nullifying or busting the trade.

Implementation

The Exchange will announce the implementation date of the proposed rule change no later than the end of Q3 2019 via Trader Notice.

2. Statutory Basis

The proposed rule change is consistent with Section 6(b) [25] of the Act, in general, and furthers the objectives of Section 6(b)(5),[26] in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, and to remove impediments to and perfect the mechanisms of a free and open market and a national market system.

Particularly, as discussed above, several Clearing Firms affiliated with SIFMA have recently expressed concerns relating to the current give up process that permits ATP Holders to identify any Clearing Members as a Designated Give Up for purposes of clearing particular transactions, and have identified the current give-up process (*i.e.,* a process that lacks authorization) as a significant source of risk for clearing firms.

The Exchange believes that the proposed changes to Rule 971 would help alleviate this risk by enabling Clearing Members to 'Opt In' to restrict one or more of its OCC clearing numbers (*i.e.,* Restricted OCC Numbers), and to specify which Authorized ATP Holders may Give Up those Restricted OCC Numbers. As described above, all other ATP Holders would be required to receive written authorization from the Clearing Member before they can Give Up that Clearing Member's Restricted OCC Number. The Exchange believes that this authorization provides proper safeguards and protections for Clearing Members as it provides controls for Clearing Members to restrict access to their OCC clearing numbers, allowing access only to those Authorized ATP Holders upon their request. The Exchange also believes that its proposed Clearing Member Restriction Form allows the Exchange to receive in a uniform fashion, written and transparent authorization from Clearing Members, which ensures seamless administration of the Rule.

The Exchange believes that the proposed Opt In process strikes the right balance between the various views and interests across the industry. For example, although the proposed rule would require ATP Holders (other than Authorized ATP Holders) to seek authorization from Clearing Members in order to have the ability to give them up, each ATP Holder would still have the ability to Give Up a Restricted OCC Number that is subject to a Letter of Guarantee or Letter of Authorization without obtaining any further authorization if that ATP Holder is party to that arrangement. The Exchange also notes that to the extent the executing ATP Holder has a clearing arrangement with a Clearing Member (*i.e.,* through a Letter of Guarantee or Letter of Authorization), a trade can be assigned to the executing ATP Holder's Guarantor. Accordingly, the Exchange believes that the proposed rule change is reasonable and continues to provide certainty that a Clearing Member would be responsible for a trade, which protects investors and the public interest. Finally, the Exchange believes that adopting paragraph (i) of Rule 961 and paragraph (b) for Rule 995NY would make clear that an intentional misuse of this Rule would be a violation of the Exchange's rules.

The Exchange also believes that the proposed change to Rule 933NY would protect investors because it would permit an executing ATP Holder to utilize its error account to CMTA an order through its own clearing relationship. This would preserve executions while accommodating the proposed rule change that could result in an executing ATP Holder not being permissioned to for a particular give-up.

Thus, this proposal would foster cooperation and coordination with persons engaged in facilitating transactions in securities, and remove impediments to and perfect the mechanism of a free and open market and a national market system.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that this proposed rule change would impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The Exchange does not believe that the proposed rule change would impose an unnecessary burden on intramarket competition because it would apply equally to all similarly situated ATP Holders. The Exchange also notes that, should the proposed changes make the Exchange more attractive for trading, market participants trading on other exchanges can always elect to become ATP Holders on the Exchange to take advantage of the trading opportunities.

Furthermore, the proposed rule change does not address any competitive issues and ultimately, the target of the Exchange's proposal is to reduce risk for Clearing Members under the current give up model. Clearing firms make financial decisions based on risk and reward, and while it is generally in their beneficial interest to clear transactions for market participants in order to generate profit, it is the Exchange's understanding from SIFMA and clearing firms that the current process can create significant risk when the clearing firm can be given up on any market participant's transaction, even where there is no prior customer relationship or authorization for that designated transaction. In the absence of a mechanism that governs a market participant's use of a Clearing Member's services, the Exchange's proposal may indirectly facilitate the ability of a Clearing Member to manage their existing customer relationships while continuing to allow market participant choice in broker execution services. While Clearing Members may compete with executing brokers for order flow, the Exchange does not believe this proposal imposes an undue burden on competition. Rather, the Exchange believes that the proposed rule change balances the need for Clearing Members to manage risks and allows them to address outlier behavior from executing brokers while still allowing freedom of choice to select an executing broker.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section

[25] 15 U.S.C. 78f(b).

[26] 15 U.S.C. 78f(b)(5).

19(b)(3)(A)(iii) of the Act [27] and Rule 19b–4(f)(6) thereunder.[28] Because the proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act and Rule 19b–4(f)(6)(iii) thereunder.

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B) [29] of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NYSEAMER–2019–17 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSEAMER–2019–17. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSEAMER–2019–17 and should be submitted on or before June 12, 2019.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[30]

Eduardo A. Aleman,

Deputy Secretary.

[FR Doc. 2019–10642 Filed 5–21–19; 8:45 am]

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[27] 15 U.S.C. 78s(b)(3)(A)(iii).

[28] 17 CFR 240.19b–4(f)(6).

[29] 15 U.S.C. 78s(b)(2)(B).

[30] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–85876; File No. SR–Phlx–2019–20]

Self-Regulatory Organizations; Nasdaq PHLX LLC; Notice of Filing of Proposed Rule Change Relating to the Allocation and Prioritization of Automatically Executed Trades

May 16, 2019.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''), [1] and Rule 19b–4 thereunder,[2] notice is hereby given that on May 15, 2019, Nasdaq PHLX LLC (''Phlx'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III, below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to reserve Rule 1014(g)(vii) and (viii), which describes the allocation of automatically executed trades, and adopt a new Rule 1089 and title that rule ''Electronic Execution Priority and Processing in the System.''

The text of the proposed rule change is available on the Exchange's website at *http://nasdaqphlx.cchwallstreet.com/*, at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to remove the current rule text describing the allocation of automatically executed trades from Phlx Rule 1014(g)(vii) and (viii) [3] and, in its place, adopt new Phlx Rule 1089 titled ''Electronic Execution Priority and Processing in the System.'' This relocated new proposed rule would describe in greater detail the manner in which Phlx will process, prioritize and allocate transactions in the System.[4]

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] The Exchange proposes to reserve Phlx Rule 1014(g)(vii) and (viii).

[4] The term ''System'' shall mean the automated system for order execution and trade reporting owned and operated by the Exchange which comprises: (A) An order execution service that enables members to automatically execute transactions in System Securities; and provides members with sufficient monitoring and updating capability to participate in an automated execution environment; (B) a trade reporting service that submits ''locked-in'' trades for clearing to a registered clearing agency for clearance and settlement; transmits last-sale reports of transactions automatically to the Options Price Reporting Authority (''OPRA'') for dissemination to the public and industry; and provides participants

Continued

The Exchange will explain this process as a timeline. The current Phlx rule describes the allocation process in a general fashion indicating how different market participants may be allocated. The proposed new rule would sequentially describe the manner in which an order would be allocated in the System, including the allocation method, rounding and all potential allocation scenarios. The proposed rule explains the order in which market participants will be allocated. The Exchange believes that the new proposed rule text would be more easily understood. The proposal codifies the Exchange's current practices while adding more explicit language to the rule text. In adopting Rule 1089, the Exchange proposes to model the format of the rule on Nasdaq BX, Inc.'s (''BX'') ''Book Processing'' rule at Chapter VI, Section 10.

Proposed Amendments to Current Practice

This proposal codifies the Exchange's current allocation methodology. Phlx is not proposing to amend its current electronic allocation process, except in one specific circumstance. The Exchange proposes herein to amend the current allocation a Specialist is entitled to receive when a Specialist is also the Directed Registered Option Trader (''DROT''). In the situation where the Specialist is the DROT, the proposal provides that the Specialist would be entitled to the greater of: (1) The Enhanced Specialist Priority; (2) the allocation for Orders of 5 contracts or fewer (''Entitlement for Orders of 5 contracts or fewer'') or (3) the DROT allocation. Specifically, this proposal would amend the current practice of allocating Orders of 5 contracts or fewer. Today, a Specialist is only entitled to allocation for Orders of 5 contracts or fewer when such order is received and such order is either not a Directed Order or is a Directed Order for 5 contracts or fewer, but the DROT is not quoting at the Exchange's price. If the DROT is also the Specialist, then the Specialist is only be entitled to receive the DROT allocation of 40% rather than the full size of the allocation of the Order for 5 contracts or fewer. This is explained below in greater detail within this proposal. The Exchange notes that the other functionality described in this proposal reflects current practice.

Proposed Rule 1089

Today, Rule 1014(g)(vii) provides that after public customer market and marketable limit orders have been executed, trades automatically executed in such options shall be allocated automatically in the following manner:

(A) If the specialist, an SQT, RSQT or a non-SQT ROT that has placed a limit order on the limit order book (''Phlx XL Participant'') is quoting alone at the disseminated price and their quote is not matched by another Phlx XL participant prior to execution, such Phlx XL Participant shall be entitled to receive a number of contracts up to the size associated with his/her quotation.

(B) *Parity.* Quotations entered electronically by the specialist, an RSQT or an SQT that do not cause an order resting on the limit order book to become due for execution may be matched at any time by quotations entered electronically by the specialist and/or other SQTs and RSQTs, and by ROT limit orders and shall be deemed to be on parity, subject to the requirement that orders of controlled accounts must yield priority to customer orders as set forth in Rule 1014(g)(i)(A).

The Exchange proposes new rule text at proposed Rule 1089(a) which would state that the Exchange would apply a Size Pro-Rata execution algorithm [5] to electronic orders, unless otherwise specified. The Exchange's proposal also provides that ''The System shall execute trading interest within the System in price priority, meaning it will execute all trading interest at the best price level within the System before executing trading interest at the next best price. If the result is not a whole number, it will be rounded down to the nearest whole number, unless otherwise specified. Generally, and as described in this proposal below, the Exchange would execute interest in price priority at each level of priority separately, other than Public Customers,[6] unless otherwise specified.[7] Public Customers would continue to retain priority over other market participants. For purposes of this rule, a Public Customer shall be defined as a person or entity that is not a broker or dealer in securities.[8]

Proposed Rule 1089(a)(1)(A) describes priority overlays. The Exchange proposes to state within proposed Rule 1089(a)(1) that ''No participant shall be entitled to receive a number of contracts that is greater than the displayed size [9] that is associated with their quotation or order.'' Current Rule 1014(g)(vii)(A) provides the same restriction for market making participants. Also, current Rule 1014(g)(vii)(B)(1)(e) generally provides for this size limitation for purposes of allocation.

Today, the Exchange allocates contracts utilizing a Public Customer Priority Size Pro-Rata allocation model. Public Customer contracts are allocated first in Price-Time priority at a given price level.[10] After all Public Customer contracts have been allocated, Specialist electronic orders/quotes are allocated utilizing a Size Pro-Rata allocation model [11] or the DROT Priority is applied.[12] Orders for 5 contracts or

with monitoring and risk management capabilities to facilitate participation in a ''locked-in'' trading environment; and (C) the data feeds described at Rule 1070. *See* Phlx Rule 1000(b)(45).

[5] The Exchange describes Size Pro-Rata Priority at proposed Rule 1089(a) to mean resting orders and quotes in the order book are prioritized according to price. If there are two or more resting orders or quotes at the same price, the System allocates contracts from an incoming order or quote to resting orders and quotes proportionally according to size, based on the total number of contracts available to be executed at that price.

[6] Public Customer orders have a different priority as compared to other market participants. Orders are allocated such that the highest bid and lowest offer shall have priority, except that Public Customer orders have priority over non-Public Customer orders at the same price, provided the Public Customer order is executable. If there are two or more Public Customer orders for the same options series at the same price, priority shall be afforded to such Public Customer orders in the sequence in which an order is received by the System.

[7] For example, Size Pro-Rata allocation is applied to market maker priority and separately for all other remaining interest. On Phlx, market makers include Specialists and Registered Options Traders (''ROTs'') (which includes Streaming Quote Traders (''SQTs'') and Remote Streaming Quote Traders (''RSQTs'')) and floor market makers. A Specialist is an Exchange member who is registered as an options specialist. *See* Phlx Rule 1020(a). A ROT is a regular member or a foreign currency options participant of the Exchange who has received permission from the Exchange to trade in options for his own account. An SQT is an ROT who has received permission from the Exchange to generate and submit option quotations electronically in options to which such SQT is assigned. An SQT may only submit such quotations while such SQT is physically present on the floor of the Exchange. An SQT may only trade in a market making capacity in classes of options in which the SQT is assigned. An RSQT is an ROT that is a member affiliated with an RSQT with no physical trading floor presence who has received permission from the Exchange to generate and submit option quotations electronically in options to which such RSQT has been assigned. A qualified RSQT may function as a Remote Specialist upon Exchange approval. A floor market maker is known as a non-SQT ROT in Rule 1014(b)(ii)(C). A non-SQT ROT is an ROT who is neither an SQT nor an RSQT.

[8] Professionals are separately defined at Phlx Rule 1000(b)(14) and not included in the definition of a Public Customer.

[9] The Exchange notes that All-or-None Orders are eligible for execution, but remain non-displayed and are not part of Phlx's best bid or offer. An All-or-None Order is a limit or market order that is to be executed in its entirety or not at all.

[10] Price-Time allocations are filled among Public Customer orders in time priority as described below in this Purpose section. *See* Rule 1014(g)(vii).

[11] The Specialist allocation or Enhanced Specialist Priority is described below in the Purpose section. *See* Rule 1014(g)(vii)(B)(1)(c). *See also* DROT priority at Rule 1014(g)(viii).

[12] A Specialist or ROT that receives a Directed Order is a DROT as defined above. The term ''Directed Order'' means any order (other than a stop or stop-limit order as defined in Rule 1066) to

fewer are separately considered for allocation to the Specialist or as remaining contracts as specified in the proposed rule text.[13] ROT priority is applied after Public Customer and Specialist/DROT interest is handled.[14] Remaining interest is allocated to broker dealer orders [15] utilizing a Size Pro-Rata allocation model, which includes orders of all market participants, excluding Public Customers and Specialists because they have already been allocated. The Exchange also accounts for odd lot allocation and rounding within this rule. Each step is described below in greater detail along with proposed new language. The Exchange believes that its proposed allocation language within Rule 1089 is consistent with the Act because it brings greater transparency to the Exchange's rules. The Exchange believes the proposed rule will protect investors and the public interest by providing clear expectations on the manner in which interest will be electronically allocated within Phlx's System.

Public Customer Priority

As is the case today, Public Customer orders are always allocated first at a given price. Public Customer orders will continue to have priority over non-Public Customer interest at the same price, provided the Public Customer order is an executable order.[16] If there are two or more Public Customer orders for the same options series at the same price, priority shall be afforded to such Public Customer orders in the sequence in which they are received by the System.[17]

Currently, Public Customer priority is described at Rule 1014(g)(vii). The current rule text simply states, ''After public customer market and marketable limit orders have been executed, trades automatically executed in such options shall be allocated automatically in the following manner. . . .'' The manner in which Public Customer orders are allocated is not being amended; it is simply restated for clarity.[18] As noted within proposed Rule 1089(a)(1)(A), a Public Customer order does not include a Professional Order.[19] The Exchange believes that it is consistent with the protection of investors and the public interest to allocate Public Customer orders ahead of all other interest. Public Customer liquidity benefits all market participants by providing opportunities for order interaction.

Enhanced Specialist Participation

The proposed rule describes how Specialists will be specifically allocated. Current Rule 1014(g)(vii)(B)(1)(c) describes Enhanced Specialist Participation as follows, ''For options subject to the Enhanced Specialist Participation as set forth in Rule 1014(g)(ii), the specialist shall be entitled to receive a number of contracts (not to exceed the size of the specialist's quote) that is the greater of the amount he would be entitled to receive pursuant to Rule 1014(g)(ii), or the amount he would otherwise receive pursuant to the operation of the algorithm. . . .''

The Exchange notes that in proposed Rule 1089(a)(1)(B), the allocation described in current Rule 1014(g)(vii)(B)(1)(c) is being amended to permit the Specialist to receive the greater of the 3 allocations proposed within Rule 1089(a)(1)(B)(i) as noted at the beginning of the Purpose section. Today, after all Public Customer orders have been fully executed, provided the Specialist's quote is at the better of the internal PBBO,[20] excluding all-or-none orders [21] that cannot be satisfied, or the NBBO the Specialist may be afforded a participation entitlement. As is the case today, the Specialist shall not be entitled to receive a number of contracts that is greater than the displayed size associated with such Specialist.[22] The Exchange's current rule specifically notes that the Specialist is entitled to the Enhanced Specialist Enhancement if quoting at the disseminated price.[23] The proposed rule adds more granularity to the current rule text with respect to the price at which the quote may execute. The Exchange's proposed rule provides, ''After all Public Customer orders have been fully executed, provided the Specialist's quote is at the better of the internal PBBO, excluding all-or-none orders that cannot be satisfied, or the NBBO, the Specialist may be afforded a participation entitlement.'' The Exchange notes that a quote will not be executed at a price that trades through another market or displayed at a price that would lock or cross another market.[24] Certain Phlx contingency orders are non-displayed and are

buy or sell which has been directed to a particular specialist, Remote Streaming Quote Trader or ''RSQT'', or Streaming Quote Trader or ''SQT'' by an Order Flow Provider. *See* Phlx Rule 1068.

[13] *See* Phlx Rule 1014(g)(vii)(B)(1)(a) and (b).

[14] *See* Phlx Rule 1014(g)(vii)(B).

[15] *See* Phlx Rule 1014(g)(vi)(B)(1)(d). The term ''off-floor broker-dealer order'' means an order delivered from off the floor of the Exchange by or on behalf of a broker-dealer for the proprietary account(s) of such broker-dealer, including an order for a market maker located on an exchange or trading floor other than the Exchange's trading floor delivered for the proprietary account(s) of such market maker. *See* Phlx Rule 1000(b)(50).

[16] An executable order would be for example a non-contingent order or a contingent order that can have its contingency satisfied. The Phlx contingency orders, which are non-displayed, are exclusively: (i) All-or-none orders; and (ii) stop orders. An all-or-none order is a limit or market order that is to be executed in its entirety or not at all. A stop order is a limit or market order to buy or sell at a limit price when a trade or quote on the Exchange for a particular option contract reaches a specified price. A stop-market or stop-limit order shall not be triggered by a trade that is reported late or out of sequence or by a complex order trading with another complex order.

[17] *See* proposed Phlx Rule 1089(a)(1)(A).

[18] Proposed Rule 1089(a)(1)(A) states, ''Public Customer Priority: The highest bid and lowest offer shall have priority except that Public Customer orders shall have priority over non-Public Customer interest at the same price, provided the Public Customer order is an executable order. If there are two or more Public Customer orders for the same options series at the same price, priority shall be afforded to such Public Customer orders in the sequence in which they are received by the System. For purposes of this rule a Public Customer shall be defined as a person or entity that is not a broker or dealer in securities. Professionals are separately defined at Phlx Rule 1000(b)(14) and not included in the definition of a Public Customer.''

[19] The term Professional means any person or entity that (i) is not a broker or dealer in securities, and (ii) places more than 390 orders in listed options per day on average during a calendar month for its own beneficial account(s). A professional will be treated in the same manner as an off-floor broker-dealer for purposes of Rules 1014(g) (except with respect to all-or-none orders, which will be treated like customer orders, except that orders submitted pursuant to Phlx Rule 1080(n) for the beneficial account(s) of professionals with an all-or-none designation will be treated in the same manner as off-floor broker-dealer orders), 1033(e), 1064.02 (except professional orders will be considered customer orders subject to facilitation), 1080(n) and 1080.07 as well as Options Floor Procedure Advices B–6 and F–5. Member organizations must indicate whether orders are for professionals. *See* Phlx Rule 1000(b)(14).

[20] The words ''internal PBBO'' refer to the actual better price of an order resting on Phlx's order book that is not displayed, but available for execution.

[21] An All-or None Order may only be submitted by a public customer. All-or-None Orders are non-displayed and non-routable. All-or-None Orders are executed in price-time priority among all public customer orders if the size contingency can be met. The Acceptable Trade Range protection in Rule 1099(a) is not applied to All-Or-None Orders. *See* Phlx Rule 1078.

[22] *See* proposed Rule 1089(a)(1)(B).

[23] Current Rule 1014(vii)(A) provides, ''If the specialist, an SQT, RSQT or a non-SQT ROT that has placed a limit order on the limit order book (''Phlx XL Participant'') is quoting alone at the disseminated price and their quote is not matched by another Phlx XL participant prior to execution, such Phlx XL Participant shall be entitled to receive a number of contracts up to the size associated with his/her quotation.''

[24] The Exchange notes that ISO orders may be routed pursuant to Rule 1083(h). An ''Intermarket Sweep Order'' or ''ISO'' order is defined within Phlx Rule 1083(h) as a limit order for an options series that meets the following requirements: (i) When routed to an Eligible Exchange, the order is identified as an ISO; (ii) Simultaneously with the routing of the order, one or more additional ISOs, as necessary, are routed to execute against the full displayed size of any Protected Bid, in the case of a limit order to sell, or any Protected Offer, in the case of a limit order to buy, for the options series with a price that is superior to the limit price of the ISO, with such additional orders also marked as ISOs.

exclusively: (i) All-or-None Orders and (ii) stop orders [25] (collectively ''Non-Displayed Contingency Orders''). These Non-Displayed Contingency Orders are not protected orders generally. An All-or-None Order would not be protected, unless the size of the contingency may be satisfied.[26] Similar to other markets, a stop order would be unprotected until such order is triggered. The Exchange notes that these Non-Displayed Contingency Orders are distinct from other order types. The ''NBBO'' is the best Protected Bid and Protected Offer as defined in the Options Order Protection and Locked/Crossed Markets Plan; Protected Bids and Protected Offers that are displayed at a price but available on the Exchange at a better non-displayed price shall be included in the NBBO at their better non-displayed price for purposes of this rule.[27] Rule 1083(o) defines a ''Protected Bid'' or ''Protected Offer'' as a Bid or Offer in an options series, respectively, that: (i) is disseminated pursuant to the OPRA Plan; [28] and (ii) is the Best Bid or Best Offer, respectively, displayed by an Eligible Exchange. Non-Displayed Contingency Orders are not disseminated to OPRA and not part of the displayed PBBO. The Exchange proposes to note that the Order Book may include a Non-Displayed Contingency Order with a price that is better than the displayed NBBO (''internal PBBO''). The Exchange therefore proposes to note that the Specialist's quote must be at the better of the internal PBBO or the NBBO. This rule text will make clear that the Specialist must quote at the best price. Further, with respect to locked and crossed markets, certain orders are repriced on Phlx because the order locks or crosses the ABBO.[29] The System will automatically re-price that order from its one minimum price variation inferior to the original away best bid/offer price to one minimum trading increment away from the new away best bid/offer price or its original limit price.[30] Therefore, the Exchange may have a quote or order that will not be displayed at its actual better price.

Specialist Participation Entitlements are applied throughout the trading day as well as during the Opening Process,[31] except that, the entitlement for orders of 5 contracts or fewer shall only apply after the Opening Process and shall not apply to auctions. The allocation for Orders of 5 contracts or fewer will be separately described below. The Exchange is adding clarifying language to provide more detail to the current rule as to Enhanced Specialist Priority.

Proposed Rule 1089(a)(1)(B)(i) provides, that when the Specialist is at the same price as an SQT, RSQT or non-SQT ROT and the number of contracts is greater than 5, the Specialist shall receive the greater of: (i) 60% of remaining interest if there is one other ROT at that price; (ii) 40% of remaining interest if there are two other ROTs at that price; or 30% of remaining interest if there are more than two other ROTs at that price (the ''Specialist Participation Entitlement''); or the Specialist's Size Pro-Rata share under subparagraph (a)(1)(E) (''ROT Priority''); or the Directed ROT (''DROT'') participation entitlement, if any, set forth in subparagraph (a)(1)(C) to proposed Rule 1089 below (if the order is a Directed Order [32] and the Specialist is also the DROT) (''DROT Priority'').

The addition of proposed Rule 1089(a)(1)(B)(i)(c), which describes allocation when a Specialist is also DROT, is a proposed change to the current practice; the remainder of the rule reflects current practice. Today, Rule 1014(g)(vii)(B)(1)(c) only provides that the Specialist could obtain the Specialist Participation Entitlement or the ROT Priority. With this proposal, if the Specialist is the DROT, the proposal provides that the Specialist would be entitled to the greater of; (1) the Enhanced Specialist Priority; (2) the allocation for Orders of 5 contracts or fewer (''Entitlement for Orders of 5 contracts or fewer); or (3) the DROT allocation. Specifically, this proposal would amend the current practice of allocating Orders of 5 contracts or fewer. Today, a Specialist is only entitled to Orders of 5 contracts or fewer when such order is received and the order is either not a Directed Order or is a Directed Order for 5 contracts or fewer, but the DROT is not quoting at the Exchange's price. If the DROT is also the Specialist, then the Specialist is only entitled to receive the DROT allocation of 40% rather than the full size of the 5 lot allocation.

Finally, the Exchange proposes to note that, ''When the Specialist is also the DROT the Specialist/DROT does not participate in the ROT Priority at (a)(i)(E).'' This removal of volume is described in current Rule 1014(g)(viii)(B)(2).[33] The Exchange notes that after the DROT Priority is applied, the System excludes the Specialist/DROT from the total number of contracts that is utilized (denominator) in calculating the ROT Priority in Rule 1089(a)(1)(E).

[25] A stop order is a limit or market order to buy or sell at a limit price when a trade or quote on the Exchange for a particular option contract reaches a specified price. A stop-market or stop-limit order shall not be triggered by a trade that is reported late or out of sequence or by a complex order trading with another complex order.

[26] A ''Protected Bid'' or ''Protected Offer'' means a Bid or Offer in an options series, respectively, that: (i) Is disseminated pursuant to the Options Price Reporting Authority (''OPRA'') Plan; and (ii) Is the Best Bid or Best Offer, respectively, displayed by an Eligible Exchange. *See* Phlx Rule 1083(o). Phlx Rule 1083 defines a ''Protected Bid'' or ''Protected Offer'' as a Bid or Offer in an options series, respectively, that: (i) is disseminated pursuant to the Options Price Reporting Authority (''OPRA'') Plan; and (ii) is the Best Bid or Best Offer, respectively, displayed by an Eligible Exchange. Once triggered, stop orders are treated as any other disseminated orders and would be displayed on OPRA.

[27] *See* Reg. NMS Rule 600(a)(42). National best bid and national best offer means, with respect to quotations for an NMS security, the best bid and best offer for such security that are calculated and disseminated on a current and continuing basis by a plan processor pursuant to an effective national market system plan; provided, that in the event two or more market centers transmit to the plan processor pursuant to such plan identical bids or offers for an NMS security, the best bid or best offer (as the case may be) shall be determined by ranking all such identical bids or offers (as the case may be) first by size (giving the highest ranking to the bid or offer associated with the largest size), and then by time (giving the highest ranking to the bid or offer received first in time).

[28] ''OPRA Plan'' means the plan filed with the SEC pursuant to Section 11Aa(1)(C)(iii) of the Act, approved by the SEC and declared effective as of January 22, 1976, as from time to time amended.

[29] ABBO shall mean the away best bid or offer.

[30] *See* Phlx Rule 1093(a)(iii)(A), (B)(4), (C)(4).

[31] *See* proposed Rule 1089(a)(1)(D). The Opening Process is described within Rule 1017.

[32] *See* note 12 above.

[33] (2) (a) A Directed RSQT or SQT (where applicable) shall be allocated a number of contracts that is the greater of the proportion of the aggregate size at the NBBO associated with such Directed SQT or RSQT's quote, the specialist's quote, other SQT and RSQT quotes, and non-SQT ROT limit orders entered on the book via electronic interface at the disseminated price represented by the size of the Directed RSQT or SQT's quote at the NBBO, or (b) 40% of the remaining contracts. (c) Thereafter, the specialist, SQTs and RSQTs (excluding the Directed SQT or RSQT) quoting at the disseminated price, and non-SQT ROTs that have placed limit orders on the limit order book via electronic interface at the Exchange's disseminated price, shall be allocated a number of contracts according to the following formula:

Equal percentage based on the Number of SQTs, RSQTs, specialist and Non-SQT ROTs quoting or with limit orders at BBO (Component A) + Pro rata percentage based on size of SQT, RSQT, specialist and Non-SQT quotes and limit orders (Component B) × Remaining Order Size

Where:

Component A: The percentage to be used for Component A shall be an equal percentage, derived by dividing 100 by the number of SQTs, RSQTs (other than the Directed SQT or RSQT) specialist and non-SQTs quoting or with limit orders at the BBO.

Component B: Size Pro Rata Allocation. The percentage to be used for Component B of the allocation algorithm formula is that percentage that the size of each SQT, RSQT RSQTs (*other than the Directed SQT or RSQT*), specialist or non-SQT ROT's quote or limit order at the best price represents relative to the total number of contracts in the disseminated quote.

Example Number 1:

ABBO = 1.00 – 1.10
PBBO = 1.00 – 1.10

Orders/Quotes entered into Trading System in the following order of receipt:

Specialist: 1.00 bid (10 contracts) – 1.10 offer (15 contracts)
Public Customer A: 5 contracts offered at 1.10
Firm: 5 contracts offered at 1.10
ROT 1: 1.00 bid (10 contracts) – 1.10 offer (20 contracts)
ROT 2: 1.00 bid (10 contracts) – 1.10 offer (10 contracts)
Public Customer B: 2 contracts offered at 1.10
Incoming Order to pay 1.10 for 40 contracts

Allocated as follows:

Size Pro-Rata results in Public Customer A trading 5 contracts, Public Customer B trading 2 contracts, Specialist trading 11 contracts (15/45 * 33 remaining), ROT1 trading 14 contracts (20/45 * 33 = 15.67 rounded down), ROT2 trading 7 contracts (10/45 * 33 = 7.33 rounded down), and then Specialist receiving an additional 1 lot based on random assignment.

Specialist Participation Entitlement would result in Public Customer A trading 5 contracts, Public Customer B trading 2 contracts, and Specialist trading 40% of remaining 33 contracts = 13 (13.2 rounded down); then Size Pro-Rata for remaining with ROT1 trading 13 contracts (20/30 * 20 = 13.33 rounded down) and ROT2 trading 6 contracts (10/30 * 20 = 6.67 rounded down) and Specialist trading an additional 1 lot based on random assignment.

The Specialist Participation Entitlement would prevail in this example, pursuant to proposed Rule 1089(A)(1)(ii)(1), because the Specialist Participation Enhancement receives greater allocation.

Example Number 2

ABBO = 1.00 – 1.10
PBBO = 1.00 – 1.10

Orders/Quotes entered into Trading System in the following order of receipt:

ROT 1: 1.00 bid (10 contracts) – 1.10 offer (10 contracts)
Public Customer A: 10 contracts offered at 1.10
Firm: 15 offered at 1.10
Specialist: 1.00 bid (10 contracts) – 1.10 offer (10 contracts)
ROT 2: 1.00 bid (10 contracts) – 1.10 offer (10 contracts)
Public Customer B: 10 contracts offered at 1.10
Incoming Order to pay 1.10 for 40 contracts

Allocated as follows:

Size Pro-Rata results in Public Customer A trading 10 contracts, Public Customer B trading 10 contracts, Specialist trading 6 contracts (10/30 * 20 remaining rounded down), ROT1 trading 6 contracts (10/30 * 20 = 6.67 rounded down), ROT2 trading 6 contracts (10/30 * 20 = 6.67 rounded down), and then ROT1 and Specialist each receiving an additional 1 lot based on random assignment.

Specialist Participation Entitlement would result in Public Customer A trading 10 contracts, Public Customer B trading 10 contracts, and Specialist trading 40% of remaining 20 contracts = 8; then normal pro rata resumes with ROT1 and ROT2 each being allocated 6 contracts.

Pursuant to proposed Rule 1089(A)(1)(ii)(1), the Specialist Participation Entitlement would prevail in this example because the Specialist Participation Entitlement receives greater allocation.

Example Number 3

ABBO = 1.00 – 1.10
PBBO = 1.00 – 1.10

Orders/Quotes entered into Trading System in the following order of receipt:

ROT 1: 1.00 bid (10 contracts) – 1.10 offer (10 contracts)
Firm: 25 contracts offered at 1.10
Specialist: 1.00 bid (10 contracts) – 1.10 offer (20 contracts)
ROT 2: 1.00 bid (5 contracts) – 1.10 offer (10 contracts)
ROT 3 1.00 bid (10 contracts)—1.10 offer (20 contracts)
Public Customer B: 2 contracts offered at 1.10
Incoming Order to pay 1.10 for 40 contracts

Allocated as follows:

Size Pro-Rata results in Public Customer B trading 2 contracts, ROT1 trading 6 contracts (10/60 * 38 = 6.33 rounded down), Specialist trading 12 (20/60 * 38 = 12.67 rounded down), ROT2 trading 6 contracts (10/60 * 38 = 6.33 rounded down), and ROT3 trading 12 contracts (20/60 * 38 = 12.67 rounded down) and then ROT1 and Specialist each trading an additional 1 contract by random assignment.

Specialist Participation Entitlement would result in Public Customer B trading 2 contracts and Specialist trading 30% of remaining 38 contracts = 11 (11.4 rounded down); then normal pro rata resumes and ROT1 trades 6 contracts (10/40 * 27 = 6.75 rounded down), ROT2 trades 6 (10/40 * 27 = 6.75 rounded down), and ROT3 trades 13 contracts (20/40 * 27 = 13.5 rounded down) and ROT1 and Specialist each trade an additional 1 lot by random assignment.

Pursuant to proposed Rule 1089(A)(1)(ii)(1), the Specialist Participation Entitlement would prevail in this example because the Specialist Participation Entitlement receives greater allocation.

Rounding

Current Rule 1014(g)(vii) does not address the manner in which the System handles rounding. The Exchange proposes to memorialize the manner in which rounding will be handled in proposed Rule 1089(a)(1)(C)(i). Phlx rounds down to the nearest integer with one exception which is described below.

The Exchange proposes to state within proposed Rule 1089(a)(1)(C)(i), with respect to a DROT, ''If rounding would result in an allocation of less than one contract, the DROT shall receive one contract.'' The Exchange notes that when allocating pursuant to proposed Rule 1089(a)(1)(C), a DROT is entitled to a percentage allocation based on the method described within proposed Rule 1089(a)(1)(C)(i). As stated above, DROT volume does not participate in the ROT Priority at (a)(1)(E). The Exchange notes that for example if there is 1 contract to be allocated at 40% pursuant to proposed Rule 1089(a)(1)(C)(i)(a) the DROT would receive a full contract because the result would yield a fractional amount of less than one contract. The Exchange notes that this provision only applies where the full allocation is less than one contract; thereby not applying to remainders. This aforementioned allocation of a full contract (1 contract) when rounding yields a fractional amount of less than one contract only applies when allocating pursuant to DROT Priority and does not apply with respect to the Specialist Participation Entitlement or the Specialist entitlement for Orders of 5 contracts or fewer. The Exchange believes that the proposed rounding permits the DROT to receive an allocation where there is a possibility that a fractional share would otherwise yield no allocation to the DROT where the DROT was quoting at the NBBO. The Exchange believes that this methodology is consistent with the Act because the Exchange seeks to reward the Directed Market Maker for bringing order flow to the Exchange. The Exchange notes that while the Specialist will be rounded down, the Specialist is entitled to Orders of 5 Contracts or fewer, provided the Specialist is quoting at the NBBO and no higher interest is present. Also, the Specialist volume is entitled to participate in the ROT

Priority as proposed in Rule 1089(a)(1)(E).

The Exchange believes that otherwise rounding down uniformly is consistent with the Act because it provides for the equitable allocation of contracts among the Exchange's market participants. The Exchange proposes to provide market participants with transparency as to the number of contracts that they are entitled to receive as the result of rounding. Further, the Exchange believes that this methodology produces an equitable outcome during allocation that is consistent with the protection of investors and the public interest because all market participants are aware of the methodology that will be utilized to calculate outcomes for allocation purposes.

Examples With Rounding and Remainders

Example Number 1

Presume an order of 200 contracts is being allocated in the Exchange's Order Book. Allocation will first occur with Public Customer orders at the best price filled in time priority, since Public Customers always have priority on the Exchange. Presume there are 63 contracts remaining after Public Customer orders are filled. Assume no Specialist is present thus ROTs would be allocated next pursuant to Rule 1089 in Size Pro-Rata fashion. Presume 5 ROTs are at the best price and the allocation of the remaining 63 contracts, after Public Customer orders have been satisfied, is as follows:

ROT A 1.10 (30) × 1.20 (30)—25.2 rounded down to 25 contracts
ROT B 1.10 (15) × 1.20 (15)—12.6 rounded down to 12 contracts
ROT C 1.10 (10) × 1.20 (10)—8.4 rounded down to 8 contracts
ROT D 1.10 (10) × 1.20 (10)—8.4 rounded down to 8 contracts
ROT E 1.10 (10) × 1.20 (10)—8.4 rounded down to 8 contracts

After this Size Pro-Rata allocation, 2 contracts remain to be allocated. Presume for this trading day these ROTs are assigned the following order of assignment: First is ROT A, second is ROT B, third is ROT C, fourth is ROT D and fifth is ROT E. The 2 remaining contracts would be allocated as follows:

ROT A 1.10 (30) × 1.20 (30)—1 contract
ROT B 1.10 (15) × 1.20 (15)—1 contract
ROT C 1.10 (10) × 1.20 (10)—zero
ROT D 1.10 (10) × 1.20 (10)—zero
ROT E 1.10 (10) × 1.20 (10)—zero

The next order which results in contracts remaining after the Size Pro-Rata allocation to ROTs will have such remaining contracts allocated one at a time beginning with ROT C since he was next in line based on that trading day's order of assignment, provided ROT C is at the best price with remaining interest.

Example Number 2

Presume an order of 200 contracts is being allocated in the Exchange's Order Book. Presume all Public Customer orders and ROT interest that was at the best price have been filled and there are 9 contracts remaining to be executed.

Broker-dealers would be allocated next pursuant to Rule 1089 in a Size Pro-Rata fashion. Presume 3 broker-dealers are at the best price and their interest had arrived in the following order. The allocation of the remaining 9 contracts is as follows:

Broker-dealer C 1.10 (5) × 1.20 (5)—4.09 contracts rounded down to 4
Broker-dealer B 1.10 (3) × 1.20 (3)—2.45 contracts rounded down to 2
Broker-dealer A 1.10 (3) × 1.20 (3)—2.45 contracts rounded down to 2

After this Size Pro-Rata allocation, there remains one contract to be allocated. This residual contract will be allocated in time priority as follows:

Broker-dealer C 1.10 (5) × 1.20 (5)—1 contract
Broker-dealer B 1.10 (3) × 1.20 (3)—zero
Broker-dealer A 1.10 (3) × 1.20 (3)—zero

Parity

Current Rule 1014(g)(vii)(B) includes a parity concept. Specifically, current Rule 1014(g)(vii)(B) states, ''[q]uotations entered electronically by the specialist, an RSQT or an SQT that do not cause an order resting on the limit order book to become due for execution may be matched at any time by quotations entered electronically by the specialist and/or other SQTs and RSQTs, and by ROT limit orders and shall be deemed to be on parity, subject to the requirement that orders of controlled accounts must yield priority to customer orders as set forth in Rule 1014(g)(i)(A).'' The Exchange believes that the parity provision is unnecessary if the proposed rule is approved because the Exchange has drafted the rule to describe the order in which allocations will occur among different classes of market participants. The proposed rule is intended to provide a timeline approach to the manner in which the System will consider each group of market participant and allocate accordingly. The priority for ROTs and Specialists in current Rule 1014(g)(vii)(A) is described differently than proposed within proposed Rule 1089, however the priority treatment remains unchanged from how the System functions today. The outline of the new rule describes the manner in which the System will allocate orders to various market participants based on a Size Pro-Rata model. The Exchange notes that the concept of priority is detailed within each section when describing similarly situated market participants. The Exchange believes that removing the rule text related to parity from the proposed rule is consistent with the Act because while the Exchange is not specifically describing parity within the proposed rule, the Exchange will allocate based on parity as described in more detail within the specific allocations provided for within the proposed rule.

DROT Priority

As noted herein, a Specialist or ROT who receives a Directed Order is a ''DROT'' with respect to that Directed Order.[34] Today, the Exchange allocates Directed Orders first to Public Customers orders. After all Public Customer orders have been fully executed, upon receipt of a Directed Order pursuant to Rule 1068, provided the DROT's quote or market maker order is at the better of the internal PBBO excluding all-or-none orders that cannot be satisfied, or the NBBO,[35] the DROT

[34] The term ''Directed Order'' means any order (other than a stop or stop-limit order as defined in Rule 1066) to buy or sell which has been directed to a particular Specialist, RSQT, or SQT by an Order Flow Provider, as defined below. To qualify as a Directed Order, an order must be delivered to the Exchange via the System. *See* Rule 1068(a)(i)(A). When the Exchange's disseminated price is the NBBO at the time of receipt of the Directed Order, and the Directed Specialist, SQT or RSQT is quoting at the Exchange's best price, the Directed Order shall be automatically executed and allocated in accordance with Rule 1014(g)(viii). *See* Rule 1068(a)(ii). When the Exchange's disseminated price is the NBBO, and the quotation disseminated by the Directed Specialist, RSQT, or SQT on the opposite side of the market from the Directed Order is inferior to the NBBO at the time of receipt of the Directed Order, the Directed Order shall be automatically executed and allocated to those quotations and orders at the NBBO in accordance with Exchange Rule 1014(g)(vii). *See* Rule 1068(a)(iii). If the Exchange's disseminated price is not the NBBO at the time of receipt of the Directed Order, the Directed Order shall be handled in accordance with Exchange rules. *See* Rule 1068(a)(iv).

[35] The ''NBBO'' is the best Protected Bid and Protected Offer as defined in the Options Order Protection and Locked/Crossed Markets Plan; Protected Bids and Protected Offers that are displayed at a price but available on the Exchange at a better non-displayed price shall be included in the NBBO at their better non-displayed price for purposes of this rule. *See* Reg. NMS Rule 600(a)(42). National best bid and national best offer means, with respect to quotations for an NMS security, the best bid and best offer for such security that are calculated and disseminated on a current and continuing basis by a plan processor pursuant to an effective national market system plan; provided, that in the event two or more market centers transmit to the plan processor pursuant to such plan identical bids or offers for an NMS security,

receives a participation entitlement (''DROT Priority''). DROT participation entitlements will be permitted only after the Opening Process. When the DROT is at the same price as an SQT, RSQT or non-SQT ROT (collectively ''ROTs''), pursuant to the DROT participation entitlement, the DROT shall receive, with respect to a Directed Order, the greater of: (a) 40% of remaining interest; or (b) the DROT's Size Pro-Rata share under subparagraph (a)(1)(E) (''ROT Priority''); or (c) the Specialist Participation Entitlement in subparagraph (a)(1)(B), if the DROT is also the Specialist. When a DROT Priority is applied, the DROT does not participate in the ROT Priority at (a)(i)(E) as illustrated in example number 4 below as described in this proposal.

Current Rule 1014(g)(viii) describes the manner in which Directed Orders are allocated. Directed Orders (as defined in Rule 1080(l)(i)(A)) other than Directed Complex Orders that are executed electronically shall be automatically allocated as follows:

(A) First, to customer limit orders resting on the limit order book at the execution price. (B) Thereafter, contracts remaining in the Directed Order, if any, shall be allocated automatically as follows: (1) The Directed Specialist (where applicable), shall be allocated a number of contracts that is the greater of: (a) the proportion of the aggregate size at the NBBO associated with such Directed Specialist's quote, SQT and RSQT quotes, and non-SQT ROT limit orders entered on the book at the disseminated price represented by the size of the Directed Specialist's quote; (b) the Enhanced Specialist Participation as described in Rule 1014(g)(ii); or (c) 40% of the remaining contracts.

* * * * *

(2) (a) A Directed RSQT or SQT (where applicable) shall be allocated a number of contracts that is the greater of the proportion of the aggregate size at the NBBO associated with such Directed SQT or RSQT's quote, the specialist's quote, other SQT and RSQT quotes, and non- SQT ROT limit orders entered on the book via electronic interface at the disseminated price represented by the size of the Directed RSQT or SQT's quote at the NBBO, or (b) 40% of the remaining contracts.

As is the case today, if there are multiple quotes or orders [36] for the same DROT at the same price [37] which are at the better of the internal PBBO, excluding all-or-none orders that cannot be satisfied, or the NBBO when the Directed Order is received, the DROT participation entitlement applies only to the DROT quote or order which has the highest priority.[38] The DROT quote or order that received the Directed Order may not receive any further allocation of the Directed Order, except as described in the ROT Priority section within proposed Rule 1080(a)(1)(E). If rounding would result in an allocation of less than one contract, the DROT shall receive one contract.

As is the case today, if the DROT Priority is not awarded at the time of receipt of the Directed Order pursuant to Rule 1063, no DROT priority will apply and the order will be handled as though it were not a Directed Order for the remainder of the life of the order.[39] The Exchange is not amending the DROT Priority. The proposed rule text reflects current practice. As is the case today, under no circumstances would the DROT quote receive an allocation of greater than 40% of an order at a price at which they receive a directed entitlement.

Below are some examples of DROT Participation Entitlement under Size Pro-Rata Algorithm. Examples 1 through 3 below illustrate the manner in which a DROT will be allocated pursuant to the Size Pro-Rata model.

Example Number 1

Assume a Specialist is assigned and the DROT is *not* the Specialist.

ABBO = 1.00 – 1.10
PBBO = 1.00 – 1.10 comprised of the following in order of receipt:
Specialist: 1.00 (10) – 1.10 (15)
Public Customer A: 5 offered at 1.10
Firm: 5 offered at 1.10
DROT: 1.00 (10) – 1.10 (20)
ROT1: 1.00 (10) – 1.10 (10)
Public Customer B: 2 offered at 1.10
Incoming Directed Order to pay 1.10 for 40 contracts

Determination of Allocation:

Size Pro-Rata would result in Public Customer A trading 5, Public Customer B trading 2, DROT trading 14 contracts due to rounding down(20/45 * 33), Specialist trading 11 due to rounding down (15/25 * 19) ROT1 trading 7 (10/25 * 19), and then Specialist receiving the residual 1 lot based on random assignment.

DROT Priority would result in Public Customer A trading 5, Public Customer B trading 2, and DROT trading 40% of remaining 33 = 13 (13.2 rounded down); then normal Size Pro-Rata for remaining with the Specialist trading 12 (15/25 * 20) and ROT1 trading 8 (10/25 * 20).

The Specialist Participation Entitlement would not be calculated since the Specialist is not the DROT.

In this example, the Size Pro-Rata allocation would prevail since the DROT would receive the greater allocation this way.

Example Number 2

Assume that no Specialist is present.

ABBO = 1.00 – 1.10
PBBO = 1.00 – 1.10
DROT: 1.00 (10) – 1.10 (15)
Public Customer A: 5 offered at 1.10
Firm: 5 offered at 1.10
ROT1: 1.00 (10) – 1.10 (20)
ROT2: 1.00 (10) – 1.10 (10)
Public Customer B: 2 offered at 1.10
Incoming Directed Order to pay 1.10 for 40 contracts

Determination of Allocation:

Size Pro-Rata would result in Public Customer A trading 5, Public Customer B trading 2, DROT trading 11 (15/45 * 33 remaining), ROT1 trading 14 (20/30 * 22 = 14.67 rounded down), ROT2 trading 7 (10/30 * 22 = 7.33 rounded down), and the DROT receiving the residual 1 lot based on random assignment.

DROT Priority would result in Public Customer A trading 5, Public Customer B trading 2, and DROT trading 40% of remaining 33 = 13 (13.2 rounded down); then normal Size Pro-Rata for remaining with ROT1 trading 13 (20/30 * 20 = 13.33 rounded down) and ROT2 trading 6 (10/30 * 20 = 6.67 rounded down), and the DROT receiving the residual 1 lot based on random assignment.

The Specialist Participation Entitlement would not be calculated since the Specialist is not the DROT.

In this example, the DROT Priority would prevail since the DROT would receive the greater allocation this way.

Example Number 3

Assume that the DROT is also the Specialist.

ABBO = 1.00 – 1.10
PBBO = 1.00 – 1.10 comprised of the following in order of receipt:
DROT/Specialist: 1.00 (10) – 1.10 (15)
Public Customer A: 5 offered at 1.10
Firm: 5 offered at 1.10
ROT1: 1.00 (10)—1.10 (30)
Public Customer B: 2 offered at 1.10
Incoming Directed Order to pay 1.10 for 40 contracts

Determination of Allocation:

the best bid or best offer (as the case may be) shall be determined by ranking all such identical bids or offers (as the case may be) first by size (giving the highest ranking to the bid or offer associated with the largest size), and then by time (giving the highest ranking to the bid or offer received first in time).

[36] A member may have multiple DROT quotes or orders submitted into the System.

[37] There may be multiple DROTs within the same member organization, for example multiple SQTs or RSQTs at Firm A.

[38] Orders are time-stamped and quotes receive an order assignment for that trading day.

[39] *See* Phlx Rule 1068(a)(iv).

Size Pro-Rata would result in Public Customer A trading 5, Public Customer B trading 2, DROT/Specialist trading 11 (15/45 * 33 remaining), ROT1 trading 22 remaining contracts.

DROT Priority would result in Public Customer A trading 5, Public Customer B trading 2, and DROT/Specialist trading 40% of remaining 33 = 13 (13.2 rounded down); then Size Pro-Rata for remaining with ROT1 trading full size of 20.

The Specialist Participation Entitlement would result in Public Customer A trading 5, Public Customer B trading 2, and DROT/Specialist entitled to 60% of remaining 33 = 19 (19.8 rounded down) but capped at his size of 15 thus trading 15; then normal Size Pro-Rata for remaining with ROT1 trading 18.

In this example, the Specialist Participation Entitlement would prevail since the DROT is the Specialist and would receive a greater allocation this way.

Example Number 4

Assume that the DROT is *also* the Specialist.

Scenario 3:

ABBO = 1.00 − 1.10

PBBO = 1.00 − 1.10 comprised of the following in order of receipt:

ROT1: 31 contracts offered at 1.10

ROT2: 7 contracts offered at 1.10

DROT: 51 contracts offered at 1.10

Contra-side Directed Order to pay 1.10 for 63 contracts

DROT gets Size Pro Rata allocation of 36 contracts (51/89 of 63 = 36.1 rounded down [better than 40% Directed/Specialist allocation = 25.2 contracts])

(ROT1 gets 31/38 of 27 = 22.02 rounded down to 22)

ROT2 gets 4 contracts (7/38 of 27 = 4.97 rounds down to 4)

Odd lot of 1 contract goes to whoever is 1st in odd lot priority

In this example, the DROT received the Size Pro Rata allocation, which was the greater of the entitlements pursuant to proposed Rule 1089(a)(1)(C). The DROT volume would be excluded from ROT priority in 1089(a)(1)(E).

Entitlement for Orders of 5 Contracts or Fewer

Current Rule 1014(g)(vii)(B)(1)(a) contains the following language for Orders of 5 contracts or fewer:

orders for 5 contracts or fewer shall be allocated first to the specialist, provided, however, that on a quarterly basis, the Exchange will evaluate what percentage of the volume executed on the Exchange is comprised of orders for 5 contracts or fewer allocated to specialists, and will reduce the size of the orders included in this provision if such percentage is over 25%. In order to be entitled to receive the 5 contract or fewer order preference set forth in this sub-paragraph (B)(1)(a), the specialist must be quoting at the Exchange's disseminated price, and shall not be entitled to receive a number of contracts that is greater than the size that is associated with its quote. If the specialist is not quoting at the Exchange's disseminated price at the time of execution, orders for 5 contracts or fewer shall be allocated to Phlx XL Participants on parity as set forth in paragraph (b) below.

The provision for Orders of 5 contracts or fewer is carried over into new proposed Rule 1089(a)(1)(D). The Exchange proposes to provide the Entitlement for Orders of 5 contracts or fewer shall be allocated to the Specialist as described below. The allocation may only apply after the Opening Process and shall not apply to auctions. A Specialist is not entitled to receive a number of contracts that is greater than the size that is associated with its quote. On a quarterly basis, the Exchange will evaluate what percentage of the volume executed on the Exchange is comprised of orders for 5 contracts or fewer allocated to Specialists, and will reduce the size of the orders included in this provision if such percentage is over 25%.[40]

(i) A Specialist is entitled to priority with respect to Orders of 5 contracts or fewer, including when the Specialist is also the DROT, if the Specialist has a quote at the better of the internal PBBO, excluding all-or-none orders that cannot be satisfied, or the NBBO, with no other Public Customer or DROT interest with a higher priority.

(ii) If the Specialist's quote is at the better of the internal PBBO, excluding all-or-none orders that cannot be satisfied, or the NBBO, with other Public Customer (including when the Specialist is also the DROT) or other DROT interest with a higher priority at the time of execution, a Specialist is not entitled to priority with respect to Orders of 5 contracts or fewer, however the Specialist is eligible to receive such contracts pursuant to Rule 1089(a)(1)(E); thereafter orders will be allocated pursuant to Rule 1089(a)(1)(F).

In order to be entitled to receive Orders for 5 contracts or fewer, the Specialist's quote must be at the better of the internal PBBO, excluding all-or-none orders that cannot be satisfied, or the NBBO with no other Public Customer or DROT interest which has a higher priority. If the Specialist is quoting at the better of the internal PBBO, excluding all-or-none orders that cannot be satisfied, or the NBBO with other Public Customer or DROT interest present which has a higher priority at the time of execution, a Specialist is not entitled to priority with respect to Orders of 5 contracts or fewer, however the Specialist is eligible to receive such contracts pursuant to ROT Priority as described in Rule 1089(a)(1)(E), thereafter orders will be allocated pursuant to Rule 1089(a)(1)(F).

With this proposal, the Specialist would be entitled to the entire allocation of the Order of 5 contracts or fewer where the Specialist is also the DROT and the Specialist receives the Directed Order and has a quote at the best price (described as the better of the internal PBBO or the NBBO) at the time the Directed Order was received. This means that no other interest, including Public Customer or DROT interest is present with a higher priority, if the Specialist is to receive the allocation. If, for example, a Public Customer is resting at the NBBO at the time of execution, a Specialist is not entitled to priority with respect to Orders of 5 contracts or fewer. The Exchange believes that this proposed change is consistent with the Act because the Specialist will not be entitled to priority with respect to allocation of Orders of 5 contracts or fewer because there is interest present with a higher priority or because the Specialist is not quoting at the NBBO. In these situations, the Specialist will receive the ROT Priority, and be treated on par with other ROTs, pursuant to proposed Rule 1089(a)(1)(E). This Entitlement for Orders of 5 contracts or fewer shall only apply after the Opening Process and shall not apply to auctions.[41]

Elimination of Current Rule Text

Current Rule 1014(g)(vii)(B)(1)(b) provides that:

Respecting orders for greater than 5 contracts (regardless of whether the specialist is quoting at the Exchange's disseminated price), or orders for 5 contracts or fewer when the specialist is not quoting at the Exchange's disseminated price, inbound electronic orders shall be allocated pursuant to the following allocation algorithm:

[40] The Exchange monitors the percentage of the volume for Orders of 5 contracts or fewer executed on the Exchange on a quarterly basis.

[41] For example, the Exchange's PIXL auction and the Opening Process would not be subject to proposed Rule 1089(A)(1)(ii)(2). The Opening Process is explained in Phlx Rule 1017.

$$\frac{\text{Equal percentage based on the number of Phlx XL Participants quoting or with limit orders at BBO (Component A)} + \text{Pro rata percentage based on size of Phlx XL participant quotes/limit orders (Component B)}}{2} \times \text{Incoming Order Size}$$

Where:

Component A: The percentage to be used for Component A shall be an equal percentage, derived by dividing 100 by the number of Phlx XL participants quoting at the BBO.

Component B: Size Pro Rata Allocation. The percentage to be used for Component B of the allocation algorithm formula is that percentage that the size of each Phlx XL Participant's quote at the best price represents relative to the total number of contracts in the disseminated quote.

Final Weighting: The final weighting formula for equity options, which shall be determined by a three-member special committee of the Board of Directors, chaired by the President of the Exchange, and two Directors (the ''Special Committee''), and apply uniformly across all equity options, shall be a weighted average of the percentages derived for Components A and B multiplied by the size of the incoming order. Initially, the weighting of components A and B shall be equal, represented mathematically by the formula: (Component A Percentage + Component B Percentage)/2) * incoming order size.

The final weighting formula for index options and options on Exchange Traded Fund Shares (as defined in Rule 1000(b)(42) shall be established by the Special Committee. The final weighting formula for options on U.S. dollar-settled foreign currency options shall be established by a three- member special committee of the Board of Directors, chaired by the President of the Exchange, and two Governors. The final weighting formula may vary by product. Changes made to the percentage weightings of Components A and B shall be announced to the membership on the Exchange's website at least one day before implementation of the change.

The Exchange proposes to replace the formula described within Rule 1014(g)(vii)(B)(1)(b) with a more streamlined description of the manner in which interest is allocated, and the sequence of that allocation within the System. At this time, the Exchange proposes to eliminate the formula, the weighting process and the ability to determine values for the weighting and simply state that it will apply a Size Pro-Rata execution algorithm to electronic orders.[42] The Exchange notes that the method in which Phlx applies Size Pro-Rata allocation is not changing, only the manner in which this allocation is described in the rule text. Today, the Exchange utilizes a calculation to describe what the Exchange seeks to express today within proposed Rule 1089. Today, all resting orders and quotes in the order book are prioritized according to price. If there are two or more resting orders or quotes at the same price, the System allocates contracts from an incoming order or quote to resting orders and quotes proportionally according to size, based on the total number of contracts available and to be executed at that price. Proposed Rule 1089 describes the how interest is allocated among market participants and the manner in which allocation occurs. The Exchange's current rule does not order the rule as a timeline to explain the order in which allocation is occurring. Also, specificity is lacking in the current rule, which the Exchange is proposing to add within proposed Rule 1089.

Today, as noted above, Directed Orders are first allocated to Public Customers, then to the Directed Specialist as specified in Rule 1014(g)(viii)(A) and (B).[43] The Exchange today applies a Size Pro-Rata execution algorithm to electronic orders, as described herein, other than Public Customers, including for Directed Orders. Currently, Rule 1014(g)(viii)(B)(1) and (2) describes the allocation algorithm utilizing a formula to explain the manner in which SQTs and RSQTs quoting at the disseminated price, and non-SQT ROTs that have placed limit orders on the limit order book via electronic interface at the Exchange's disseminated price shall be allocated contracts:

Equal percentage based on the Number of SQTs, RSQTs and Non-SQT ROTs quoting or with limit orders at BBO (Component A)+ Pro rata percentage based on size of SQT, RSQT and Non-SQT quotes and limit orders (Component B) × Remaining Order Size

Current Rule 1014(g)(viii)(B)(1) and (2) describes the weighting. The Exchange proposes to eliminate this formula and process for setting the final weighting and instead utilize the allocation rule text described herein, which the Exchange believes provides more clarity and consistency to the manner in which the allocation method is described for Directed Orders.

ROT Priority

Current Rule 1014(g)(vii)(A) provides that ''if the specialist, an SQT, RSQT or a non-SQT ROT that has placed a limit order on the limit order book (''Phlx XL Participant'') is quoting alone at the disseminated price and their quote is not matched by another Phlx XL participant prior to execution, such Phlx XL Participant shall be entitled to receive a number of contracts up to the size associated with his/her quotation.''

The Exchange notes that it is not amending the manner in which ROTs are allocated. Proposed Rule 1089(a)(1)(E) describes ROT Priority. After all Public Customer orders have been fully executed at a given price, provided the Public Customer order is an executable order, and Specialist Participation Entitlement or DROT Priority are applied, if applicable, remaining ROT interest shall have priority over all other orders at the same price. If there are two or more ROT quotes or orders for the same options series at the same price, those shall be executed based on the Size Pro-Rata execution algorithm. As noted herein, the Exchange would not include DROT volume if the DROT Priority applied.

Odd Lot Allocation

The Exchange proposes to indicate the manner in which remaining contracts are allocated among market participants within proposed Rule

[42] Phlx offers both an electronic and floor model for the execution of options transactions. Floor transactions are subject to Phlx Rule 1014(g)(v).

[43] Phlx Rule 1014(g)(viii)(B) currently states that after Public Customer limit orders resting on the book are allocated, the contracts remaining in the Directed Order, if any, shall be allocated automatically as follows: (1) The Directed Specialist (where applicable), shall be allocated a number of contracts that is the greater of: (a) The proportion of the aggregate size at the NBBO associated with such Directed Specialist's quote, SQT and RSQT quotes, and non-SQT ROT limit orders entered on the book at the disseminated price represented by the size of the Directed Specialist's quote; (b) the Enhanced Specialist Participation as described in Rule 1014(g)(ii); or (c) 40% of the remaining contracts.

1080(a)(1)(F). The Odd Lot Allocation is not codified in the current rule. The Exchange proposes to describe the handling of odd lots by stating that remaining contracts shall be allocated among equally priced ROTs, by random assignment of ROTs, each trading day in accordance with the trading day's order assignment, provided the ROT is at the price at which the order is being traded. Specifically, the Exchange proposes to state, if there are contracts remaining after ROT Priority is applied, such contracts shall be allocated by randomly assigning all ROTs (including the Specialist or DROT) an order of allocation each trading day, and allocating orders, quotes and sweeps in accordance with the trading day's order assignment, provided the ROT, DROT or Specialist is at the best price at which the order, quote or sweep is being traded.[44]

Specifically, with respect to the proposed new text regarding Odd Lot Allocation, the Exchange utilizes a round robin approach to the allocation. This allocation methodology for ROTs exists today on Phlx. Rule text similar to that proposed herein is codified within the Price Improvement XL[45] or ''PIXL'' rule to describe this approach.[46] If remaining shares result from the allocation of simple interest among equally priced ROTs, remaining shares are allocated by daily random assignments of ROTs. Each ROT is assigned an order of allocation, each trading day. Trading interest is allocated in accordance with the trading day's order assignment, provided the ROT is at the best price at which the order, quote or sweep is being traded. The assignment continues throughout the trading day for each allocation, picking up where it dropped off from the last allocation, provided the ROT is entitled to an allocation. There is no new priority being introduced, rather the Exchange is allocating remaining contracts to ROTs after ROT Priority is applied pursuant to proposed Rule 1089(a)(1)(E) before considering other remaining interest of lower priority pursuant to proposed Rule 1089(a)(1)(G).

The Exchange believes that this method results in a fair and equitable allocation of contracts to these market participants because each trading day the Exchange creates a new order of assignment to allocate ROTs and that order provides an independent method to assign evenly among ROTs. Also, each trading day that assignment changes so that no one ROT would have the ability to receive a greater allocation than another ROT. The Exchange believes that the allocation of odd lots among ROTs is consistent with the Act because it provides for the equitable allocation of contracts among the Exchange's market participants. Specifically, with respect to the allocation method for odd lots for ROTs, this random assignment is basically a round robin approach to the allocation. The Exchange believes that this method results in a fair and equitable allocation of contracts to these market participants because each trading day the Exchange creates a new order of assignment to allocate ROTs and that order provides an independent method to assign evenly among ROTs. Also, each trading day that assignment changes so that no one ROT would have the ability to receive a greater allocation than another ROT. The Exchange believes that its assignment method is not subject to gaming since it is random and therefore complies with the Act because it is aimed at the protection of investors. Also, this rule change will provide market participants with transparency as to the number of contracts that they are entitled to receive as the result of the allocation of odd lots.

All Other Remaining Interest

Current Rule 1014(g)(vii)(B)(1)(d) provides, with respect to Broker-Dealer Orders:[47]

If any contracts remain to be allocated after the Phlx XL Participants have received their respective allocations, off-floor broker-dealers (as defined in Rule 1080(b)(i)(C)) that have placed limit orders on the limit order book which represent the Exchange's disseminated price shall be entitled to receive a number of contracts that is the proportion of the aggregate size associated with off-floor broker-dealer limit orders on the limit order book at the disseminated price represented by the size of the limit order they have placed on the limit order book. Such off-floor broker-dealers shall not be entitled to receive a number of contracts that is greater than the size that is associated with each such limit order.

Proposed Rule 1089(a)(1)(G) provides, with respect to all other remaining interest, if there are contracts remaining after all ROT interest has been fully executed, such contracts shall be executed based on the Size Pro-Rata execution algorithm. In the event that there are remaining contracts to be allocated for interest after rounding, which includes orders of all remaining market participants, such remaining contracts will be allocated in time priority provided the interest is at the best price at which the order is being traded. This provision would apply to any remaining market participant that has not been previously allocated pursuant to proposed Rule 1089(a)(1)(A)–(F). This practice of allocation is not being amended; rather the rule text is being amended to make the current practice clear.

The Exchange believes that this proposed new text that addresses allocation of remaining contracts, which is being applied uniformly to all remaining market participants, is consistent with the Act because it provides for the equitable allocation of contracts among the Exchange's market participants of similar priority. This method is consistent with the Act because it relies simply on time priority, an accepted method of allocation utilized by many options exchange to prioritize orders.

Below are examples representing consecutive executions and allocations within the Order Book that demonstrate rounding and the Odd Lot Allocation of remaining shares.

Example Number 1

Presume an order of 200 contracts is being allocated in the Exchange's Order Book. Allocation will first occur with Public Customer orders at the best price filled in time priority, since Public Customers always have priority on the Exchange. Presume there are 63 contracts remaining after Public Customer orders are filled. ROTs would be allocated next in Size Pro-Rata fashion. Presume 5 ROTs are at the best price and the allocation of the remaining 63 contracts, after Public Customer orders have been satisfied, is as follows:

[44] Phlx has a random approach for allocating remainders to ROTs.

[45] PIXL[SM] is the Exchange's price improvement mechanism known as Price Improvement XL or PIXL. *See* Phlx Rule 1087.

[46] PIXL rules provides, ''. . .Where the allocation of contracts results in remaining amounts, the number of contracts to be allocated shall be rounded down to the nearest integer. If rounding would result in an allocation of less than one contract, then one contract will be allocated to the Initiating Member only if the Initiating Member did not otherwise receive an allocation. If there are contracts remaining, such contracts shall be allocated for simple interest after rounding by randomly assigning all ROTs an order of allocation each trading day, and allocating orders, quotes and sweeps in accordance with the trading day's order assignment, provided the ROT is at the best price at which the order, quote or sweep is being traded, except with respect to Complex Orders, which allocation is described in Phlx Rule 1098. In the event that there are remaining contracts to be allocated for interest after rounding, such remaining contacts will be allocated in time priority, provided the off-floor broker-dealers are at the best price at which the order is being traded. Remaining shares will be allocated in time priority for Complex Orders . . .'' *See* Phlx Rule 1087(b)(5)(B)(vi).

[47] As this rule applies to electronic allocations, the Exchange proposes to change references to ''Off Floor Broker Dealers'' to simply ''Broker Dealers.''

ROT A 1.10(30) × 1.20 (30)—25.2 rounded down to 25 contracts
ROT B 1.10(15) × 1.20 (15)—12.6 rounded down to 12 contracts
ROT C 1.10(10) × 1.20 (10)—8.4 rounded down to 8 contracts
ROT D 1.10 (10) × 1.20 (10)—8.4 rounded down to 8 contracts
ROT E 1.10 (10) × 1.20 (10)—8.4 rounded down to 8 contracts

After this Size Pro-Rata allocation, 2 contracts remain to be allocated. Presume for this trading day these ROTs are assigned the following order of assignment: First is ROT A, second is ROT B, third is ROT C, fourth is ROT D and fifth is ROT E. The 2 remaining contracts would be allocated as follows:

ROT A 1.10(30) × 1.20 (30)—1 contract
ROT B 1.10(15) × 1.20 (15)—1 contract
ROT C 1.10(10) × 1.20 (10)—zero
ROT D 1.10 (10) × 1.20 (10)—zero
ROT E 1.10 (10) × 1.20 (10)—zero

The next order which results in contracts remaining after the Size Pro-Rata allocation to ROTs will have such remaining contracts allocated one at a time beginning with ROT C since he was next in line based on that trading day's order of assignment, provided ROT C is at the best price with remaining interest.

Example Number 2

Presume an order of 200 contracts is being allocated in the Exchange's Order Book. Presume all Public Customer orders and ROT interest that was at the best price have been filled and there are 9 contracts remaining to be executed.

Remaining interest would be allocated next in a Size Pro-Rata fashion. Presume 3 broker-dealers are at the best price and their interest had arrived in the following order. The allocation of the remaining 9 contracts is as follows:

Broker-dealer C 1.10 (5) × 1.20 (5)—4.09 contracts rounded down to 4
Broker-dealer B 1.10 (3) × 1.20 (3)—2.45 contracts rounded down to 2
Broker-dealer A 1.10 (3) × 1.20 (3)—2.45 contracts rounded down to 2

After this Size Pro-Rata allocation, there remains one contract to be allocated. This residual contract will be allocated in time priority as follows:

Broker-dealer C 1.10 (5) × 1.20 (5)—1 contract
Broker-dealer B 1.10 (3) × 1.20 (3)—zero
Broker-dealer A 1.10 (3) × 1.20 (3)—zero

Finally, the Exchange proposes to note at proposed Rule 1089(a)(2), ''A market maker is entitled only to an Enhanced Specialist Allocation pursuant to Rule 1089(a)(1)(B) or the Entitlement for Orders of 5 contracts or fewer pursuant to Rule 1089(a)(1)(D) on a quote or the DROT Priority pursuant to Rule 1089(a)(1)(C) on a quote or market maker order.'' The Exchange notes that Specialists submit quotes at the NBBO to be allocated the Enhanced Specialist Allocation pursuant to proposed Rule 1089(a)(1)(B) or the Entitlement for Orders of 5 contracts or fewer pursuant to Rule 1089(a)(1)(D), while a DROT may submit either a quote or market maker order at the NBBO to be entitled to DROT Priority pursuant to proposed Rule 1089(a)(1)(C).[48] The Exchange believes the proposed rule will make clear what type of interest may receive an enhanced allocation.

Other Sections Being Eliminated

Rule 1014(g)(vii)(B)(1)(e) provides, ''No Phlx XL Participant shall be entitled to receive a number of contracts that is greater than the size that is associated with their quotation or limit order.'' This concept is expressed within proposed Rule 1089 throughout the proposed rule text rather than in a lone standing rule. The Exchange believes that this additional language is no longer necessary because this concept is embedded in the new proposed language.

Rule 1014(g)(vii)(B)(2) entitled ''*No Split-Price Executions,*'' provides, ''If the size associated with a market order or an electronic quotation to be executed is received for a greater number of contracts than the Exchange's disseminated size, the portion of such an order or quotation executed automatically at the Exchange's disseminated size shall be allocated automatically in accordance with Rule 1014(g)(vii). Contracts remaining in such an order shall be represented by the specialist and handled in accordance with Exchange Rules.'' The Exchange notes that this language is obsolete and not in effect today. The Exchange does not permit any manual handling of orders; rather the orders will be allocated the same as all other trading interest. The Exchange believes that it is consistent with the Act and the protection of investors and the public interest to eliminate this obsolete language to provide clarity to members as to the manner in which the System allocates trades.

Current Rule 1014(g)(vii)(B)(3) provides, ''Notwithstanding the first sentence of Rule 1014(g)(i), neither Rule 119(a)–(d) and (f), nor Rule 120 (insofar as it incorporates those provisions by reference) shall apply to the allocation of automatically executed trades.'' The Exchange notes that Rules 119 and 120 will be disconnected from the electronic allocation model. The Exchange is proposing to create a new Rule 1089 for electronic allocation, as compared to floor allocation. Proposed Phlx Rule 1089 will not rely on concepts of controlled accounts or parity and therefore the application to Rules 119 and 120 is unnecessary. The proposed Rule 1089 is structured to indicate the manner in which market participants will be allocated in reference to each other in a more streamlined manner. The Exchange believes that deleting this rule text is consistent with the Act, specifically the protection of investors and the public interest because this rule text does not serve to describe in a clear manner the method in which the Exchange would allocate electronic transactions.

Cross-References

The Exchange is proposing to amend the references to Rule 1014 in Rule 1082, Commentary .02 and .03 to update the references to the new proposed rule.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act[49] in general, and furthers the objectives of Section 6(b)(5) of the Act[50] in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest, by providing more specificity within proposed Rule 1089 regarding the manner in which the Exchange allocates. The Exchange's proposal seeks to protect investors and the public interest by providing greater transparency as to the sequence in which allocation occurs as it relates to various market participants. The Exchange is memorializing its current practice within proposed new Rule 1089 with one amendment proposed herein.

Entitlement for Orders of 5 Contracts or Fewer

The Exchange's proposed amendment to permit the Specialist, who is also the DROT, to be allocated the entire Order of 5 contracts or fewer, provided the Specialist has a quote at the better of the internal PBBO, excluding all-or-none orders that cannot be satisfied, or the NBBO, with no other Public Customer or DROT interest with a higher priority,

[48] This includes orders of market makers in options series in which the market maker is assigned on Phlx.

[49] 15 U.S.C. 78f(b).

[50] 15 U.S.C. 78f(b)(5).

is consistent with the Act. As is the case today, the Specialist, who is also the DROT must continue to have (1) a Directed Order directed to him/herself; (2) a quote or order at the better of the internal PBBO (excluding all-or-none orders which cannot be satisfied) or NBBO at the time the Directed Order was received; and (3) no other interest, including Public Customer and DROT interest, present with a higher priority. The proposed amendment continues to provide Public Customers with the highest priority in that the Specialist would not be entitled to the allocation of Orders of 5 contracts or fewer in the event that other interest was present with a higher priority. If, for example, a Public Customer order is resting at the NBBO at the time of execution, a Specialist is not entitled to priority with respect to Orders of 5 contracts or fewer. The Exchange believes that this proposed change is consistent with the Act because the Specialist will not be entitled to priority with respect to Orders of 5 lot allocation if there is interest of higher priority resting at the Exchange's disseminated best price or if the Specialist is not quoting at the NBBO. In these situations, the Specialist would be entitled to be allocated pursuant to ROT Priority on par with other ROTs, pursuant to proposed Rule 1089(a)(1)(E).

The Exchange notes that Specialists, unlike other market participants, have obligations in the marketplace. Specialists are required to submit Valid Width Quotes during the Opening Process pursuant to Phlx Rule 1017. Further, Specialists have heightened quoting obligations pursuant to Phlx Rule 1081. In contrast to Specialists, DROTs have no quoting obligations during the Opening Process and must quote with a heightened Directed SQT/RSQT quoting obligation only during the period in which they receive a Directed Order in any option in which they are assigned and shall be considered a Directed SQT or Directed RSQT until such time as they are no longer directed pursuant to Rule 1081(c)(ii)(C).

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The Exchange does not believe the proposed change will cause any unnecessary burden on intra-market competition because all Exchange members may apply to be either Specialists or ROTs and, presuming all requirements are met, would be entitled to receive participation entitlements provided they receive direct orders and those orders are executed by those DROTs.

With respect to rounding, all rounding is down to the nearest integer, unless otherwise specified. The Exchange does not believe that the proposal to round all remaining contracts down to the nearest integer imposes an undue burden on competition because the Exchange will uniformly round in this matter.

With respect to allocating remaining contracts, the Exchange does not believe that the proposal to allocate remaining contracts for ROTs by random assignment creates an undue burden on competition because the method results in a fair and equitable allocation of shares to these market participants. The Exchange does not believe that allocating remaining contracts to off-floor broker-dealers in time priority creates an undue burden on competition because the method will be applied uniformly among these participants.

Permitting Specialists to receive an allocation over ROTs when the Specialist is the DROT does not create an undue burden on competition because today Phlx permits the Specialist to be ahead of ROTs generally within its allocation method. Specialists have higher quoting obligations as compared to ROTs (90% versus 60% of the series in which assigned).[51]

The Exchange's proposed amendment to permit the Specialist, who is also the DROT, to be allocated the entire Order of 5 contracts or fewer provided the Specialist's quote is at the better of the internal PBBO (excluding all-or-none orders which cannot be satisfied) or NBBO does not create an undue burden on inter-market competition because the ability to become a Directed ROT is available to all market maker participants including Specialists. Further, the Exchange does not believe the proposal will negatively impact quote competition on Phlx and create an unfair burden on competition. Directed Orders are allocated based on the competitive bidding of market participants. A DROT must have a quote or market maker order at the NBBO at the time the order is received to capitalize on the DROT entitlement. Also, other options markets permit this type of allocation today.[52] This proposal does not create an undue burden on intra-market competition because all members may compete for order flow by contributing to price and size discovery for the entire market. Further, Specialists must enter orders that assume the risk of trading with all participants at NBBO without knowing the details of the particular order. Specialists are incentivized to aggressively quote at the NBBO with this proposal to the benefit of all market participants, while maintaining their quoting obligations.[53] The Exchange believes the proposal will encourage greater order flow to be sent to the Exchange through Directed Orders and that this increased order flow will benefit all market participants on Phlx. The Exchange is not limiting the class of market participants that receive a Directed Order, any ROT may apply to receive Directed Orders.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the Exchange consents, the Commission shall: (a) By order approve or disapprove such proposed rule change, or (b) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–Phlx–2019–20 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–Phlx–2019–20. This file

[51] *See* Phlx Rule 1081.

[52] *See* BX Chapter VI, Section 10.

[53] *See* Phlx Rule 1081.

number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*).

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly.

All submissions should refer to File Number SR–Phlx–2019–20 and should be submitted on or before June 12, 2019.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[54]

Eduardo A. Aleman,

Deputy Secretary.

[FR Doc. 2019–10643 Filed 5–21–19; 8:45 am]

BILLING CODE 8011–01–P

[54] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–85881; File No. SR–CboeBZX–2019–042]

Self-Regulatory Organizations; Cboe BZX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule To Amend the Fees Applicable to Securities Listed on the Exchange, Set Forth in BZX Rule 14.13, Company Listing Fees

May 16, 2019.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on May 3, 2019, Cboe BZX Exchange, Inc. (the ''Exchange'' or ''BZX'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes a rule change to amend the fees applicable to securities listed on the Exchange, which are set forth in BZX Rule 14.13, Company Listing Fees. Changes to the fee schedule pursuant to this proposal are effective upon filing.

The text of the proposed rule change is also available on the Exchange's website (*http://markets.cboe.com/us/equities/regulation/rule_filings/bzx/*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

On August 30, 2011, the Exchange received approval of rules applicable to the qualification, listing, and delisting of companies on the Exchange,[3] which it modified on February 8, 2012 in order to adopt pricing for the listing of exchange traded products (''ETPs'')[4] on the Exchange.[5] On July 3, 2017, the Exchange made certain changes to Rule 14.13 such that there were no entry fees or annual fees for ETPs listed on the Exchange.[6] Effective January 1, 2019, the Exchange made certain changes to Rule 14.13 in order to charge an entry fee for ETPs that are not Generically-Listed ETPs[7] and to add annual listing fees for ETPs listed on the Exchange.[8] The Exchange submits this proposal in order to amend Rule 14.13 in order to include Linked Securities[9] in the definition of Generically-Listed ETPs, to create pricing specific to Transfer Listings, as defined below, and to add Linked Securities to the standard annual fee schedule applicable other (sic) ETPs. In conjunction with this last change, the Exchange is proposing to eliminate Rule 14.13(b)(2)(C)(v), which currently applies only to certain Linked Securities.

[3] *See* Securities Exchange Act Release No. 65225 (August 30, 2011), 76 FR 55148 (September 6, 2011) (SR–BATS–2011–018).

[4] As defined in Rule 11.8(e)(1)(A), the term ''ETP'' means any security listed pursuant to Exchange Rule 14.11.

[5] *See* Securities Exchange Act Release No. 66422 (February 17, 2012), 77 FR 11179 (February 24, 2012) (SR–BATS–2012–010).

[6] *See* Securities Exchange Act Release No. 81152 (July 14, 2017), 82 FR 33525 (July 20, 2017) (SR&BatsBZX–2017–45).

[7] As currently defined, the term ''Generically-Listed ETPs'' means Index Fund Shares, Portfolio Depositary Receipts, Managed Fund Shares, Linked Securities, (sic) and Currency Trust Shares that are listed on the Exchange pursuant to Rule 19b–4(e) under the Exchange Act and for which a proposed rule change pursuant to Section 19(b) of the Exchange Act is not required to be filed with the Commission.

[8] *See* Securities Exchange Act Release No. 83597 (July 5, 2018), 83 FR 32164 (July 11, 2018) (SR–CboeBZX–2018–46).

[9] As defined in Rule 14.11(d), the term ''Linked Securities'' includes any product listed pursuant to Rule 14.11(d), but specifically includes Equity Index-Linked Securities, Commodity-Linked Securities, Fixed Income Index-Linked Securities, Futures-Linked Securities, and Multifactor Index-Linked Securities.

Generically-Listed ETPs—Linked Securities

Currently, Generically-Listed ETPs listed on the Exchange are not subject to an entry fee on the Exchange, as provided in Rule 14.13(b)(1)(C)(ii). The reason that Generically-Listed ETPs are not subject to an entry fee on the Exchange is that they generally do not require the same additional resources as ETPs that require a proposed rule change pursuant to Section 19(b), specifically the significant additional time and extensive legal and business resources required by Exchange staff to prepare and review such filings and to communicate with issuers and the Commission regarding such filings.

The Exchange is proposing to add Linked Securities to the definition of Generically-Listed ETPs, meaning that any series of Linked Securities that is listed on the Exchange pursuant to Rule 19b–4(e) under the Act and for which a proposed rule change pursuant to Section 19(b) of the Act is not required to be filed with the Commission would not pay any entry fee for listing on the

Exchange.[10] Any series of Linked Securities that is not listed pursuant to Rule 19b–4(e) and would require a proposed rule change pursuant to Section 19(b) of the Act would still be subject to the entry fees applicable under Rule 14.13(b)(1)(C)(i).

Transfer Listings

Currently, any ETP that transfers its listing to the Exchange from another national securities exchange is subject to the same fee schedule as a newly-listed ETP. In order to enhance the competitive environment in the exchange listing space, the Exchange is proposing certain fees specifically for Transfer Listings.[11] Specifically, the Exchange is proposing that Transfer Listings would not be subject to an entry fee, would have an annual listing fee of $4,000, and would not be subject to an annual fee for the remainder of the calendar year following the date of listing on the Exchange.[12]

Linked Securities—Annual Fees

Currently, where an ETP is not a Legacy Listing,[13] a New Listing,[14] or an Auction Fee Listing,[15] but is a series of Linked Securities, such an ETP will be subject to the following annual listing fee based on the CADV in the fourth quarter of the preceding calendar year:

CADV range	Annual listing fee
0–10,000 shares	$15,000
10,001–100,000 shares	14,000
100,001–1,000,000 shares	13,000
Greater than 1,000,000 shares	12,000

The Exchange is proposing to eliminate this fee structure entirely by deleting Rule 14.13(b)(2)(C)(v) and to amend Rule 14.13(b)(2)(C)(iv) to include Linked Securities such that the annual listing fees applicable to all ETPs that are not a Legacy Listing, a New Listing, an Auction Fee Listing, or, as proposed herein, a Transfer Listing, apply as follows:

CADV range	Annual listing fee
0–10,000 shares	$7,000
10,001–100,000 shares	6,000
100,001–1,000,000 shares	5,500
Greater than 1,000,000 shares	5,000

This change would reduce fees for Linked Securities that are not a Legacy Listing, New Listing, or Auction Fee Listing by more than 50% and would either reduce or keep the same the annual fees for all Linked Securities listed on the Exchange.

Implementation Date

The Exchange proposes to implement these amendments to its fees on May 3, 2019.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder that are applicable to a national securities exchange, and, in particular, with the requirements of Section 6 of the Act.[16] Specifically, the Exchange believes that the proposed rule change is consistent with Section 6(b)(4) and 6(b)(5) of the Act,[17] in that it provides for the equitable allocation of reasonable dues, fees and other charges among issuers and it does not unfairly discriminate between customers, issuers, brokers or dealers.

Generically-Listed ETPs—Linked Securities

The Exchange believes that the proposed amendment to Rule 14.13(b)(1)(C) to include Linked Securities in the definition of Generically-Listed ETPs and, thus eliminate the entry fee for Linked Securities that are listed on the Exchange pursuant to Rule 19b–4(e) under the Act and for which a proposed rule change pursuant to Section 19(b) of the Act is not required to be filed with the Commission is a reasonable, fair and equitable, and not unfairly discriminatory allocation of fees and other charges because it would apply equally for all issuers and all Linked Securities. The Exchange believes that eliminating the entry fee for Linked Securities that are Generically-Listed ETPs is reasonable given that the resources necessary for bringing such listings to market are generally consistent with those ETPs currently included in the definition of Generically-Listed ETPs. Further, the Exchange believes that it is reasonable, fair and equitable, and not unfairly discriminatory to distinguish between Linked Securities that are Generically-Listed ETPs and those Linked Securities that are not Generically-Listed ETPs because of the additional resources required by the Exchange in connection with ETPs requiring a proposed rule change pursuant to Section 19(b), specifically the significant additional time and extensive legal and business resources required by Exchange staff to prepare and review such filings and to communicate with issuers and the Commission regarding such filings. Further, the Exchange notes that this proposal is not proposing to make any changes to entry fees for Linked Securities that are not Generically-Listed ETPs. As noted above, Arca similarly does not charge an entry fee for Linked Securities that are listed pursuant to Rule 19b–4(e) under the Act and for which a proposed rule change pursuant to Section of the Act is not required to be filed with the Commission.[18]

Transfer Listings

The Exchange believes that it is a reasonable, fair and equitable, and not unfairly discriminatory allocation of fees and other charges to eliminate entry fees, eliminate an annual fee for the remainder of the calendar year following the date of listing on the Exchange, and offer lower annual listing fees for Transfer Listings because such changes will incentivize issuers to transfer ETPs to the Exchange, which will create a more competitive

[10] The Exchange notes that NYSE Arca, Inc. (''Arca'') similarly does not charge an entry fee for Linked Securities that are listed pursuant to Rule 19b–4(e) under the Act and for which a proposed rule change pursuant to Section of the Act is not required to be filed with the Commission. *See* Arca Listing Fee Schedule for Structured Products, available: *https://www.nyse.com/publicdocs/nyse/markets/nyse-arca/NYSE_Arca_Listing_Fee_Schedule.pdf.*

[11] As part of this proposal, the Exchange is also proposing to amend Rule 14.13(b)(1)(C)(ii) to include the defined term ''Transfer Listing,'' which shall mean any ETP that transfers its listing from another national securities exchange to the Exchange.

[12] The waiver of the annual fee for Transfer Listings is substantively identical to fees currently implemented on Arca. *See* Arca Listing Fee Schedule, Waiver of Annual Fee for Transfer Listings, available: *https://www.nyse.com/publicdocs/nyse/markets/nyse-arca/NYSE_Arca_Listing_Fee_Schedule.pdf.*

[13] A Legacy Listing, as defined in Rule 14.13(b)(2)(C)(i), is any ETP that was listed on the Exchange prior to January 1, 2019. All ETPs listed on the Exchange that are a Legacy Listing have an annual listing fee of $4,000.

[14] A New Listing, as defined in Rule 14.13(b)(2)(C)(ii), is an ETP during its first calendar year being listed on the Exchange or an ETP in its second calendar year being listed on the Exchange that was listed in the fourth quarter of its first calendar year. All New Listings have an annual listing fee of $4,500.

[15] An ''Auction Fee Listing, as defined in Rule 14.13(b)(2)(C)(iii), refers to each of an issuer's ETPs where the average daily auction volume combined between the opening and closing auctions on the Exchange across all of an issuer's ETPs listed on the Exchange exceeds 500,000 shares. Auction Fee Listings have no annual listing fee.

[16] 15 U.S.C. 78f.

[17] 15 U.S.C. 78f(b)(4) and (5).

[18] *See* Arca Listing Fee Schedule for Structured Products, available: *https://www.nyse.com/publicdocs/nyse/markets/nyse-arca/NYSE_Arca_Listing_Fee_Schedule.pdf.*

landscape for ETP listing venues, to the benefit of all issuers, ETPs, and investors in ETPs. More specifically, the Exchange believes that it is a reasonable, fair and equitable, and not unfairly discriminatory allocation of fees and other charges to eliminate entry fees for Transfer Listings because Transfer Listings that would otherwise be subject to entry fees on the Exchange: (i) Generally require fewer Exchange resources to list on the Exchange than new ETP listings that are subject to an entry fee on the Exchange; and (ii) have generally already paid an entry fee on another listing venue and having to pay such fee again would be a strong disincentive to transferring the ETP to the Exchange.

Similarly, the Exchange believes that it is a reasonable, fair and equitable, and not unfairly discriminatory allocation of fees and other charges to not charge an annual fee for the remainder of the calendar year after transferring to the Exchange because such Transfer Listing would have already paid an annual listing fee to the national securities exchange that they are currently listed on and requiring payment of an annual fee would essentially be double-charging an annual fee and would act as a strong disincentive for transferring the listing to the Exchange.[19]

The Exchange also believes that the proposed change to charge a $4,000 annual fee to Transfer Listings is not unfairly discriminatory because it will: (i) Incentivize ETPs to transfer their listing to the Exchange; (ii) provide Transfer Listings with certainty related to annual fees on the Exchange; (iii) create a small distinction in pricing that will enhance competition among ETP listing venues to the benefit of all ETPs, issuers, and investors; (iv) is generally in line with additional reduced fees available to ETPs currently listed on the Exchange; and (v) is available to all issuers and ETPs that transfer ETP listings to the Exchange.

The Exchange notes that the rationale behind this proposed change is very similar to that of the Legacy Listing fees. Specifically, the Legacy Listing fees were designed to incentivize transfers to the Exchange in advance of the implementation of ETP listing fees on the Exchange on January 1, 2019, and to provide long-term certainty around annual fees for all ETPs listed on the Exchange. Similarly, the Exchange is proposing to make this change in order to incentivize ETP transfers to the Exchange, but also to provide such Transfer Listings with long-term certainty related to annual fees. While the Legacy Listings pricing applies equally to all issuers (whether transferred or originally listed on the Exchange) and the proposed annual fees for Transfer Listings would not apply to ETPs already listed on the Exchange, the Exchange believes that such a distinction is justified based on the overall enhancement to competition among market participants that results from such pricing. Further, the Exchange does not believe that this proposed change represents a significant departure from previous pricing offered by the Exchange or pricing offered by the Exchange's competitors and notes that the Exchange's annual fees for ETP listing generally remain lower than other national securities exchanges. Further, the Exchange is not proposing to raise the annual fee for any ETPs listed on the Exchange and, as such, there is no negative impact to ETPs listed on the Exchange (either currently or in the future) that are not Transfer ETPs. The Exchange also notes that issuers and ETPs may opt to disfavor the Exchange's pricing if they believe that alternatives offer them a better value.

The Exchange further notes that this proposed change is also similar to listing fees implemented by Investors Exchange, LLC (''IEX'') in 2017.[20] Specifically, IEX offered credits of at least $250,000 to be paid out over up to five years to corporate issuers that announced a transfer of their listing to IEX within 120 days of the first listing on IEX. Similar to what the Exchange is proposing, such credits were not applicable to a new listing that was not a transfer. The Exchange believes that the policy issues and arguments underlying the IEX Transfer Incentive Filing are nearly identical to those applicable to this proposed change, with the exception of the scope of payments applicable under this proposed change. Assuming the greatest possible annual fee savings, it would take a Transfer Listing 83-plus years to receive the same economic benefit as was proposed *as a minimum on an annual basis* (sic) under the IEX Transfer Incentive Filing.[21]

The Exchange further believes that the proposed change to charge a $4,000 annual fee to Transfer Listings is a reasonable, fair and equitable, and not unfairly discriminatory allocation of fees and other charges because it represents a relatively small difference in annual fees while working to promote transfers and enhance competition among ETP listing venues. While ETPs that are currently listed on the Exchange would be subject to the Exchange's standard annual listing fee schedule, such fee schedule provides New Listings with reduced pricing ($4,500 annual listing fee prorated based on number of trading days remaining in the year, as described above), as well as more established ETPs with reduced annual fees as the trading volume in the product increases. The Exchange further eliminates the annual fee entirely for all Auction Fee Listings as well. As such, the Exchange believes that the benefit to the broader marketplace that comes from increased competition among ETP listing venues significantly outweighs any concerns related to discrimination in fees because of the several additional ways that ETPs can achieve reduced annual fees combined with the relatively insubstantial difference in pricing for existing listings as compared to Transfer Listings.

Linked Securities—Annual Fees

The Exchange believes that the proposed amendment to delete Rule 14.13(b)(2)(C)(v) and to amend Rule 14.13(b)(2)(C)(iv) such that the standard annual listing fees would be applicable to Linked Securities is a reasonable, fair and equitable, and not unfairly discriminatory allocation of fees and other charges because it would create a consistent application of fees and other charges applicable to all issuers and ETPs listed on the Exchange. Further, such fees generally reflect the additional revenue that an ETP listed on the Exchange creates for the Exchange through executions occurring in the auctions and additional shares executed on the Exchange. Listing exchanges generally receive an outsized portion of intraday trading activity and receive all auction volume for ETPs listed on the exchange. The higher the CADV for an ETP, the greater the likely income the Exchange will receive based on outsized intraday trading activity and auction volume for such ETP. As such, the Exchange offers lower annual listing fees for ETPs listed on the Exchange as their CADV increases. This structure is designed to reward the issuer of an ETP

[19] As noted above, the waiver of the annual fee is substantively identical to fees currently implemented on Arca. *See* Arca Listing Fee Schedule, Waiver of Annual Fee for Transfer Listings, available: *https://www.nyse.com/publicdocs/nyse/markets/nyse-arca/NYSE_Arca_Listing_Fee_Schedule.pdf.*

[20] *See* Securities Exchange Act Release No. 81725 (September 26, 2017), 82 FR 45917 (October 2, 2017) (SR–IEX–2017–30) (the ''IEX Transfer Incentive Filing'').

[21] The greatest annual fee for an ETP listed on the Exchange is $7,000 (applicable only to those ETPs that have fewer than 10,000 shares traded per day), compared to the proposed $4,000 annual fee for Transfer Listings would make a difference of $3,000 annually. $250,000/$3,000 = 83.33.

for such additional revenue brought to the Exchange as CADV increases, which the Exchange believes creates a more equitable and appropriate fee structure for issuers based on the revenue and expenses associated with listing ETPs on the Exchange. Finally, the Exchange notes that such change will simplify the Exchange's ETP fee schedule by having a single set of fees based on CADV apply to all types of ETPs listed on the Exchange.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. With respect to the proposed elimination of entry fees for Linked Securities that qualify as Generically-Listed ETPs, the Exchange does not believe that the changes burden competition, but instead, enhance competition by reducing the cost associated with bringing Linked Securities to market and bringing such cost more in line with the cost of resources associated with bringing such a listing to market for the Exchange. With respect to the reduction of fees associated with Transfer Listings, the Exchange believes that such proposed changes will directly enhance competition among ETP listing venues by reducing the costs associated with transferring listings between such venues. Similarly, the Exchange believes that reducing standard annual fees for Linked Securities to bring them in line with all other ETP types on the Exchange will enhance competition both among listing venues of Linked Securities and among issuers and issuances of Linked Securities through an overall reduction of annual fees for listing such products. As such, the proposal is a competitive proposal designed to enhance pricing competition among listing venues and implement pricing for listings that better reflects the revenue and expenses associated with listing ETPs on the Exchange.

The Exchange does not believe the proposed amendments would burden intramarket competition as they would be available to all issuers uniformly.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has not solicited, and does not intend to solicit, comments on this proposed rule change. The Exchange has not received any unsolicited written comments from Members or other interested parties.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [22] and paragraph (f) of Rule 19b–4 [23] thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–CboeBZX–2019–042 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–CboeBZX–2019–042. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–CboeBZX–2019–042 and should be submitted on or before June 12, 2019.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[24]

Eduardo A. Aleman,

Deputy Secretary.

[FR Doc. 2019–10645 Filed 5–21–19; 8:45 am]

BILLING CODE 8011–01–P

[22] 15 U.S.C. 78s(b)(3)(A).

[23] 17 CFR 240.19b–4(f).

[24] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–85874; File No. SR–NYSEAmer–2019–18]

Self-Regulatory Organizations; NYSE American LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Allow $1 Strike Price Intervals Above $200 on Options on the QQQ and IWM Exchange-Traded Funds

May 16, 2019.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on May 10, 2019, NYSE American LLC (''NYSE American'' or the ''Exchange'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Exchange filed the proposal as a ''non-controversial'' proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act [3] and Rule 19b–4(f)(6) thereunder.[4] The Commission is publishing this notice to solicit

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(iii).

[4] 17 CFR 240.19b–4(f)(6).

comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Rule 903. The proposed rule change is available on the Exchange's website at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of this filing is to amend Rule 903 (Series of Options Open for Trading) to allow for the interval between strike prices of series of options on Exchange-Traded Fund Shares (''ETFs'') of the PowerShares QQQ Trust (''QQQ'') and the iShares Russell 2000 Index Fund (''IWM'') to be $1 or greater where the strike price is greater than $200. This proposal would align the rules of the Exchange with that of other options exchanges.[5]

Currently, Commentary .05(d) to Rule 903 allows for the interval between strike prices of series of options on SPDR® S&P 500® ETF (''SPY''), iShares Core S&P 500 ETF (''IVV''), and the SPDR® Dow Jones® Industrial Average ETF (''DIA'') to be $1 or greater where the strike price is greater than $200. Per Commentary .05(a) to Rule 903, the interval between strike prices of series of options on all other ETFs is currently $5.00 or greater where the strike price is greater than $200. Specifically, the Exchange proposes to modify the interval setting regime to allow $1 strike price intervals where the strike price is above $200 for IWM and QQQ options.[6] The Exchange believes that the proposed rule change would make QQQ and IWM options easier for investors and traders to use and more tailored to their investment needs.

The QQQ and IWM are designed to provide investors different ways to efficiently gain exposure to the equity markets and execute risk management, hedging, asset allocation and income generation strategies. The QQQ is an ETF investment trust designed to closely track the price and performance of a the Nasdaq-100 Index (''NDX''), which represents the largest and most active nonfinancial domestic and international issues listed on The Nasdaq Stock Market based on market capitalization. Likewise, the IWM is an index ETF designed to closely track the price and performance of the Russell 2000 Index (''RUT''), which represents the small capitalization sector of the U.S. equity market. In general, QQQ and IWM options provide investors with the benefit of trading broader markets in a manageably sized contract.

The value of QQQ is designed to approximate 1/40 the value of the underlying NDX. For example, if the NDX price level is 1400, QQQ strike prices generally would be expected to be priced around $35. The value of IWM is designed to approximate 1/10 the value of the underlying, RUT. In the past year, the NDX has climbed above a price level of 7500, and the RUT climbed to a price level of approximately 1700 (both prior to the December 2018 market-wide decline).[7] As the value of the underlying ETF (and the index the ETF tracks) and resulting strike prices for each option continues to appreciate, the Exchange has received requests from ATP Holders to list additional strike prices ($1 increments) in QQQ and IWM options above $200. The QQQ is among the most actively traded ETFs on the market. It is widely quoted as an indicator of technology stock prices and investor confidence in the technology and telecommunication market spaces, a significant indicator of overall economic health. Similarly, IWM is among the most actively traded ETFs on the market and provides investors with an investment tool to gain exposure to small U.S. public companies. Industry-wide trade volume in QQQ more than doubled from 2017 to 2018. As a result, QQQ options and IWM options have grown to become two of the largest options contracts in terms of trading volume. Investors use these products to diversify their portfolios and benefit from market trends.

Accordingly, the Exchange believes that offering a wider base of QQQ and IWM options affords traders and investors important hedging and trading opportunities, particularly in the midst of current price trends. The Exchange believes that not having the proposed $1 strike price intervals above $200 in QQQ and IWM significantly constricts investors' hedging and trading possibilities. The Exchange therefore believes that by having smaller strike intervals in QQQ and IWM, investors would have more efficient hedging and trading opportunities due to the lower $1 interval ascension. The proposed $1 intervals above the $200 strike price will result in having at-the-money series based upon the underlying ETFs moving less than 1%. The Exchange believes that the proposed strike setting regime is in line with the slower movements of broad-based indices. Considering the fact that $1 intervals already exist below the $200 price point and that both QQQ and IWM have consistently inclined in price toward the $200 level, 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. The Exchange believes that the investing, trading, and hedging opportunities available with QQQ and IWM options far outweighs any potential negative impact of allowing QQQ and IWM options to trade in more finely tailored intervals above the $200 price point.

The proposed strike setting regime would permit strikes to be set to more closely reflect the increasing values in the 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. Under the current rule, where the next higher available series would be $5 away above a $200 strike price, the ability to roll such positions is effectively negated. Accordingly, to move a position from a $200 strike to a $205 strike under the current rule, an investor would need for the underlying

[5] *See* Securities Exchange Act Release No. 85754 (April 30, 2019) (SR–CBOE–2019–15) (Order approving proposal to amend Interpretation and Policy .08(b) to Rule 5.5 to allow strike intervals of $1.00 or more on series of options on QQQ and IWM where the strike price is greater than $200). *See also* Securities Exchange Act Release No. 85295 (March 12, 2019), 84 FR 9851 (March 18, 2019) (Notice).

[6] *See* proposed Commentary .05(d) to Rule 903.

[7] *See* Securities Exchange Act Release No. 82095 (November 16, 2017), 82 FR 55676 (November 22, 2017) (SR–NYSEAMER–2017–31) (immediately effective filing to align Exchange rules with other exchanges by amending Exchange strike listing rules to modify the interval setting regimes for SPY and DIA to allow $1 strike price intervals above $200, and noting the price levels for their respective underlying ETFs hovered around 2000 and 1700, comparable to the current NDX and RUT price levels at the time other exchanges filed to modify their strike listing rules).

product to move 2.5%, and would not be able to execute a roll up until such a large movement occurred. As stated, the NDX and RUT have experienced continued, steady growth. The Exchange believes that with the proposed rule change, the investor would be in a significantly safer position of being able to roll his open options position from a $200 to a $201 strike price, which is only a 0.5% move for the underlying.

As a result, the proposed rule change will allow the Exchange to better respond to customer demand for QQQ and IWM strike prices more precisely aligned with the smaller, longer-term incremental increases in respective underlying ETFs. The Exchange believes that the proposed rule change, like the other strike price programs currently offered by the Exchange, will benefit investors by providing investors the flexibility to more closely tailor their investment and hedging decisions using QQQ and IWM options. Moreover, by allowing series of QQQ and IWM options to be listed in $1 intervals between strike prices over $200, the proposal will moderately augment the potential total number of options series available on the Exchange. However, the Exchange believes 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. The Exchange also believes that ATP Holders will not have a capacity issue due to the proposed rule change. In addition, the Exchange represents that it does not believe that this expansion will cause fragmentation of liquidity, but rather, believes that finer strike intervals will serve to increase liquidity available as well as price efficiency by providing more trading opportunities for all market participants.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the ''Act'') and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[8] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[9] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest.

In particular, the proposed rule change to Commentary .05(d) to Rule 903 would allow investors to more easily use QQQ and IWM options. Moreover, the proposed rule change would allow investors to better trade and hedge positions in QQQ and IWM options where the strike price is greater than $200, and ensure that investors in both options are not at a disadvantage simply because of the strike price.

The Exchange believes the proposed rule change is consistent with Section 6(b)(1) of the Act, which provides that the Exchange be organized and have the capacity to be able to carry out the purposes of the Act and the rules and regulations thereunder, and the rules of the Exchange. The rule change proposal allows the Exchange to respond to customer demand to allow QQQ and IWM options to trade in $1 intervals above a $200 strike price. The Exchange does not believe that the proposed rule would create additional capacity issues or affect market functionality.

As noted above, ETF options trade in wider $5 intervals above a $200 strike price, whereby options at or below a $200 strike price trade in $1 intervals. This creates a situation where contracts on the same option class effectively may not be able to execute certain strategies such as, for example, rolling to a higher strike price, simply because of the $200 strike price above which options intervals increase by 500%. This proposal remedies the situation by establishing an exception to the current ETF interval regime for QQQ and IWM options to allow such options to trade in $1 or greater intervals at all strike prices. The Exchange believes that the proposed rule change, like other strike price programs currently offered by the Exchange, will benefit investors by giving them increased flexibility to more closely tailor their investment and hedging decisions. Moreover, the proposed rule change is consistent with current strike intervals on options on DIA and SPY and align with rules in place for similarly situated options and their underlying ETFs.[10]

With regard to the impact of this proposal on system capacity, the Exchange believes it and OPRA have the necessary systems capacity to handle any potential additional traffic associated with this proposed rule change. The Exchange believes that its members will not have a capacity issue as a result of this proposal.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change would impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. Rather, the proposed rule change would enable the Exchange to better compete with other options exchanges that have already adopted the proposed strike setting regime.[13] Although the Exchange is able to match strikes listed by other exchanges, this proposal would allow the initiate strikes in QQQ and IWM regardless of strikes listed on other exchanges, which should help level the playing field for investors investing in, trading and utilizing hedging strategies on these options.

Moreover, the Exchange believes that the proposed rule change would result in additional investment options and opportunities to achieve the investment and trading objectives of market participants seeking efficient trading and hedging vehicles, to the benefit of investors, market participants, and the marketplace in general. Specifically, the Exchange believes that QQQ and IWM options investors and traders will significantly benefit from the availability of finer strike price intervals above a $200 price point. In addition, the interval setting regime the Exchange proposes to apply to QQQ and IWM options is currently applied to SPY, IVV, and DIA options, which are similarly popular and widely traded ETF products and track indexes at similarly high price levels. Thus, the proposed strike setting regime for QQQ and IWM options would allow options on the most actively traded ETFs with index levels at corresponding price levels to trade pursuant to the same strike setting regime, which would, in turn, enable investors to employ similar investment and hedging strategies for each of these options.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public

[8] 15 U.S.C. 78f(b).

[9] 15 U.S.C. 78f(b)(5).

[10] *See supra* notes 7 and 5, respectively.

interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act [11] and Rule 19b–4(f)(6) thereunder.[12]

A proposed rule change filed pursuant to Rule 19b–4(f)(6) under the Act [13] normally does not become operative for 30 days after the date of its filing. However, Rule 19b–4(f)(6)(iii) [14] permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has requested that the Commission waive the 30-day operative delay so that the proposed rule change may become operative upon filing. The Exchange asserts that waiving the operative delay would be consistent with the protection of investors and the public interest because the proposed rule change would respond to investor demand and allow the Exchange to implement the modified rule, which aligns with the rules of other options exchanges, without delay. The Commission believes that the proposal raises no new or substantive issues and that waiver of the 30-day operative delay is consistent with the protection of investors and the public interest. The Commission hereby waives the operative delay and designates the proposed rule change operative upon filing.[15]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

[11] 15 U.S.C. 78s(b)(3)(A).

[12] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[13] 17 CFR 240.19b–4(f)(6).

[14] 17 CFR 240.19b–4(f)(6)(iii).

[15] For purposes only of waiving the 30-day operative delay, the Commission also has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NYSEAmer–2019–18 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSEAmer–2019–18. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSEAmer–2019–18 and should be submitted on or before June 12, 2019.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[16]

Eduardo A. Aleman,

Deputy Secretary.

[FR Doc. 2019–10641 Filed 5–21–19; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–85740; File No. SR–Phlx–2019–17]

Self-Regulatory Organizations; Nasdaq PHLX LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Relocate the Floor Trading Rules to Options 8

April 29, 2019.

Correction

In notice document 2019–09019, appearing on pages 19136 through 19141, in the issue of Friday, May 3, 2019 make the following correction:

On page 19141, in the first column, on the eighth line from the bottom of the page, ''June 3, 2019'' should read ''May 24, 2019''.

[FR Doc. C1–2019–09019 Filed 5–21–19; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–85871; File No. SR–NYSEArca–2019–32]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Modify Rule 6.15–O and Conforming Changes to Rule 6.46–O Governing the Give Up of a Clearing Broker

May 16, 2019.

Pursuant to Section 19(b)(1) [1] of the Securities Exchange Act of 1934 (the ''Act'') [2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on May 2, 2019, NYSE Arca, Inc. (''NYSE Arca'' or the ''Exchange'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit

[16] 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.

comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to modify Rule 6.15–O regarding the Give Up of a Clearing Member by OTP Holders and OTP Firms and proposes conforming changes to Rule 6.46–O. The proposed rule change is available on the Exchange's website at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of this filing is to modify Rule 6.15–O regarding the Give Up of a Clearing Member [4] by OTP Holders and OTP Firms (each an ''OTP,'' collectively, ''OTPs'') and to make conforming changes to Rule 6.46–O.

Rule 6.15–O: Current Process To Give Up a Clearing Member

In 2015 the Exchange adopted its current ''give up'' procedure for OTPs executing transactions on the Exchange.[5] Per Rule 6.15–O, an OTP may give up a ''Designated Give Up'' or its ''Guarantor,'' as defined in the Rule and described below.

The Rule defines ''Designated Give Up'' as any Clearing Member that an OTP Holder (other than a Market Maker [6]) identifies to the Exchange, in writing, as a Clearing Member the OTP requests the ability to give up. To designate a ''Designated Give Up,'' an OTP must submit written notification to the Exchange. Specifically, the Exchange uses a standardized form (''Notification Form''). An OTP may currently designate any Clearing Member as a Designated Give Up. Additionally, there is no minimum or maximum number of Designated Give Ups that an OTP must identify. Similarly, should an OTP no longer want the ability to give up a particular Designated Give Up, the OTP informs the Exchange in writing.

Rule 6.15–O also requires that the Exchange notify a Clearing Member, in writing and as soon as practicable, of each OTP that has identified it as a Designated Give Up. However, the Exchange will not accept any instructions from a Clearing Member to prohibit an OTP from designating the Clearing Member as a Designated Give Up. Additionally, there is no subjective evaluation of an OTP's list of Designated Give Ups by the Exchange. The Rule does, however, provide that a Designated Give Up may determine to not accept a trade on which its name was given up so long as it believes in good faith that it has a valid reason not to accept the trade.[7]

The Rule defines ''Guarantor'' as a Clearing Member that has issued a Letter of Guarantee or Letter of Authorization for the executing OTP, pursuant to Rules of the Exchange [8] that is in effect at the time of the execution of the applicable trade. An executing OTP may give up its Guarantor without such Guarantor being a ''Designated Give Up.'' Additionally, Rule 6.36 provides that a Letter of Guarantee is required to be issued and filed by each Clearing Member through which a Market Maker clears transactions. Accordingly, a Market Maker is enabled to give up only a Guarantor that had executed a Letter of Guarantee on its behalf pursuant to Rule 6.36–O; a Market Maker does not need to identify any Designated Give Ups. Like Designated Give Ups, Guarantors likewise have the ability to reject a trade.[9]

Beginning in early 2018, certain Clearing Members (in conjunction with the Securities Industry and Financial Markets Association (''SIFMA'')) expressed concerns related to the process by which executing brokers on U.S. options exchanges (the ''Exchanges'') are allowed to designate or 'give up' a clearing firm for purposes of clearing particular transactions. The SIFMA-affiliated Clearing Members have recently identified the current give-up process as a significant source of risk for clearing firms. SIFMA-affiliated Clearing Members subsequently requested that the Exchanges alleviate this risk by amending Exchange rules governing the give up process.[10]

Proposed Amendment to Rules 6.15–O and 6.46–O

Based on the above, the Exchange proposes to amend its rules regarding the current give up process in order to allow a Clearing Member to opt in, at The Options Clearing Corporation (''OCC'') clearing number level, to a feature that, if enabled by the Clearing Member, would allow the Clearing Member to specify which OTPs are authorized to give up that OCC clearing number. As proposed, Rule 6.15–O, Give Up of a Clearing Member, will be re-titled as ''Authorizing Give Up of a Clearing Member'' and would provide that for each transaction in which a non-Market Maker OTP participates, the OTP may indicate any OCC number of a Clearing Member through which a transaction will be cleared (''Give Up''), provided the Clearing Member has not elected to ''Opt In,'' as defined in paragraph (b) of the proposed Rule, and restricted the OCC number (''Restricted OCC Number'').[11] Further, as proposed, an OTP may Give Up a Restricted OCC Number provided the OTP has written

[4] Rule 6.1–O(2) defines ''Clearing Member'' as an Exchange OTP which has been admitted to membership in the Options Clearing Corporation pursuant to the provisions of the Rules of the Options Clearing Corporation.

[5] *See* Securities and Exchange Act Release No. 75641 (August 7, 2015), 80 FR 48577 (August 13, 2015) (SR–NYSEArca–2015–65).

[6] For purposes of this rule, references to ''Market Maker'' refer to OTPs acting in the capacity of a Market Maker and include all Exchange Market Maker capacities *e.g.,* Lead Market Makers. As explained below, Market Makers give up Guarantors that have executed a Letter of Guarantee on behalf of the Marker Maker, pursuant to Rule 6.36–O; Market Makers need not give up Designated Give Ups.

[7] *See* Rule 6.15–O(f)(1) (setting forth procedures for rejecting a trade). An example of a valid reason to reject a trade may be that the Designated Give Up does not have a customer for that particular trade.

[8] *See* Rule 6.36–O (Letters of Guarantee); Rule 6.45–O (Letters of Authorization).

[9] *See* Rule 6.15–O(f)(2) (providing that a Guarantor may ''change the give up to another Clearing Member that has agreed to be the give up on the subject trade, provided such Clearing Member has notified the Exchange and the executing OTP Holder or OTP Firm in writing of its intent to accept the trade'').

[10] Nasdaq PHLX LLC (''Phlx'') recently modified its give up procedure to allow clearing members to ''opt in'' such that the clearing member may specify which Phlx member organizations are authorized to give up that clearing member. *See* Phlx Rule 1037. *See also* Securities and Exchange Act Release Nos. 84624 (November 19, 2018), 83 FR 60547 (Notice); 85136 (February 14, 2019), 84 FR 5526 (February 21, 2019) (SR–Phlx–2018–72) (Approval Order). The Exchange's proposal leads to the same result of providing its Clearing Members the ability to control risk and includes Phlx's ''opt in'' process, but it otherwise differs in process from Phlx's proposal.

[11] *See* proposed Rule 6.15–O(a).

authorization as described in paragraph (b)(ii) of the Rule (''Authorized OTP'').[12]

Proposed Rule 6.15–O(b) provides that Clearing Members may request that the Exchange restrict one or more of their OCC clearing numbers (''Opt In'') as described in subparagraph (b)(i) of the Rule. As proposed, if a Clearing Member Opts In, the Exchange would require written authorization from the Clearing Member permitting an OTP to Give Up a Clearing Member's Restricted OCC Number. An Opt In would remain in effect until the Clearing Member terminates the Opt In as described in subparagraph (iii). If a Clearing Member does not Opt In, that Clearing Member's OCC number may be subject to Give Up by any OTP (other than a Market Maker).[13]

Proposed Rule 6.15–O(b)(i) would set forth the process by which a Clearing Member may Opt In. Specifically, a Clearing Member may Opt In by sending a completed ''Clearing Member Restriction Form'' listing all Restricted OCC Numbers.[14] A copy of the proposed form is attached in Exhibit 3A. As proposed, a Clearing Member may elect to restrict one or more OCC clearing numbers that are registered in its name at OCC. The Clearing Member would be required to submit the Clearing Member Restriction Form to the Exchange's Client Relationship Services (''CRS'') department as described on the form. Once submitted, the Exchange requires ninety days before a Restricted OCC Number is effective. The Exchange believes this 90-day time period would provide adequate time for OTPs that use a Restricted OCC Number to obtain the necessary written authorization for that Restricted OCC Number. During this 90-day time period, OTPs lacking the requisite authorization (and affected by this proposed provision) would still be able to Give Up that Restricted OCC Number (*i.e.,* until the number becomes restricted within the System).

Proposed 6.15–O(b)(ii) would set forth the process for OTPs to Give Up a Clearing Member's Restricted OCC Number. Specifically, as proposed, an OTP desiring to Give Up a Restricted OCC Number must become an Authorized OTP.[15] The Clearing Member would be required to authorize an OTP by submitting a completed ''Authorized OTP Form'' to the Exchange's CRS department, unless the Restricted OCC Number is already subject to a Letter of Guarantee or a Letter of Authorization to which the OTP is a party, as set forth in proposed paragraph (c) of the Rule. A copy of the proposed form is attached in Exhibit 3B.[16]

Pursuant to proposed Rule 6.15–O(b)(iii), a Clearing Member may amend its Authorized OTPs or Restricted OCC Numbers by submitting a new Authorized OTP Form or a Clearing Member Restriction Form to the Exchange's CRS department indicating the amendment as described on the form. As proposed, once a Restricted OCC Number is effective pursuant to Rule 6.15–O(b)(i), the Exchange may permit the Clearing Member to authorize, or remove authorization for, an OTP to Give Up the Restricted OCC Number intra-day only in unusual circumstances, and on the next business day in all regular circumstances. The Exchange will promptly notify the OTPs if they are no longer authorized to Give Up a Clearing Member's Restricted OCC Number. Finally, as proposed, if a Clearing Member removes a Restricted OCC Number, any OTP (other than a Market Maker) may Give Up that OCC clearing number once the removal has become effective on or before the next business day.[17]

In light of the proposed changes to the Give Up process, the Exchange proposes to delete certain paragraphs of the current Rule related to the current Designated Give Up process. Specifically, the Exchange proposes to delete current paragraphs (a), (b)(1), (3)–(4), (6)–(7), (d).

As proposed, paragraph (c) to Rule 6.15–O would be re-title ''Guarantors and Market Makers.'' Proposed Rule 6.15–O(c)(i) would maintain the current definition and role of Guarantor (set forth in current paragraphs (a)(3) and (6)) and combine such information with language from Phlx Rule 1037(d) to provide, in relevant part that ''[a] Guarantor for an OTP Holder or OTP Firm will be enabled to be given up for that OTP Holder or OTP Firm without any further action by the OTP such that a clearing arrangement subject to a Letter of Guarantee or Letter of Authorization would immediately permit the Give Up of a Restricted OCC Number by the OTP Holder or OTP Firm that is party to the arrangement.'' [18] In addition, to streamline the proposed Rule the Exchange proposes to relocate text from current Rule 6.15–O(a)(5) regarding Market Makers to proposed Rule 6.15–O(c)(ii) without any textual changes.[19] The Exchange also proposes to clarify how the System would handle orders in light of the proposed changes to the Give Up process. As proposed, for any Restricted OCC Number, the Exchange's trading systems would only accept orders for that number from an Authorized OTP Holder.[20]

To further update the Rule to reflect the shift from an OTP designating a certain Clearing Member as the give up to the Clearing Member having the ability to limit which OTPs may give up that Clearing Member, the Exchange proposes to replace certain references to Designated Give Up with reference to ''Clearing Member for whom they are an Authorized ATP Holder'' [21] or affiliated Clearing Member'' [22] or simply ''Clearing Member,'' [23] as appropriate.

The Exchange also proposes to add paragraph (i) to the Rule to provide that an ''intentional misuse of this Rule is impermissible, and may be treated as a violation of Rule 11.2(b), Prohibited Acts.'' [24] This language would make clear that the Exchange will regulate an intentional misuse of this Rule and that such behavior would be a violation of Exchange rules.

Finally, consistent with this proposed change, the Exchange also proposes to amend Rule 6.46–O(g) regarding the responsibilities of Floor Brokers to maintain error accounts ''for the purposes of correcting bona fide errors, as provided in Rule 6.14–O.'' As

[12] The Exchange proposes to delete the use of the modifier ''executing'' as relates to OTP in the rule, which is extraneous and unnecessary, particularly in light of new concept of Authorized OTP. *See* proposed Rule 6.15–O(c)(i), (e)(2), (f)(1)–(3), (g)(1) and (h)(1).

[13] *See* proposed Rule 6.15–O(b).

[14] The Exchange's forms will be available on the Exchange's website. The Exchange also intends to maintain, on its website, a list of the Restricted OCC Numbers, which will be updated on a regular basis, and the Clearing Member's contact information to assist OTPs (to the extent they are not already Authorized OTPs) with requesting authorization for a Restricted OCC Number. The Exchange may utilize additional means to inform its members of such updates on a periodic basis.

[15] The Exchange will develop procedures for notifying OTPs that they are authorized or unauthorized by Clearing Members.

[16] *See supra* note 14.

[17] *See* proposed Rule 6.15–O(b)(iii).

[18] *See* proposed Rule 6.15–O(c)(i).

[19] *See* proposed Rule 6.15–O(c)(ii). To conform to the foregoing changes to the organization of the Rule, the Exchange proposes to reclassify current paragraph (c) as proposed Rule 6.15–O(d).

[20] *See* proposed Rule 6.15–O(d).

[21] *See* proposed Rule 6.15–O(g)(1).

[22] *See* proposed Rule 6.15–O(g)(2).

[23] *See generally* proposed Rule 6.15–O(e)–(h). *See also* proposed Rule 961(d) and (e)(1) (as relates to replacing Designated Give Up with Authorized ATP Holder) and (e)(2), (f)(1)–(3), (g)(1) and (h)(1). The Exchange also proposes to rename Rule 961(e) (from Designated Give Up, to Authorized ATP Holder, as relates to the process for accepting a trade). The Exchange also proposes to update the cross reference in paragraph (e)(1) from ''paragraph (i)'' to proposed ''paragraph (g).'' *See* proposed Rule 961(e)(1).

[24] Rule 11.2(b) provides that the willful violation of any provision of the Bylaws and Rules and procedures of the Exchange shall be considered conduct or proceedings inconsistent with just and equitable principles of trade.

proposed, the Exchange would specify that ''it will not be a violation of this provision if a trade is transferred away from an error account through the CMTA process at OCC.'' [25] This additional language would enable an executing OTP that has executed an order to CMTA that order through its own clearing relationship. For example, assume a Floor Broker executes a trade giving up Firm A (a Clearing Member that is one of its Authorized OTPs) and, after the execution, the Floor Broker is informed that a portion of the trade needs to be changed to give-up Firm B (a Clearing Member that is not one of the Floor Broker's Authorized OTPs). The proposed language would enable the Floor Broker to CMTA the trade to Firm B through its own clearing arrangement (as long as the authorizations are in place for that CMTA to occur) rather than nullifying or busting the trade.

Implementation

The Exchange will announce the implementation date of the proposed rule change no later than the end of Q3 2019 via Trader Notice.

2. Statutory Basis

The proposed rule change is consistent with Section 6(b) [26] of the Act, in general, and furthers the objectives of Section 6(b)(5),[27] in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, and to remove impediments to and perfect the mechanisms of a free and open market and a national market system.

Particularly, as discussed above, several Clearing Firms affiliated with SIFMA have recently expressed concerns relating to the current give up process that permits OTPs to identify any Clearing Members as a Designated Give Up for purposes of clearing particular transactions, and have identified the current give-up process (*i.e.,* a process that lacks authorization) as a significant source of risk for clearing firms.

The Exchange believes that the proposed changes to Rule 6.15–O would help alleviate this risk by enabling Clearing Members to 'Opt In' to restrict one or more of its OCC clearing numbers (*i.e.,* Restricted OCC Numbers), and to specify which Authorized OTPs may Give Up those Restricted OCC Numbers. As described above, all other ATP Holders would be required to receive written authorization from the Clearing Member before they can Give Up that Clearing Member's Restricted OCC Number. The Exchange believes that this authorization provides proper safeguards and protections for Clearing Members as it provides controls for Clearing Members to restrict access to their OCC clearing numbers, allowing access only to those Authorized OTPs upon their request. The Exchange also believes that its proposed Clearing Member Restriction Form allows the Exchange to receive in a uniform fashion, written and transparent authorization from Clearing Members, which ensures seamless administration of the Rule.

The Exchange believes that the proposed Opt In process strikes the right balance between the various views and interests across the industry. For example, although the proposed rule would require OTPs (other than Authorized OTPs) to seek authorization from Clearing Members in order to have the ability to give them up, each OTP would still have the ability to Give Up a Restricted OCC Number that is subject to a Letter of Guarantee or Letter of Authorization without obtaining any further authorization if that OTP is party to that arrangement. The Exchange also notes that to the extent the executing OTP has a clearing arrangement with a Clearing Member (*i.e.,* through a Letter of Guarantee or Letter of Authorization), a trade can be assigned to the executing OTP's Guarantor. Accordingly, the Exchange believes that the proposed rule change is reasonable and continues to provide certainty that a Clearing Member would be responsible for a trade, which protects investors and the public interest. Finally, the Exchange believes that adopting paragraph (i) of Rule 6.15–O and would make clear that an intentional misuse of this Rule would be a violation of the Exchange's rules.

The Exchange also believes that the proposed change to Rule 6.46–O would protect investors because it would permit an executing OTP to utilize its error account to CMTA an order through its own clearing relationship. This would preserve executions while accommodating the proposed rule change that could result in an executing OTP not being permissioned to for a particular give-up.

Thus, this proposal would foster cooperation and coordination with persons engaged in facilitating transactions in securities, and remove impediments to and perfect the mechanism of a free and open market and a national market system.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that this proposed rule change would impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The Exchange does not believe that the proposed rule change would impose an unnecessary burden on intramarket competition because it would apply equally to all similarly situated OTPs. The Exchange also notes that, should the proposed changes make the Exchange more attractive for trading, market participants trading on other exchanges can always elect to become OTPs on the Exchange to take advantage of the trading opportunities.

Furthermore, the proposed rule change does not address any competitive issues and ultimately, the target of the Exchange's proposal is to reduce risk for Clearing Members under the current give up model. Clearing firms make financial decisions based on risk and reward, and while it is generally in their beneficial interest to clear transactions for market participants in order to generate profit, it is the Exchange's understanding from SIFMA and clearing firms that the current process can create significant risk when the clearing firm can be given up on any market participant's transaction, even where there is no prior customer relationship or authorization for that designated transaction. In the absence of a mechanism that governs a market participant's use of a Clearing Member's services, the Exchange's proposal may indirectly facilitate the ability of a Clearing Member to manage their existing customer relationships while continuing to allow market participant choice in broker execution services. While Clearing Members may compete with executing brokers for order flow, the Exchange does not believe this proposal imposes an undue burden on competition. Rather, the Exchange believes that the proposed rule change balances the need for Clearing Members to manage risks and allows them to address outlier behavior from executing brokers while still allowing freedom of choice to select an executing broker.

[25] *See* proposed Rule 6.46–O(g). The Exchange also proposes to delete as obsolete reference to Rule 4.21–O, which is currently ''Reserved,'' and therefore an outdated cross-reference. *See id.*

[26] 15 U.S.C. 78f(b).

[27] 15 U.S.C. 78f(b)(5).

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act [28] and Rule 19b–4(f)(6) thereunder.[29] Because the proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act and Rule 19b–4(f)(6)(iii) thereunder.

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B) [30] of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NYSEArca–2019–32 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSEArca–2019–32. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSEArca–2019–32 and should be submitted on or before June 12, 2019.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[31]

Eduardo A. Aleman,

Deputy Secretary.

[FR Doc. 2019–10638 Filed 5–21–19; 8:45 am]

BILLING CODE 8011–01–P

[28] 15 U.S.C. 78s(b)(3)(A)(iii).

[29] 17 CFR 240.19b–4(f)(6).

[30] 15 U.S.C. 78s(b)(2)(B).

[31] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–85872; File No. SR–NYSEArca–2019–34]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Allow $1 Strike Price Intervals Above $200 on Options on the QQQ and IWM Exchange-Traded Funds

May 16, 2019.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on May 10, 2019, NYSE Arca, Inc. (''NYSE Arca'' or the ''Exchange'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Exchange filed the proposal as a ''non-controversial'' proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act [3] and Rule 19b–4(f)(6) thereunder.[4] The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Rule 6.4–O. The proposed rule change is available on the Exchange's website at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(iii).

[4] 17 CFR 240.19b–4(f)(6).

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of this filing is to amend Rule 6.4–O (Series of Options Open for Trading) to allow for the interval between strike prices of series of options on Exchange-Traded Fund Shares (''ETFs'') of the PowerShares QQQ Trust (''QQQ'') and the iShares Russell 2000 Index Fund (''IWM'') to be $1 or greater where the strike price is greater than $200. This proposal would align the rules of the Exchange with that of other options exchanges.[5]

Currently, Commentary .05(d) to Rule 6.4–O allows for the interval between strike prices of series of options on SPDR® S&P 500® ETF (''SPY''), iShares Core S&P 500 ETF (''IVV''), and the SPDR® Dow Jones® Industrial Average ETF (''DIA'') to be $1 or greater where the strike price is greater than $200. Per Commentary .05(a) to Rule 6.4–O, the interval between strike prices of series of options on all other ETFs is currently $5.00 or greater where the strike price is greater than $200. Specifically, the Exchange proposes to modify the interval setting regime to allow $1 strike price intervals where the strike price is above $200 for IWM and QQQ options.[6] The Exchange believes that the proposed rule change would make QQQ and IWM options easier for investors and traders to use and more tailored to their investment needs.

The QQQ and IWM are designed to provide investors different ways to efficiently gain exposure to the equity markets and execute risk management, hedging, asset allocation and income generation strategies. The QQQ is an ETF investment trust designed to closely track the price and performance of a the Nasdaq-100 Index (''NDX''), which represents the largest and most active nonfinancial domestic and international issues listed on The Nasdaq Stock Market based on market capitalization. Likewise, the IWM is an index ETF designed to closely track the price and performance of the Russell 2000 Index (''RUT''), which represents the small capitalization sector of the U.S. equity market. In general, QQQ and IWM options provide investors with the benefit of trading broader markets in a manageably sized contract.

The value of QQQ is designed to approximate 1/40 the value of the underlying NDX. For example, if the NDX price level is 1400, QQQ strike prices generally would be expected to be priced around $35. The value of IWM is designed to approximate 1/10 the value of the underlying, RUT. In the past year, the NDX has climbed above a price level of 7500, and the RUT climbed to a price level of approximately 1700 (both prior to the December 2018 market-wide decline).[7] As the value of the underlying ETF (and the index the ETF tracks) and resulting strike prices for each option continues to appreciate, the Exchange has received requests from OTP Holders and OTP Firms (''OTPs'') to list additional strike prices ($1 increments) in QQQ and IWM options above $200. The QQQ is among the most actively traded ETFs on the market. It is widely quoted as an indicator of technology stock prices and investor confidence in the technology and telecommunication market spaces, a significant indicator of overall economic health. Similarly, IWM is among the most actively traded ETFs on the market and provides investors with an investment tool to gain exposure to small U.S. public companies. Industry-wide trade volume in QQQ more than doubled from 2017 to 2018. As a result, QQQ options and IWM options have grown to become two of the largest options contracts in terms of trading volume. Investors use these products to diversify their portfolios and benefit from market trends.

Accordingly, the Exchange believes that offering a wider base of QQQ and IWM options affords traders and investors important hedging and trading opportunities, particularly in the midst of current price trends. The Exchange believes that not having the proposed $1 strike price intervals above $200 in QQQ and IWM significantly constricts investors' hedging and trading possibilities. The Exchange therefore believes that by having smaller strike intervals in QQQ and IWM, investors would have more efficient hedging and trading opportunities due to the lower $1 interval ascension. The proposed $1 intervals above the $200 strike price will result in having at-the-money series based upon the underlying ETFs moving less than 1%. The Exchange believes that the proposed strike setting regime is in line with the slower movements of broad-based indices. Considering the fact that $1 intervals already exist below the $200 price point and that both QQQ and IWM have consistently inclined in price toward the $200 level, 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. The Exchange believes that the investing, trading, and hedging opportunities available with QQQ and IWM options far outweighs any potential negative impact of allowing QQQ and IWM options to trade in more finely tailored intervals above the $200 price point.

The proposed strike setting regime would permit strikes to be set to more closely reflect the increasing values in the 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. Under the current rule, where the next higher available series would be $5 away above a $200 strike price, the ability to roll such positions is effectively negated. Accordingly, 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%, and would not be able to execute a roll up until such a large movement occurred. As stated, the NDX and RUT have experienced continued, steady growth. The Exchange believes that with the proposed rule change, the investor would be in a significantly safer position of being able to roll his open options position from a $200 to a $201 strike price, which is only a 0.5% move for the underlying.

As a result, the proposed rule change will allow the Exchange to better respond to customer demand for QQQ and IWM strike prices more precisely aligned with the smaller, longer-term incremental increases in respective underlying ETFs. The Exchange believes that the proposed rule change, like the other strike price programs currently offered by the Exchange, will benefit investors by providing investors the flexibility to more closely tailor their investment and hedging decisions using QQQ and IWM options. Moreover, by allowing series of QQQ and IWM options to be listed in $1 intervals between strike prices over $200, the proposal will moderately augment the

[5] *See* Securities Exchange Act Release No. 85754 (April 30, 2019) (SR–CBOE–2019–15) (Order approving proposal to amend Interpretation and Policy .08(b) to Rule 5.5 to allow strike intervals of $1.00 or more on series of options on QQQ and IWM where the strike price is greater than $200). *See also* Securities Exchange Act Release No. 85295 (March 12, 2019), 84 FR 9851 (March 18, 2019) (Notice).

[6] *See* proposed Commentary .05(d) to Rule 6.4–O.

[7] *See* Securities Exchange Act Release No. 82094 (November 16, 2017), 82 FR 55686 (November 22, 2017) (SR–NYSEArca–2017–128) (immediately effective filing to align Exchange rules with other exchanges by amending Exchange strike listing rules to modify the interval setting regimes for SPY and DIA to allow $1 strike price intervals above $200, and noting the price levels for their respective underlying ETFs hovered around 2000 and 1700, comparable to the current NDX and RUT price levels at the time other exchanges filed to modify their strike listing rules).

potential total number of options series available on the Exchange. However, the Exchange believes 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. The Exchange also believes that OTPs will not have a capacity issue due to the proposed rule change. In addition, the Exchange represents that it does not believe that this expansion will cause fragmentation of liquidity, but rather, believes that finer strike intervals will serve to increase liquidity available as well as price efficiency by providing more trading opportunities for all market participants.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the ''Act'') and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[8] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[9] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest.

In particular, the proposed rule change to Commentary .05(d) to Rule 6.4–O would allow investors to more easily use QQQ and IWM options. Moreover, the proposed rule change would allow investors to better trade and hedge positions in QQQ and IWM options where the strike price is greater than $200, and ensure that investors in both options are not at a disadvantage simply because of the strike price.

The Exchange believes the proposed rule change is consistent with Section 6(b)(1) of the Act, which provides that the Exchange be organized and have the capacity to be able to carry out the purposes of the Act and the rules and regulations thereunder, and the rules of the Exchange. The rule change proposal allows the Exchange to respond to customer demand to allow QQQ and IWM options to trade in $1 intervals above a $200 strike price. The Exchange does not believe that the proposed rule would create additional capacity issues or affect market functionality.

As noted above, ETF options trade in wider $5 intervals above a $200 strike price, whereby options at or below a $200 strike price trade in $1 intervals. This creates a situation where contracts on the same option class effectively may not be able to execute certain strategies such as, for example, rolling to a higher strike price, simply because of the $200 strike price above which options intervals increase by 500%. This proposal remedies the situation by establishing an exception to the current ETF interval regime for QQQ and IWM options to allow such options to trade in $1 or greater intervals at all strike prices. The Exchange believes that the proposed rule change, like other strike price programs currently offered by the Exchange, will benefit investors by giving them increased flexibility to more closely tailor their investment and hedging decisions. Moreover, the proposed rule change is consistent with current strike intervals on options on DIA and SPY and align with rules in place for similarly situated options and their underlying ETFs.[10]

With regard to the impact of this proposal on system capacity, the Exchange believes it and OPRA have the necessary systems capacity to handle any potential additional traffic associated with this proposed rule change. The Exchange believes that its members will not have a capacity issue as a result of this proposal.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change would impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. Rather, the proposed rule change would enable the Exchange to better compete with other options exchanges that have already adopted the proposed strike setting regime.[13] Although the Exchange is able to match strikes listed by other exchanges, this proposal would allow the initiate strikes in QQQ and IWM regardless of strikes listed on other exchanges, which should help level the playing field for investors investing in, trading and utilizing hedging strategies on these options.

Moreover, the Exchange believes that the proposed rule change would result in additional investment options and opportunities to achieve the investment and trading objectives of market participants seeking efficient trading and hedging vehicles, to the benefit of investors, market participants, and the marketplace in general. Specifically, the Exchange believes that QQQ and IWM options investors and traders will significantly benefit from the availability of finer strike price intervals above a $200 price point. In addition, the interval setting regime the Exchange proposes to apply to QQQ and IWM options is currently applied to SPY, IVV, and DIA options, which are similarly popular and widely traded ETF products and track indexes at similarly high price levels. Thus, the proposed strike setting regime for QQQ and IWM options would allow options on the most actively traded ETFs with index levels at corresponding price levels to trade pursuant to the same strike setting regime, which would, in turn, enable investors to employ similar investment and hedging strategies for each of these options.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act[11] and Rule 19b–4(f)(6) thereunder.[12]

A proposed rule change filed pursuant to Rule 19b–4(f)(6) under the Act[13] normally does not become operative for 30 days after the date of its filing. However, Rule 19b–4(f)(6)(iii)[14] permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has requested that the Commission waive the 30-day operative delay so that the

[8] 15 U.S.C. 78f(b).

[9] 15 U.S.C. 78f(b)(5).

[10] *See supra* notes 7 and 5, respectively.

[11] 15 U.S.C. 78s(b)(3)(A).

[12] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[13] 17 CFR 240.19b–4(f)(6).

[14] 17 CFR 240.19b–4(f)(6)(iii).

proposed rule change may become operative upon filing. The Exchange asserts that waiving the operative delay would be consistent with the protection of investors and the public interest because the proposed rule change would respond to investor demand and allow the Exchange to implement the modified rule, which aligns with the rules of other options exchanges, without delay. The Commission believes that the proposal raises no new or substantive issues and that waiver of the 30-day operative delay is consistent with the protection of investors and the public interest. The Commission hereby waives the operative delay and designates the proposed rule change operative upon filing.[15]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NYSEArca–2019–34 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSEArca–2019–34. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSEArca–2019–34 and should be submitted on or before June 12, 2019.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[16]

Eduardo A. Aleman,

Deputy Secretary.

[FR Doc. 2019–10639 Filed 5–21–19; 8:45 am]

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[15] For purposes only of waiving the 30-day operative delay, the Commission also has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[16] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–85873; File No. SR–OCC–2019–002]

Self-Regulatory Organizations; The Options Clearing Corporation; Order Approving Proposed Rule Change Related to The Options Clearing Corporation's Margin Methodology for Volatility Index Futures

May 16, 2019.

I. Introduction

On March 18, 2019, the Options Clearing Corporation (''OCC'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change SR–OCC–2019–002 (''Proposed Rule Change'') pursuant to Section 19(b) of the Securities Exchange Act of 1934 (''Exchange Act'')[1] and Rule 19b–4[2] thereunder to propose changes to OCC's margin methodology for futures on indices designed to measure volatilities implied by prices of options on a particular underlying interest (such indexes being ''Volatility Indexes'' and futures contracts on such Volatility Indexes being ''Volatility Index Futures.'').[3]

The Proposed Rule Change was published for public comment in the **Federal Register** on April 3, 2019,[4] and the Commission received no comments regarding the Proposed Rule Change. This order approves the Proposed Rule Change.

II. Background

The System for Theoretical Analysis and Numerical Simulations (''STANS'') is OCC's methodology for calculating Clearing Member margin requirements. STANS includes econometric models to forecast price and volatility movements in determining Clearing Member margin requirements, which are calculated at the portfolio level of Clearing Member accounts with positions in marginable securities.[5] The STANS methodology measures the exposure of portfolios containing options, futures, and cash instruments.

Certain indices are designed to measure the volatility implied by the prices of options on a particular reference index or asset (''Volatility Indexes'').[6] OCC clears futures contracts

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Notice of Filing *infra* note 4, at 84 FR 13082.

[4] Securities Exchange Act Release No. 85440 (Mar. 28, 2019), 84 FR 13082 (Apr. 3, 2019) (SR–OCC–2019–002) (''Notice of Filing''). OCC also filed a related advance notice (SR–OCC–2019–801) (''Advance Notice'') with the Commission pursuant to Section 806(e)(1) of Title VIII of the Dodd-Frank Wall Street Reform and Consumer Protection Act, entitled the Payment, Clearing, and Settlement Supervision Act of 2010 and Rule 19b–4(n)(1)(i) under the Act. 12 U.S.C. 5465(e)(1). 15 U.S.C. 78s(b)(1) and 17 CFR 240.19b–4, respectively. The Advance Notice was published in the **Federal Register** on April 23, 2019. Securities Exchange Act Release No. 85670 (Apr. 17, 2019), 84 FR 16915 (Ap. 23, 2019) (SR–OCC–2019–801).

[5] *See* Notice of Filing, 84 FR at 13083.

[6] For example, the Cboe Volatility Index (''VIX'') is designed to measure the 30-day expected volatility of the Standard & Poor's 500 index (''SPX''). Generally speaking, the implied volatility of an option is a measure of the expected future volatility of the value of the option's annualized standard deviation of the price of the underlying security, index, or future at exercise, which is reflected in the current option premium in the market. Using the Black-Scholes options pricing model, the implied volatility is the standard deviation of the underlying asset price necessary to arrive at the market price of an option of a given strike, time to maturity, underlying asset price and the current risk-free rate. In effect, the implied volatility is responsible for that portion of the premium that cannot be explained by the then-current intrinsic value (*i.e.,* the difference between the price of the underlying and the exercise price

on Volatility Indexes (''Volatility Index Futures''). Currently, OCC models the future settlement prices of Volatility Index Futures in STANS based on the index underlying the futures contract. In this modeling process, OCC assumes that the values of the underlying index follow a long-term stable process, notwithstanding any short-term fluctuations. On a daily basis, OCC recalibrates the distribution that defines this process so that the expected final settlement prices of the Volatility Index Futures match the then currently-observed market prices.

OCC's current methodology for modeling future settlement prices of Volatility Index Futures is subject to certain limitations because the model is based on the Volatility Indexes underlying the relevant futures contracts. First, Volatility Indexes cannot be invested in and, therefore, cannot be replicated by static portfolios of traded contracts. Second, the term structure of the futures market cannot be modeled using just the underlying Volatility Indexes.[7] Finally, because of the term structure of the futures market, futures on a volatility index are less volatile and may have a lower probability of extreme price movements than the underlying index itself. Additionally, due to the limitations of modeling the term structure, the current model may under-margin positions in certain strategies that Clearing Members may deploy that involve spreads between delivery dates.

The Proposed Rule Change includes changes that OCC believes would address the limitations described above. The construction of and reliance on ''synthetic'' futures is essential to the changes that OCC proposes.[8] According to OCC, its current model was developed before sufficient data on Volatility Index Futures was available for the construction of synthetic futures.[9] OCC also represented that, in recent years, it has seen significant growth in trading volume for Volatility Index Futures.[10] As described in more detail below, OCC proposes to: (1) Estimate future settlement prices based on synthetic futures rather than the Volatility Indexes underlying Volatility Index Futures; (2) modify the statistical distribution that OCC uses to model price returns of the synthetic futures; and (3) introduce an anti-procyclical floor to reduce the potential for sudden increases in margin requirements that could result from corrections in abnormally low levels of volatility.

(1) Daily Re-Estimation of Prices Using ''Synthetic'' Futures

OCC proposes to modify the way it estimates future settlement prices for Volatility Index Futures. OCC currently models future settlement prices based on the index underlying the futures contract. OCC proposes to model the distribution of future settlement prices based on synthetic futures. Such synthetic futures would be based on the historical returns of futures contracts with approximately the same tenor. For any one underlying interest, there may be a variety of futures contracts with varying expiry dates. As a result of this variety of contracts and maturities, there is no single, continuous times series for the various futures that reference a given underlying interest. Synthetic futures, however, can be used to generate a continuous time series of prices for each futures contract across multiple expirations.

OCC proposes to use the price return histories of synthetic futures in its daily price simulation process alongside the underlying interests of OCC's other cleared and cross-margin products and collateral. OCC believes that the use of synthetic futures would allow OCC's margin system to better approximate correlations between futures contracts of different tenors by creating more price data points and margin offsets.

OCC proposes to update the historical synthetic time series for Volatility Indexes daily. OCC would then map this time series to the corresponding futures contracts. Following the expiration date of the front contract (*i.e.,* the futures contract with the earliest expiration date), each contract within a time series would be replaced with a contract maturing one month later. While synthetic time series contain returns from different contracts, a return on any given date would be constructed from prices of a single contract. OCC would estimate the distribution parameters for synthetic time series daily using recent historical observations. OCC believes that daily re-estimation of prices using synthetic futures instead of the current process, which is based solely on the underlying Volatility Indexes, would allow OCC's model for Volatility Index Futures to more accurately reflect current market conditions and achieve better margin coverage across the term curve.[11] Thus, OCC believes the proposed changes would result in margin requirements that respond more appropriately to changes in market volatility and therefore are more accurate for Clearing Members.[12]

(2) Statistical Distribution for Modeling Price Returns

OCC proposes to modify the statistical distribution it uses to model price returns of synthetic futures. The model that OCC currently uses for modeling price returns across its margin system, including for Volatility Index Futures, assumes a symmetric distribution of returns. OCC believes, however, that an asymmetric distribution would better fit the historical data underlying synthetic futures.[13] OCC also believes that employing an asymmetric distribution for modeling price returns of synthetic futures would provide a more consistent framework for treatment of returns on both the upside and downside of the distribution.[14]

(3) Anti-Procyclical Floor

OCC proposes to introduce a new floor for variance estimates of the Volatility Index Futures. OCC would calculate this variance floor based on the Volatility Indexes underlying the Volatility Index Futures. As noted above, OCC assumes that the values of the underlying index follow a long-term stable process, notwithstanding any short-term fluctuations. OCC anticipates that such a floor would prevent sudden increases in margin requirements that would otherwise result from the normalization of volatility from abnormally low levels.[15]

III. Discussion and Commission Findings

Section 19(b)(2)(C) of the Exchange Act directs the Commission to approve a proposed rule change of a self-regulatory organization if it finds that such proposed rule change is consistent with the requirements of the Exchange Act and the rules and regulations thereunder applicable to such organization.[16] After carefully considering the Proposed Rule Change, the Commission finds the proposal is consistent with the requirements of the Exchange Act and the rules and regulations thereunder applicable to

of the option) of the option, discounted to reflect its time value. *See* Notice, 84 FR at 13083, n. 10.

[7] Similar to a stock index (*e.g.,* SPX), a Volatility Index does not have an expiration. By contrast, there may be a variety of futures contracts with varying expiry dates on any one Volatility Index. For example, the VIX does not have an expiration date, but market participants may trade VIX futures that expire on different dates.

[8] A ''synthetic'' futures time series refers to a uniform substitute for a time series of daily settlement prices for actual futures contracts. Such a time series would be based on the historical returns of futures contracts with approximately the same tenor.

[9] *See* Notice, 84 FR at 13084.

[10] *See id.*

[11] *See* Notice, 84 FR at 13085.

[12] *See id.*

[13] *See id.*

[14] *See id.*

[15] *See id.*

[16] 15 U.S.C. 78s(b)(2)(C).

OCC. More specifically, the Commission finds that the proposal is consistent with Section 17A(b)(3)(F) of the Exchange Act [17] and Rule 17Ad–22(e)(6)(i) thereunder.[18]

A. Consistency With Section 17A(b)(3)(F) of the Exchange Act

Section 17A(b)(3)(F) of the Exchange Act requires that the rules of a clearing agency be designed to, among other things, assure the safeguarding of securities and funds which are in the custody or control of the clearing agency or for which it is responsible.[19] Based on its review of the record, the Commission believes that the proposed changes are designed to assure the safeguarding of securities and funds which are in OCC's custody or control for the reasons set forth below.

OCC manages its credit exposure to Clearing Members, in part, through the collection of collateral based on OCC's margin methodology. As noted above, OCC's current process for setting margin requirements to collateralize risks posed by Volatility Index Futures is limited because the model is based on the Volatility Indexes underlying the relevant futures contracts. These limitations relate, in part, to the term structure of the futures market, which is not an attribute of the underlying Volatility Indexes. By contrast, synthetic futures, like those proposed by OCC, can be used to generate a continuous time series of prices for each futures contract across multiple expirations. Additionally, OCC proposes to modify the statistical distribution that it uses to model price returns of synthetic futures such that the resulting curve would better fit the historical data. Finally, OCC proposes to reduce the potential for sudden margin increases resulting from market corrections of abnormally low volatility levels through the implementation of a floor on variance estimates for Volatility Index Futures. The Commission believes that OCC's proposal to use synthetic futures to model Volatility Index Futures contracts, taken together with modification of the relevant statistical distribution and inclusion of a variance floor, is designed to address a known limitation of OCC's current models—namely an inability to account for the term structure of Volatility Index Futures—and produce margin requirements that respond more appropriately to market volatility. The Commission believes that rules designed to set margin requirements that respond more appropriately to market volatility would support OCC's ability to determine the amount of collateral it must collect to manage potential credit losses that could arise out of a Clearing Member's default during normal market conditions. Further, the Commission believes that the effective management of potential credit losses that could arise out of a Clearing Member default would support the safeguarding of the securities and funds of non-defaulting Clearing Members within OCC's control. Accordingly, and for the reasons stated above, the Commission believes that the Proposed Rule Change is consistent with Section 17A(b)(3)(F) of the Exchange Act.[20]

B. Consistency With Rule 17Ad–22(e)(6)(i) Under the Exchange Act

Rule 17Ad–22(e)(6)(i) under the Exchange Act requires that a covered clearing agency establish, implement, maintain, and enforce written policies and procedures reasonably designed to cover, if the covered clearing agency provides central counterparty services, its credit exposures to its participants by establishing a risk-based margin system that, at a minimum, considers, and produces margin levels commensurate with, the risks and particular attributes of each relevant product, portfolio, and market.[21]

OCC proposes to base its estimation of final settlement prices for Volatility Index Futures on synthetic futures rather than the Volatility Indexes underlying Volatility Index Futures. As described above, a margin process based on synthetic futures, as opposed to an underlying index, could more accurately model future price movements for Volatility Index Futures because the synthetic futures can be used to generate a continuous time series of futures contract prices across multiple expirations, while the underlying index alone is insufficient to model the term structure of the futures market. OCC further proposes to adjust the econometric model that it would use to estimate final settlement prices by applying a distribution that better fits observable data of the Volatility Index Futures. Finally, OCC's proposal includes a variance estimate floor to avoid sudden margin increases where the immediate volatility of the Volatility Index Futures deviates significantly from the long-run volatility of the underlying index. The Commission believes, therefore, that OCC's proposal is designed to better account for the term structure of futures contracts, align margin requirements with observable data, and incorporate historical volatility data, thereby producing margin levels commensurate with the particular attributes of Volatility Index Futures. Further, the Commission believes the proposed changes could result in margin requirements that respond more appropriately to changes in market volatility.

Accordingly, based on the foregoing, the Commission believes that the proposed change to OCC's margin methodology for Volatility Index Futures is consistent with Exchange Act Rule 17Ad–22(e)(6)(i).[22]

IV. Conclusion

On the basis of the foregoing, the Commission finds that the Proposed Rule Change is consistent with the requirements of the Exchange Act, and in particular, the requirements of Section 17A of the Exchange Act [23] and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Exchange Act,[24] that the Proposed Rule Change (SR–OCC–2019–002) be, and hereby is, approved.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[25]

Eduardo A. Aleman,

Deputy Secretary.

[FR Doc. 2019–10640 Filed 5–21–19; 8:45 am]

BILLING CODE 8011–01–P

[17] 15 U.S.C. 78q–1(b)(3)(F).

[18] 17 CFR 240.17Ad–22(e)(6)(i).

[19] 15 U.S.C. 78q–1(b)(3)(F).

[20] *Id.*

[21] 17 CFR 240.17Ad–22(e)(6)(i).

[22] *Id.*

[23] In approving this Proposed Rule Change, the Commission has considered the proposed rules' impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[24] 15 U.S.C. 78s(b)(2).

[25] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #15853 and #15854; Louisiana Disaster Number LA–00087]

Administrative Declaration of a Disaster for the State of Louisiana

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 1.

SUMMARY: This is an amendment of the Administrative declaration of a disaster for the State of Louisiana dated 01/23/2019.

Incident: Severe Weather and Flooding.

Incident Period: 12/26/2018 through 02/07/2019.

DATES: Issued on 05/14/2019.

Physical Loan Application Deadline Date: 03/25/2019.

Economic Injury (EIDL) Loan Application Deadline Date: 10/23/2019.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: The notice of an Administrative declaration for the State of Louisiana, dated 01/23/2019, is hereby amended to establish the incident period for this disaster as beginning 12/26/2018 and continuing through 02/07/2019.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Number 59008)

Dated: May 14, 2019.

Christopher M. Pilkerton,

Acting Administrator.

[FR Doc. 2019–10613 Filed 5–21–19; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #15958 and #15959; OKLAHOMA Disaster Number OK–00129]

Administrative Declaration of a Disaster for the State of Oklahoma

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a notice of an Administrative declaration of a disaster for the State of Oklahoma dated 05/15/2019.

Incident: Tornadoes, Severe Storms, Straight-line Winds and Flooding.

Incident Period: 04/30/2019 through 05/10/2019.

DATES: Issued on 05/15/2019.

Physical Loan Application Deadline Date: 07/15/2019.

Economic Injury (EIDL) Loan Application Deadline Date: 02/18/2020.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street, SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the Administrator's disaster declaration, applications for disaster loans may be filed at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Bryan, Pittsburg

Contiguous Counties:

Oklahoma: Atoka, Choctaw, Coal, Haskell, Hughes, Johnston, Latimer, Marshall, Mcintosh, Pushmataha.

Texas: Fannin, Grayson, Lamar.

The Interest Rates are:

	Percent
For Physical Damage:	
Homeowners with Credit Available Elsewhere	3.875
Homeowners without Credit Available Elsewhere	1.938
Businesses with Credit Available Elsewhere	8.000
Businesses without Credit Available Elsewhere	4.000
Non-Profit Organizations with Credit Available Elsewhere	2.750
Non-Profit Organizations without Credit Available Elsewhere	2.750
For Economic Injury:	
Businesses & Small Agricultural Cooperatives without Credit Available Elsewhere	4.000
Non-Profit Organizations without Credit Available Elsewhere	2.750

The number assigned to this disaster for physical damage is 15958 B and for economic injury is 15959 0.

The States which received an EIDL Declaration # are Oklahoma, Texas.

(Catalog of Federal Domestic Assistance Number 59008)

Dated: May 15, 2019.

Christopher M. Pilkerton,

Acting Administrator.

[FR Doc. 2019–10595 Filed 5–21–19; 8:45 am]

BILLING CODE 8025–01–P

SOCIAL SECURITY ADMINISTRATION

[Docket No: SSA–2019–0020]

Agency Information Collection Activities: Proposed Request and Comment Request

The Social Security Administration (SSA) publishes a list of information collection packages requiring clearance by the Office of Management and Budget (OMB) in compliance with Public Law 104–13, the Paperwork Reduction Act of 1995, effective October 1, 1995. This notice includes revisions of OMB-approved information collections.

SSA is soliciting comments on the accuracy of the agency's burden estimate; the need for the information; its practical utility; ways to enhance its quality, utility, and clarity; and ways to minimize burden on respondents, including the use of automated collection techniques or other forms of information technology. Mail, email, or fax your comments and recommendations on the information collection(s) to the OMB Desk Officer and SSA Reports Clearance Officer at the following addresses or fax numbers.

(OMB) Office of Management and Budget, Attn: Desk Officer for SSA, Fax: 202–395–6974, Email address: *OIRA_Submission@omb.eop.gov*

(SSA) Social Security Administration, OLCA, Attn: Reports Clearance Director, 3100 West High Rise, 6401 Security Blvd., Baltimore, MD 21235, Fax: 410–966–2830, Email address: *OR.Reports.Clearance@ssa.gov*

Or you may submit your comments online through *www.regulations.gov,* referencing Docket ID Number [SSA–2019–0020].

I. The information collections below are pending at SSA. SSA will submit them to OMB within 60 days from the date of this notice. To be sure we consider your comments, we must receive them no later than July 22, 2019. Individuals can obtain copies of the collection instruments by writing to the above email address.

1. Representative Payee Evaluation Report—20 CFR 404.2065 & 416.665—0960–0069. Sections 205(j) and 1631(a)(2) of the Social Security Act (Act) state that SSA may authorize payment of Social Security benefits or Supplemental Security Income (SSI) payments to a representative payee on behalf of individuals unable to manage, or direct the management of, those funds themselves. SSA requires appointed representative payees to report once each year on how they used or conserved those funds. When a representative payee fails to adequately report to SSA as required, SSA conducts a face-to-face interview with the payee and completes Form SSA–624–F5, Representative Payee Evaluation Report, to determine the continued suitability of the representative payee to serve as a payee. In addition to interviewing the representative payee, we also interview the recipient, and custodian (if other than the payee), to confirm the information the payee provides, and to ensure the payee is meeting the recipient's current needs. The respondents are individuals or organizations serving as representative payees for individuals receiving Title II

benefits or Title XVI payments, and who fail to comply with SSA's statutory annual reporting requirement, and the recipients for whom they act as payee.

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)
SSA–624–F5—Individuals	6,956	1	30	3,478
SSA–624–F5—State and Local Government	40	1	30	20
SSA–624–F5—Businesses	280	1	30	140
Totals	7,276			3,638

2. *Application for Benefits Under the Italy-U.S. International Social Security Agreement—20 CFR 404.1925—0960–0445.* As per the November 1, 1978 agreement between the United States and Italian Social Security agencies, residents of Italy filing an application for U.S. Social Security benefits directly with one of the Italian Social Security agencies must complete Form SSA–2528–IT. SSA uses Form SSA–2528–IT to establish age, relationship, citizenship, marriage, death, military service, or to evaluate a family bible or other family record when determining eligibility for U.S. benefits. The Italian Social Security agencies assist applicants in completing Form SSA–2528–IT, and then forward the application to SSA for processing. The respondents are individuals living in Italy who wish to file for U.S. Social Security benefits.

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)
SSA–2528–IT	300	1	20	100

3. Agency/Employer Government Pension Offset Questionnaire—20 CFR 404.408(a)—0960–0470. When an individual is concurrently receiving Social Security spousal, or surviving spousal, benefits, and a government pension, the individual may have the amount of Social Security benefits reduced by the government pension amount. This is the Government Pension Offset (GPO). SSA uses Form SSA–L4163 to collect accurate pension information from the Federal or State government agency paying the pension for purposes of applying the pension offset provision. SSA uses this form only when: (1) The claimant does not have the information; and (2) the pension-paying agency has not cooperated with the claimant. Respondents are State government agencies, which have information SSA needs to determine if the GPO applies, and the amount of offset.

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)
SSA–L4163	2,911	1	3	146

4. Plan to Achieve Self-Support (PASS)—20 CFR 416.110(e), 416.1180–1182, 416.1225–1227—0960–0559. The SSI program encourages recipients to return to work. One of the program objectives is to provide incentives and opportunities that help recipients toward employment. The PASS provision allows individuals to use available income or resources (such as business equipment, education, or specialized training) to enter or re-enter the workforce and become self-supporting. In turn, SSA does not count the income or resources recipients use to fund a PASS when determining an individual's SSI eligibility or payment amount. An SSI recipient who wants to use available income and resources to obtain education or training to become self-supporting completes Form SSA–545. SSA uses the information from the SSA–545 to evaluate the recipient's PASS, and to determine eligibility under the provisions of the SSI program. The respondents are SSI recipients who want to develop a return-to-work plan.

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)
SSA–545	7,000	1	120	14,000

5. Complaint Form for Allegations of Discrimination in Programs or Activities Conducted by the Social Security Administration—0960–0585. SSA uses Form SSA–437 to investigate and formally resolve complaints of discrimination based on disability; race; color; national origin (including limited English language proficiency); sex (including sexual orientation and gender identity); age; religion; or retaliation for having participated in a proceeding under this administrative complaint process in connection with an SSA program or activity. Individuals who believe SSA discriminated against them on any of the above bases may file a written complaint of discrimination. SSA uses the information to: (1) Identify the complaint; (2) identify the alleged discriminatory act; (3) establish the date of the alleged action; (4) establish the identity of any individual(s) with information about the alleged discrimination; and (5) establish other relevant information that would assist in the investigation and resolution of the complaint. Respondents are individuals who believe an SSA program or activity, or SSA employees, contractors or agents, discriminated against them.

Type of Request: Revision on an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)
SSA–437	255	1	60	255

6. Supplemental Security Income Wage Reporting (Telephone and Mobile)—20 CFR 416.701–732—0960–0715. SSA requires SSI recipients to report changes which could affect their eligibility for, and the amount of, their SSI payments, such as changes in income, resources, and living arrangements. SSA's SSI Telephone Wage Reporting (SSITWR) and SSI Mobile Wage Reporting (SSIMWR) enable SSI recipients to meet these requirements via an automated mechanism to report their monthly wages by telephone and mobile application, instead of contacting their local field offices. The SSITWR allows callers to report their wages by speaking their responses through voice recognition technology, or by keying in responses using a telephone key pad. The SSIMWR allows recipients to report their wages through the mobile wage reporting application on their smartphone. SSITWR and SSIMWR systems collect the same information and send it to SSA over secure channels. To ensure the security of the information provided, SSITWR and SSIMWR ask respondents to provide information SSA can compare against our records for authentication purposes. Once the system authenticates the identity of the respondents, they can report their wage data. The respondents are SSI recipients, deemors, or their representative payees.

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Number of responses	Average burden per response (minutes)	Estimated total annual burden (hours)
Training/Instruction *	103,000	1	103,000	35	60,083
SSITWR	26,000	12	312,000	5	26,000
SSIMWR	77,000	12	924,000	3	46,200
Totals	* 103,000		1,339,000		132,283

* **Note:** The same 103,000 respondents are completing training and a modality of collection, therefore the actual total number of respondents is still 103,000.

7. Technical Updates to Applicability of the Supplemental Security Income (SSI) Reduced Benefit Rate for Individuals Residing in Medical Treatment Facilities—20 CFR 416.708(k)—0960–0758. Section 1611(e)(1)(A) of the Act specifies residents of public institutions are ineligible for SSI. However, Sections 1611(e)(1)(B) and (G) of the Act list certain exceptions to this provision, making it necessary for SSA to collect information about SSI recipients who enter or leave a medical treatment facility or other public or private institution. SSA's regulation 20 CFR 416.708(k) establishes the reporting guidelines that implement this legislative requirement. SSA uses this information collection to determine SSI eligibility or the benefit amount for SSI recipients who enter or leave institutions. SSA personnel collect this information directly from SSI recipients, or from someone reporting on their behalf. An SSI recipient who enters an institution may be unable to report; therefore, a family member sometimes makes this report on behalf of the recipient. When contacting SSA, the recipient, or family member of the recipient, provides the name of the institution, the date of admission, and the expected date of discharge. The respondents are SSI recipients who enter or leave an institution, or individuals reporting on their behalf.

Type of Request: Extension of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)
Technical Updates Statement	34,200	1	7	3,990

8. Waiver of Supplemental Security Income Payment Continuation—20 CFR 416.1400–416.1422—0960–0783. SSI recipients who wish to discontinue their SSI payments while awaiting a determination on their appeal complete Form SSA–263–U2, Waiver of Supplemental Security Income Payment Continuation, to inform SSA of this decision. SSA collects the information to determine whether the SSI recipient meets the provisions of The Social Security Act regarding waiver of payment continuation and as proof respondents no longer want their payments to continue. Respondents are recipients of SSI payments who wish to discontinue receipt of payment while awaiting a determination on their appeal.

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)
SSA–263–U2	3,000	1	5	250

II. SSA submitted the information collections below to OMB for clearance. Your comments regarding these information collections would be most useful if OMB and SSA receive them 30 days from the date of this publication. To be sure we consider your comments, we must receive them no later than June 21, 2019. Individuals can obtain copies of the OMB clearance packages by writing to *OR.Reports.Clearance@ssa.gov.*

1. Supplemental Statement Regarding Farming Activities of Person Living Outside the U.S.A.—0960–0103. When a beneficiary or claimant reports farm work from outside the United States, SSA documents this work on Form SSA–7163A–F4. Specifically, SSA uses the form to determine if we should apply foreign work deductions to the recipient's Title II benefits. We collect the information either annually or every other year, depending on the respondent's country of residence. Respondents are Social Security recipients engaged in farming activities outside the United States.

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)
SSA–7163A–F4	1,000	1	60	1,000

2. Information About Joint Checking/Savings Account—20 CFR 416.1201 and 416.1208—0960–0461. SSA considers a person's resources when evaluating eligibility for SSI. Generally, we consider funds in checking and savings accounts as resources owned by the individuals whose names appear on the account. However, individuals applying for SSI may rebut this assumption of ownership in a joint account by submitting certain evidence to establish the funds do not belong to them. SSA uses Form SSA–2574 to collect information from SSI applicants and recipients who object to the assumption that they own all or part of the funds in a joint checking or savings account bearing their names. SSA collects information about the account from both the SSI applicant or recipient and the other account holder(s). After receiving the completed form, SSA determines if we should consider the account to be a resource for the SSI applicant and recipient. The respondents are applicants and recipients of SSI, and individuals who list themselves as joint owners of financial accounts with SSI applicants or recipients.

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)
SSA–2574—Paper version	50,000	1	7	5,833
Intranet version (SSI Claims System)	150,000	1	7	17,500
Totals	200,000			23,333

3. *Employer Verification of Earnings After Death—20 CFR 404.821 and 404.822—0960–0472.* When SSA records show a wage earner is deceased, and we receive wage reports from an employer for the wage earner for a year subsequent to the year of death, SSA mails the employer Form SSA–L4112 (Employer Verification of Earnings After Death). SSA uses the information Form SSA–L4112 provides to verify wage information previously received from the employer is correct for the employee and the year in question. The respondents are employers who report wages for employees who died.

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)
SSA–L4112	54,998	1	10	9,166

4. Certificate of Election for Reduced Widow(er)s and Surviving Divorced Spouse's Benefits—20 CFR 404.335—0960–0759. Section 202(q) of the Act provides SSA the authority to reduce benefits under certain conditions when elected by a Title II beneficiary. However, reduced benefits are not payable to an already entitled spouse (or divorced spouse) who:

- Is at least age 62 and under full retirement age in the month of the number holder's death; and
- Is receiving both reduced spouse's (or divorced spouse's) benefits and either retirement or disability benefits in the month before the month of the number holder's death.

To elect reduced widow(er) benefits, a recipient completes Form SSA–4111. SSA uses the information collected to pay a qualified dually entitled widow(er) (or surviving divorced spouse) who elects to receive a reduced widow(er) benefit. The respondents are qualified dually entitled widow(er)s (or surviving divorced spouse) who elect to receive a reduced widow(er) benefit.

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)
SSA–4111	30,000	1	2	1,000

Dated: May 17, 2019.

Naomi Sipple,

Reports Clearance Officer, Social Security Administration.

[FR Doc. 2019–10670 Filed 5–21–19; 8:45 am]

BILLING CODE 4191–02–P

DEPARTMENT OF STATE

[Public Notice: 10773]

Imposition of Nonproliferation Measures Against Foreign Persons, Including a Ban on U.S. Government Procurement

AGENCY: Bureau of International Security and Nonproliferation, Department of State.

ACTION: Notice.

SUMMARY: A determination has been made that a number of foreign persons have engaged in activities that warrant the imposition of measures pursuant to Section 3 of the Iran, North Korea, and Syria Nonproliferation Act.

DATES: The imposition of measures pursuant to Section 3 of the Iran, North Korea, and Syria Nonproliferation Act described in this notice went into effect May 14, 2019.

FOR FURTHER INFORMATION CONTACT: On general issues: Pam Durham, Office of Missile, Biological, and Chemical Nonproliferation, Bureau of International Security and Nonproliferation, Department of State, Telephone (202) 647–4930. For U.S. Government procurement ban issues: Eric Moore, Office of the Procurement Executive, Department of State, Telephone: (703) 875–4079.

SUPPLEMENTARY INFORMATION: On May 14, 2019, the U.S. Government applied the measures authorized in Section 3 of the Iran, North Korea, and Syria Nonproliferation Act (Pub. L. 109–353) against the following foreign persons identified in the report submitted pursuant to Section 2(a) of the Act:

Abascience Tech Co., Ltd. (China) and any successor, sub-unit, or subsidiary thereof;

Emily Liu [a.k.a. Emily Lau, Liu Baoxia] (Chinese individual);

Hope Wish Technologies Incorporated (China) and any successor, sub-unit, or subsidiary thereof;

Jiangsu Tianyuan Metal Powder Co Ltd (China) and any successor, sub-unit, or subsidiary thereof;

Li Fangwei [a.k.a. Karl Lee] (Chinese individual);

Raybeam Optronics Co., Ltd (China) and any successor, sub-unit, or subsidiary thereof;

Ruan Runling [a.k.a. Ricky Runling, Ricky Ruan] (Chinese individual);

Shanghai North Begins (China) and any successor, sub-unit, or subsidiary thereof;

Sinotech (Dalian) Carbon and Graphite Corporation (SCGC) (China) and any successor, sub-unit, or subsidiary thereof;

Sun Creative Zhejiang Technologies Inc (China) and any successor, sub-unit, or subsidiary thereof;

T-Rubber Co. Ltd (China) and any successor, sub-unit, or subsidiary thereof;

Wuhan Sanjiang Import and Export Co Ltd (China) and any successor, sub-unit, or subsidiary thereof;

Yenben Yansong Zaojiu Co Ltd (China) and any successor, sub-unit, or subsidiary thereof;

Defense Industries Organization (Iran) and any successor, sub-unit, or subsidiary thereof;

Gatchina Surface-to-Air Missile (SAM) Training Center (Russia) and any successor, sub-unit, or subsidiary thereof;

Instrument Design Bureau (KBP) Tula (Russia) and any successor, sub-unit, or subsidiary thereof;

Moscow Machine Building Plant Avangard (MMZ Avangard) (Russia) and any successor, sub-unit, or subsidiary thereof;

Army Supply Bureau (ASB) (Syria) and any successor, sub-unit, or subsidiary thereof;

Lebanese Hizballah (Syria) and any successor, sub-unit, or subsidiary thereof;

Megatrade (Syria) and any successor, sub-unit, or subsidiary thereof;

Syrian Air Force (Syria) and any successor, sub-unit, or subsidiary thereof; and

Syrian Scientific Studies and Research Center (SSCR) (Syria) and any successor, sub-unit, or subsidiary thereof.

The Act provides for penalties on foreign entities and individuals for the transfer to or acquisition from Iran since January 1, 1999; the transfer to or acquisition from Syria since January 1, 2005; or the transfer to or acquisition from North Korea since January 1, 2006, of goods, services, or technology

controlled under multilateral control lists (Missile Technology Control Regime, Australia Group, Chemical Weapons Convention, Nuclear Suppliers Group, Wassenaar Arrangement) or otherwise having the potential to make a material contribution to the development of weapons of mass destruction (WMD) or cruise or ballistic missile systems. The latter category includes (a) items of the same kind as those on multilateral lists but falling below the control list parameters when it is determined that such items have the potential of making a material contribution to WMD or cruise or ballistic missile systems, (b) items on U.S. national control lists for WMD/missile reasons that are not on multilateral lists, and (c) other items with the potential of making such a material contribution when added through case-by-case decisions.

Accordingly, pursuant to Section 3 of the Act, the following measures are imposed on these persons:

1. No department or agency of the United States Government may procure or enter into any contract for the procurement of any goods, technology, or services from these foreign persons, except to the extent that the Secretary of State otherwise may determine;

2. No department or agency of the United States Government may provide any assistance to these foreign persons, and these persons shall not be eligible to participate in any assistance program of the United States Government, except to the extent that the Secretary of State otherwise may determine;

3. No United States Government sales to these foreign persons of any item on the United States Munitions List are permitted, and all sales to these persons of any defense articles, defense services, or design and construction services under the Arms Export Control Act are terminated; and

4. No new individual licenses shall be granted for the transfer to these foreign persons of items the export of which is controlled under the Export Administration Act of 1979 or the Export Administration Regulations, and any existing such licenses are suspended.

These measures shall be implemented by the responsible departments and agencies of the United States Government and will remain in place for two years from the effective date, except to the extent that the Secretary of State may subsequently determine otherwise.

Christopher A. Ford,

Assistant Secretary of State for International Security and Nonproliferation.

[FR Doc. 2019–10664 Filed 5–21–19; 8:45 am]

BILLING CODE 4710–25–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. 2019–28]

Petition for Exemption; Summary of Petition Received; Gulfstream Aerospace Corp.

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

ACTION: Notice.

SUMMARY: This notice contains a summary of a petition seeking relief from specified requirements of Federal Aviation Regulations. The purpose of this notice is to improve the public's awareness of, and participation in, the FAA's exemption process. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

DATES: Comments on this petition must identify the petition docket number and must be received on or before June 11, 2019.

ADDRESSES: Send comments identified by docket number FAA–2019–0095 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov* and follow the online instructions for sending your comments electronically.
- *Mail:* Send comments to Docket Operations, M–30; U.S. Department of Transportation, 1200 New Jersey Avenue SE, Room W12–140, West Building Ground Floor, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* Take comments to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC 20590–0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- *Fax:* Fax comments to Docket Operations at (202) 493–2251.

Privacy: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *http://www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *http://www.dot.gov/privacy.*

Docket: Background documents or comments received may be read at *http://www.regulations.gov* at any time. Follow the online instructions for accessing the docket or go to the Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC 20590–0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Miles Anderson (202) 267–6425, Office of Rulemaking, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85.

Issued in Washington, DC, on May 16, 2019.

Lirio Liu,

Executive Director, Office of Rulemaking.

Petition for Exemption

Docket No.: FAA–2019–0095.

Petitioner: Gulfstream Aerospace Corporation (Gulfstream).

Section(s) of 14 CFR Affected: § 43.1(b)(1).

Description of Relief Sought: Gulfstream requests an exemption from 14 CFR 43.1(b)(1) to the extent necessary to allow Gulfstream to conduct maintenance, preventive maintenance, rebuilding and alteration activities in accordance with its Production Certificate Quality Assurance Manual for its GV model aircraft N532SP, serial number 632 (''GV 632'').

[FR Doc. 2019–10630 Filed 5–21–19; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. 2019–18]

Petition for Exemption; Summary of Petition Received; Alakai Technologies Corporation

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

ACTION: Notice.

SUMMARY: This notice contains a summary of a petition seeking relief from specified requirements of Federal Aviation Regulations. The purpose of

this notice is to improve the public's awareness of, and participation in, the FAA's exemption process. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

DATES: Comments on this petition must identify the petition docket number and must be received on or before June 11, 2019.

ADDRESSES: Send comments identified by docket number FAA–2019–0226 using any of the following methods:

• *Federal eRulemaking Portal:* Go to *http://www.regulations.gov* and follow the online instructions for sending your comments electronically.

• *Mail:* Send comments to Docket Operations, M–30; U.S. Department of Transportation, 1200 New Jersey Avenue SE, Room W12–140, West Building Ground Floor, Washington, DC 20590–0001.

• *Hand Delivery or Courier:* Take comments to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC 20590–0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

• *Fax:* Fax comments to Docket Operations at (202) 493–2251.

Privacy: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *http://www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *http://www.dot.gov/privacy.*

Docket: Background documents or comments received may be read at *http://www.regulations.gov* at any time. Follow the online instructions for accessing the docket or go to the Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC 20590–0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Linda Lane (202) 267–7280, Office of Rulemaking, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85.

Issued in Washington, DC, on May 16, 2019.

Lirio Liu,

Executive Director, Office of Rulemaking.

Petition for Exemption

Docket No.: FAA–2019–0226.

Petitioner: Alakai Technologies Corporation.

Section(s) of 14 CFR Affected: 21.17(a).

Description of Relief Sought: Alakai Technologies Corporation seeks an exemption from part 21, section 21.17(a), with a desire to utilize section 21.17(b) for the purpose of establishing and using airworthiness standards for small category multi-rotor hydrogen powered electrical vertical take-off and landing (VTOL) aircraft.

[FR Doc. 2019–10629 Filed 5–21–19; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2019–0009]

Qualification of Drivers; Exemption Applications; Vision

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of applications for exemption; request for comments.

SUMMARY: FMCSA announces receipt of applications from 14 individuals for an exemption from the vision requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) to operate a commercial motor vehicle (CMV) in interstate commerce. If granted, the exemptions will enable these individuals to operate CMVs in interstate commerce without meeting the vision requirement in one eye.

DATES: Comments must be received on or before June 21, 2019.

ADDRESSES: You may submit comments identified by the Federal Docket Management System (FDMS) Docket No. FMCSA–2019–0009 using any of the following methods:

• *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.

• *Mail:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.

• *Hand Delivery:* West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal Holidays.

• *Fax:* 1–202–493–2251.

To avoid duplication, please use only one of these four methods. See the ''Public Participation'' portion of the **SUPPLEMENTARY INFORMATION** section for instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, (202) 366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE, Room W64–224, Washington, DC 20590–0001. Office hours are 8:30 a.m. to 5 p.m., ET, Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Public Participation

A. Submitting Comments

If you submit a comment, please include the docket number for this notice (Docket No. FMCSA–2019–0009), indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so that FMCSA can contact you if there are questions regarding your submission.

To submit your comment online, go to *http://www.regulations.gov,* put the docket number, FMCSA–2019–0009, in the keyword box, and click ''Search.'' When the new screen appears, click on the ''Comment Now!'' button and type your comment into the text box on the following screen. Choose whether you are submitting your comment as an individual or on behalf of a third party and then submit.

If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope.

FMCSA will consider all comments and material received during the comment period.

B. Viewing Documents and Comments

To view comments, as well as any documents mentioned in this notice as being available in the docket, go to *http://www.regulations.gov.* Insert the docket number, FMCSA–2019–0009, in the keyword box, and click ''Search.'' Next, click the ''Open Docket Folder'' button and choose the document to review. If you do not have access to the internet, you may view the docket online by visiting the Docket Management Facility in Room W12–140 on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays.

C. Privacy Act

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.dot.gov/privacy*.

II. Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption from the FMCSRs for a five-year period if it finds such exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption. The statute also allows the Agency to renew exemptions at the end of the five-year period. FMCSA grants exemptions from the FMCSRs for a two-year period to align with the maximum duration of a driver's medical certification.

The 14 individuals listed in this notice have requested an exemption from the vision requirement in 49 CFR 391.41(b)(10). Accordingly, the Agency will evaluate the qualifications of each applicant to determine whether granting an exemption will achieve the required level of safety mandated by statute.

The physical qualification standard for drivers regarding vision found in 49 CFR 391.41(b)(10) states that a person is physically qualified to drive a CMV if that person has distant visual acuity of at least 20/40 (Snellen) in each eye without corrective lenses or visual acuity separately corrected to 20/40 (Snellen) or better with corrective lenses, distant binocular acuity of at least 20/40 (Snellen) in both eyes with or without corrective lenses, field of vision of at least 70° in the horizontal Meridian in each eye, and the ability to recognize the colors of traffic signals and devices showing standard red, green, and amber.

In July 1992, the Agency first published the criteria for the Vision Waiver Program, which listed the conditions and reporting standards that CMV drivers approved for participation would need to meet (Qualification of Drivers; Vision Waivers, 57 FR 31458, July 16, 1992). The current Vision Exemption Program was established in 1998, following the enactment of amendments to the statutes governing exemptions made by § 4007 of the Transportation Equity Act for the 21st Century (TEA–21), Public Law 105–178, 112 Stat. 107, 401 (June 9, 1998). Vision exemptions are considered under the procedures established in 49 CFR part 381 subpart C, on a case-by-case basis upon application by CMV drivers who do not meet the vision standards of 49 CFR 391.41(b)(10).

To qualify for an exemption from the vision requirement, FMCSA requires a person to present verifiable evidence that he/she has driven a commercial vehicle safely with the vision deficiency for the past three years. Recent driving performance is especially important in evaluating future safety, according to several research studies designed to correlate past and future driving performance. Results of these studies support the principle that the best predictor of future performance by a driver is his/her past record of crashes and traffic violations. Copies of the studies may be found at Docket Number FMCSA–1998–3637.

FMCSA believes it can properly apply the principle to monocular drivers, because data from the Federal Highway Administration's (FHWA) former waiver study program clearly demonstrated the driving performance of experienced monocular drivers in the program is better than that of all CMV drivers collectively (See 61 FR 13338, 13345, March 26, 1996). The fact that experienced monocular drivers demonstrated safe driving records in the waiver program supports a conclusion that other monocular drivers, meeting the same qualifying conditions as those required by the waiver program, are also likely to have adapted to their vision deficiency and will continue to operate safely.

The first major research correlating past and future performance was done in England by Greenwood and Yule in 1920. Subsequent studies, building on that model, concluded that crash rates for the same individual exposed to certain risks for two different time periods vary only slightly (See Bates and Neyman, University of California Publications in Statistics, April 1952). Other studies demonstrated theories of predicting crash proneness from crash history coupled with other factors. These factors—such as age, sex, geographic location, mileage driven and conviction history—are used every day by insurance companies and motor vehicle bureaus to predict the probability of an individual experiencing future crashes (See Weber, Donald C., ''Accident Rate Potential: An Application of Multiple Regression Analysis of a Poisson Process,'' Journal of American Statistical Association, June 1971). A 1964 California Driver Record Study prepared by the California Department of Motor Vehicles concluded that the best overall crash predictor for both concurrent and nonconcurrent events is the number of single convictions. This study used three consecutive years of data, comparing the experiences of drivers in the first two years with their experiences in the final year.

III. Qualifications of Applicants

Cesar Avila

Mr. Avila, 35, has had amblyopia in his left eye since birth. The visual acuity in his right eye is 20/20, and in his left eye, 20/400. Following an examination in 2019, his optometrist stated, ''It is our opinion that Cesar would have sufficient vision and visual fields to perform any commercial driving task provided to him.'' Mr. Avila reported that he has driven straight trucks for 15 years, accumulating 360,000 miles. He holds an operator's license from Pennsylvania. His driving record for the last three years shows no crashes and no convictions for moving violations in a CMV.

Scott R. Barber

Mr. Barber, 47, has optic atrophy in his left eye due to a traumatic incident in 1996. The visual acuity in his right eye is 20/20, and in his left eye, 20/200. Following an examination in 2019, his optometrist stated, ''It is in my medical option, [sic] I believe Mr. Scott Barber has sufficient vision to perform the driving tasks required to operate a commercial vehicle based on these requirements.'' Mr. Barber reported that he has driven straight trucks for 26 years, accumulating 26,000 miles. He holds an operator's license from Illinois. His driving record for the last three years shows no crashes and no convictions for moving violations in a CMV.

Jonathan A. Brown

Mr. Brown, 66, has a cataract in his right eye due to a traumatic incident in 2007. The visual acuity in his right eye is 20/200, and in his left eye, 20/25. Following an examination in 2019, his optometrist stated, ''My opinion is that Mr. Brown has sufficient vision to drive commercial vehicles.'' Mr. Brown reported that he has driven straight trucks for 48 years, accumulating 960,000 miles, and tractor-trailer combinations for 48 years, accumulating 192,000 miles. He holds a Class A CDL from Georgia. His driving record for the last three years shows no crashes and no convictions for moving violations in a CMV.

Glenn E. Coombes, Jr.

Mr. Coombes, 59, has had amblyopia in his left eye since childhood. The visual acuity in his right eye is 20/20, and in his left eye, counting fingers. Following an examination in 2018, his optometrist stated, ''Patient does have sufficient vision to operate commercial vehicle.'' Mr. Coombes reported that he has driven straight trucks for two years, accumulating 1,200 miles, and tractor-trailer combinations for ten years, accumulating 1.06 million miles. He holds a Class A CDL from Texas. His driving record for the last three years shows no crashes and no convictions for moving violations in a CMV.

John A. DeVos III

Mr. DeVos, 55, has macular chorioretinal scars in his left eye due to a traumatic incident in 2009. The visual acuity in his right eye is 20/20, and in his left eye, 20/400. Following an examination in 2019, his optometrist stated, ''In my medical opinion, Mr. Devos [sic] maintains sufficient vision to continue to operate a commercial vehicle despite the sustained eye injury to his left eye.'' Mr. DeVos reported that he has driven straight trucks for seven years, accumulating 182,000 miles, and tractor-trailer combinations for 15 years, accumulating 180,000 miles. He holds a Class A CDL from Vermont. His driving record for the last three years shows no crashes and no convictions for moving violations in a CMV.

Marc W. Enderson

Mr. Enderson, 53, has a retinal detachment in his right eye due to a traumatic incident in 1991. The visual acuity in his right eye is counting fingers, and in his left eye, 20/15. Following an examination in 2019, his optometrist stated, ''In my opinion Mr. Enderson has sufficient vision to perform driving tasks to operate a commercial vehicle.'' Mr. Enderson reported that he has driven straight trucks for 15 years, accumulating 225,000 miles, tractor-trailer combinations for 23 years, accumulating 460,000 miles, and buses for 12 years, accumulating 144,000 miles. He holds a Class A CDL from North Dakota. His driving record for the last three years shows no crashes and no convictions for moving violations in a CMV.

Robert R. Enoch

Mr. Enoch, 70, has had macular degeneration in his right eye since 2008. The visual acuity in his right eye is counting fingers, and in his left eye, 20/20. Following an examination in 2018, his ophthalmologist stated, ''With spectacle correction, the patient's only well seeing left eye has vision that is adequate for operating a commercial vehicle with a commercial driver's license.'' Mr. Enoch reported that he has driven tractor-trailer combinations for 45 years, accumulating 6 million miles. He holds a Class A CDL from North Carolina. His driving record for the last three years shows no crashes and no convictions for moving violations in a CMV.

Donald K. Etter

Mr. Etter, 82, has had amblyopia in his right eye since birth. The visual acuity in his right eye is 20/80, and in his left eye, 20/25. Following an examination in 2019, his optometrist stated, ''Corrected vision, especially left eye is sufficient to perform driving tasks to operate a commercial vehicle.'' Mr. Etter reported that he has driven straight trucks for 65 years, accumulating 97,500 miles, and tractor-trailer combinations for 65 years, accumulating 97,500 miles. He holds an operator's license from Pennsylvania. His driving record for the last three years shows no crashes and no convictions for moving violations in a CMV.

Juan O. Gonzalez

Mr. Gonzalez, 51, has had a chorioretinal scar in his right eye since childhood. The visual acuity in his right eye is 20/200, and in his left eye, 20/20. Following an examination in 2019, his optometrist stated, ''Based on my exam findings, and due to the nature of the condition, Mr. Gonzalez's vision is stable. In my opinion, Mr. Gonzalez has the capability of operating a commercial vehicle.'' Mr. Gonzalez reported that he has driven straight trucks for ten years, accumulating 1.1 million miles, and tractor-trailer combinations for six years, accumulating 660,000 miles. He holds a Class A CDL from Texas. His driving record for the last three years shows no crashes and no convictions for moving violations in a CMV.

Vashion E. Hammond

Mr. Hammond, 40, has a cataract in his left eye due to a traumatic incident in childhood. The visual acuity in his right eye is 20/15, and in his left eye, hand motion. Following an examination in 2019, his optometrist stated, ''Mr. Hammond meets the visual requirements to perform the driving tasks required to operate a commercial motor vehicle.'' Mr. Hammond reported that he has driven straight trucks for two years, accumulating 140,000 miles, and tractor-trailer combinations for 12 years, accumulating 840,000 miles. He holds a Class A CDL from Florida. His driving record for the last three years shows no crashes and no convictions for moving violations in a CMV.

John M. Harvey

Mr. Harvey, 31, has had amblyopia in his right eye since childhood. The visual acuity in his right eye is 20/80, and in his left eye, 20/20. Following an examination in 2018, his optometrist stated, ''Pt. has 4 year history of driving a commercial vehicle and may continue doing so given today's vision examination findings [sic].'' Mr. Harvey reported that he has driven straight trucks for four years, accumulating 64,400 miles, and tractor-trailer combinations for four years, accumulating 20,000 miles. He holds a Class A CDL from Texas. His driving record for the last three years shows no crashes and no convictions for moving violations in a CMV.

Jerry L. Hofer

Mr. Hofer, 67, has a prosthetic left eye due to a traumatic incident in childhood. The visual acuity in his right eye is 20/20, and in his left eye, no light perception. Following an examination in 2019, his ophthalmologist stated, ''This certifies that the patient has sufficient vision to perform the driving tasks required to operate a commercial vehicle.'' Mr. Hofer reported that he has driven buses for 13 years, accumulating 273,000 miles. He holds a Class B CDL from New Mexico. His driving record for the last three years shows no crashes and no convictions for moving violations in a CMV.

Victor H. Lopez-Campa

Mr. Lopez-Campa, 36, has a prosthetic left eye due to a traumatic incident in childhood. The visual acuity in his right eye is 20/20, and in his left eye, no light perception. Following an examination in 2019, his ophthalmologist stated, ''I see no change in his ocular status or

new issue that would preclude him from continuing to drive as a commercial vehicle operator.'' Mr. Lopez-Campa reported that he has driven straight trucks for three years, accumulating 150,000 miles. He holds an operator's license from Kansas. His driving record for the last three years shows no crashes and no convictions for moving violations in a CMV.

Mark A. Schlesselman

Mr. Schlesselman, 45, has a cataract in his right eye due to a traumatic incident in 2015. The visual acuity in his right eye is no light perception, and in his left eye, 20/20. Following an examination in 2018, his optometrist stated, ''In my medical opinion Mark has sufficient vision to perform the driving tasks required to operate a commercial vehicle.'' Mr. Schlesselman reported that he has driven straight trucks for 15 years, accumulating 375,000 miles, and tractor-trailer combinations for 25 years, accumulating 2.5 million miles. He holds a Class A CDL from Ohio. His driving record for the last three years shows no crashes and no convictions for moving violations in a CMV.

IV. Request for Comments

In accordance with 49 U.S.C. 31136(e) and 31315, FMCSA requests public comment from all interested persons on the exemption petitions described in this notice. We will consider all comments and material received before the close of business on the closing date indicated in the dates section of the notice.

Issued on: May 10, 2019.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2019–10708 Filed 5–21–19; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2019–0104]

Qualification of Drivers; Exemption Applications; Implantable Cardioverter Defibrillators

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of applications for exemption; request for comments.

SUMMARY: FMCSA announces receipt of applications from three individuals for an exemption from the prohibition in the Federal Motor Carrier Safety Regulations (FMCSRs) against operation of a commercial motor vehicle (CMV) by persons with a current clinical diagnosis of myocardial infarction, angina pectoris, coronary insufficiency, thrombosis, or any other cardiovascular disease of a variety known to be accompanied by syncope, dyspnea, collapse, or congestive heart failure. If granted, the exemptions would enable these individuals with implantable cardioverter defibrillators (ICDs) to operate CMVs in interstate commerce.

DATES: Comments must be received on or before June 21, 2019.

ADDRESSES: You may submit comments identified by the Federal Docket Management System (FDMS) Docket ID FMCSA–2019–0104 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Mail:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery:* West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal Holidays.
- *Fax:* 1–202–493–2251.

To avoid duplication, please use only one of these four methods. See the ''Public Participation'' portion of the **SUPPLEMENTARY INFORMATION** section for instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, (202) 366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE, Room W64–224,Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m., ET, Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Public Participation

A. Submitting Comments

If you submit a comment, please include the docket number for this notice (Docket No. FMCSA–2019–0104), indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so that FMCSA can contact you if there are questions regarding your submission.

To submit your comment online, go to *http://www.regulations.gov,* put the docket number, FMCSA–2019–0104, in the keyword box, and click ''Search.'' When the new screen appears, click on the ''Comment Now!'' button and type your comment into the text box on the following screen. Choose whether you are submitting your comment as an individual or on behalf of a third party and then submit.

If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope.

FMCSA will consider all comments and material received during the comment period.

B. Viewing Documents and Comments

To view comments, as well as any documents mentioned in this notice as being available in the docket, go to *http://www.regulations.gov.* Insert the docket number, FMCSA–2019–0104, in the keyword box, and click ''Search.'' Next, click the ''Open Docket Folder'' button and choose the document to review. If you do not have access to the internet, you may view the docket online by visiting the Docket Management Facility in Room W12–140 on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays.

C. Privacy Act

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.dot.gov/privacy.*

II. Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption from the FMCSRs for a five-year period if it finds such exemption would likely achieve a level of safety that is equivalent to, or greater than, the level

that would be achieved absent such exemption. The statute also allows the Agency to renew exemptions at the end of the five-year period. FMCSA grants exemptions from the FMCSRs for a two-year period to align with the maximum duration of a driver's medical certification.

The three individuals listed in this notice have requested an exemption from 49 CFR 391.41(b)(4). Accordingly, the Agency will evaluate the qualifications of each applicant to determine whether granting the exemption will achieve the required level of safety mandated by statute.

The physical qualification standard found in 49 CFR 391.41(b)(4) states that a person is physically qualified to drive a CMV if that person has no current clinical diagnosis of myocardial infarction, angina pectoris, coronary insufficiency, thrombosis, or any other cardiovascular disease of a variety known to be accompanied by syncope, dyspnea, collapse, or congestive cardiac failure.

In addition to the regulations, FMCSA has published advisory criteria[1] to assist Medical Examiners in determining whether drivers with certain medical conditions are qualified to operate a CMV in interstate commerce. [49 CFR part 391, APPENDIX A TO PART 391—MEDICAL ADVISORY CRITERIA, section *D. Cardiovascular: § 391.41(b)(4),* paragraph 4.] The advisory criteria states that ICDs are disqualifying due to risk of syncope.

III. Qualifications of Applicants

Martin Carter

Mr. Carter is a commercial motor vehicle driver in Maine. Undated documentation from his medical provider indicates that his ICD was implanted in 2011 and has not deployed. His ejection fraction in 2011 was 30–35 percent and in 2018 was 45 percent.

Vincent Collelo

Mr. Collelo is a Class A commercial motor vehicle driver in Wisconsin who desires to operate in Iowa. A July of 2018, statement from his cardiologist indicates that his ICD was implanted in 2016 and has never deployed. He has been asymptomatic, and has an ejection fraction of 49 percent.

Richard D. Siske

Mr. Siske is a Class A commercial motor vehicle driver in Ohio. A July of 2018, report from his cardiologist states that his ICD was implanted in 2013. He has had no therapies for ventricular arrhythmias since implantation of the device. He has been asymptomatic, and had an ejection fraction of 56 percent in 2016.

Request for Comments

In accordance with 49 U.S.C. 31136(e) and 31315, FMCSA requests public comment from all interested persons on the exemption petitions described in this notice. We will consider all comments received before the close of business on the closing date indicated in the dates section of the notice.

Issued on: May 10, 2019.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2019–10704 Filed 5–21–19; 8:45 am]

BILLING CODE 4910–EX–P

[1] See *http://www.ecfr.gov/cgi-bin/text-idx?SID=e47b48a9ea42dd67d999246e23d97970&mc=true&node=pt49.5.391&rgn=div5#ap49.5.391_171.a* and *https://www.gpo.gov/fdsys/pkg/CFR-2015-title49-vol5/pdf/CFR-2015-title49-vol5-part391-appA.pdf.*

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2008–0362]

Medical Review Board (MRB) Meeting: Public Meeting

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of public meeting.

SUMMARY: FMCSA announces a meeting of its Medical Review Board (MRB).

DATES: The meeting will be held on Monday and Tuesday, July 15–16, 2019, from 9:15 a.m. to 4:30 p.m., Eastern Daylight Time.

ADDRESSES: The meeting will be held at the FMCSA National Training Center, 1310 N Courthouse Road, Arlington, VA, 6th Floor. Copies of the task statement and an agenda for the entire meeting will be made available in advance of the meeting at *www.fmcsa.dot.gov/mrb.*

FOR FURTHER INFORMATION CONTACT: Ms. Shannon L. Watson, Senior Advisor to the Associate Administrator for Policy, Federal Motor Carrier Safety Administration, U.S. Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC 20590, (202) 366–5221, *mrb@dot.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

Section 4116(a) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (codified at 49 U.S.C. 31149) requires the Secretary of Transportation to establish a 5-member MRB to provide FMCSA with medical advice and recommendations on medical standards and guidelines for the physical qualifications of operators of commercial motor vehicles (CMV), medical examiner education, and medical research. The MRB was established in 2005 by charter, which is renewable every 2 years. The current charter expires on November 27, 2019.

II. Agenda Summary

During the meeting, the MRB will revisit its July 2018 recommendations on revising the FMCSA Medical Examiners Handbook and discuss how to best provide educational materials on pharmacology to certified medical examiners. The MRB will also review a recently completed study assessing the safety performance of commercial motor vehicle drivers operating under the conditions of the Agency's vision exemption program.

III. Meeting Participation

Oral comments from the public will be heard during the meeting, at the discretion of the MRB Chairman. Members of the public may submit written comments to the docket on the topics to be considered during the meeting by Monday, July 8, 2019, using Docket Number FMCSA–2005–20105 by any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590.
- *Hand Delivery:* U.S. Department of Transportation, 1200 New Jersey Avenue SE, Room W12–140, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FMCSA is committed to providing equal access to this meeting for all participants. If you need alternative formats or services because of a disability, please contact Ms. Shannon L. Watson by phone at (202) 366–5221 or by email at *mrb@dot.gov* by Monday, July 8, 2019.

Issued on: May 15, 2019.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2019–10709 Filed 5–21–19; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Notice of OFAC Sanctions Action

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The Treasury Department's Office of Foreign Assets Control (OFAC) is updating the identifying information on its list of Specially Designated Nationals and Blocked Persons (SDN List) for one individual whose property and interests in property are blocked pursuant to Executive Order 13382.

DATES: OFAC's actions described in this notice took effect on May 10, 2019.

FOR FURTHER INFORMATION CONTACT: OFAC: Associate Director for Global Targeting, tel.: 202–622–2420; Assistant Director for Sanctions Compliance & Evaluation, tel.: 202–622–2490; Assistant Director for Licensing, tel.: 202–622–2480; Assistant Director for Regulatory Affairs, tel.: 202–622–4855; or the Department of the Treasury's Office of the General Counsel: Office of the Chief Counsel (Foreign Assets Control), tel.: 202–622–2410.

SUPPLEMENTARY INFORMATION:

Electronic Availability

The SDN List and additional information concerning OFAC sanctions programs are available on OFAC's website (*https://www.treasury.gov/ofac*).

Notice of OFAC Action(s)

On May 10, 2019, OFAC published the following revised information for the following individual on OFAC's SDN List whose property and interests in property are blocked pursuant to Executive Order 13382, ''Blocking Property of Weapons of Mass Destruction Proliferators and Their Supporters'':

BEURKLIAN, Anni (a.k.a. AJAKA, Anni), Lebanon; Bsalim, Majzoub St. #701, Bldg. #254, 3rd floor, Beirut, Lebanon; DOB 17 May 1969; nationality Lebanon; citizen United States (individual) [NPWMD] (Linked To: KATRANGI, Amir).

Dated: May 13, 2019.

Andrea M. Gacki,

Director, Office of Foreign Assets Control.

[FR Doc. 2019–10655 Filed 5–21–19; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Notice of OFAC Sanctions Actions

AGENCY: Office of Foreign Assets Control, Department of the Treasury.

ACTION: Notice.

SUMMARY: The U.S. Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing the names of persons that have been placed on OFAC's Specially Designated Nationals and Blocked Persons List based on OFAC's determination that one or more applicable legal criteria were satisfied. All property and interests in property subject to U.S. jurisdiction of these persons are blocked, and U.S. persons are generally prohibited from engaging in transactions with them.

DATES: See **SUPPLEMENTARY INFORMATION** section.

FOR FURTHER INFORMATION CONTACT: OFAC: Associate Director for Global Targeting, tel.: 202–622–2420; Assistant Director for Licensing, tel.: 202–622–2480; Assistant Director for Regulatory Affairs, tel.: 202–622–4855; Assistant Director for Sanctions Compliance & Evaluation, tel.: 202–622–2490; or the Department of the Treasury's Office of the General Counsel: Office of the Chief Counsel (Foreign Assets Control), tel.: 202–622–2410.

SUPPLEMENTARY INFORMATION:

Electronic Availability

The Specially Designated Nationals and Blocked Persons List (SDN List) and additional information concerning OFAC sanctions programs are available on OFAC's website (*https://www.treasury.gov/ofac*).

Notice of OFAC Actions

On May 17, 2019, OFAC determined that the property and interests in property subject to U.S. jurisdiction of the following persons are blocked under the relevant sanctions authority listed below.

Individuals

1. AVELAR GUTIERREZ, Isidro, Islas Aleutianas 2307, Guadalajara, Jalisco 44540, Mexico; Santa Esther 845, Colonia Santa Margarita, Primera Seccion, Zapopan, Jalisco, Mexico; DOB 13 Jun 1962; POB Jalisco, Mexico; nationality Mexico; Gender Male; C.U.R.P. AEGI620613HJCVTS05 (Mexico) (individual) [SDNTK]. Designated pursuant to section 805(b)(3) of the Foreign Narcotics Kingpin Designation Act (''Kingpin Act''), 21 U.S.C. 1904(b)(3), for being directed by, or acting for or on behalf of, the CARTEL DE JALISCO NUEVA GENERACION and LOS CUINIS, foreign persons designated pursuant to the Kingpin Act.

2. BARAJAS SAHD, Ana Paulina (a.k.a. SAHD, Paulina), Calle Alcamo 2870–501, Colonia Providencia, Guadalajara, Jalisco, Mexico; Kukulkan 4783, Col. Miradora Del Sol, Zapopan, Jalisco 45054, Mexico; Perla # 3880, Colonia Res. Loma Bonita, Zapopan, Jalisco, Mexico; DOB 03 Oct 1984; POB Jalisco, Mexico; nationality Mexico; Gender Female; C.U.R.P. BASA841003MJCRHN07 (Mexico) (individual) [SDNTK]. Designated pursuant to section 805(b)(3) of the Kingpin Act, 21 U.S.C. 1904(b)(3), for being directed by, or acting for or on behalf of, Ulises Jovani GONZALEZ VALENCIA, a foreign person designated pursuant to the Kingpin Act.

3. BELTRAN GARCIA, Victor Francisco, Guadalajara, Jalisco, Mexico; DOB 07 May 1972; POB Jalisco, Mexico; nationality Mexico; Gender Male; C.U.R.P. BEGV720507HJCLRC02 (Mexico) (individual) [SDNTK]. Designated pursuant to section 805(b)(3) of the Kingpin Act, 21 U.S.C. 1904(b)(3), for being directed by, or acting for or on behalf of, the CARTEL DE JALISCO NUEVA GENERACION, LOS CUINIS, and Nemesio OSEGUERA CERVANTES, foreign persons designated pursuant to the Kingpin Act.

4. GONZALEZ VALENCIA, Erika, Guadalajara, Jalisco, Mexico; DOB 22 Jun 1974; POB Michoacan de Ocampo, Mexico; nationality Mexico; Gender Female; C.U.R.P. GOVE740622MMNNLR00 (Mexico) (individual) [SDNTK]. Designated pursuant to section 805(b)(2) of the Kingpin Act, 21 U.S.C. 1904(b)(2), for materially assisting in, or providing financial support for or to, or providing goods or services in support of, the international narcotics trafficking activities of LOS CUINIS and the CARTEL DE JALISCO NUEVA GENERACION, foreign persons designated pursuant to the Kingpin Act; Designated pursuant to section 805(b)(3) of the Kingpin Act, 21 U.S.C. 1904(b)(3), for being directed by, or acting for or on behalf of, LOS CUINIS and the CARTEL DE JALISCO NUEVA GENERACION, foreign persons designated pursuant to the Kingpin Act.

5. GONZALEZ VALENCIA, Ulises Jovani, Calle Alcamo 2870–501, Colonia Providencia, Guadalajara, Jalisco, Mexico; Calle Herradura Numero 4825, Colonia Mirador Del Sol, Zapopan, Jalisco, Mexico; DOB 31 May 1986; POB Michoacan de Ocampo, Mexico; nationality Mexico; Gender Male; C.U.R.P. GOVU860531HMNNLL06 (Mexico) (individual) [SDNTK]. Designated pursuant to section 805(b)(2) of the Kingpin Act, 21 U.S.C. 1904(b)(2), for materially assisting in, or providing financial support for or to, or providing goods or services in support of, the international narcotics trafficking activities of LOS CUINIS and the CARTEL DE JALISCO NUEVA GENERACION, foreign persons designated pursuant to the Kingpin Act; Designated pursuant to section 805(b)(3) of the Kingpin Act, 21 U.S.C. 1904(b)(3), for being directed by, or acting for or on behalf of, LOS CUINIS and the CARTEL DE JALISCO NUEVA GENERACION, foreign persons designated pursuant to the Kingpin Act.

6. MENDOZA GAYTAN, Gonzalo (a.k.a. MENDOZA GAYTAN, Hugo Gonzalo; a.k.a. ''El Sapo''), Puerto Vallarta, Jalisco, Mexico;

DOB 02 Oct 1988; POB Michoacan de Ocampo, Mexico; nationality Mexico; Gender Male; C.U.R.P. MEGG881002HMNNYN02 (Mexico) (individual) [SDNTK]. Designated pursuant to section 805(b)(2) of the Kingpin Act, 21 U.S.C. 1904(b)(2), for materially assisting in, or providing financial support for or to, or providing goods or services in support of, the international narcotics trafficking activities of the CARTEL DE JALISCO NUEVA GENERACION, a foreign person designated pursuant to the Kingpin Act; Designated pursuant to section 805(b)(3) of the Kingpin Act, 21 U.S.C. 1904(b)(3), for being directed by, or acting for or on behalf of, the CARTEL DE JALISCO NUEVA GENERACION, a foreign person designated pursuant to the Kingpin Act.

7. ROSAS CAMBA, Liliana, Jamaica Numero 1411, Colonia Cinco de Diciembre, Puerto Vallarta, Jalisco, Mexico; DOB 20 May 1992; POB Jalisco, Mexico; nationality Mexico; Gender Female; C.U.R.P. ROCL920520MJCSML00 (Mexico) (individual) [SDNTK]. Designated pursuant to section 805(b)(2) of the Kingpin Act, 21 U.S.C. 1904(b)(2), for materially assisting in, or providing financial support for or to, or providing goods or services in support of, the international narcotics trafficking activities of Gonzalo MENDOZA GAYTAN and the CARTEL DE JALISCO NUEVA GENERACION, foreign persons designated pursuant to the Kingpin Act; Designated pursuant to section 805(b)(3) of the Kingpin Act, 21 U.S.C. 1904(b)(3), for being directed by, or acting for or on behalf of, Gonzalo MENDOZA GAYTAN and the CARTEL DE JALISCO NUEVA GENERACION, foreign persons designated pursuant to the Kingpin Act.

Entities

1. A&A ESTUDIO ARQUITECTONICO, S. DE R.L. DE C.V. (a.k.a. AA ESTUDIO ARQUITECTONICO), Privada Juan Martin 537, Zapopan, Jalisco CP 45138, Mexico; website *www.aaestudioarquitectonico.com;* Folio Mercantil No. 77083 (Mexico) [SDNTK]. Designated pursuant to section 805(b)(3) of the Kingpin Act, 21 U.S.C. 1904(b)(3), for being owned, controlled, or directed by, or acting for or on behalf of, Isidro AVELAR GUTIERREZ, a foreign person designated pursuant to the Kingpin Act.

2. ARQUITECTURA Y DISENO EN BALANCE, S.A. DE C.V. (a.k.a. ADB ARQUITECTOS Y INMOBILIARIA; a.k.a. ADB INMOBILIARIA), Pegaso 3261, Colonia La Calma, Zapopan, Jalisco, Mexico; R.F.C. ADB130606VA4 (Mexico) [SDNTK]. Designated pursuant to section 805(b)(3) of the Kingpin Act, 21 U.S.C. 1904(b)(3), for being owned, controlled, or directed by, or acting for or on behalf of, Ulises Jovani GONZALEZ VALENCIA, a foreign person designated pursuant to the Kingpin Act.

3. G Y R ARQUITECTOS, S. DE R.L. DE C.V. (a.k.a. GR ARQUITECTOS), Kukulkan 4783, Col. Mirador del Sol, Zapopan, Jalisco, Mexico; website *www.grarquitectos.mx;* Folio Mercantil No. 41884 (Mexico) [SDNTK]. Designated pursuant to section 805(b)(3) of the Kingpin Act, 21 U.S.C. 1904(b)(3), for being owned, controlled, or directed by, or acting for or on behalf of, Ulises Jovani GONZALEZ VALENCIA, a foreign person designated pursuant to the Kingpin Act.

4. GRANATURA, S. DE P.R. DE R.L. DE C.V., Guadalajara, Jalisco, Mexico; Folio Mercantil No. 81689 (Mexico) [SDNTK]. Designated pursuant to section 805(b)(3) of the Kingpin Act, 21 U.S.C. 1904(b)(3), for being owned, controlled, or directed by, or acting for or on behalf of, Ana Paulina BARAJAS SAHD, a foreign person designated pursuant to the Kingpin Act.

5. JAFIELA BOUTIQUE, S.A. DE C.V. (a.k.a. LUSH STYLE; a.k.a. LUSH STYLE BOUTIQUE), Av. Naciones Unidas 5131 Local 3, Colonia Jardines Universidad, Zapopan, Jalisco, Mexico; Plaza Punto Rio, Blvd. Enrique Sanchez Alonso #1980 Local 7, Desarrollo Tres Rios, Culiacan, Sinaloa, Mexico; Folio Mercantil No. 95562 (Mexico) [SDNTK]. Designated pursuant to section 805(b)(3) of the Kingpin Act, 21 U.S.C. 1904(b)(3), for being owned, controlled, or directed by, or acting for or on behalf of, Liliana ROSAS CAMBA, a foreign person designated pursuant to the Kingpin Act.

6. OPERADORA RESTAURANTERA DEL SOL NACIENTE, S. DE R.L. DE C.V., Calle Kukulcan No. Ext.4783, Col. Mirador del Sol, Zapopan, Jalisco C.P. 45054, Mexico; R.F.C. ORS120904BL2 (Mexico) [SDNTK]. Designated pursuant to section 805(b)(3) of the Kingpin Act, 21 U.S.C. 1904(b)(3), for being owned, controlled, or directed by, or acting for or on behalf of, Ulises Jovani GONZALEZ VALENCIA, a foreign person designated pursuant to the Kingpin Act.

Dated: May 17, 2019.

Andrea M. Gacki,

Director, Office of Foreign Assets Control.

[FR Doc. 2019–10674 Filed 5–21–19; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Notice of OFAC Sanctions Action

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing the names of one or more persons that have been placed on OFAC's Specially Designated Nationals and Blocked Persons List based on OFAC's determination that one or more applicable legal criteria were satisfied. All property and interests in property subject to U.S. jurisdiction of these persons are blocked, and U.S. persons are generally prohibited from engaging in transactions with them.

DATES: See **SUPPLEMENTARY INFORMATION** section for effective date(s).

FOR FURTHER INFORMATION CONTACT: OFAC: Associate Director for Global Targeting, tel.: 202–622–2420; Assistant Director for Sanctions Compliance & Evaluation, tel.: 202–622–2490; Assistant Director for Licensing, tel.: 202–622–2480; Assistant Director for Regulatory Affairs, tel.: 202–622–4855; or the Department of the Treasury's Office of the General Counsel: Office of the Chief Counsel (Foreign Assets Control), tel.: 202–622–2410.

SUPPLEMENTARY INFORMATION:

Electronic Availability

The Specially Designated Nationals and Blocked Persons List and additional information concerning OFAC sanctions programs are available on OFAC's website (*https://www.treasury.gov/ofac*).

Notice of OFAC Action(s)

On May 17, 2019, OFAC determined that the property and interests in property subject to U.S. jurisdiction of the following persons are blocked under the relevant sanctions authority listed below.

Individuals

1. LOPEZ TORRES, Ana Lilia, Mar de Cortes Num. Ext. 39, Luis Donaldo Colosio, Tepic, Nayarit 63178, Mexico; Av. de la Cultura Num. Ext. 157, Ciudad del Valle, Tepic, Nayarit 63157, Mexico; Doctor Mateo del Regil Numero MZ–3, Colonia Doctor Leyva Medina, clave catastral 1–59–11–180–17, Tepic, Nayarit, Mexico; DOB 25 Aug 1965; POB Sinaloa, Mexico; nationality Mexico; Gender Female; C.U.R.P. LOTA650825MSLPRN09 (Mexico) (individual) [GLOMAG].

Designated pursuant to section 1(a)(iii)(B) of Executive Order 13818 of December 20, 2017, ''Blocking the Property of Persons Involved in Serious Human Rights Abuse or Corruption'' (E.O. 13818), for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, ROBERTO SANDOVAL CASTANEDA, a person whose property and interests in property are blocked pursuant to E.O. 13818.

2. SANDOVAL CASTANEDA, Roberto, Mateo del Regil # 31, Fracc. IMSS, Tepic, Nayarit 63186, Mexico; Av. Prisciliano Sanchez Sur # 384–A, Col. San Antonio, Tepic, Nayarit 63159, Mexico; Calle Canaan Numero 5, Colonia Hermosa Provincia, Tepic, Nayarit, Mexico; Oro # 87, Col. Valle de Matatipac, Tepic, Nayarit 63195, Mexico; DOB 15 Nov 1969; POB Nayarit, Mexico; nationality Mexico; Gender Male; C.U.R.P. SACR691115HNTNSB06 (Mexico) (individual) [GLOMAG].

Designated pursuant to section 1(a)(ii)(B)(1) of E.O. 13818 for being a former government official who is responsible for or complicit in, or has directly or indirectly engaged in, corruption, including the misappropriation of state assets, the expropriation of private assets for personal gain, corruption related to government contracts or the extraction of natural resources, or bribery.

3. SANDOVAL LOPEZ, Lidy Alejandra, Calle Mateo del Regil No. Ext. 31, Col. Fraccionamiento IMSS, Tepic, Nayarit C.P. 63186, Mexico; Palomas Numero 14, Colonia El Armadillo, Tepic, Nayarit, Mexico; Lote de Terreno Marcado Numero 6, Manzana 1, Vialidad Privada, Fraccionamiento Lago David, clave catastral 01–059–14–101–006, Tepic, Nayarit, Mexico; Calle Paseo de los Bosques MZ–A, Colonia Bonaterra, clave catastral 1–59–14–300–17, Tepic, Nayarit, Mexico; Lote de Terreno Marcado Numero 7, Manzana 1, Vialidad Privada, Fraccionamiento Lago David, Tepic, Nayarit, Mexico; DOB 08 Oct 1989; POB Nayarit, Mexico; nationality Mexico; Gender Female; C.U.R.P. SALL891008MNTNPD09 (Mexico) (individual) [GLOMAG].

Designated pursuant to section 1(a)(iii)(B) of E.O. 13818 for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, ROBERTO SANDOVAL CASTANEDA, a person whose property and interests in property are blocked pursuant to E.O. 13818.

4. SANDOVAL LOPEZ, Pablo Roberto, Mexico; DOB 01 Jul 1992; POB Nayarit, Mexico; nationality Mexico; Gender Male; C.U.R.P. SALP920701HNTNPB05 (Mexico) (individual) [GLOMAG].

Designated pursuant to section 1(a)(iii)(B) of E.O. 13818 for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, ROBERTO SANDOVAL CASTANEDA, a person whose property and interests in property are blocked pursuant to E.O. 13818.

Entities

1. BODECARNE, S.A. DE C.V., Calle Teikame Numero 21, Modulo A, Nayarabastos, Tepic, Nayarit, Mexico; Folio Mercantil No. 7266 (Mexico) [GLOMAG].

Designated pursuant to section 1(a)(iii)(B) of E.O. 13818 for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, ROBERTO SANDOVAL CASTANEDA, a person whose property and interests in property are blocked pursuant to E.O. 13818.

2. IYARI (a.k.a. IYARI ALTO DISENO HUICHOL; a.k.a. IYARI DISENO DE COLECCION HUICHOL; a.k.a. IYARI DISENO Y MODA ETNICO), Av. De la Cultura No. 157, Col. Ciudad del Valle, Tepic, Nayarit C.P. 63157, Mexico; Naciones Unidas 4579–C, Patria Universidad, Zapopan, Jalisco, Mexico; website *www.iyari.com.mx;* R.F.C. LOTA650825RF9 (Mexico) [GLOMAG].

Designated pursuant to section 1(a)(iii)(B) of E.O. 13818 for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, ANA LILIA LOPEZ TORRES, a person whose property and interests in property are blocked pursuant to E.O. 13818.

3. L–INMO, SOCIEDAD ANONIMA DE CAPITAL VARIABLE (a.k.a. L. INMO INMOBILIARIA; a.k.a. L–INMO, S.A. DE C.V.), Distrito Federal, Mexico; Carretera Tepic-Aguamilpa Sin Numero, Fraccion de la Parcela 75 Z–2 P1/1 del ejido de La Cantera, clave catastral 1–7–D21–D3–6215, Tepic, Nayarit, Mexico; Carretera Tepic-Aguamilpa Sin Numero, Fraccion de la Parcela 75 Z–2 P1/1 del ejido de La Cantera, clave catastral 1–7–D21–D3–6218, Tepic, Nayarit, Mexico; R.F.C. LIN1412111Q0 (Mexico) [GLOMAG].

Designated pursuant to section 1(a)(iii)(B) of E.O. 13818 of for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, ROBERTO SANDOVAL CASTANEDA, a person whose property and interests in property are blocked pursuant to E.O. 13818.

4. VALOR Y PRINCIPIO DE DAR, ASOCIACION CIVIL (a.k.a. VALOR Y PRINCIPIO DE DAR, A.C.), Fraccion de predio denominado Tecolote y Frenton, (Falda del Cerro), clave catastral D–31–A1–2922, Tepic, Nayarit, Mexico [GLOMAG].

Designated pursuant to section 1(a)(iii)(B) of E.O. 13818 for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, ROBERTO SANDOVAL CASTANEDA, a person whose property and interests in property are blocked pursuant to E.O. 13818.

Dated: May 17, 2019.

Andrea Gacki,

Director, Office of Foreign Assets Control.

[FR Doc. 2019–10671 Filed 5–21–19; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF THE TREASURY

Privacy Act of 1974; System of Records

AGENCY: Department of the Treasury.

ACTION: Notice of a Modified System of Records.

SUMMARY: In accordance with the requirements of the Privacy Act of 1974, the Department of the Treasury (''Treasury'' or the ''Department'') proposes to modify a current Treasury system of records titled, ''Treasury .007—Personnel Security System—System of Records.'' This system supports the Department in conducting end-to-end personnel security, fitness, suitability and credentialing processes. This system of records contains records related to employee and contractor vetting as well as investigative, administrative, adjudicative, and/or determination information for decisions concerning whether an individual is suitable or fit for Government employment or eligible to access classified national security information. This action is necessary to meet the requirements of the Privacy Act to publish in the **Federal Register** notice of the existence and character of system of records maintained by the agency (5 U.S.C. 552a(e)(4)).

DATES: Submit comments on or before June 21, 2019. The new routine uses will be applicable on June 21, 2019 unless Treasury receives comments and determines that changes to the system of records notice are necessary.

ADDRESSES: Comments may be submitted to the Federal eRulemaking Portal electronically at *http://www.regulations.gov.* Comments can also be sent to the Deputy Assistant Secretary for Privacy, Transparency, and Records, Department of the Treasury, 1500 Pennsylvania Avenue NW, Washington, DC 20220, Attention: Revisions to Privacy Act Systems of Records. All comments received, including attachments and other supporting documents, are part of the public record and subject to public disclosure. All comments received will be posted without change to *www.regulations.gov,* including any personal information provided. You should submit only information that you wish to make publicly available.

FOR FURTHER INFORMATION CONTACT: For general questions and for privacy issues please contact: Deputy Assistant Secretary for Privacy, Transparency, and Records (202–622–5710), Department of the Treasury, 1500 Pennsylvania Avenue NW, Washington, DC 20220.

SUPPLEMENTARY INFORMATION: In accordance with the Privacy Act of 1974, Treasury proposes to modify a current Treasury system of records titled, ''Treasury .007—Personnel Security System.''

The Department of the Treasury is an early adopter of a Department of Defense (DoD)-provided electronic adjudicative case management shared service through DoD's Defense Information System for Security (''DISS'') (system of records notice (SORN): ''DMDC 24 DoD—Defense Information System for Security (DISS)''). DISS maintains information on security clearance access, personnel security eligibility, suitability for Government employment, fitness to perform work for or on behalf of the U.S. Government as a contractor, and eligibility for logical and physical access to Treasury controlled facilities and information systems. It also provides an all-inclusive medium to document personnel security adjudicative actions within the subscribing agency, allowing users to provide investigation and adjudication updates to security managers and other security officials. All users of DISS must be appropriately screened, investigated, and granted access based on the user's specific functions, security eligibility, and access level. Treasury maintenance of its records—currently outlined in Treasury .007—within DISS will be used to ensure Treasury is upholding the highest standards of integrity,

loyalty, conduct, and security among its employees and contract personnel. It will also help streamline the vetting process by utilizing a single system for all phases of vetting operations to include adjudication, continuous evaluation/continuous vetting, and case management, while maintaining compliance with all applicable legal, regulatory and policy authorities.

To allow Treasury's participation and continued involvement in DISS, Treasury is implementing the changes to the SORN listed below:

(1) To add the following categories of records maintained in the system: ''to include names and addresses of neighbors and references,'' ''to include names of supervisors and colleagues,'' ''publicly available social media information,'' ''position sensitivity; status of current adjudicative action; status of security clearance eligibility and/or access, suitability, fitness, or Homeland Security Presidential Directive–12 (HSPD–12) Personal Identity Verification (PIV) determinations; and investigative records related to initial vetting, reinvestigation, continuous evaluation, and/or continuous vetting.'' To update the categories of records to state that ''[t]his system maintains information collected as part of the investigative vetting process. This information may include the individual's personally identifiable information; residential, educational, employment, and mental health history; financial details, and criminal and disciplinary histories; to include:'';

(2) To update existing applicable authorities for maintenance of the system;

(3) To clarify the purpose(s) of records stored in the system, by modifying the clause ''investigatory information,'' to the following: ''investigative and related administrative, adjudicative, and other information necessary'';

(4) To add routine uses to share information (a) with other federal agencies or federal entities as required by the Office of Management and Budget (OMB) Memorandum 17–12, ''Preparing for and Responding to a Breach of Personally Identifiable Information,'' dated January 3, 2017, to assist Treasury in responding to a suspected or confirmed breach or prevent, minimize, or remedy the risk of harm to the requesters, Treasury, the Federal Government, or national security, and (b) with the Department of Defense, other Federal agency or other appropriate entity to authorize Treasury's participation in DISS, which allows Treasury to transfer the records covered by Treasury .007 to DISS for storage and maintenance only; though records will be maintained in a DoD-managed system, only Treasury-affiliated users will have access to these records.

(5) To update the storage of records in the system;

(6) To add social security number (SSN), date of birth, place of birth, Investigative Service Provider's investigation number, DISS adjudicative case identification number or some combination thereof as sources for retrieval of records;

(7) To update the agency's safeguards;

(8) To clarify that records may be sourced not only from the individual, but from authorized investigative, employment, and security entities as well;

(9) To update the policies and practices for retention and disposal of records; and

(10) Other changes throughout the document are editorial in nature and consist primarily of changes to clarify language and processes.

This modified system will be included in Treasury's inventory of record systems. Below is the description of the Department of the Treasury, Treasury .007—Personnel Security System.

Treasury has provided a report of this system of records to the Committee on Oversight and Government Reform of the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, and OMB, pursuant to 5 U.S.C. 552a(r) and OMB Circular A–108, ''Federal Agency Responsibilities for Review, Reporting, and Publication under the Privacy Act,'' dated December 23, 2016.

Ryan Law,

Deputy Assistant Secretary for Privacy, Transparency, and Records.

SYSTEM NAME AND NUMBER:

Department of the Treasury, Treasury .007—Personnel Security System.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Department of the Treasury, 1500 Pennsylvania Avenue NW, Room 3180 Annex, Washington, DC 20220 in the Office of Security Programs (and other office locations identified below) which is responsible for making suitability, fitness, security clearance, access, and Homeland Security Presidential Directive–12 (HSPD–12) credentialing decisions. Other locations at which the system is maintained by Treasury bureaus and their associated offices are:

(1) Departmental Offices (DO):

a. 1500 Pennsylvania Avenue NW, Room 3180 Annex, Washington, DC 20220.

b. Special Inspector General for the Troubled Asset Relief Program (SIGTARP): 1801 L Street NW, Washington, DC 20036.

(2) Office of Inspector General (OIG): 320 Avery Street Parkersburg, West Virginia 26101.

(3) Treasury Inspector General for Tax Administration (TIGTA): 1401 H Street NW, Suite 469, Washington, DC 20005.

(4) Alcohol and Tobacco Tax and Trade Bureau (TTB): 1310 G Street NW, Washington, DC 20220.

(5) Office of the Comptroller of the Currency (OCC): 400 7th Street SW, Washington, DC 20219.

(6) Bureau of Engraving and Printing (BEP): 14th & C Streets SW, Washington, DC 20228.

(7) Bureau of the Fiscal Service (BFS): Security Operations Division, Personnel Security Branch, 3700 East West Highway, Hyattsville, Maryland and BFS at 320 Avery Street, Parkersburg, West Virginia 26101.

(8) United States Mint (MINT): 801 9th Street NW, Washington, DC 20220.

(9) Financial Crimes Enforcement Network (FinCEN), Vienna, Virginia 22183–0039.

(10) Internal Revenue Service (IRS), 1111 Constitution Avenue NW, Washington, DC 20224.

SYSTEM MANAGER(S):

Department of the Treasury Official prescribing policies and practices: Director, Office of Security Programs, 1500 Pennsylvania Avenue NW, Room 3180 Annex, Washington, DC 20220.

The system managers for the Treasury bureau components are:

(1) Departmental Offices:

a. Chief, Personnel Security, 1500 Pennsylvania Avenue NW, Room 3180 Annex, Washington, DC 20220.

b. SIGTARP: Director, Human Resources, 1801 L Street NW, Washington, DC 20036.

(2) OIG: Personnel Officer, 740 15th Street NW, Suite 510, Washington, DC 20220.

(3) TIGTA: Personnel Security Officer, 1401 H Street NW, Suite 469, Washington, DC 20005.

(4) TTB: Alcohol and Tobacco Tax and Trade Bureau: Director of Security and Emergency Preparedness 1310 G Street NW, Washington, DC 20220.

(5) BFS: Director, Division of Security and Emergency Preparedness, Director, Division of Human Resources Operations Division, Avery Street Building, 320 Avery Street, Parkersburg, West Virginia 26101 and Director, Administrative Programs Division, 3700

East West Highway, Hyattsville, Maryland 20782.

(6) OCC: Director, Administrative Services Division, 400 7th Street SW, Washington, DC 20219.

(7) BEP: Chief, Office of Security, 14th & C Streets NW, Washington, DC 20228.

(8) Mint: Associate Director for Protection, 801 9th Street NW, 8th Floor, Washington, DC 20220.

(9) FinCEN: Director, Vienna, Virginia 22183–0039.

(10) IRS: Director, Personnel Security, 1111 Constitution Avenue NW, Washington, DC 20224.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Order 12968, as amended, Executive Order 13467, Executive Order 13488, and Homeland Security Presidential Directive 12 (HSPD–12).

PURPOSE(S) OF THE SYSTEM:

(1) The records in this system are used to provide investigative and related administrative, adjudicative, and other information necessary to determine whether an individual is suitable or fit for Government employment; eligible for logical and physical access to Treasury controlled facilities and information systems; eligible to hold sensitive positions (including but not limited to eligibility for access to classified information); fit to perform work for or on behalf of the U.S. Government as a contractor; qualified to perform contractor services for the U.S. Government; or loyal to the United States; and

(2) while maintaining compliance with applicable legal, regulatory and policy authorities.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

(1) Current and former government employees, applicants, consultants, experts, contractor personnel occupying sensitive positions in the Department; (2) current and former U.S. Executive Directors and Alternates employed at International Financial Institutions; (3) personnel who are appealing a denial or a revocation of a Treasury-issued security clearance; (4) employees and contractor personnel who have applied for the HSPD–12 Personal Identity Verification (PIV) Card; (5) individuals who are not Treasury employees, but who are or were involved in Treasury Department programs under a co-operative assignment or under a similar agreement; and (6) State, Local, Tribal and Private sector partners identified by Treasury sponsors for eligibility to access classified information in support of homeland defense initiatives.

CATEGORIES OF RECORDS IN THE SYSTEM:

Applicable records containing the following information from one or more of the categories within background investigations relating to personnel investigations conducted by the Office of Personnel Management, select Treasury bureaus (IRS, Mint and BEP) and other Federal agencies and departments on a pre-placement and post-placement basis to make suitability, fitness, and HSPD–12 PIV determinations and for granting security clearances. This system maintains information collected as part of the investigative vetting process. This information may include the individual's personally identifiable information; residential, educational, employment, and mental health history; financial details, and criminal and disciplinary histories; to include:

(1) An individual's name, former names and aliases; date and place of birth; social security number (SSN); height; weight; hair and eye color; gender; mother's maiden name; current and former home addresses to include names and addresses of neighbors and references, phone numbers, and email addresses; employment history to include names of supervisors and colleagues; military record information; selective service registration record; education and degrees earned; names of associates and references with their contact information; citizenship; passport information; criminal history; civil court actions; prior security clearance and investigative information; mental health history; records related to drug and/or alcohol use; financial record information; information from the IRS pertaining to income tax returns; credit reports; the name, date and place of birth, SSN, and citizenship information for spouse or cohabitant; the name and marriage information for current and former spouse(s); the citizenship, name, date and place of birth, and address for relatives; information on foreign contacts and activities; association records; information on loyalty to the United States; publicly available social media information; and other agency reports furnished to Treasury in connection with the background investigation process, and other information developed from the above; (2) position sensitivity; status of current adjudicative action; status of security clearance eligibility and/or access, suitability, fitness, or HSPD–12 PIV determinations; and investigative records related to initial vetting, reinvestigation, continuous evaluation, and/or continuous vetting; (3) summaries of personal and third party interviews conducted during the course of the background investigation; (4) previously used card index records comprised of Notice of Personnel Security Investigation (OS F 67–32.2); (5) signed Classified Information Non-disclosure Agreement (SF 311), and related supplemental documents for those persons issued a security clearance; (6) completed Security Orientation Acknowledgment (TD F 15–05.01) for persons having received initial security training on safeguarding classified information; (7) an automated data system reflecting identification data on incumbents and former employees, disclosure and authorization forms, and record of investigations, level and date of security clearance, if any, as well as status of investigations; (8) records pertaining to suspensions or an appeal of a denial or a revocation of a Treasury-issued security clearance; (9) records pertaining to the personal identification verification process mandated by HSPD–12 and the issuance, denial or revocation of a PIV card; and (10) records of personnel background investigations conducted by other Federal agencies.

RECORD SOURCE CATEGORIES:

Records are obtained from individual employees, applicants, detailees, consultants, experts and contractors (including the results of in-person interviews) whose files are on record as authorized by those concerned; investigative reports from federal investigative agencies; criminal or civil investigations; continuous evaluation records; police and credit record checks; personnel records; educational records and instructors; current and former employers; coworkers, neighbors, family members, acquaintances; and authorized security representatives.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under the Privacy Act of 1974, 5 U.S.C. 552a(b), records and/or information or portions thereof maintained as part of this system may be disclosed outside Treasury as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

(1) Designated officers and employees of agencies, offices, and other establishments in the executive, legislative and judicial branches of the Federal government, when such agency, office, or establishment conducts an investigation of the individual for purposes of granting a security clearance, or for the purpose of making

a determination of qualifications, suitability, fitness, or issuance of an HSPD–12 PIV card for physical and/or logical access to facilities/IT systems or restricted areas; to determine access to classified information and/or in connection with performance of a service to the Federal government under a contract or other agreement;

(2) Pursuant to the order of a court of competent jurisdiction;

(3) To the United States Department of Justice (''DOJ''), for the purpose of representing or providing legal advice to the Department in a proceeding before a court, adjudicative body, or other administrative body before which the Department is authorized to appear, when such proceeding involves:

(a) The Department or any component thereof;

(b) Any employee of the Department in his or her official capacity;

(c) Any employee of the Department in his or her individual capacity where the Department of Justice or the Department has agreed to represent the employee; or

(d) The United States, when the Department determines that litigation is likely to affect the Department or any of its components; and the use of such records by the DOJ is deemed by the DOJ or the Department to be relevant and necessary to the litigation provided that the disclosure is compatible with the purpose for which records were collected;

(4) To a Congressional office in response to a written inquiry made at the request of the individual to whom the record pertains;

(5) To another agency or to an instrumentality of any governmental jurisdiction within or under the control of the United States for a civil or criminal law enforcement activity if the activity is authorized by law, and if the head of the agency or instrumentality has made a written request to the Treasury component which maintains the record specifying the particular portion desired and the law enforcement activity for which the record is sought;

(6) The Office of Personnel Management, Merit Systems Protection Board, Equal Employment Opportunity Commission, Federal Labor Relations Authority, and the Office of Special Counsel for the purpose of properly administering Federal personnel systems or other agencies' systems in accordance with applicable laws, Executive Orders, and regulations;

(7) To the Department of Defense or other Federal agency, or other appropriate entity, in connection with providing shared services approved by the Enterprise Investment Board (EIB) of the Performance Accountability Council (PAC), to subscribing agencies for hiring or retaining an employee; classifying a position; conducting a security, suitability, fitness, or credentialing background investigation (including continuous evaluation/continuous vetting); issuing a security clearance or sensitive position eligibility; making a suitability, fitness, or credentialing decision; recording the results of any agency decision with respect to these functions; or in support of any of the purposes or functions outlined or otherwise incorporated in this system of records;

(8) To appropriate agencies, entities, and person when (1) the Department of the Treasury suspects or has confirmed that there has been a breach of the system of records; (2) the Department of the Treasury has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, the Department of the Treasury (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 of the Treasury's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm; and

(9) To another Federal agency or Federal entity, when the Department of the Treasury 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.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Records in this system are stored electronically or on paper in secure facilities in a locked drawer behind a locked door.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Records may be retrieved by name, social security number, date of birth, place of birth, Investigative Service Provider's investigation number, DISS adjudicative case identification number or some combination thereof.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

The records on government employees and contractor personnel are retained for the duration of their employment at the Treasury Department. The records on applicants not selected and separated employees are destroyed or sent to the Federal Records Center in accordance with General Records Schedule 5.6, item 181. Investigative reports are maintained in OPM Central-9 (81 FR 70191). DoD maintains post investigative files in DMDC 24 DOD (81 FR 39032).

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

Records in this system are safeguarded in accordance with applicable rules and policies, including all applicable Treasury automated systems security and access policies. Strict controls have been imposed to minimize the risk of compromising the information that is being stored. Access to the computer system containing the records in this system is limited to those individuals who have a need to know the information for the performance of their official duties and who have appropriate clearances.

RECORD ACCESS PROCEDURES:

See ''Notification Procedures'' below.

CONTESTING RECORD PROCEDURES:

See ''Notification Procedures'' below.

NOTIFICATION PROCEDURES:

Individuals seeking notification and access to any record contained in this system of records, or seeking to contest or amend its content, as a part of a Freedom of Information Act (FOIA) request and/or Privacy Act request (to include amendment requests, etc.) may inquire in writing in accordance with instructions directly to individual Treasury components appearing at 31 CFR part 1, subpart C, Appendices A–N for Privacy Act and at 31 CFR part 1, subpart A, Appendices A–M for FOIA.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

This system is exempt from 5 U.S.C. 552a(c)(3), (d)(1), (2), (3), and (4), (e)(1), (e)(4)(G), (H), and (I), and (f) of the Privacy Act pursuant to 5 U.S.C. 552a(k)(5). (See 31 CFR 1.36.)

HISTORY:

Notice of this system of records was last published in full in the **Federal Register** on November 7, 2016 (81 FR 78266) as the Department of the Treasury, Treasury .007—Personnel Security System.

[FR Doc. 2019–10632 Filed 5–21–19; 8:45 am]

BILLING CODE 4810–25–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0768]

Agency Information Collection Activity: Joint Application for Comprehensive Assistance and Support Services for Family Caregivers

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 22, 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. 2900–0768'' 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: Joint Application for Comprehensive Assistance and Support Services for Family Caregivers, VA Form 10–10CG.

OMB Control Number: 2900–0768.

Type of Review: Reinstatement with change of a previously approved collection.

Abstract: Public Law (Pub. L.) 111–163, Caregivers and Veterans Omnibus Health Services Act of 2010 amended title 38 United States Code chapter 17 by adding a new section, 1720G, ''Assistance and Support Services for Caregivers.'' Section 1720G requires the Department of Veterans Affairs (VA) to develop a Program of Comprehensive Assistance and Support Services for Family Caregivers. Under the law, primary family caregivers may be eligible to receive a stipend, access to health care coverage, mental health counseling, comprehensive caregiver education and training and expanded respite services. Caregivers also may be eligible for travel benefits when they accompany the Veteran for care or attending training. In order to administer these benefits to caregivers, it is necessary that the VA receive information about the nature of benefit being sought and the persons who will be serving as caregivers and receiving benefits. The information collected will be used to determine if a post-9/11 Veteran or active duty service member undergoing medical discharge qualifies for Caregiver Support Services and whether the individuals designated to serve as primary or secondary family caregivers meet VA's criteria for these roles.

Affected Public: Individuals and households.

Estimated Annual Burden: 4,125 hours.

Estimated Average Burden per Respondent: 15 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 16,500.

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. 2019–10617 Filed 5–21–19; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–New]

Agency Information Collection Activity: Service Level Measurement—VHA Telehealth Survey

AGENCY: Veterans Experience Office, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Experience Office (VEO), 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 22, 2019.

ADDRESSES: Submit written comments on the collection of information through Federal Docket Management System (FDMS) at *www.Regulations.gov* or to *Michael Jacobsen,* Veterans Experience Office, Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420 or email to *michael.jacobsen2@va.gov.* Please refer to ''Service Level Measurement—Telehealth'' 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, VEO invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VEO's functions, including whether the information will have practical utility; (2) the accuracy of VEO'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: OMB Circular A–11 (2018), Section 280.

Title: Service Level Measurement—VHA Telehealth Survey.

OMB Control Number: 2900–New.

Type of Review: New collection.

Abstract: The Enterprise Measurement and Design team (EMD) team is tasked with conducting transactional surveys of the Veteran population to measure their satisfaction with the Department of Veterans Affairs (VA) numerous services. Thus, their mission is to empower Veterans by rapidly collecting feedback on their interactions with such VA entities as NCA, VHA, and VBA.

The Veteran Health Administration (VHA) oversees the largest health care system in the country and, to assure access to high quality health care services to all veterans, has been a leader in the adoption of telecommunications technologies that allow for convenient, accessible, and patient-centered care when patient and practitioners are separated by geographical distance. The Veterans Experience Office (VEO) was procured by VHA to measure the customer satisfaction of veterans receiving telehealth. The Telehealth Survey measures customer satisfaction at multiple levels from VHA-wide, to services type, to point of service. This measurement is intended to bring insights and value to wide variety of stakeholders at VA. Front-line VA leaders can resolve individual feedback from Veterans and take steps to improve the patient experience; meanwhile VA executives can receive real-time updates on systematic trends allowing them to monitor veteran experience with telehealth during this key transformational period of telehealth expansion and beyond. The goals are to:

(1) To collect continuous patient experience data.

(2) To help field staff and the national office identify areas of improvement.

(3) To understand emerging drivers and detractors of patient experience.

To accomplish this task, the VEO will invite, via email, a random sample of veterans that recently received telehealth services to complete a brief transactional online survey. Samples will be drawn two times a week to ensure that veterans can accurately recall their most recent telehealth encounter. The selected veterans are given two weeks to respond to the survey, receiving an email reminding them about the survey invitation if they did not respond one week after the initial email. Sampled veterans will report their experiences through Likert-scale questions designed to measure the customer experience driver metrics published by OMB in the A–11 Budget Directive. Sampled veterans will also be asked to respond to an open-ended question about their experience with the telehealth encounter that will allow them to provide any further information about their experience that was not captured in the previous questions. Once data collection is completed, the participant responses in the online survey will be weighted so that the samples more closely represent the overall population. Weighting models will rely on the following: Telehealth modality, patient touchpoint, district, age, and gender. Weighted estimates will be published through dashboards on the Veteran Signals (VSignals) system for interactive reporting and data visualization.

This data collection was previously approved and conducted under the VA Generic Clearance Number 2900–0770: Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery. Under this clearance, the VEO could collect and report this data to stakeholders internal to VA for program and procedure improvement. However, OMB Circular A–11 (2018), Section 280, directs VEO to present the standardized customer experience driver metrics from this survey to the public through *Performance.gov,* which was not allowed under Generic Clearance Number 2900–0770. Therefore, the VEO is creating a new information collection request to be able to present the VHA Telehealth estimates to meet this directive.

Affected Public: Individuals.

Estimated Annual Burden: 2,000 hours.

Estimated Average Burden per Respondent: 2 minutes.

Frequency of Response: Once.

Estimated Number of Respondents: 60,000.

By direction of the Secretary.

Danny S. Green,

Interim VA Clearance Officer, Office of Quality, Performance and Risk, Department of Veterans Affairs.

[FR Doc. 2019–10728 Filed 5–21–19; 8:45 am]

BILLING CODE 8320–01–P

FEDERAL REGISTER

Vol. 84 Wednesday,

No. 99 May 22, 2019

Part II

Federal Reserve System

12 CFR Part 43

Department of the Interior

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Threatened Species Status With Section 4(d) Rule for Neuse River Waterdog and Endangered Species Status for Carolina Madtom and Proposed Designations of Critical Habitat; Proposed Rule

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

[Docket No. FWS–R4–ES–2018–0092; 4500030113]

RIN 1018–BC28

Endangered and Threatened Wildlife and Plants; Threatened Species Status With Section 4(d) Rule for Neuse River Waterdog and Endangered Species Status for Carolina Madtom and Proposed Designations of Critical Habitat

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), announce a 12-month finding on a petition to list two North Carolina species, the Neuse River waterdog (*Necturus lewisi*) and the Carolina madtom (*Noturus furiosus*), as endangered or threatened under the Endangered Species Act of 1973, as amended (Act). The Neuse River waterdog is an aquatic salamander. The Carolina madtom is a freshwater fish. After review of the best available scientific and commercial information, we find that listing both species is warranted. Accordingly, we propose to list the Neuse River waterdog as a threatened species with a rule issued under section 4(d) of the Act (''4(d) rule'') and the Carolina madtom as an endangered species under the Act. If we finalize this rule as proposed, it would add these species to the List of Endangered and Threatened Wildlife and extend the Act's protections to both species. We also propose to designate critical habitat for both species under the Act. In total, approximately 738 river miles (1,188 river kilometers) in 16 units in North Carolina fall within the boundaries of the proposed critical habitat designation for the Neuse River waterdog. Approximately 257 river miles (414 river kilometers) in 7 units in North Carolina are being proposed as critical habitat for the Carolina madtom. Finally, we announce the availability of a draft economic analysis of the proposed critical habitat designations.

DATES: We will accept comments received or postmarked on or before July 22, 2019. Comments submitted electronically using the Federal eRulemaking Portal (see **ADDRESSES**, below) must be received by 11:59 p.m. Eastern Time on the closing date. We must receive requests for public hearings, in writing, at the address shown in **FOR FURTHER INFORMATION CONTACT** by July 8, 2019.

ADDRESSES: You may submit comments by one of the following methods:

(1) *Electronically:* Go to the Federal eRulemaking Portal: *http://www.regulations.gov.* In the Search box, enter FWS–R4–ES–2018–0092, which is the docket number for this rulemaking. Then, in the Search panel on the left side of the screen, under the Document Type heading, check the Proposed Rules box to locate this document. You may submit a comment by clicking on ''Comment Now!''

(2) *By hard copy:* Submit by U.S. mail or hand-delivery to: Public Comments Processing, Attn: FWS–R4–ES–2018–0092, U.S. Fish and Wildlife Service, MS: BPHC, 5275 Leesburg Pike, Falls Church, VA 22041–3803.

We request that you send comments only by the methods described above. We will post all comments on *http://www.regulations.gov.* This generally means that we will post any personal information you provide us (see *Public Comments,* below, for more information).

Availability of supporting materials: For the critical habitat designation, the coordinates or plot points or both from which the maps are generated are included in the administrative record and are available at *https://www.fws.gov/southeast/,* at *http://www.regulations.gov* under Docket No. FWS–R4–ES–2018–0092, and at the Raleigh Ecological Services Field Office (see **FOR FURTHER INFORMATION CONTACT**). Any additional tools or supporting information that we may develop for the critical habitat designation will also be available at the Service website and Field Office set out above, and may also be included in the preamble and/or at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Pete Benjamin, Field Supervisor, U.S. Fish and Wildlife Service, Raleigh Ecological Services Field Office, 551F Pylon Drive, Raleigh, NC 27606; telephone 919–856–4520; or facsimile 919–856–4556. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Relay Service at 800–877–8339.

SUPPLEMENTARY INFORMATION:

Supporting Documents

A species status assessment (SSA) team prepared SSA reports for the Neuse River waterdog and the Carolina madtom. The SSA team was composed of Service and North Carolina Wildlife Resources Commission biologists, in consultation with other species experts. The SSA reports represent a compilation of the best scientific and commercial data available concerning the status of the species, including the impacts of past, present, and future factors (both negative and beneficial) affecting each species. Both SSA reports underwent independent peer review by scientists with expertise in fish or amphibian biology, habitat management, and stressors (factors negatively affecting the species) to the species. The SSA reports and other materials relating to this proposal can be found on the Southeast Region website at *https://www.fws.gov/southeast/* and at *http://www.regulations.gov* under Docket No. FWS–R4–ES–2018–0092.

Executive Summary

Why we need to publish a rule. Under the Act, if we determine that a species may be an endangered or threatened species throughout all or a significant portion of its range, we are required to promptly publish a proposal in the **Federal Register** and make a determination on our proposal within 1 year. To the maximum extent prudent and determinable, we must designate critical habitat for any species that we determine to be an endangered or threatened species under the Act. Listing a species as an endangered or threatened species and designation of critical habitat can only be completed by issuing a rule.

What this document does. We propose the listing of the Neuse River waterdog as a threatened species with a rule under section 4(d) of the Act and the Carolina madtom as an endangered species under the Act, and we propose the designation of critical habitat for both species.

The basis for our action. Under the Act, we may determine that a species is an endangered or threatened species based on any of five factors: (A) The present or threatened destruction, modification, or curtailment of its habitat or range; (B) overutilization for commercial, recreational, scientific, or educational purposes; (C) disease or predation; (D) the inadequacy of existing regulatory mechanisms; or (E) other natural or manmade factors affecting its continued existence. We have determined that habitat degradation (Factor A), resulting from the cumulative impacts of land use change and associated watershed-level effects on water quality, water quantity, habitat connectivity, and instream habitat suitability, poses the largest risk to future viability of both species. This stressor is primarily related to habitat changes: The buildup of fine sediments, the loss of flowing water, instream habitat fragmentation, and impairment of water quality, and it is exacerbated by

the effects of climate change (Factor E). There are no existing regulatory mechanisms that are adequate to reduce these threats so that the species does not warrant listing (Factor D).

Section 4(a)(3) of the Act requires the Secretary of the Interior (Secretary) to designate critical habitat concurrent with listing to the extent prudent and determinable. Section 4(b)(2) of the Act states that the Secretary will make the designation on the basis of the best available scientific data after taking into consideration the economic impact, the impact on national security, and any other relevant impact of specifying any particular area as critical habitat. Section 3(5) of the Act defines critical habitat as (i) the specific areas within the geographical area occupied by the species, at the time it is listed, on which are found those physical or biological features (I) essential to the conservation of the species and (II) which may require special management considerations or protection; and (ii) specific areas outside the geographical area occupied by the species at the time it is listed if such areas are essential to the conservation of the species.

Peer Review. In accordance with our joint policy on peer review published in the **Federal Register** on July 1, 1994 (59 FR 34270), and our August 22, 2016, memorandum updating and clarifying the role of peer review of listing actions under the Act, we sought the expert opinions of 13 appropriate specialists regarding the SSA reports, which informed this proposed rule. The purpose of peer review is to ensure that the science behind our listing determinations, the critical habitat designations, and 4(d) rule are based on scientifically sound data, assumptions, and analyses. The peer reviewers have expertise in the biology, habitat, and stressors to the species.

Information Requested

Public Comments

We intend that any final action resulting from this proposed rule will be based on the best scientific and commercial data available and be as accurate and as effective as possible. Therefore, we request comments or information from other concerned governmental agencies, Native American tribes, the scientific community, industry, or any other interested parties concerning this proposed rule. We particularly seek comments concerning:

(1) The species' biology, range, and population trends, including:

(a) Biological or ecological requirements of these species, including habitat requirements for feeding, breeding, and sheltering;

(b) Genetics and taxonomy;

(c) Historical and current range, including distribution patterns;

(d) Historical and current population levels, and current and projected trends; and

(e) Past and ongoing conservation measures for these species, their habitats, or both.

(2) Factors that may affect the continued existence of the species, which may include habitat modification or destruction, overutilization, disease, predation, the inadequacy of existing regulatory mechanisms, or other natural or manmade factors.

(3) Biological, commercial trade, or other relevant data concerning any threats (or lack thereof) to these species and existing regulations that may be addressing those threats.

(4) Additional information concerning the historical and current status, range, distribution, and population size of these species, including the locations of any additional populations of either species.

(5) Information on activities that are necessary and advisable for the conservation of the Neuse River waterdog to include in a 4(d) rule for the species. The Service is proposing such measures that are necessary and advisable for the conservation of the species, and will evaluate ideas provided by the public in considering the prohibitions we should include in the 4(d) rule.

(a) Additional provisions the Service may wish to consider for a 4(d) rule in order to conserve, recover, and manage the Neuse River waterdog, such as the best management practices used in agriculture.

(6) The reasons why we should or should not designate habitat as ''critical habitat'' under section 4 of the Act including whether there are threats to the species from human activity, the degree of which can be expected to increase due to the designation, and whether that increase in threat outweighs the benefit of designation such that the designation of critical habitat may not be prudent.

(7) Specific information on:

(a) The amount and distribution of Neuse River waterdog or Carolina madtom habitat;

(b) What areas, that were occupied at the time of listing and that contain the physical or biological features essential to the conservation of the species, should be included in the designation and why;

(c) Special management considerations or protection that may be needed in critical habitat areas we are proposing, including managing for the potential effects of climate change; and

(d) What areas not occupied at the time of listing are essential for the conservation of the species and why.

(8) Land use designations and current or planned activities in the subject areas and their possible impacts on proposed critical habitat.

(9) Any probable economic, national security, or other relevant impacts of designating any area that may be included in the final designation, and the benefits of including or excluding areas that may be impacted.

(10) Information on the extent to which the description of probable economic impacts in the draft economic analysis is a reasonable estimate of the likely economic impacts.

(11) Whether any specific areas we are proposing for critical habitat designation should be considered for exclusion under section 4(b)(2) of the Act, and whether the benefits of potentially excluding any specific area outweigh the benefits of including that area under section 4(b)(2) of the Act.

(12) Whether we could improve or modify our approach to designating critical habitat in any way to provide for greater public participation and understanding, or to better accommodate public concerns and comments.

Please include sufficient information with your submission (such as scientific journal articles or other publications) to allow us to verify any scientific or commercial information you include.

Please note that submissions merely stating support for, or opposition to, the action under consideration without providing supporting information, although noted, will not be considered in making a determination, as section 4(b)(1)(A) of the Act directs that determinations as to whether any species is an endangered or a threatened species must be made ''solely on the basis of the best scientific and commercial data available.''

You may submit your comments and materials concerning this proposed rule by one of the methods listed in **ADDRESSES**. We request that you send comments only by the methods described in **ADDRESSES**.

If you submit information via *http://www.regulations.gov,* your entire submission—including any personal identifying information—will be posted on the website. If your submission is made via a hardcopy that includes personal identifying information, you may request at the top of your document that we withhold this information from public review. However, we cannot

guarantee that we will be able to do so. We will post all hardcopy submissions on *http://www.regulations.gov.*

Comments and materials we receive, as well as supporting documentation we used in preparing this proposed rule, will be available for public inspection on *http://www.regulations.gov,* or by appointment, during normal business hours, at the U.S. Fish and Wildlife Service, Raleigh Ecological Services Field Office (see **FOR FURTHER INFORMATION CONTACT**).

Public Hearing

Section 4(b)(5) of the Act provides for one or more public hearings on this proposal, if requested. Requests must be received by the date specified above in **DATES**. Such requests must be sent to the address shown in **FOR FURTHER INFORMATION CONTACT**. We will schedule public hearings on this proposal, if any are requested, and announce the dates, times, and places of those hearings, as well as how to obtain reasonable accommodations, in the **Federal Register** and local newspapers at least 15 days before the hearing.

Previous Federal Actions

On April 20, 2010, we received a petition from Center for Biological Diversity and others to list 404 aquatic species in the southeastern United States, including the Neuse River waterdog and the Carolina madtom. In response to the petition, we completed a partial 90-day finding on September 27, 2011 (76 FR 59836), in which we stated that the petition contained substantial information that listing may be warranted for both species. We conducted a status review for each species. This proposed listing rule also constitutes our 12-month petition findings for the two species.

I. Proposed Listing Determination

Background

Neuse River Waterdog

A thorough review of the taxonomy, life history, and ecology of the Neuse River waterdog (*Necturus lewisi*) is presented in the SSA Report Version 1.1.

The Neuse River waterdog is a permanently aquatic salamander species endemic to the Tar-Pamlico and Neuse River drainages in North Carolina. The species occurs in riffles, runs, and pools in medium to large streams and rivers with moderate gradient in both the Piedmont and Coastal Plain physiographic regions. Neuse River waterdogs are from an ancient lineage of permanently aquatic salamanders in the genus *Necturus,* one of three species of *Necturus* in North Carolina.

Neuse River waterdogs have a reddish brown skin with black spots, reaching up to 9 inches (in) in length as adults. Their underside is brownish grey, and they have external bushy dark red gills. They eat large aquatic arthropods, any aquatic and terrestrial invertebrates, and even some vertebrates like small fish. Like most waterdogs, they are opportunistic feeders who lie in wait for a small organism to swim or float by. All prey are ingested whole, and larger items are sometimes regurgitated and then re-swallowed.

Neuse River waterdogs are found in streams ranging from larger headwater streams in the Piedmont to coastal streams up to the point of saltwater intrusion. None have been found in lakes or ponds. They are usually found in streams wider than 15 meters (m), deeper than 100 centimeters (cm), and with a main channel flow rate greater than 10cm/second. Further, they need clean, flowing water characterized by high dissolved oxygen concentrations. The preferred habitats vary with the season, temperature, dissolved oxygen content, flow rate and precipitation; however, the waterdogs maintain home retreat areas under rocks, in burrows, or under substantial cover in backwater or eddy areas.

Longevity of Neuse River waterdogs is not known; however, their close relative *N. maculosus* may live for 30+ years. Like many long-lived animals, breeding is delayed until a minimum body size is reached and they tend to grow slowly. Generation time for Neuse River waterdogs is 10–15 years. They breed once per year, with mating in the fall or winter and spawning in the spring. Females lay a clutch of about 25–90 eggs under large rocks with sand and gravel beneath them and then guard the rudimentary nest.

Carolina Madtom

A thorough review of the taxonomy, life history, and ecology of the Carolina madtom (*Noturus furiosus*) is presented in the SSA Report.

The Carolina madtom is a moderate-sized catfish with a short, chunky body and a distinct color pattern of three dark saddles and a wide black stripe along its side. *Furiosus* means ''mad'' or ''raging,'' as the Carolina madtom is the most strongly armed of the North American catfishes with stinging spines containing a potent poison in their pectoral fins. They are found in medium to large flowing streams of moderate gradient in both the Piedmont and Coastal Plain physiographic regions in the Neuse and Tar River basins. Suitable instream habitats are described as riffles, runs, and pools with current, and during the warm months the madtoms are found in or near swift current at depths of 1 to 3 feet (.3 to .9 meters). Stream bottom substrate composition is important for benthic Carolina madtoms; leaf litter, sand, gravel, and small cobble are all common substrates associated with the species, although it is most often found over sand mixed with pea-sized gravel and leaf litter. During the breeding season, Carolina madtoms shift to areas of moderate to slow flow with abundant cover used for nesting.

The nesting season extends from about mid-May to late July. Nest sites are often found under or in relic freshwater mussel shells, under large pieces of water-logged tree bark, or in discarded beverage bottles and cans partially buried on the stream bottom. The female produces about 80 to 300 eggs, and the male guards the nest until the eggs hatch. Clutch sizes average 152 larvae, and life expectancy for these fish is at least 4 years.

The Carolina madtom is a bottom-dwelling insectivore that feeds primarily during the night, with peaks at dawn and dusk. More than 95 percent of the food organisms in the Carolina madtom stomachs were larval midges, mayflies, caddisflies, dragonflies, and beetle larvae (Burr et al. 1989, p. 78).

Summary of Biological Status and Threats

Section 4 of the Act (16 U.S.C. 1533) and its implementing regulations in title 50 of the Code of Federal Regulations (50 CFR part 424) set forth the procedures for determining whether a species is an ''endangered species'' or a ''threatened species.'' The Act defines an endangered species as a species that is ''in danger of extinction throughout all or a significant portion of its range,'' and a threatened species as a species that is ''likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range.'' The Act requires that we determine whether any species is an ''endangered species'' or a ''threatened species'' because of any of the following factors:

(A) The present or threatened destruction, modification, or curtailment of its habitat or range;

(B) Overutilization for commercial, recreational, scientific, or educational purposes;

(C) Disease or predation;

(D) The inadequacy of existing regulatory mechanisms; or

(E) Other natural or manmade factors affecting its continued existence.

These factors represent broad categories of natural or human-caused actions or conditions that could have an effect on a species' continued existence. In evaluating these actions and conditions, we look for those that may have a negative effect on individuals of the species, as well as other actions or conditions that may ameliorate any negative effects or may have positive effects.

We use the term ''threat'' to refer in general to actions or conditions that are known to or are reasonably likely to negatively affect individuals of a species. The term ''threat'' includes actions or conditions that have a direct impact on individuals (direct impacts), as well as those that affect individuals through alteration of their habitat or required resources (stressors). The term ''threat'' may encompass—either together or separately—the source of the action or condition or the action or condition itself.

However, the mere identification of any threat(s) does not necessarily mean that the species meets the statutory definition of an ''endangered species'' or a ''threatened species.'' In determining whether a species meets either definition, we must evaluate all identified threats by considering the expected response by the species, and the effects of the threats—in light of those actions and conditions that will ameliorate the threats—on an individual, population, and species level. We evaluate each threat and its expected effects on the species, then analyze the cumulative effect of all of the threats on the species as a whole. We also consider the cumulative effect of the threats in light of those actions and conditions that will have positive effects on the species—such as any existing regulatory mechanisms or conservation efforts. The Secretary determines whether the species meets the definition of an ''endangered species'' or a ''threatened species'' only after conducting this cumulative analysis and describing the expected effect on the species now and in the foreseeable future.

In our determination, we correlate the threats acting on the species to the factors in section 4(a)(1) of the Act. The SSA reports document the results of our comprehensive biological status review for each species, including an assessment of the potential stressors to the species. They do not represent a decision by the Service on whether the species should be proposed for listing as an endangered or threatened species under the Act. They do, however, provide the scientific basis that informs our regulatory decisions, which involves the further application of standards within the Act and its implementing regulations and policies. The following is a summary of the key results and conclusions from the SSA reports; the full SSA reports can be found on the Southeast Region website at *https://www.fws.gov/southeast/ and at http://www.regulations.gov* under Docket No. FWS–R4–ES–2018–0092.

Summary of Analysis

To assess Neuse River waterdog and Carolina madtom viability, we used the three conservation biology principles of resiliency, representation, and redundancy (together, the 3 Rs) (Shaffer and Stein 2000, pp. 306–310). Briefly, resiliency supports the ability of the species to withstand environmental and demographic stochasticity (for example, wet or dry, warm or cold years); representation supports the ability of the species to adapt over time to long-term changes in the environment (for example, climate changes); and redundancy supports the ability of the species to withstand catastrophic events (for example, droughts, hurricanes). In general, the more redundant and resilient a species is and the more representation it has, the more likely it is to sustain populations over time, even under changing environmental conditions. Using these principles, we identified the species' ecological requirements for survival and reproduction at the individual, population, and species levels, and described the beneficial and risk factors influencing the species' viability.

The SSA process can be categorized into three sequential stages. During the first stage, we used the 3Rs to evaluate individual species' life-history needs. The next stage involved an assessment of the historical and current condition of the species' demographics and habitat characteristics, including an explanation of how the species arrived at its current condition. The final stage of the SSA involved making predictions about the species' responses to positive and negative environmental and anthropogenic influences. This process used the best available information to characterize viability as the ability of a species to sustain populations in the wild over time. We utilize this information to inform our regulatory decision.

Neuse River Waterdog

To evaluate the current and future viability of the Neuse River waterdog, we assessed a range of conditions to allow us to consider the species' resiliency, representation, and redundancy. For the purposes of this assessment, populations were delineated using the three river basins that Neuse River waterdogs have historically occupied (*i.e.,* Tar-Pamlico, Neuse, and Trent River basins). Because the river basin level is at a very coarse scale, populations were further delineated using Management Units (MUs). MUs were defined as one or more HUC10 (hydrologic unit code) watersheds that species experts identified as most appropriate for assessing population-level resiliency.

To assess resiliency, we analyzed MU occupancy over time and site occupancy over time (''population factors'') as well as four habitat elements that were determined in our analysis of the species' needs to have the most influence on the species: Water quality, water quantity, substrate, and habitat connectivity (''habitat elements''). We then assessed the overall condition of each population. Overall population condition rankings were determined by combining the two population factors and four habitat elements. For a more detailed explanation of the condition categories, see Table 1, below.

Representation for the Neuse River waterdog can be described in terms of the size and range of the river systems it inhabits (medium streams to large rivers in three river basins), and physiographic variability (Piedmont and Coastal Plain). High redundancy for Neuse River waterdog is defined as multiple resilient populations (inclusive of multiple, resilient MUs) distributed throughout the species' historical range. That is, highly resilient populations, coupled with a relatively broad distribution, have a positive relationship to species-level redundancy.

TABLE 1—POPULATION AND HABITAT CHARACTERISTICS USED TO CREATE CONDITION CATEGORIES FOR RESILIENCY ASSESSMENT FOR NEUSE RIVER WATERDOG

[MU = Management Unit; HUC10 = hydrologic unit code; ARA = active river area]

Condition category	Population factors		Habitat elements			
	MU occupancy	Site occupancy	Water quality	Water quantity	Connectivity	Instream habitat (substrate)
High	<10% decline or a positive increase in occupied HUC10s over time.	<10% decline in site occupancy over time.	Very few (if any) known impairment or contaminant problems (<5 miles impaired streams; no major discharges, <10 non-major discharges).	Optimal flowing water conditions to remove fine sediments, allow for food delivery, and maximize reproduction; no known flow issues; isolated low flow/drought periods; not flashy flow regime.	Very little (if any) known habitat fragmentation issues (<10 dams per MU; avg # of Road Crossings <300 per MU).	Predominantly natural (>70% forested) ARA; <6% impervious surfaces in HUC10 watershed.
Moderate	11–30% decline in occupied HUC10s over time.	11–30% decline in site occupancy over time.	Impairment or contaminants known to be an issue, but not at a level to put population at risk of being eliminated (5–50 miles impaired streams; 1–3 major discharges; 10–25 non-major discharges.	Water flow not sufficient to consistently remove fine sediments, drying conditions which could impact both food delivery and successful reproduction; moderate flow issues, including 3 to 4 years of consecutive drought or moderately flashy flows.	Some habitat fragmentation issues (10–30 dams per MU; Avg # of Road Crossings 300–500 per MU).	20–70% forested ARA; 6–15% impervious surfaces in HUC10 watershed.
Low	31–70% decline in occupied HUC10s over time.	31–70% decline in site occupancy over time.	Impairment or contaminants at levels high enough to put the population at risk of being eliminated (>50 miles impaired streams; >4 major discharges; 25+ non-major discharges).	Water not flowing—either inundated or dry; severe flow issues; more than 4 consecutive years of drought; flashy flow regime.	Habitat severely fragmented (30+ dams in MU; 500+ Avg Road Crossings per MU).	<20% forested ARA; >15% impervious surfaces in HUC10 watershed.
Very Low	>70% decline in occupied HUC10s over time.	>70% decline in site occupancy over time.	Impairment or contaminant at levels that cannot support species survival.	Flow conditions do no support species survival.	Habitat extremely fragmented and unable to support species survival.	Instream habitat unable to support species survival.
	Total Loss	Total Loss	N/A	N/A	N/A	N/A.

Current Condition of Neuse River Waterdog

The historical range of the Neuse River waterdog included 3rd and 4th order streams and rivers in the Tar, Neuse, and Trent drainages (basins), with documented historical distribution in 40 HUC10s in 9 MUs across the 3 populations. Currently, the Neuse River waterdog is extant in all nine identified MUs; however, within those MUs, it is presumed extirpated from 35 percent (14/40) of the historically occupied HUC10s, and another 25 percent of the streams are in low or very low condition. Of the nine occupied MUs, two (22%) are estimated to have high resiliency, three (33%) moderate resiliency, and four (45%) low resiliency. At the population level, one of three populations (Tar) is estimated to have moderate resiliency, and two (Neuse and Trent) are estimated to have low resiliency.

We estimated that the Neuse River waterdog currently has moderate adaptive potential, primarily due to ecological representation in three river basins and two physiographic regions. The species retains nearly all of its known River Basin variability; however, the variability within the basins is reduced compared to historical distribution. In addition, compared to historical occupancy, the species currently retains moderate Physiographic Variability in the Coastal Plain (87%) and in the Piedmont (67%). However, the Piedmont has experienced significant declines in occupancy, with nearly half of the MUs losing species occurrence. Of the 16 historically occupied Piedmont HUC10s, 7 are no longer occupied, and 9 have experienced loss.

The range of the Neuse River waterdog has always been very narrow, limited to the Tar, Trent, and Neuse River drainages. Within the identified representation areas (*i.e.,* river basins), the species retains redundancy in terms of occupied HUC10s within the Tar River population (82%) and the Neuse River population (70%), although 67 percent of redundancy has been lost in the Trent River population. Overall, the species has lost 27 percent (11 out of 40 historically occupied HUC10s) of its redundancy across its narrow, endemic range.

Carolina Madtom

To evaluate the current and future viability of the Carolina madtom, we assessed a similar range of conditions as described above for Neuse River waterdog to allow us to consider the species' resiliency, representation, and redundancy. We assessed resiliency for the Carolina madtom using population factors (MU occupancy over time, approximate abundance, and recruitment) and habitat elements (water quality, water quantity, habitat connectivity, and instream substrate). Populations were delineated using the same three river basins that Carolina madtoms have historically occupied, namely the Tar-Pamlico, Neuse, and Trent River basins. As with the waterdog, populations were further delineated using MUs, again defined as one or more HUC10 watersheds that species experts identified as the most appropriate unit for assessing population-level resiliency. Resiliency is characterized, and overall population condition rankings and habitat condition rankings were determined, in the same way as for the waterdog.

Representation for the Carolina madtom can be described in terms of River Basin Variability (Tar, Trent, and Neuse River basins) and Physiographic Variability (eastern Piedmont and Coastal Plain). We assessed Carolina madtom redundancy by first evaluating occupancy within each of the hydrologic units (*i.e.,* HUC10s) that constitute MUs, and then we evaluated occupancy at the MU and ultimately the population level.

Current Condition of Carolina Madtom

The historical range of the Carolina madtom included three populations, one in each of the same three river basins in North Carolina as the Neuse River waterdog. The results of surveys conducted from 2011 to 2016 suggest that the currently occupied range of the Carolina madtom includes four MUs from two populations, corresponding to the Tar and Neuse River basins; however, only one population (Tar) has multiple documented occurrences within the past 5 years. The species has been extirpated from the southern portion of its range, including a large portion of the Neuse River basin and the

entire Trent River basin. The Carolina madtom currently occupies 8 of the 31 historically occupied HUC10s (with ''currently'' defined as the observation of at least one specimen from 2011 to 2016), 7 of which are in the Tar River Basin and 1 in the Neuse River Basin. At the population level, the overall current condition (= resiliency) was estimated to be moderate for the Tar population, very low for the Neuse population, and likely extirpated for the Trent population.

We estimated that the Carolina madtom currently has low adaptive potential due to limited representation in two river basins and two physiographic regions. The species retains 33 percent of its known River Basin variability, considering greatly reduced variability observed in the Neuse River population. In addition, compared to historical occupancy, the species currently retains very limited physiographic variability in the Coastal Plain (14%) and moderate variability in the Piedmont (56%).

The range of the Carolina madtom has always been very narrow, limited to the Tar, Trent, and Neuse River drainages. Within the identified representation areas, the species retains redundancy within the Tar River population (3 MUs currently extant); however, it has no redundancy (only 1 MU extant in the Neuse River population and no redundancy (extirpated) in the Trent River population. Overall, the species has lost 64 percent of its redundancy across its narrow, endemic range.

Risk Factors for Neuse River Waterdog and Carolina Madtom

A multitude of natural and anthropogenic factors may impact the status of species within aquatic systems. Generally, these factors can be categorized as either environmental stressors (*e.g.,* development, agriculture practices, or forest management) or systematic changes (*e.g.,* climate change, invasive species, dams or other barriers). The largest threats to the future viability of the Neuse River waterdog and Carolina madtom involve habitat degradation from stressors influencing the four habitat elements: Water quality, water quantity, instream habitat, and habitat connectivity. All of these factors are exacerbated by the effects of climate change. A brief summary of these primary stressors is presented below; for a full description of these stressors, refer to chapter 4 of the SSA report for each species.

Environmental Stressors

Development and Pollution

Development refers to urbanization of the landscape, including (but not limited to) land conversion for urban and commercial use, infrastructure (roads, bridges, utilities), and urban water uses (water supply reservoirs, wastewater treatment, etc.). The effects of urbanization may include alterations to water quality, water quantity, and habitat (both in-stream and stream-side) (Service 2018, p. 40).

Urbanization increases the amount of impervious surfaces. ''Impervious surface'' refers to all hard surfaces like paved roads, parking lots, roofs, and even highly compacted soils like sports fields. Impervious surfaces prevent the natural soaking of rainwater into the ground and slow seepage into streams. Instead, the rainwater accumulates and flows rapidly into storm drains, which drain as runoff to local streams. This degrades stream habitat in three ways: Water quantity (high flow during storms), water quality (pollutants washing into streams), and increased water temperatures due to the surfaces heating the water.

Concentrations of contaminants, including nitrogen, phosphorus, chloride, insecticides, polycyclic aromatic hydrocarbons, and personal care products, increase with urban development (Giddings et al. 2009, p. 2; Bringolf et al. 2010, p. 1,311). Water infrastructure development, including water supply, reclamation, and wastewater treatment, results in several pollution point discharges to streams.

A major result of urbanization is road development. By its nature, road development increases impervious surfaces as well as land clearing and habitat fragmentation. Roads are generally associated with negative effects on the biotic integrity of aquatic ecosystems, including changes in surface water temperatures and patterns of runoff; sedimentation; and adding heavy metals (especially lead), salts, organics, ozone, and nutrients to stream systems (Trombulak and Frissell 2000, p. 18). These changes affect stream-dwelling organisms such as the Carolina madtom and Neuse River waterdog by displacing them from once-preferred habitats, as well as increasing exposure and assimilation of pollutants that can result in growth defects, decreased immune response, and even death. In addition, a possible major impact of road development is improperly constructed culverts at stream crossings. These culverts act as barriers, either because flow through the culvert varies significantly from the rest of the stream or because the culvert ends up being perched, so that aquatic organisms such as these species cannot pass through them.

Carolina madtoms prefer clean water with permanent flow and are not tolerant of siltation and turbidity. Benthic fish, such as the madtom, have disproportionate rates of imperilment and extirpation due to pollution because stream bottoms are often the first habitats affected. Furthermore, the Carolina madtom is classified as an ''intolerant'' species according to the NC Division of Water Resources, meaning the species is most affected by environmental perturbations (NCDWR 2013, p. 19).

All three of the river basins within the range of the Carolina madtom are affected by development, from an average of 7 percent in the Tar River Basin to an average of 13 percent in the Neuse River Basin (based on the 2011 National Land Cover Data). For example, the Neuse River Basin contains one-sixth of the entire State's human population, indicating heavy development pressure on the watershed. The Middle Neuse MU contains 182 impaired stream miles, 9 major discharges, 272 minor discharges, and nearly 4,000 road crossings, all affecting the quality of the habitat for both species. The Middle Neuse is also 31 percent developed, with nearly 8 percent impervious surface, which changes natural streamflow, reduces appropriate stream habitat, and decreases water quality throughout the MU. For complete data on all of the populations, refer to appendices A and D of the SSA reports.

Agricultural Practices: The main impacts to the Neuse River waterdog and Carolina madtom from agricultural practices, not following best management practices (BMPs) for conservation, are caused by nutrient and chemical pollution and by water pumping for irrigation. Fertilizers and animal manure, which are both rich in nitrogen and phosphorus, are the primary sources of nutrient pollution from agricultural sources. Excess nutrients impact water quality when it rains or when water and soil containing nitrogen and phosphorus wash into nearby waters or leach into the water table or groundwater. Confined animal feeding operations and feedlots can cause degradation of aquatic ecosystems, primarily because of manure management issues. Fertilized soils, manure, and livestock can be significant sources of nitrogen-based compounds like ammonia and nitrogen oxides. Ammonia can be harmful to aquatic life if large amounts are

deposited to surface waters. For fish like the Carolina madtom, excess ammonia can cause a number of problems, including alteration of metabolism, injury to gill tissue, and reduced growth rates. Extreme levels of ammonia can cause death.

Excessive water withdrawal or water withdrawal done illegally (without the necessary permit, during dry times of year), may cause impacts to the amount of water available to downstream sensitive areas during low flow months, resulting in dewatering of channels and displacement of fish and aquatic salamanders, leading in turn to desiccation and death. According to the 2011 National Land Cover Data, all of the watersheds within the range of the Carolina madtom and Neuse River waterdog are affected by agricultural land uses, most with 25 percent or more of the watershed having been converted for agricultural use.

Forest Management: Silvicultural activities, when performed according to strict forest practices guidelines (FPGs) or BMPs, can retain adequate conditions for aquatic ecosystems; however, when FPGs/BMPs are not followed, these practices can also contribute to the myriad of stressors facing aquatic systems in the Southeast, including North Carolina. Both small- and large-scale forestry activities have been shown to have a significant impact upon the physical, chemical, and biological characteristics of adjacent small streams (Service 2018, p. 41). The clearing of large areas of forested wetlands and riparian systems can eliminate shade provided by forest canopies, exposing streams to more sunlight and increasing the in-stream water temperature. The increase in stream temperature and light after deforestation alters the macroinvertebrate and other aquatic species richness and abundance composition in streams. As stated above, both the Neuse River waterdog and Carolina madtom are sensitive to changes in temperature, and sustained temperature increases will stress and possibly lead to mortality for these species.

Forestry activities often include the construction of logging roads through the riparian zone, and this can directly degrade nearby stream environments. Roads can cause point-source pollution and sedimentation, as well as sedimentation traveling downstream into more sensitive habitats. These effects lead to stress and mortality for both species, as discussed in ''*Development,*'' above. While BMPs are widely adhered to, they were not always common practice. The most recent surveys of Southeastern U.S. States show that the average implementation rate is at 92 percent, so while improper implementation is rare, it can have drastic negative effects on sensitive aquatic species. Further, many forestry activities do not require a permit for wetland or stream fill.

Systematic Changes

Climate Change: Aquatic systems are encountering changes and shifts in seasonal patterns of precipitation and runoff as a result of climate change. While both of these species have evolved in habitats that experience seasonal fluctuations in discharge, global weather patterns (*e.g.,* El Niño or La Niña) can have an impact on the normal regimes. Even during naturally occurring low flow events, amphibians and fish either become stressed because they exert significant energy to move to deeper waters or they may succumb to desiccation. Because low flows in late summer and early fall are stress-inducing, droughts during this time of year result in an increase in stress and, potentially, an increased rate of mortality.

Droughts have impacted all river basins within the range of both species, from an ''abnormally dry'' ranking for North Carolina in 2001 on the Southeast Drought Monitor scale to the highest ranking of ''exceptionally dry'' for the entire range of both species in 2002 and 2007. The 2015 drought data indicated that the entire Southeast was under conditions ranging from ''abnormally dry'' to ''moderate drought'' or ''severe drought.'' These data are from the first week in September, which as noted above is a very sensitive time for drought to be affecting both species. The Middle Neuse tributaries of the Neuse River basin had consecutive drought years in the period 2005–2012, indicating sustained stress on the species over a long period of time. Amphibians and fish have limited refugia from disturbances such as droughts and floods, and they are completely dependent on specific water temperatures to complete their physiological requirements. Changes in water temperature lead to stress, increased mortality, and also increase the likelihood of extinction for both species. Increases in the frequency and strength of storm events, which are caused by climate change, alter stream habitat, either directly via channelization or clearing of riparian areas or indirectly via high streamflows that reshape the channel and cause sediment erosion. The large volumes and velocity of water, combined with the extra debris and sediment entering streams following a storm, stress, displace, or kill Neuse River waterdogs and Carolina madtoms, as well as the host species on which the latter depend.

Invasive Species: There are many areas across North Carolina where invasive species have invaded aquatic communities; are competing with native species for food, light, or breeding and nesting areas; and are impacting biodiversity. The flathead catfish is an invasive species that may have an impact on Neuse River waterdog and Carolina madtom distribution. The flathead catfish is an apex predator, known to influence native fish populations, including predation on benthic fishes, including madtoms, and it occurs in both the Neuse and Tar River basins. It is not known whether or not this fish also preys on waterdogs, but it is speculated that Neuse River waterdog inactivity during warmer months is in part due to the avoidance of large, predatory fishes (Braswell 2005, p. 870).

Hydrilla (*Hydrilla verticillata*), an invasive aquatic plant, alters stream habitat, decreases flows, and contributes to sediment buildup in streams (NCANSMPC 2015, p. 57). High sedimentation can cause suffocation and reduce stream flow necessary for madtom survival. Hydrilla occurs in several watersheds where both species occur, and has been recently documented from the Neuse system and the Tar River. While there are no data to indicate that hydrilla currently has population-level effects on these two species, its spread is expected to increase in the future.

Dams and Barriers: Extinction of some North American freshwater fish can be traced to impoundment and inundation of riffle habitats in all major river basins of the central and eastern United States. Upstream of dams, the change from flowing to impounded waters, increased depths, increased buildup of sediments, decreased dissolved oxygen, and the drastic alteration in resident fish populations can threaten the survival of fish and aquatic salamanders and their overall reproductive success. Downstream of dams, fluctuations in flow regimes, minimal releases and scouring flows, seasonal dissolved oxygen depletion, reduced or increased water temperatures, and changes in fish assemblages can also threaten the survival and reproduction of many aquatic species. Dams have also been identified as causing genetic segregation or isolation in river systems—resident fish can no longer move freely through different habitats and may become genetically isolated from other fish populations throughout the river. Even

improperly constructed culverts at stream crossings can act as significant barriers, and have some similar effects as dams on stream systems. Fluctuating flows through the culvert can vary significantly from the rest of the stream, preventing fish passage and scouring downstream habitats. If a culvert ends up being perched above the stream bed, aquatic organisms cannot pass through it. All of the MUs containing Neuse River waterdogs and Carolina madtom populations have been impacted by dams, with as few as 11 dams in the Contentnea Creek MU to 287 dams in the Middle Neuse MU.

Energy Production and Mining: The Neuse River waterdog and its habitat face impacts from oil and gas production, coal power, hydropower, and the use of biofuels. Coal mined from other States is used for energy production in North Carolina. Damage to fish and wildlife from exposure to coal ash slurry ranges from physiological, developmental, and behavioral toxicity to major population- and community-level changes. Coal-combustion residue contamination of aquatic habitats can result in the accumulation of metals and trace elements in larval amphibians, including arsenic, cadmium, chromium, copper, mercury, lead, selenium, and vanadium, potentially leading to developmental, behavioral, and physiological effects (Rowe et al. 2002, entire). As recently as October 2016, Neuse River waterdogs in the Neuse River were exposed to coal ash slurry when Hurricane Matthew caused inundation of coal ash storage ponds. Coal-fired power plants pump large volumes of water to produce electricity and aquatic organisms such as larval waterdogs can be pulled in and killed unless measures are sufficient to keep organisms from being impacted. After water is used for electricity production, it is returned to surface waters, but the temperature can be considerably higher than the temperature of the stream, reducing the ability of the species to spawn.

Hydropower as a domestic energy source is becoming more prevalent in North Carolina, including areas where the Neuse River waterdog occurs. Like other impoundments, streams and rivers impounded by hydropower dams are changed from lotic systems to lentic systems, fragmenting habitats and disrupting movements and migrations of fish and other aquatic organisms like the Neuse River waterdog. Downstream water quality can also suffer from low dissolved oxygen levels and altered temperatures. In addition, hydropower generation can significantly change flow regimes downstream of hydropower dams, and can affect other riverine processes, such as sediment transport, nutrient cycling, and woody debris transport.

Potential impacts to both species from oil and gas extraction are numerous; they include water quality and water quantity impacts, riparian habitat fragmentation and conversion, increased sand mining (used in oil and gas extraction), and increased road and utility corridors. While oil and gas extraction currently does not, and likely will not, occur in the Tar River Basin due to lack of subsurface shale deposits, impacts from shale gas extraction could occur in the Neuse River Basin (Service 2018, p. 46). Future impacts from oil and gas exploration and production are certain, as North Carolina has recently begun to allow fracking operations to drill for natural gas State-wide.

Synergistic Effects

In addition to individually impacting the species, it is likely that several of the above summarized risk factors are acting synergistically or additively on both species. The combined impact of multiple stressors is likely more harmful than a single stressor acting alone. For example, in the Middle Neuse MU, there are 182 miles of impaired streams. They have low benthic-macroinvertebrate scores, low dissolved oxygen, low pH, and contain *Escherichia coli* (also known as *E. coli*). There are 9 major and 272 minor discharges within this MU, along with 287 dams, almost 4,000 road crossings, and droughts recorded for 3 consecutive years in 2008–2010. For example, if a small but improperly installed culvert at a road crossing prevents fish from moving up or downstream, the fish would not be able to escape to deeper areas of the stream during droughts. Similarly, a discharge into a stream has more impact on aquatic species if there are no precipitation events immediately following to help flush the system. These combinations of stressors on the sensitive aquatic species in this habitat likely impact both species more severely in combination than any one factor alone.

In our analysis of the factors affecting both of these species, we found that there are no existing regulatory mechanisms that adequately address threats to both species such that they do not warrant listing under the Act (Factor D). We found no evidence of population- or species-level impacts from overutilization for commercial, recreational, scientific, or educational purposes (Factor B). Nor was there any evidence to support that there are impacts due to disease or predation (Factor C).

Conservation Actions

The Service and State wildlife agencies are working with numerous partners to provide technical guidance and offering conservation tools to meet both species and habitat needs in aquatic systems in North Carolina. Land trusts are targeting key parcels for acquisition; Federal, State, and university biologists are surveying and monitoring species occurrences; and recently there has been increased interest in efforts to consider captive propagation and species population restoration via augmentation, expansion, and reintroduction efforts. However, some of these programs are in their infancy, and none covers enough area to provide species-level protection at a scale such that the species would not warrant listing under the Act.

Future Scenarios

For the purpose of this assessment, we define viability as the ability of the species to sustain populations in the wild over time. To address uncertainty associated with the degree and extent of potential future stressors and their impacts on species' requisites, the 3Rs were assessed using four plausible future scenarios. These scenarios were based, in part, on the results of urbanization and climate models that predict changes in habitat used by the Neuse River waterdog and the Carolina madtom. We devised scenarios by eliciting expert information on the primary stressors, urbanization and climate change. The models that were used to forecast both of these factors projected 50 years into the future. Using the best available data to forecast plausible future scenarios allows the Service to determine if a species may become an endangered species in the foreseeable future. Relatively long life spans, well-developed downscaled climate models specific to the region, and good growth data available for the Southeast region provide some confidence in the range of outcomes predicted over 50 years. Beyond that timeframe, there is too much uncertainty in threats that will be occurring on the landscape and how the species may respond to those threats. For more detailed information on these models and their projections, please see the SSA reports (Service, 2017).

In scenario one, the ''Status Quo'' scenario, factors that influence current populations of the Neuse River waterdog and the Carolina madtom were assumed to follow current trends over the 50-year time horizon. Climate

models predict that, if emissions continue at current rates, the Southeast will experience an increase in low flow (drought) events (IPCC 2013, p. 7). Likewise, this scenario assumed the 'business as usual' pattern of urban growth, which predicts that urbanization will continue to increase rapidly (Terando et al. 2014, p. 1). This continued growth in development means increases in impervious surfaces, increased variability in streamflow, channelization of streams or clearing of riparian areas, and other negative effects explained above under ''*Development.*'' The ''Status Quo'' scenario also assumed that current conservation efforts would remain in place but that no new actions would be taken.

In scenario two, the ''Pessimistic'' scenario, factors that negatively influence Neuse River waterdog and the Carolina madtom populations get worse; reflecting Climate Model RCP8.5 (Wayne 2013, p. 11), effects of climate change are expected to be magnified beyond what is experienced in the ''Status Quo'' scenario. These predicted effects include extreme heat, more storms and flooding, and exacerbated drought conditions (IPCC 2013, p. 7). Based on the results of the SLEUTH BAU model (Terando et al. 2014, entire), urbanization in the relevant watersheds could expand to triple the amount of developed area, resulting in large increases of impervious surface cover and, potentially, consumptive water use. Increased urbanization and climate change effects are likely to result in increased impacts to water quality, water flow, and habitat connectivity, and we predict that there is limited capacity for species restoration under this scenario.

Scenario three is labeled the ''Optimistic'' scenario, and factors that influence population and habitat conditions of the Neuse River waterdog and the Carolina madtom are expected to be somewhat improved. Reflecting Climate Model RCP2.6 (Wayne 2013, p. 11), climate change effects are predicted to be minimal under this scenario and would not include increased temperatures, and storms or droughts are as set forth in the ''Status Quo'' and ''Pessimistic'' scenario predictions. Urbanization is also predicted to have less impact in this scenario, as reflected by effects that are slightly lower than BAU model predictions (Terando et al. 2014; Table 5–1). Because water quality, water flow, and habitat impacts are predicted to be less severe in this scenario as compared to others, it is expected that the species will maintain or have a slightly positive response. Targeted permanent protection of riparian areas is a potential conservation activity that could benefit these species, and current efforts are considered successful as part of the Optimistic Scenario.

In scenario four, the ''Opportunistic'' scenario, those landscape-level factors (*e.g.,* development and climate change) that are influencing populations of the Neuse River waterdog and the Carolina madtom get moderately worse, reflecting Climate Change Model RCP4.5 (Wayne 2013, p. 11) and SLEUTH BAU (Terando et al. 2014; Table 5–1). Effects of climate change are expected to be moderate, resulting in some increased impacts from heat, storms, and droughts (IPCC 2013, p. 7). Urbanization in this scenario reflects the moderate BAU SLEUTH levels, indicating approximately double the amount of developed area compared to current levels. Overall, it is expected that the synergistic impacts of changes in water quality, flow, and habitat connectivity will negatively affect both species, although current land conservation efforts will benefit the species in some watersheds.

Determination

Neuse River Waterdog

The historical range of the Neuse River Waterdog likely included all 3rd and 4th order streams and rivers throughout the Tar, Neuse, and Trent drainages, with documented historical distribution in nine MUs within three populations. Of those nine occupied MUs, two (22%) are estimated to have high resiliency, two (22%) moderate resiliency, and five (56%) low resiliency. Scaling up from the MU to the population level, one of three populations (the Tar population) was estimated to have moderate resiliency, and two (the Neuse and Trent populations) were characterized by low resiliency. In short, 60 percent of streams that were once part of the species' range are estimated to be in low condition or likely extirpated. The species is known to occupy streams in two physiographic regions, but it has lost physiographic representation with an estimated 43 percent loss in Piedmont watersheds and an estimated 13 percent loss in Coastal Plain watersheds.

The Neuse River waterdog faces threats from declines in water quality, loss of stream flow, riparian and instream fragmentation, and deterioration of instream habitats (Factor A). These threats are expected to be exacerbated by continued urbanization (Factor A) and effects of climate change (Factor E). Given current and future decreases in resiliency, populations become more vulnerable to extirpation from stochastic events, in turn, resulting in concurrent losses in representation and redundancy. The range of plausible future scenarios of Neuse River waterdog habitat conditions and population factors suggest reduced viability into the future. Under Scenario 1, the ''Status Quo'' option, a loss of resiliency, representation, and redundancy is expected. Under this scenario, we predicted that no MUs would remain in high condition, two in moderate condition, four in low condition, and three MUs would be likely extirpated. Redundancy would be reduced to four MUs in the Tar Population and two in the Neuse Population. Representation would also be reduced, primarily with reduced variability in the Piedmont and Coastal Plain.

Under scenario two, the ''Pessimistic'' option, we predicted substantial losses of resiliency, representation, and redundancy. Redundancy would be reduced to four MUs in one population, and the resiliency of that population is expected to be low. Several (5) MUs were predicted to be extirpated, and, of the remaining four MUs, all would be in low condition. All measures of representation are predicted to decline under this scenario, leaving remaining Neuse River waterdog populations underrepresented in river basin and physiographic variability.

Under scenario three, the ''Optimistic'' option, we predicted slightly higher levels of resiliency, representation, and redundancy than was estimated under the Status Quo or Pessimistic options. Three MUs would be in high condition, one in moderate condition, and the remaining five would be in low condition. Despite predictions of population persistence in the Neuse and Trent River Basins, these populations are expected to retain only low levels of resiliency, thus levels of representation are also predicted to decline under this scenario.

Finally, under scenario four, the ''Opportunistic'' option, we predicted reduced levels of resiliency, representation, and redundancy. One MU would be in high condition, three would be in moderate condition, three in low condition, and two would be likely extirpated. Redundancy would be reduced with the loss of the Trent population. Under the Opportunistic scenario, representation is predicted to be reduced with 67 percent of formerly occupied river basins remaining occupied and with reduced variability in the Piedmont and Coastal Plain Physiographic Regions. Both the

optimistic and opportunistic scenarios were determined to be ''unlikely'' in the analysis, while the most likely scenarios were status quo and pessimistic. Under either of these more likely scenarios, resiliency is low in most of the remaining populations, many populations are likely extirpated so that redundancy and representation are significantly reduced. This expected reduction in both the number and distribution of resilient populations is likely to make the species vulnerable to catastrophic disturbance.

TABLE 2—PREDICTED NEUSE RIVER WATERDOG POPULATION CONDITIONS UNDER EACH OF FOUR PLAUSIBLE SCENARIOS

Populations: Management units	Future scenarios of population conditions				
	Current	#1 Status quo	#2 Pessimistic	#3 Optimistic	#4 Opportunistic
Tar: Upper Tar	Low	Likely Extirpated.	Likely Extirpated.	Low	Likely Extirpated.
Tar: Middle Tar	Moderate	Low	Low	High	Moderate.
Tar: Lower Tar	High	Moderate	Low	High	Moderate.
Tar: Sandy-Swift	High	Moderate	Low	High	High.
Tar: Fishing Ck	Low	Low	Low	Moderate	Moderate.
Neuse: Upper Neuse	Low	Likely Extirpated.	Likely Extirpated.	Low	Low.
Neuse: Middle Neuse	Low	Low	Likely Extirpated.	Low	Low.
Trent	Low	Likely Extirpated.	Likely Extirpated.	Low	Likely Extirpated.

Carolina Madtom

The historical range of the Carolina madtom included 3rd and 4th order streams and rivers in the Tar, Neuse, and Trent drainages, with documented historical distribution in 11 MUs within 3 former populations, the Tar, Neuse, and Trent. The Carolina madtom is presumed extirpated from 64 percent (7) of the historically occupied MUs. Of the four MUs that remain occupied, one is estimated to have high resiliency, one with moderate resiliency, one with low resiliency, and one with very low resiliency. Scaling up from the MU to the population level, the Tar population is estimated to have moderate resiliency, the Neuse population is characterized by very low resiliency, and the Trent population is presumed to be extirpated. Of streams that were once part of the species' range, 82 percent are estimated to be in low condition or likely extirpated. Once known to occupy streams in two physiographic regions, the species has also lost substantial physiographic representation with an estimated 44 percent loss in Piedmont watersheds and an estimated 86 percent loss in Coastal Plain watersheds.

Estimates of current resiliency for Carolina madtom are low, as are estimates for representation and redundancy. The Carolina madtom faces a variety of ongoing threats from declines in water quality, loss of stream flow, riparian and instream fragmentation, and deterioration of instream habitats (Factor A). This species also faces the threat of predation from the invasive flathead catfish (Factor C). These threats are expected to be exacerbated by continued urbanization (Factor A) and climate change (Factor E). Given current rates of resiliency, populations are vulnerable to extirpation from stochastic events, in turn, resulting in concurrent losses in representation and redundancy.

The Act defines an endangered species as any species that is ''in danger of extinction throughout all or a significant portion of its range'' and a threatened species as any species ''that is likely to become endangered throughout all or a significant portion of its range within the foreseeable future.'' We considered whether the Neuse River waterdog and the Carolina madtom meet either of these definitions, and find that Neuse River waterdog meets the definition of a threatened species, and Carolina madtom meets the definition of an endangered species.

Neuse River waterdog. Our analysis of the species' current and future conditions, as well as the conservation efforts discussed above, show that the population and habitat factors used to determine the resiliency, representation, and redundancy for Neuse River waterdog will continue to decline so it is likely to become in danger of extinction throughout all or a significant portion of the range within the foreseeable future.

First, we considered whether the Neuse River waterdog is presently in danger of extinction and determined that proposing endangered status is not appropriate. The current conditions as assessed in the Neuse River waterdog SSA report show that the species exists in nine MUs over three different populations (river systems) over a majority (65 percent) of the species' historical range. The Neuse River waterdog still exhibits representation across both physiographic regions, and extant populations remain across the range. In short, while the primary threats are currently acting on the species and many of those threats are expected to continue into the future, we did not find that the species is currently in danger of extinction throughout all of its range. However, according to our assessment of plausible future scenarios, the species is likely to become an endangered species in the foreseeable future throughout all of its range. Fifty years was considered ''foreseeable'' in this case because it included projections from both available models, and Neuse River waterdogs are a long-lived and slow-growing species. We can reasonably rely on the future of 50 years as presented in the models of predicted urbanization and climate change, and predict how those threats will affect the status of the species over that timeframe.

As discussed above, the range of plausible future scenarios of Neuse River waterdog habitat conditions and population factors suggest reduced viability into the future. Both the optimistic and opportunistic scenarios were determined to be ''unlikely'' in the analysis, while the most likely scenarios were status quo and pessimistic. Under either of these more likely scenarios, resiliency is low in most of the remaining populations, and many populations are likely extirpated so that redundancy and representation are significantly reduced. This expected reduction in both the number and

distribution of resilient populations is likely to make the species vulnerable to catastrophic disturbance.

Under the Act and our implementing regulations, a species may warrant listing if it is endangered or threatened throughout all or a significant portion of its range. Because we have determined that the Neuse River waterdog is likely to become an endangered species within the foreseeable future throughout its range, we find it unnecessary to proceed to an evaluation of potentially significant portions of the range. Where the best available information allows the Services to determine a status for the species rangewide, that determination should be given conclusive weight because a rangewide determination of status more accurately reflects the species' degree of imperilment and better promotes the purposes of the statute. Under this reading, we should first consider whether listing is appropriate based on a rangewide analysis and proceed to conduct a ''significant portion of its range'' analysis if, and only if, a species does not qualify for listing as either endangered or threatened according to the ''all'' language. We note that the court in *Desert Survivors* v. *Department of the Interior,* No. 16–cv–01165–JCS, 2018 WL 4053447 (N.D. Cal. Aug. 24, 2018), did not address this issue, and our conclusion is therefore consistent with the opinion in that case.

Therefore, on the basis of the best available scientific and commercial information, we are proposing to list the Neuse River waterdog as a threatened species across its entire range in accordance with sections 3 and 4(a)(1) of the Act.

Carolina madtom. The current conditions as assessed in the Carolina madtom SSA report show that 64 percent of the management units over three populations (river systems) are presumed extirpated. The Carolina madtom currently has two of three remaining populations, but one of those populations (Neuse) is characterized by ''very low'' resiliency. Once known to occupy streams in two physiographic regions, the species has also lost substantial physiographic representation with an estimated 44 percent loss in Piedmont watersheds and an estimated 86 percent loss in Coastal Plain watersheds. Resiliency, redundancy, and representation are all at levels that put the species at risk of extinction throughout its range now. We conclude that the species is currently in danger of extinction throughout all of its range. We find that a threatened species status is not appropriate for the Carolina madtom because the threats are ongoing currently and are expected to continue or worsen into the future. Because the species is already in danger of extinction throughout its range, a threatened status is not appropriate.

Under the Act and our implementing regulations, a species may warrant listing if it is endangered or threatened throughout all or a significant portion of its range. Because we have determined that the Carolina madtom is in danger of extinction throughout its range, we find it unnecessary to proceed to an evaluation of potentially significant portions of the range. Where the best available information allows the Services to determine a status for the species rangewide, that determination should be given conclusive weight because a rangewide determination of status more accurately reflects the species' degree of imperilment and better promotes the purposes of the statute. Under this reading, we should first consider whether listing is appropriate based on a rangewide analysis and proceed to conduct a ''significant portion of its range'' analysis if, and only if, a species does not qualify for listing as either endangered or threatened according to the ''all'' language. We note that the court in *Desert Survivors* v. *Department of the Interior,* No. 16–cv–01165–JCS, 2018 WL 4053447 (N.D. Cal. Aug. 24, 2018), did not address this issue, and our conclusion is therefore consistent with the opinion in that case.

Therefore, on the basis of the best available scientific and commercial information, we propose to list the Carolina madtom as an endangered species across its entire range in accordance with sections 3 and 4(a)(1) of the Act.

Available Conservation Measures

Conservation measures provided to species listed as endangered or threatened species under the Act include recognition, recovery actions, requirements for Federal protection, and prohibitions against certain practices. Recognition through listing results in public awareness and conservation by Federal, State, Tribal, and local agencies; private organizations; and individuals. The Act encourages cooperation with the States and other countries, and calls for recovery actions to be carried out for listed species. The protection required by Federal agencies and the prohibitions against certain activities are discussed, in part, below.

The primary purpose of the Act is the conservation of endangered and threatened species and the ecosystems upon which they depend. The ultimate goal of such conservation efforts is the recovery of these listed species, so that they no longer need the protective measures of the Act. Subsection 4(f) of the Act calls for the Service to develop and implement recovery plans for the conservation of endangered and threatened species. The recovery planning process involves the identification of actions that are necessary to halt or reverse the species' decline by addressing the threats to its survival and recovery. The goal of this process is to restore listed species to a point where they are secure, self-sustaining, and functioning components of their ecosystems.

Recovery planning includes the development of a recovery outline shortly after a species is listed and preparation of a draft and final recovery plan. The recovery outline guides the immediate implementation of urgent recovery actions and describes the process to be used to develop a recovery plan. Revisions of the plan may be done to address continuing or new threats to the species, as new substantive information becomes available. The recovery plan also identifies recovery criteria for review of when a species may be ready for reclassification from endangered to threatened (''downlisting'') or removal from the List of Endangered and Threatened Wildlife or Plants (''delisting''), and methods for monitoring recovery progress. Recovery plans also establish a framework for agencies to coordinate their recovery efforts and provide estimates of the cost of implementing recovery tasks. Recovery teams (composed of species experts, Federal and State agencies, nongovernmental organizations, and stakeholders) are often established to develop recovery plans. When completed, the recovery outlines, draft recovery plans, and the final recovery plans will be available on our website (*http://www.fws.gov/endangered*), or from our Raleigh Ecological Services Field Office (see **FOR FURTHER INFORMATION CONTACT**).

Implementation of recovery actions generally requires the participation of a broad range of partners, including other Federal agencies, States, Tribes, nongovernmental organizations, businesses, and private landowners. Examples of recovery actions include habitat restoration (*e.g.,* restoration of native vegetation), research, captive propagation and reintroduction, and outreach and education. The recovery of many listed species cannot be accomplished solely on Federal lands because their range may occur primarily or solely on non-Federal lands. To achieve recovery of these species requires cooperative conservation efforts

on private, State, and Tribal lands. If these species are listed, funding for recovery actions will be available from a variety of sources, including Federal budgets, State programs, and cost share grants for non-Federal landowners, the academic community, and nongovernmental organizations. In addition, pursuant to section 6 of the Act, the State of North Carolina would be eligible for Federal funds to implement management actions that promote the protection or recovery of the Neuse River waterdog and Carolina madtom. Information on our grant programs that are available to aid species recovery can be found at: *http://www.fws.gov/grants*.

Although the Neuse River waterdog and Carolina madtom are only proposed for listing under the Act at this time, please let us know if you are interested in participating in recovery efforts for these species. Additionally, we invite you to submit any new information on these species whenever it becomes available and any information you may have for recovery planning purposes (see **FOR FURTHER INFORMATION CONTACT**).

Section 7(a) of the Act requires Federal agencies to evaluate their actions with respect to any species that is proposed or listed as an endangered or threatened species and with respect to its critical habitat, if any is designated. Regulations implementing this interagency cooperation provision of the Act are codified at 50 CFR part 402. Section 7(a)(4) of the Act requires Federal agencies to confer with the Service on any action that is likely to jeopardize the continued existence of a species proposed for listing or result in destruction or adverse modification of proposed critical habitat. If a species is listed subsequently, section 7(a)(2) of the Act requires Federal agencies to ensure that activities they authorize, fund, or carry out are not likely to jeopardize the continued existence of the species or destroy or adversely modify its critical habitat. If a Federal action may affect a listed species or its critical habitat, the responsible Federal agency must enter into consultation with the Service.

Federal agency actions within the species' habitat that may require conference or consultation or both as described in the preceding paragraph may include, but are not limited to, management and any other landscape-altering activities on Federal lands administered by the Service, U.S. Forest Service, and National Park Service; issuance of section 404 Clean Water Act (33 U.S.C. 1251 *et seq.*) permits by the U.S. Army Corps of Engineers; and construction and maintenance of roads or highways by the Federal Highway Administration.

II. Proposed Rule Issued Under Section 4(d) of the Act for the Neuse River Waterdog

Background

The Act and its implementing regulations set forth a series of general prohibitions and exceptions that apply to threatened wildlife. Under section 4(d) of the Act, the Secretary has the discretion to issue such regulations as he deems necessary and advisable to provide for the conservation of threatened species. The Secretary also has the discretion to prohibit, by regulation with respect to any threatened species of fish or wildlife, any act prohibited under section 9(a)(1) of the Act. The same prohibitions of section 9(a)(1) of the Act, codified at 50 CFR 17.31, make it illegal for any person subject to the jurisdiction of the United States to take (which includes harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect; or to attempt any of these) threatened wildlife within the United States or on the high seas. In addition, it is unlawful to import; export; deliver, receive, carry, transport, or ship in interstate or foreign commerce in the course of commercial activity; or sell or offer for sale in interstate or foreign commerce any listed species. It is also illegal to possess, sell, deliver, carry, transport, or ship any such wildlife that has been taken illegally.

In accordance with section 4(d) of the Act, the regulations implementing the Act include a provision that generally applies to threatened wildlife the same prohibitions and exceptions that apply to endangered wildlife (50 CFR 17.31(a), 17.32). However, for any threatened species, the Service may instead develop a protective regulation that is specific to the conservation needs of that species. Such a regulation would contain all of the protections applicable to that species (50 CFR 17.31(c)); this may include some of the general prohibitions and exceptions under 50 CFR 17.31 and 17.32, but would also include species-specific protections that may be more or less restrictive than the general provisions at 50 CFR 17.31. For the reasons discussed below, the Service has determined to develop a specific rule under section 4(d) for the Neuse River waterdog.

Proposed 4(d) Rule

Under this proposed 4(d) rule, all prohibitions and provisions of section 9(a)(1) of the Act would apply to the Neuse River waterdog, except that the following actions would not be prohibited:

(1) Species restoration efforts by State wildlife agencies, including collection of broodstock, tissue collection for genetic analysis, captive propagation, and subsequent stocking into currently occupied and unoccupied areas within the historical range of the species.

(2) Channel restoration projects that create natural, physically stable, ecologically functioning streams (or stream and wetland systems) that are reconnected with their groundwater aquifers. These projects can be accomplished using a variety of methods, but the desired outcome is a natural channel with low shear stress (force of water moving against the channel); bank heights that enable reconnection to the floodplain; a reconnection of surface and groundwater systems, resulting in perennial flows in the channel; riffles and pools composed of existing soil, rock, and wood instead of large imported materials; low compaction of soils within adjacent riparian areas; and inclusion of riparian wetlands. Second- to third-order, headwater streams reconstructed in this way would offer suitable habitats for the Neuse River waterdog and contain stable channel features, such as pools, glides, runs, and riffles, which could be used by the species for spawning, rearing, growth, feeding, migration, and other normal behaviors.

(3) Bank stabilization projects that use bioengineering methods to replace pre-existing, bare, eroding stream banks with vegetated, stable stream banks, thereby reducing bank erosion and instream sedimentation and improving habitat conditions for the species. Following these bioengineering methods, stream banks may be stabilized using live stakes (live, vegetative cuttings inserted or tamped into the ground in a manner that allows the stake to take root and grow), live fascines (live branch cuttings, usually willows, bound together into long, cigar-shaped bundles), or brush layering (cuttings or branches of easily rooted tree species layered between successive lifts of soil fill). These methods would not include the sole use of quarried rock (rip-rap) or the use of rock baskets or gabion structures.

(4) Silviculture practices and forest management activities that:

(a) Implement highest standard best management practices (BMPs), particularly for Streamside Management Zones, stream crossings, and forest roads; and

(b) Comply with forest practice guidelines related to water quality

standards, or comply with Sustainable Forestry Initiative/Forest Stewardship Council/American Tree Farm System certification standards for both forest management and responsible fiber sourcing.

These BMPs are publicly available on websites for these organizations, and can currently be found below:

http://www.ncasi.org/Downloads/Download.ashx?id=10204

http://reports.oah.state.nc.us/

https://us.fsc.org/download.fsc-us-forest-management-standard-v1-0.95.htm

https://www.treefarmsystem.org/certification-american-tree-farm-standards

These actions and activities may have some minimal level of mortality, harm, or disturbance to the Neuse River waterdog, but are not expected to adversely affect the species' conservation and recovery efforts. In fact, we expect they would have a net beneficial effect on the species. Across the species' range, instream habitats have been degraded physically by sedimentation and by direct channel disturbance. The activities exempted from prohibition in this rule will correct some of these problems, creating more favorable habitat conditions for the species. These provisions are necessary because, absent protections, the species is likely to become in danger of extinction in the foreseeable future. Additionally, these provisions are advisable because the species needs active conservation to improve the quality of its habitat. By exempting some of the general prohibitions of section 9(a)(1), these provisions can encourage cooperation by landowners and other affected parties in implementing conservation measures. This will allow for use of the land while at the same time ensuring the preservation of suitable habitat and minimizing impact on the species.

We may issue permits to carry out otherwise prohibited activities involving threatened wildlife under certain circumstances. Regulations governing permits are codified at 50 CFR 17.32. With regard to threatened wildlife, a permit may be issued for the following purposes: For scientific purposes, to enhance propagation or survival, for economic hardship, for zoological exhibition, for educational purposes, for incidental taking, or for special purposes consistent with the purposes of the Act. There are also certain statutory exemptions from the prohibitions, which are found in sections 9 and 10 of the Act.

It is our policy, as published in the **Federal Register** on July 1, 1994 (59 FR 34272), to identify to the maximum extent practicable at the time a species is listed, those activities that would or would not constitute a violation of section 9 of the Act. The intent of this policy is to increase public awareness of the effect of a proposed listing on proposed and ongoing activities within the range of the species proposed for listing.

Based on the best available information, the following activities may potentially result in a violation of section 9 of the Act for Carolina madtoms and the proposed 4(d) rule above for Neuse River waterdog; this list is not comprehensive:

(1) Unauthorized handling or collecting of the species;

(2) Destruction or alteration of the species' habitat by discharge of fill material, dredging, snagging, impounding, channelization, or modification of stream channels or banks;

(3) Destruction of riparian habitat directly adjacent to stream channels that causes significant increases in sedimentation and destruction of natural stream banks or channels;

(4) Discharge of pollutants into a stream or into areas hydrologically connected to a stream occupied by the species;

(5) Diversion or alteration of surface or ground water flow; and

(6) Pesticide/herbicide applications in violation of label restrictions.

Questions regarding whether specific activities would constitute a violation of section 9 of the Act should be directed to the Raleigh Ecological Services Field Office (see **FOR FURTHER INFORMATION CONTACT**).

III. Proposed Critical Habitat Designation

Background

Critical habitat is defined in section 3 of the Act as:

(1) The specific areas within the geographical area occupied by the species, at the time it is listed in accordance with the Act, on which are found those physical or biological features

(a) Essential to the conservation of the species, and

(b) Which may require special management considerations or protection; and

(2) Specific areas outside the geographical area occupied by the species at the time it is listed, upon a determination that such areas are essential for the conservation of the species.

Our regulations at 50 CFR 424.02 define the geographical area occupied by the species as: An area that may generally be delineated around species' occurrences, as determined by the Secretary (*i.e.,* range). Such areas may include those areas used throughout all or part of the species' life cycle, even if not used on a regular basis (*e.g.,* migratory corridors, seasonal habitats, and habitats used periodically, but not solely by vagrant individuals).

Conservation, as defined under section 3 of the Act, means to use and the use of all methods and procedures that are necessary to bring an endangered or threatened species to the point at which the measures provided pursuant to the Act are no longer necessary. Such methods and procedures include, but are not limited to, all activities associated with scientific resources management such as research, census, law enforcement, habitat acquisition and maintenance, propagation, live trapping, and transplantation, and, in the extraordinary case where population pressures within a given ecosystem cannot be otherwise relieved, may include regulated taking.

Critical habitat receives protection under section 7 of the Act through the requirement that Federal agencies ensure, in consultation with the Service, that any action they authorize, fund, or carry out is not likely to result in the destruction or adverse modification of critical habitat. The designation of critical habitat does not affect land ownership or establish a refuge, wilderness, reserve, preserve, or other conservation area. Such designation does not allow the government or public to access private lands. Such designation does not require implementation of restoration, recovery, or enhancement measures by non-Federal landowners. Where a landowner requests Federal agency funding or authorization for an action that may affect a listed species or critical habitat, the consultation requirements of section 7(a)(2) of the Act would apply, but even in the event of a destruction or adverse modification finding, the obligation of the Federal action agency and the landowner is not to restore or recover the species, but to implement reasonable and prudent alternatives to avoid destruction or adverse modification of critical habitat.

Under the first prong of the Act's definition of critical habitat, areas within the geographical area occupied by the species at the time it was listed are included in a critical habitat designation if they contain physical or biological features (1) which are

essential to the conservation of the species and (2) which may require special management considerations or protection. For these areas, critical habitat designations identify, to the extent known using the best scientific and commercial data available, those physical or biological features that are essential to the conservation of the species (such as space, food, cover, and protected habitat). In identifying those physical or biological features within an area, we focus on the specific features that support the life-history needs of the species, including but not limited to, water characteristics, soil type, geological features, prey, vegetation, symbiotic species, or other features. A feature may be a single habitat characteristic, or a more complex combination of habitat characteristics. Features may include habitat characteristics that support ephemeral or dynamic habitat conditions. Features may also be expressed in terms relating to principles of conservation biology, such as patch size, distribution distances, and connectivity.

Under the second prong of the Act's definition of critical habitat, we can designate critical habitat in areas outside the geographical area occupied by the species at the time it is listed, upon a determination that such areas are essential for the conservation of the species. We will determine whether unoccupied areas are essential for the conservation of the species by considering the life-history, status, and conservation needs of the species. This will be further informed by any generalized conservation strategy, criteria, or outline that may have been developed for the species to provide a substantive foundation for identifying which features and specific areas are essential to the conservation of the species and, as a result, the development of the critical habitat designation. For example, an area currently occupied by the species but that was not occupied at the time of listing may be essential to the conservation of the species and may be included in the critical habitat designation.

Section 4 of the Act requires that we designate critical habitat on the basis of the best scientific data available. Further, our Policy on Information Standards under the Endangered Species Act (published in the **Federal Register** on July 1, 1994 (59 FR 34271)), the Information Quality Act (section 515 of the Treasury and General Government Appropriations Act for Fiscal Year 2001 (Pub. L. 106–554; H.R. 5658)), and our associated Information Quality Guidelines, provide criteria, establish procedures, and provide guidance to ensure that our decisions are based on the best scientific data available. They require our biologists, to the extent consistent with the Act and with the use of the best scientific data available, to use primary and original sources of information as the basis for recommendations to designate critical habitat.

When we are determining which areas should be designated as critical habitat, our primary source of information is generally the information from the SSA report and information developed during the listing process for the species. Additional information sources may include any generalized conservation strategy, criteria, or outline that may have been developed for the species; the recovery plan for the species; articles in peer-reviewed journals; conservation plans developed by States and counties; scientific status surveys and studies; biological assessments; other unpublished materials; or experts' opinions or personal knowledge.

Habitat is dynamic, and species may move from one area to another over time. We recognize that critical habitat designated at a particular point in time may not include all of the habitat areas that we may later determine are necessary for the recovery of the species. For these reasons, a critical habitat designation does not signal that habitat outside the designated area is unimportant or may not be needed for recovery of the species. Areas that are important to the conservation of the species, both inside and outside the critical habitat designation, will continue to be subject to: (1) Conservation actions implemented under section 7(a)(1) of the Act; (2) regulatory protections afforded by the requirement in section 7(a)(2) of the Act for Federal agencies to ensure their actions are not likely to jeopardize the continued existence of any endangered or threatened species; and (3) section 9 of the Act's prohibitions on taking any individual of the species, including taking caused by actions that affect habitat. Federally funded or permitted projects affecting listed species outside their designated critical habitat areas may still result in jeopardy findings in some cases. These protections and conservation tools will continue to contribute to recovery of this species. Similarly, critical habitat designations made on the basis of the best available information at the time of designation will not control the direction and substance of future recovery plans, habitat conservation plans (HCPs), or other species conservation planning efforts if new information available at the time of these planning efforts calls for a different outcome.

Prudency Determination

Section 4(a)(3) of the Act, as amended, and implementing regulations (50 CFR 424.12), require that the Secretary shall designate critical habitat at the time the species is determined to be an endangered or threatened species to the maximum extent prudent and determinable. Our regulations (50 CFR 424.12(a)(1)) state that the designation of critical habitat is not prudent when one or both of the following situations exist:

(1) The species is threatened by taking or other human activity, and identification of critical habitat can be expected to increase the degree of threat to the species, or

(2) Such designation of critical habitat would not be beneficial to the species. In determining whether a designation would not be beneficial, the factors the Service may consider include but are not limited to: Whether the present or threatened destruction, modification, or curtailment of a species' habitat or range is not a threat to the species, or whether any areas meet the definition of ''critical habitat.''

As discussed above, we did not identify any imminent threat of take attributed to collection or vandalism for either the Neuse River waterdog or the Carolina madtom, and there is no indication that identification and mapping of critical habitat is likely to initiate any such threats. Therefore, in the absence of finding that the designation of critical habitat would increase threats to the species, if there are benefits to the species from a critical habitat designation, a finding that designation is prudent is appropriate.

The potential benefits of designation may include: (1) Triggering consultation under section 7 of the Act, in new areas for actions in which there may be a Federal nexus where it would not otherwise occur because, for example, it is unoccupied; (2) focusing conservation activities on the most essential features and areas; (3) providing educational benefits to State or county governments or private entities; and (4) preventing people from causing inadvertent harm to the protected species. Because designation of critical habitat would not likely increase the degree of threat to these species and may provide some measure of benefit, designation of critical habitat is prudent for both the Neuse River waterdog and Carolina madtom.

Critical Habitat Determinability

Having determined that designation is prudent, under section 4(a)(3) of the Act we must find whether critical habitat for both species is determinable. Our regulations at 50 CFR 424.12(a)(2) state that critical habitat is not determinable when one or both of the following situations exist:

(i) Data sufficient to perform required analyses are lacking, or

(ii) The biological needs of the species are not sufficiently well known to identify any area that meets the definition of ''critical habitat.''

When critical habitat is not determinable, the Act allows the Service an additional year to publish a critical habitat designation (16 U.S.C. 1533(b)(6)(C)(ii)).

We reviewed the available information pertaining to the biological needs of both species and habitat characteristics where the species are located. We find that this information is sufficient for us to conduct both the biological and economic analyses required for the critical habitat determination. Therefore, we conclude that the designation of critical habitat is determinable for the Neuse River waterdog and Carolina madtom.

Physical or Biological Features

In accordance with section 3(5)(A)(i) of the Act and regulations at 50 CFR 424.12(b), in determining which areas within the geographical area occupied by the species at the time of listing to designate as critical habitat, we consider the physical or biological features that are essential to the conservation of the species and which may require special management considerations or protection. These include, but are not limited to:

(1) Space for individual and population growth and for normal behavior;

(2) Food, water, air, light, minerals, or other nutritional or physiological requirements;

(3) Cover or shelter;

(4) Sites for breeding, reproduction, or rearing (or development) of offspring; and

(5) Habitats that are protected from disturbance or are representative of the historical, geographical, and ecological distributions of a species.

The features may also be combinations of habitat characteristics and may encompass the relationship between characteristics or the necessary amount of a characteristic needed to support the life history of the species. In considering whether features are essential to the conservation of the species, the Service may consider an appropriate quality, quantity, and spatial and temporal arrangement of habitat characteristics in the context of the life-history needs, condition, and status of the species.

We derive the specific physical or biological features essential for Neuse River waterdog and Carolina madtom from studies of both species' habitat, ecology, and life history. The primary habitat elements that influence resiliency of both species include water quality, water quantity, substrate, and habitat connectivity. A full description of the needs of individuals, populations, and the species is available from the SSA reports; the individuals' needs are summarized below in Tables 3 and 4.

TABLE 3—LIFE HISTORY AND RESOURCE NEEDS OF THE NEUSE RIVER WATERDOG

Life stage	Resources and/or circumstances needed for INDIVIDUALS to complete each life stage	Resource function (BFSD*)	Information source
Egg/Embryo—May–June	• Clean, flowing water with moderate current (~10–50 cm/sec) • Sexually mature males and females (~6 years old) • Appropriate spawning temperatures (8–22 °C) • Nest sites (large flat rocks with gravel bottoms) • Adequate flow for oxygenation (7–9 ppm DO)	B	—Pudney et al. 1985, p. 54. —Cooper and Ashton 1985, p. 5. —Braswell and Ashton 1985, p. 21. — Ashton 1985, p. 95.
Hatchling—late summer	• Clean, non-turbid, flowing water (~10–50 cm/sec) • Adequate food availability	B, S	—Cooper and Ashton 1985, p. 5.
Post-hatchling Larvae—1–2 inches long.	• Clean, flowing water (~10–50 cm/sec) • Adequate food availability (opportunistic feeding; primarily invertebrates)	F, S	—Ashton 1985, p. 95.
Juveniles—Up to 5.5–6.5 years; 2–4 inches long.	• Clean, flowing water (~10–50 cm/sec) • Adequate food availability (primarily invertebrates) • Cover (large rocks/boulders, outcrops, burrows) for retreat areas	F, S	—Ashton 1985, p. 95. —Braswell 2005, p. 867.
Adults—6–30+ years—5–9 inches long.	• Clean, flowing water deeper than 100 cm with flows 10–50 cm/sec. • Streams >15m wide • High dissolved oxygen (7–9 ppm) • Appropriate substrate (hard clay bottom with leaf litter, gravel, cobble) • Little to no siltation • Adequate food availability (aquatic and terrestrial invertebrates) • Cover (large rocks/boulders, outcrops, burrows) for retreat areas	F, S, D	—Braswell and Ashton 1985, pp. 13, 22, 28. —Ashton 1985, p. 95 —Braswell 2005, p. 868.

*B = Breeding, F = Feeding, S = Sheltering, D = Dispersal.

TABLE 4—LIFE HISTORY AND RESOURCE NEEDS OF THE CAROLINA MADTOM

Life stage	Resources and/or circumstances needed for INDIVIDUALS to complete each life stage	Resource function (BFSD *)	Information source
Egg/Embryo—May–July	• Clear, flowing water • Sexually mature males and females • Appropriate spawning temperatures • Nest sites (rocks, bottles, shells, cobble) • Adequate flow for oxygenation	B	—Burr et al. 1989, p. 75.
Hatchling—late summer	• Clear, flowing water • Cohesive schooling behavior to avoid predation	B, S	—Burr et al. 1989, p. 78.
Juveniles—2–3 years; >2.5 inches long.	• Clear, flowing water • Adequate food availability (midges, caddisflies, mayflies, etc.) • Cover (shells, bottles, cans, tires, woody debris, etc.)	F, S	—Burr et al. 1989, p. 78.
Adults—3+ years—>4 inches long.	• Clear, flowing water 1 to 3 feet deep • Appropriate substrate (leaf litter, sand, gravel, cobble) • Adequate food availability (midges, caddisflies, mayflies, etc.) • Cover (shells, bottles, cans, tires, woody debris, etc.)	F, S, D	—Burr et al. 1989, p. 63 —Midway et al. 2010, p. 326.

* B = breeding; F = feeding; S = sheltering; D = dispersal.

Summary of Essential Physical or Biological Features

In summary, we derive the specific physical or biological features essential to the conservation of Neuse River waterdog from studies of this species' habitat, ecology, and life history as described above. Additional information can be found in the SSA Report (Service 2018) available on *http://www.regulations.gov* under Docket No. FWS–R4–ES–2018–0092. We have determined that the following physical or biological features are essential to the conservation of Neuse River waterdog:

(1) Suitable substrates and connected instream habitats, characterized by geomorphically stable stream channels and banks (*i.e.,* channels that maintain lateral dimensions, longitudinal profiles, and sinuosity patterns over time without an aggrading or degrading bed elevation) with habitats that support a diversity of native aquatic fauna (such as, stable riffle-run-pool habitats that provide flow refuges consisting of silt-free gravel, small cobble, coarse sand, and leaf litter substrates) as well as abundant cover and burrows used for nesting.

(2) Adequate flows, or a hydrologic flow regime (which includes the severity, frequency, duration, and seasonality of discharge over time), necessary to maintain instream habitats where the species is found and to maintain connectivity of streams with the floodplain, allowing the exchange of nutrients and sediment for maintenance of the waterdog's habitat, food availability, and ample oxygenated flow for spawning and nesting habitat.

(3) Water quality (including, but not limited to, conductivity, hardness, turbidity, temperature, pH, ammonia, heavy metals, and chemical constituents) necessary to sustain natural physiological processes for normal behavior, growth, and viability of all life stages.

(4) Invertebrate and fish prey items, which are typically hellgrammites, crayfish, mayflies, earthworms, snails, beetles, centipedes, slugs, and small fish.

We derive the specific physical or biological features essential to the conservation of Carolina madtom from studies of this species' habitat, ecology, and life history as described above. Additional information can be found in the SSA Report (Service 2018) available on *http://www.regulations.gov* under Docket No. FWS–R4–ES–2018–0092. We have determined that the following physical or biological features are essential to the conservation of Carolina madtom:

(1) Suitable substrates and connected instream habitats, characterized by geomorphically stable stream channels and banks (*i.e.,* channels that maintain lateral dimensions, longitudinal profiles, and sinuosity patterns over time without an aggrading or degrading bed elevation) with habitats that support a diversity of native fish (such as stable riffle-run-pool habitats that provide flow refuges consisting of silt-free gravel, small cobble, coarse sand, and leaf litter substrates) as well as abundant cover used for nesting.

(2) Adequate flows, or a hydrologic flow regime (which includes the severity, frequency, duration, and seasonality of discharge over time), necessary to maintain instream habitats where the species is found and to maintain connectivity of streams with the floodplain, allowing the exchange of nutrients and sediment for maintenance of the fish's habitat, food availability, and ample oxygenated flow for spawning and nesting habitat.

(3) Water quality (including, but not limited to, conductivity, hardness, turbidity, temperature, pH, ammonia, heavy metals, and chemical constituents) necessary to sustain natural physiological processes for normal behavior, growth, and viability of all life stages.

(4) Aquatic macroinvertebrate prey items, which are typically dominated by larval midges, mayflies, caddisflies, dragonflies, and beetle larvae.

Special Management Considerations or Protection

When designating critical habitat, we assess whether the specific areas within the geographical area occupied by the species at the time of listing contain features that are essential to the conservation of the species and which may require special management considerations or protection. The features essential to the conservation of the Neuse River waterdog and Carolina madtom may require special management considerations or protections to reduce the following threats: (1) Urbanization of the landscape, including (but not limited to) land conversion for urban and commercial use, infrastructure (roads, bridges, utilities), and urban water uses (water supply reservoirs, wastewater treatment, etc.); (2) nutrient pollution from agricultural activities that impact water quantity and quality; (3) significant alteration of water quality; (4) improper forest management or silviculture activities that remove large areas of forested wetlands and riparian

systems; (5) dams, culverts, and utility pipe installation that creates barriers to movement; (6) impacts from invasive species; (7) changes and shifts in seasonal precipitation patterns as a result of climate change; and (8) other watershed and floodplain disturbances that release sediments or nutrients into the water.

Management activities that could ameliorate these threats include, but are not limited to: Use of BMPs designed to reduce sedimentation, erosion, and bank side destruction; protection of riparian corridors and leaving sufficient canopy cover along banks; moderation of surface and ground water withdrawals to maintain natural flow regimes; increased use of stormwater management and reduction of stormwater flows into the systems; and reduction of other watershed and floodplain disturbances that release sediments, pollutants, or nutrients into the water.

Criteria Used To Identify Critical Habitat

As required by section 4(b)(2) of the Act, we use the best scientific data available to designate critical habitat. In accordance with the Act and our implementing regulations at 50 CFR 424.12(b), we review available information pertaining to the habitat requirements of the species and identify specific areas within the geographical area occupied by the species at the time of listing and any specific areas outside the geographical area occupied by the species to be considered for designation as critical habitat.

The current distribution of both species is much reduced from their historical distributions. We anticipate that recovery will require continued protection of existing populations and habitat, as well as ensuring there are adequate numbers of Neuse River waterdogs and Carolina madtoms in stable populations and that these populations occur over a wide geographic area. This strategy will help to ensure that catastrophic events, such as the effects of hurricanes (*e.g.,* flooding that causes excessive sedimentation, nutrients, and debris to disrupt stream ecology), cannot simultaneously affect all known populations. Rangewide recovery considerations, such as maintaining existing genetic diversity and striving for representation of all major portions of the species' current range, were considered in formulating this proposed critical habitat.

Sources of data for this proposed critical habitat include multiple databases maintained by NC State University, the NC Wildlife Resources Commission, and the NC Natural Heritage Program and numerous survey reports on streams throughout the species' range (see SSA report). We have also reviewed available information that pertains to the habitat requirements of this species. Sources of information on habitat requirements include studies conducted at occupied sites and published in peer-reviewed articles, agency reports, and data collected during monitoring efforts (Service 2018).

Areas Occupied at the Time of Listing

Neuse River Waterdog

We identified stream channels that currently support populations of Neuse River waterdog. We defined ''currently'' as stream channels with observations of the species from 2010 to the present. Due to the breadth and intensity of survey effort done for amphibians throughout the known range of the species, it is reasonable to assume that streams with no positive surveys since 2010 should not be considered occupied for the purpose of our analysis.

Specific occupied habitat areas were delineated based on Natural Heritage Element Occurrences (EOs) following NatureServe's occurrence delineation protocol for freshwater fish (NatureServe 2018). These EOs provide habitat for Neuse River waterdog subpopulations and are large enough to be self-sustaining over time, despite fluctuations in local conditions. The EOs contain stream reaches with interconnected waters so that waterdogs can move between areas, at least during certain flows or seasons.

Based on this information, we consider the following subbasins to be currently occupied by the species at the time of proposed listing: Upper, Middle, and Lower Tar River subbasins, Sandy-Swift Creek, Fishing Creek subbasin, Upper, Middle, and Lower Neuse River subbasins, and the Trent River (see *Unit Descriptions,* below). The proposed critical habitat designation does not include all streams known to have been occupied by the species historically; instead, it includes only the occupied streams within the historical range that have also retained the physical or biological features that will allow for the maintenance and expansion of existing populations.

Carolina Madtom

We identified stream channels that currently support populations of Carolina madtom. As with the Neuse River waterdog, we defined ''current'' as stream channels with observations of the species from 2010 to the present. Due to the breadth and intensity of survey effort done for freshwater fish throughout the known range of the species, it is reasonable to assume that streams with no positive surveys since 2010 should not be considered occupied for the purpose of our analysis.

Specific habitat areas were delineated based on Natural Heritage Element Occurrences (EOs) following NatureServe's occurrence delineation protocol for freshwater fish (NatureServe 2018). These EOs provide habitat for Carolina madtom subpopulations and are large enough to be self-sustaining over time, despite fluctuations in local conditions. The EOs contain stream reaches with interconnected waters so that fish can move between areas, at least during certain flows or seasons.

We consider the following streams to be occupied by the species at the time of proposed listing: Upper Tar, Fishing Creek, Sandy-Swift Creek, and the Little River (see *Unit Descriptions,* below). The proposed critical habitat designation does not include all streams known to have been occupied by the species historically; instead, it includes only the occupied streams within the historical range that have also retained the physical or biological features that will allow for the maintenance and expansion of existing populations.

Areas Outside the Geographic Area Occupied at the Time of Listing

We are not proposing to designate any areas outside the geographical area currently occupied by the Neuse River waterdog because we did not find any unoccupied areas that were essential for the conservation of the species. The protection of the nine currently occupied management units across the physiographic representation of the range would sufficiently reduce the risk of extinction, by improving the resiliency of populations in these currently occupied streams to increase viability to the point that the protections of the Act are no longer necessary.

We are proposing three currently unoccupied units for the Carolina madtom that we determined to be essential for the conservation of the species. Carolina madtoms have been completely extirpated from the Trent River basin, four of the five Neuse River units, and two of the five Tar River basin management units. There is currently only one occupied management unit currently remaining in the Neuse River basin, and that population was found to be in ''very low'' condition in our resiliency analysis. Having at least three resilient

populations in both the Tar and Neuse River basins and at least one population in the Trent River basin is essential for the conservation of the Carolina madtom. Accordingly, we propose to designate one unoccupied unit in the Trent River basin and two in the Neuse River basin. Because there are already three populations in the Tar River basin, we do not consider an unoccupied unit in this basin to be essential for the species' conservation.

General Information on the Maps of the Proposed Critical Habitat Designation

The proposed critical habitat designation is defined by the map or maps, as modified by any accompanying regulatory text, presented at the end of this document under Proposed Regulation Promulgation. We include more detailed information on the boundaries of the proposed critical habitat designation in the discussion of individual units below. We will make the coordinates or plot points or both on which each map is based available to the public on *http://www.regulations.gov* under Docket No. FWS–R4–ES–2018–0092, and at the field office responsible for the designation (see **FOR FURTHER INFORMATION CONTACT**, above).

When determining proposed critical habitat boundaries, we made every effort to avoid including developed areas such as lands covered by buildings, pavement, and other structures because such lands lack physical or biological features necessary for Neuse River waterdog or Carolina madtom. The scale of the maps we prepared under the parameters for publication within the Code of Federal Regulations may not reflect the exclusion of such developed lands. Any such lands inadvertently left inside critical habitat boundaries shown on the maps of this proposed rule have been excluded by text in the proposed rule and are not proposed for designation as critical habitat. Therefore, if the critical habitat is finalized as proposed, a Federal action involving these lands would not trigger section 7 consultation under the Act with respect to critical habitat and the requirement of no adverse modification unless the specific action would affect the physical or biological features in the adjacent critical habitat.

Proposed Critical Habitat Designation

Neuse River Waterdog

We are proposing to designate approximately 738 river mi (1,188 river km) in 16 units in North Carolina as critical habitat for the Neuse River waterdog. All of the units are currently occupied by the species and contain some or all of the physical and biological features essential to the conservation of the species. All units may require special management considerations or protection to address habitat degradation resulting from the cumulative impacts of land use change and associated watershed-level effects on water quality, water quantity, habitat connectivity, and instream habitat suitability. These stressors are primarily related to habitat changes: The buildup of fine sediments, the loss of flowing water, instream habitat fragmentation, and impairment of water quality; these are all exacerbated by climate change. Table 5 shows the name, land ownership of the riparian areas surrounding the units, and approximate river miles of the proposed designated units for the Neuse River waterdog. Because all streambeds are navigable waters, the actual critical habitat units are all owned by the State of North Carolina.

TABLE 5—PROPOSED CRITICAL HABITAT UNITS FOR THE NEUSE RIVER WATERDOG

Critical habitat unit	Riparian ownership	River miles (kilometers)
Unit 1. TAR1–Upper Tar River	Private; Easements	8.6 (13.8)
Unit 2. TAR2–Upper Fishing Creek	Private; Easements	10.5 (16.9)
Unit 3. TAR3a–Fishing Creek Subbasin	Private; Easements; State	62.8 (101)
Unit 4. TAR3b–Sandy/Swift Creek	Private; Easements; State	68.3 (110)
Unit 5. TAR3c–Middle Tar River Subbasin	Private; Easements; State	100 (161)
Unit 6. TAR3d–Lower Tar River Subbasin	Private; Easements; State	60.6 (97.5)
Unit 7. NR1–Eno River	Private; Easements; State	41.5 (66.8)
Unit 8. NR2–Flat River	Private; Easements	17.4 (28)
Unit 9. NR3–Middle Creek	Private; Easements; Local	7.6 (12.2)
Unit 10. NR4–Swift Creek	Private	23.4 (37.7)
Unit 11. NR5a–Little River	Private; Easements	89.6 (144)
Unit 12. NR5b–Mill Creek	Private; Easements	19 (30.6)
Unit 13. NR5c–Middle Neuse River	Private; State; Easements	40 (64.4)
Unit 14. NR6–Contentnea Creek/Lower Neuse River Subbasin	Private; Easements	117 (188.3)
Unit 15. NR7–Swift Creek (Lower Neuse)	Private; Easements	10 (16)
Unit 16. TR1–Trent River	Private	62 (100)
Total		738 (1,188)

Note: Area sizes may not sum due to rounding.

Tar Population

Unit 1: TAR1–Upper Tar River

Unit 1 consists of 8.6 river mi (13.8 river km) of the Upper Tar River in Granville County from approximately SR1004 (Old NC 75) downstream to NC 96. The riparian land adjacent to this unit is primarily privately owned (86%), with several conservation parcels or easements (14%).

Unit 2: TAR2–Upper Fishing Creek

Unit 2 consists of 10.5 river mi (16.9 river km) of Upper Fishing Creek in Warren County. This unit extends from SR1118 (No Bottom Drive) downstream to NC58. The riparian land adjacent to the unit is primarily privately owned (94%) with several conservation parcels or easements (6%).

Unit 3: TAR3a–Fishing Creek Subbasin

Unit 3 consists of approximately 63 river mi (101 river km) of lower Little Fishing Creek approximately 1.6 miles (2.6 km) upstream of SR1214 (Silvertown Rd) downstream to the confluence with Fishing Creek, and

including the mainstem of Fishing Creek to the confluence with the Tar River in Halifax, Nash, and Edgecombe Counties. The riparian land adjacent to the unit includes private land (91%), several conservation parcels (6%), and State Game Lands (3%).

Unit 4: TAR3b–Sandy/Swift Creek

Unit 4 consists of an approximately 68-river-mi (110-river-km) segment of Sandy Creek downstream of SR 1451 (Leonard Road) to the confluence with the Tar River, including Red Bud Creek downstream of the Franklin/Nash county line to the confluence with Swift Creek. This unit is located in Franklin, Nash, and Edgecombe Counties. The riparian land adjacent to this unit includes private lands (97%), conservation parcels (1%), and State Game Lands (2%).

Unit 5: TAR3c–Middle Tar River Subbasin

Unit 5 consists of an approximately 100-river-mi (161-river-km) segment of the Middle Tar River from the confluence with Cedar Creek downstream to the confluence with Fishing Creek, including Stony Creek below SR1300 (Boddies' Millpond Rd), downstream to the confluence with the Tar River. This unit is located in Franklin, Nash, and Edgecombe Counties. The riparian land adjacent to this unit is nearly all private lands (99%), with less than 1% conservation parcels, local parks, and a research station.

Unit 6: TAR3d–Lower Tar River Subbasin

Unit 6 consists of approximately 60 river mi (96.6 river km) in the Lower Tar River Subbasin from the confluence with Fishing Creek downstream to the confluence with Barber Creek near SR1533 (Port Terminal Road). This includes portions of Town Creek below NC111 to the confluence with the Tar River, Otter Creek below SR1251 to the confluence with the Tar River, and Tyson Creek below SR1258 to the confluence with the Tar River. This unit is located in Edgecombe and Pitt Counties. The riparian land adjacent to this unit consists of private land (97%), conservation parcels (2.5%), and State Game Lands (0.5%).

Neuse Population

Unit 7: NR1–Eno River

Unit 7 consists of approximately 41.5 river mi (66.8 river km) of the Eno River from NC86 downstream to the inundated portion of Falls Lake in Orange and Durham Counties. The riparian land adjacent to this unit includes private lands (61%), State Park Lands (25%), local government conservation parcels (12%), and State Game Lands (2%).

Unit 8: NR2–Flat River

Unit 8 is a 17.4-river-mi (28-river-km) segment of the Flat River from SR1739 (Harris Mill Road) downstream to the inundated portion of Falls Lake, located in Person and Durham Counties. The riparian land adjacent to this unit consists of some private land (49%) and extensive conservation parcels (51%), including demonstration forest, recreation areas, and State Game Lands.

Unit 9: NR3–Middle Creek

Unit 9 is a 7.6-river-mi (12.2-river-km) stretch of Middle Creek from Southeast Regional Park downstream to the Interstate 40 crossing, located in Wake and Johnston Counties. The riparian land adjacent to this unit is predominantly privately owned (92%) with a few conservation parcels (8%).

Unit 10: NR4–Swift Creek (Middle Neuse)

Unit 10 is a 23.35-river-mi (37.6-river-km) stretch of Swift Creek from NC42 downstream to the confluence with the Neuse River, located in Johnston County. The riparian land adjacent to this unit is entirely privately owned.

Unit 11: NR5a–Little River

Unit 11 is an 89.6-river-mi (144.2-river-km) segment of the Little River from near NC96 downstream to the confluence with the Neuse River, including Buffalo Creek from NC39 to the confluence with Little River, located in Franklin, Wake, Johnston, and Wayne Counties. The riparian land adjacent to this unit is predominantly privately owned (90%) with some (10%) local municipal conservation parcels (Little River Reservoir).

Unit 12: NR5b–Mill Creek

Unit 12 is an 18.7-river-mi (30-river-km) segment of Mill Creek from upstream of US701 downstream to the confluence with the Neuse River located in Johnston and Wayne Counties. The riparian land adjacent to this unit is predominantly privately owned (95%) with some conservation parcels (5%).

Unit 13: NR5c–Middle Neuse River

Unit 13 is a 39.8-river-mi (64-river-km) segment of the Middle Neuse River from the confluence with Mill Creek downstream to the Wayne/Lenoir County line, located in Wayne County. The riparian land adjacent to this unit includes privately owned land (92%), conservation parcels (0.95%), State Park land (7%), and the Seymour Johnson Air Force Base (0.05%). The 2 miles of river segment located on the land owned by the Air Force Base is exempt from critical habitat under section 4(a)(3) of the Act (see *Exemptions,* below).

Unit 14: NR6–Contentnea Creek/Lower Neuse River Subbasin

Unit 14 is an approximately 117-river-mi (188.3-river-km) reach, including Contentnea Creek from NC581 downstream to its confluence with the Neuse River, Nahunta Swamp from the Wayne/Greene County line to the confluence with Contentnea Creek, and the Neuse River from the confluence with Contentnea Creek to the confluence with Pinetree Creek, located in Greene, Wilson, Wayne, Lenoir, Pitt, and Craven Counties. The riparian land adjacent to this unit is nearly all privately owned land (99%), with <1% conservation parcels.

Unit 15: NR7–Swift Creek

Unit 15 is a 10.13-river-mi (16.3-river-km) reach of Swift Creek from SR1931 (Beaver Camp Rd) downstream to SR1440 (Streets Ferry Rd) located in Craven County. The riparian land adjacent to this unit is nearly all privately owned (99%) with some conservation parcels (1%).

Trent Population

Unit 16: TR1–Trent River

Unit 16 is a 62-river-mi (100-river-km) reach that includes Beaver Creek from SR1316 (McDaniel Fork Rd) to the confluence with the Trent River, and Trent River from the confluence with Poplar Branch downstream to SR1121 (Oak Grove Rd) crossing at the Marine Corps Cherry Point property, in Jones County. The riparian land adjacent to this unit is entirely privately owned.

Carolina Madtom

We are proposing to designate approximately 257 river miles (414 river kilometers) in 7 units in North Carolina as critical habitat for the Carolina madtom. Four of the units are currently occupied by the species and contain some or all of the physical and biological features essential to the conservation of the species. Three of the units are unoccupied but are essential to the conservation of the species. All units proposed may require special management considerations or protection to address habitat degradation resulting from the cumulative impacts of land use change and associated watershed-level effects on water quality, water quantity, habitat connectivity, and instream habitat

suitability. These stressors are primarily related to habitat changes: the buildup of fine sediments, the loss of flowing water, instream habitat fragmentation, and impairment of water quality; these are all exacerbated by climate change. Table 6 shows the name, land ownership of the riparian areas surrounding the units, and approximate river miles of the proposed designated units for the Carolina madtom. Because all streambeds are navigable waters, the actual critical habitat units are all owned by the State of North Carolina.

TABLE 6—PROPOSED CRITICAL HABITAT UNITS FOR THE CAROLINA MADTOM

Critical habitat unit	Occupied at the time of listing	Riparian ownership	Length of unit in river miles (kilometers)
Unit 1. TAR1–Upper Tar River	Yes	Private	26 (42)
Unit 2. TAR2–Sandy/Swift Creek	Yes	Private; Easements	66 (106)
Unit 3. TAR3–Fishing Creek Subbasin	Yes	Private; Easements; State	86 (138)
Unit 4. NR1–Upper Neuse River Subbasin (Eno River)	No	Easements; State; Private	20 (32)
Unit 5. NR2–Little River	Yes	Private; Easements	28 (45)
Unit 6. NR3–Contentnea Creek	No	Private	15 (24)
Unit 7. TR1–Trent River	No	Private	15 (24)
Total			257 (414)

Note: Area sizes may not sum due to rounding.

Tar Population

Unit 1: TAR1–Upper Tar River

Unit 1 consists of 26 river mi (42 river km) of the Upper Tar River, from the confluence with Sand Creek to the confluence with Sycamore Creek, in Granville, Vance, and Franklin Counties. Unit 1 is occupied by the species and contains all of the physical and biological features essential to the conservation of the species. The riparian land adjacent to the river is entirely privately owned.

Unit 2: TAR2–Sandy/Swift Creek

Unit 2 consists of 66 river mi (106 river km) of Sandy and Swift Creeks, located downstream from NC561 to the confluence with the Tar River, in Edgecombe, Vance, Warren, Halifax, Franklin, and Nash Counties. This unit is occupied and contains all of the physical and biological features necessary for the conservation of the species. The riparian land adjacent to this unit is predominantly privately owned (96%), with conservation parcels (2%) and State Game Lands (2%).

Unit 3: TAR3–Fishing Creek Subbasin

Unit 3 consists of approximately 86 river mi (138 river km), including Fishing Creek from the confluence with Hogpen Branch to the confluence with the Tar River, and Little Fishing Creek from Medoc Mountain Road (SR1002) to the confluence with Fishing Creek, located in Edgecombe, Warren, Halifax, Franklin, and Nash Counties. This unit is occupied by the species and contains all of the physical and biological features necessary for the conservation of the species. The riparian land adjacent to the unit is divided between privately owned parcels (89%), State Game Lands and State Park land (5%), and conservation parcels (6%).

Neuse River Population

Unit 4: NR1–Upper Neuse River Subbasin (Eno River)

Unit 4 consists of approximately 20 river mi (32 river km) of the Upper Neuse River extending from Eno River State Park downstream of NC70 to the confluence with Cabin Creek near Falls Lake impoundment, located in Orange and Durham Counties. This unit is not occupied by the species. There is one historical record of Carolina madtoms in this unit from 1961, but followup surveys in 2011 were not able to find any individuals. Although it is unoccupied, it does contain all of the physical and biological features necessary for the conservation of the species. This unit is itself essential for the conservation of the species because it will provide for population expansion and resiliency in portions of known historical habitat that is necessary to increase the resiliency, redundancy, and representation to increase viability of the species. Riparian land adjacent to the unit is almost entirely (95%) within State Park Lands, local government conservation parcels, and State Game Lands.

Unit 5: NR2–Little River

Unit 5 consists of 28 river mi (45 river km) of the Upper and Lower Little River from NC42 to Johnston/Wayne County line, located in Johnston County. This unit is occupied and contains all of the physical and biological features necessary for the conservation of the species. The riparian land adjacent to the unit is predominantly privately owned (99%) with some (1%) State Conservation ownership.

Unit 6: NR3–Contentnea Creek

Unit 6 consists of approximately 15 river mi (24 river km) of Contentnea Creek from Buckhorn Reservoir to Wiggins Mill Reservoir, located in Wilson County. This unit is not occupied by the species. The last known documentation of the species was in 2007. Although it is unoccupied, it does contain all of the physical and biological features necessary for the conservation of the species. This unit itself is essential for the conservation of the species because it will provide for population expansion and resiliency in portions of known historical habitat that is necessary to increase the resiliency, redundancy, and representation to increase viability of the species. The riparian land adjacent to this unit is entirely privately owned.

Trent Population

Unit 7: TR1–Trent River

Unit 7 consists of approximately 15 river mi (24 river km) of the Trent River between the confluence with Cypress Creek and Beaver Creek, in Jones County. This unit is unoccupied by the species. The last known documentation of the species here was in 1986. Although it is unoccupied, it does contain all of the physical and biological features necessary for the conservation of the species. This unit itself is essential for the conservation of the species because it will provide for population expansion and resiliency in portions of known historical habitat that is necessary to increase the resiliency, redundancy, and representation to increase viability of the species. All of

the riparian land adjacent to this unit is privately owned.

Exemptions

Application of Section 4(a)(3) of the Act

The Sikes Act Improvement Act of 1997 (Sikes Act) (16 U.S.C. 670a) required each military installation that includes land and water suitable for the conservation and management of natural resources to complete an integrated natural resources management plan (INRMP) by November 17, 2001. An INRMP integrates implementation of the military mission of the installation with stewardship of the natural resources found on the base. Each INRMP includes:

(1) An assessment of the ecological needs on the installation, including the need to provide for the conservation of listed species;

(2) A statement of goals and priorities;

(3) A detailed description of management actions to be implemented to provide for these ecological needs; and

(4) A monitoring and adaptive management plan.

Among other things, each INRMP must, to the extent appropriate and applicable, provide for fish and wildlife management; fish and wildlife habitat enhancement or modification; wetland protection, enhancement, and restoration where necessary to support fish and wildlife; and enforcement of applicable natural resource laws.

The National Defense Authorization Act for Fiscal Year 2004 (Pub. L. 108–136) amended the Act to limit areas eligible for designation as critical habitat. Specifically, section 4(a)(3)(B)(i) of the Act (16 U.S.C. 1533(a)(3)(B)(i)) provides that: ''The Secretary shall not designate as critical habitat any lands or other geographical areas owned or controlled by the Department of Defense, or designated for its use, that are subject to an integrated natural resources management plan prepared under section 670a of this title [the Sikes Act; 16 U.S.C. 670a], if the Secretary determines in writing that such plan provides a benefit to the species for which critical habitat is proposed for designation.''

We consult with the military on the development and implementation of INRMPs for installations with listed species. We analyze INRMPs developed by military installations located within the range of proposed critical habitat designations to determine if they meet the criteria for exemption from critical habitat under section 4(a)(3) of the Act.

We have identified one area within the proposed critical habitat designation that consists of Department of Defense lands with a completed, Service-approved INRMP. The Seymour Johnson Air Force Base (SJAFB) is located in Goldsboro, North Carolina, on 3,220 acres. SJAFB is federally owned land that is managed by the Air Force and is subject to all Federal laws and regulations. The SJAFB INRMP covers fiscal years 2015–2020, and serves as the principal management plan governing all natural resource activities on the installation. Among the goals and objectives listed in the INRMP is prohibiting the introduction of exotic species, the preparation of a fish and wildlife management plan, the enforcement of game laws, the conservation of wildlife and migratory waterfowl, licenses and permits, regulating the use of chemical toxicants for controlling nuisance species, the protection of endangered and threatened species, and allowing public access to military property. Management actions that benefit the Neuse River waterdog include: Analyze the adequacy of existing stormwater facilities and BMPs; collect effluent data from each drainage basin within the context of an ecosystem goal for surface and ground water discharges from SJAFB to make it easier to evaluate the scientific, ecological, and economic value of current and proposed BMPs; collect seasonal and annual data concerning stormwater runoff and nonpoint source pollution to evaluate the contribution and water quality of stormwater runoff from SJAFB to the surrounding watersheds; address watershed protection and enhancement of water quality, and regulate the amounts of water used in future landscaping and grounds maintenance activities, including the use of herbicides, pesticides, and fertilizers; and the application of appropriate stormwater management practices.

Two miles (3.2 km) of Unit 13 (NR5c–Middle Neuse River) are located within the area covered by this INRMP. Based on the above considerations, and in accordance with section 4(a)(3)(B)(i) of the Act, we have determined that the identified streams are subject to the SJAFB INRMP and that conservation efforts identified in the INRMP will provide a benefit to the Neuse River waterdog. Therefore, streams within this installation are exempt from critical habitat designation under section 4(a)(3) of the Act. We are not including approximately 2 river mi (3.2 km) of habitat in this proposed critical habitat designation because of this exemption.

Consideration of Impacts Under Section 4(b)(2) of the Act

Section 4(b)(2) of the Act states that the Secretary shall designate and make revisions to critical habitat on the basis of the best available scientific data after taking into consideration the economic impact, national security impact, and any other relevant impact of specifying any particular area as critical habitat. The Secretary may exclude an area from critical habitat if he determines that the benefits of such exclusion outweigh the benefits of specifying such area as part of the critical habitat, unless he determines, based on the best scientific data available, that the failure to designate such area as critical habitat will result in the extinction of the species. In making that determination, the statute on its face, as well as the legislative history, are clear that the Secretary has broad discretion regarding which factor(s) to use and how much weight to give to any factor.

As discussed below, we are not proposing to exclude any areas from critical habitat. However, the final decision on whether to exclude any areas will be based on the best scientific data available at the time of the final designation, including information obtained during the comment period and information about the economic impact of designation.

Consideration of Economic Impacts

Section 4(b)(2) of the Act and its implementing regulations require that we consider the economic impact that may result from a designation of critical habitat. To assess the probable economic impacts of a designation, we must first evaluate specific land uses or activities and projects that may occur in the area of the critical habitat. We then must evaluate whether a specific critical habitat designation may restrict or modify specific land uses or activities for the benefit of the species and its habitat within the areas proposed. We then identify which conservation efforts may be the result of the species being listed under the Act versus those attributed solely to the designation of critical habitat. The probable economic impact of a proposed critical habitat designation is analyzed by comparing scenarios both ''with critical habitat'' and ''without critical habitat.'' The ''without critical habitat'' scenario represents the baseline for the analysis, which includes the existing regulatory and socioeconomic burden imposed on landowners, managers, or other resource users potentially affected by the designation of critical habitat (*e.g.,* under the Federal listing as well as

other Federal, State, and local regulations). The baseline, therefore, represents the costs of all efforts attributable to the listing of the species under the Act (*i.e.,* conservation of the species and its habitat incurred regardless of whether critical habitat is designated). The ''with critical habitat'' scenario describes the incremental impacts associated specifically with the designation of critical habitat for the species. The incremental conservation efforts and associated impacts would not be expected without the designation of critical habitat for the species. In other words, the incremental costs are those attributable solely to the designation of critical habitat, above and beyond the baseline costs. These are the costs we use when evaluating the benefits of inclusion and exclusion of particular areas from the final designation of critical habitat should we choose to conduct a discretionary 4(b)(2) exclusion analysis.

For this proposed designation, we developed an incremental effects memorandum (IEM) for each species considering the probable incremental economic impacts that may result from this proposed designation of critical habitat. The information contained in our IEMs was then used to develop a screening analysis of the probable effects of the designation of critical habitat for both species (IEc, 2018, entire). The purpose of the screening analysis is to filter out the geographic areas in which the critical habitat designation is unlikely to result in probable incremental economic impacts. In particular, the screening analysis considers baseline costs (*i.e.,* absent critical habitat designation) and includes probable economic impacts where land and water use may be subject to conservation plans, land management plans, best management practices, or regulations that protect the habitat area as a result of the Federal listing status of the species. The screening analysis filters out particular areas of critical habitat that are already subject to such protections and are, therefore, unlikely to incur incremental economic impacts. Ultimately, the screening analysis allows us to focus our analysis on evaluating the specific areas or sectors that may incur probable incremental economic impacts as a result of the designation. This screening analysis, combined with the information contained in our IEM, constitutes our draft economic analysis (DEA) of the proposed critical habitat designations for the Carolina madtom and Neuse River waterdog, and is summarized in the narrative below.

Executive Orders (E.O.s) 12866 and 13563 direct Federal agencies to assess the costs and benefits of available regulatory alternatives in quantitative (to the extent feasible) and qualitative terms. Consistent with the E.O. regulatory analysis requirements, our effects analysis under the Act may take into consideration impacts to both directly and indirectly affected entities, where practicable and reasonable. If sufficient data are available, we assess to the extent practicable the probable impacts to both directly and indirectly affected entities. As part of our screening analysis, we considered the types of economic activities that are likely to occur within the areas likely affected by the proposed critical habitat designation. In our August 10, 2018, IEM, we first identified probable incremental economic impacts associated with each of the following categories of activities: (1) Federal lands management (National Park Service, U.S. Forest Service, Department of Defense); (2) agriculture; (3) forest management/silviculture/timber; (4) development; (5) recreation; (6) restoration activities; and (7) transportation. Additionally, we considered whether the activities have any Federal involvement. Critical habitat designation generally will not affect activities that do not have any Federal involvement; under the Act, designation of critical habitat only affects activities conducted, funded, permitted, or authorized by Federal agencies. If we list the species as proposed in the listing portion of this document, under section 7 of the Act, Federal agencies would be required to consult with the Service on activities they fund, permit, or implement that may affect the species.

In our IEM, we attempted to clarify the distinction between the effects that would result from the species being listed and those attributable to the critical habitat designation (*i.e.,* difference between the jeopardy and adverse modification standards) for the Carolina madtom and Neuse River waterdog. Because the designation of critical habitat is being proposed concurrently with the listing, it has been our experience that it is more difficult to discern which conservation efforts are attributable to the species being listed and those which would result solely from the designation of critical habitat. However, the following specific circumstances in this case help to inform our evaluation: (1) The essential physical or biological features identified for critical habitat are the same features essential for the life requisites of the species, and (2) any actions that would result in sufficient harm or harassment to constitute jeopardy to either species would also likely adversely affect the essential physical or biological features of critical habitat. The IEM outlines our rationale concerning this limited distinction between baseline conservation efforts and incremental impacts of the designation of critical habitat for the species. This evaluation of the incremental effects has been used as the basis to evaluate the probable incremental economic impacts of this proposed designation of critical habitat.

The proposed critical habitat designation for the Neuse River waterdog totals approximately 738 river miles (1,188 river km), all of which are currently occupied by the species. In these areas, any actions that may affect the species or its habitat would likely also affect proposed critical habitat, and it is unlikely that any additional conservation efforts would be required to address the adverse modification standard over and above those recommended as necessary to avoid jeopardizing the continued existence of the species. Therefore, the only additional costs that are expected in all of the proposed critical habitat designation are administrative costs, due to the fact that this additional analysis will require time and resources by both the Federal action agency and the Service.

The proposed critical habitat designation for the Carolina madtom totals approximately 257 river miles (414 river km), most of which is currently occupied by the species, but with three unoccupied units. In the occupied areas, any actions that may affect the species or its habitat would likely also affect proposed critical habitat, and it is unlikely that any additional conservation efforts would be required to address the adverse modification standard over and above those recommended as necessary to avoid jeopardizing the continued existence of the species. Therefore, the only additional costs that are expected in the occupied proposed critical habitat designation are administrative costs, due to the fact that this additional analysis will require time and resources by both the Federal action agency and the Service. Three of the proposed Carolina madtom critical habitat units (NR1, NR3, and TR1) are unoccupied. Two of these units (NR1 and NR3) overlap entirely with river miles proposed as critical habitat for Neuse River waterdog. The third unoccupied unit (TR1) overlaps partially with proposed Neuse River waterdog critical habitat, but includes approximately 7

river miles that do not overlap (representing approximately three percent of the Carolina madtom critical habitat). However, these river miles are located in a remote area where future section 7 consultations are not anticipated.

It is believed that, in most circumstances, these costs would not reach the threshold of ''significant'' under E.O. 12866. For the critical habitat designations for both species, we anticipate a maximum of 115 section 7 consultations annually at a total incremental cost of approximately $270,000 per year.

As we stated earlier, we are soliciting data and comments from the public on the DEA, as well as all aspects of the proposed rule and our required determinations. See **ADDRESSES**, above, for information on where to send comments.

Exclusions

Exclusions Based on Economic Impacts

Under section 4(b)(2) of the Act, we consider the economic impacts of specifying any particular area as critical habitat. As discussed above, we prepared an analysis of the probable economic impacts of the proposed critical habitat designation and related factors. Based on the draft analysis, the Secretary does not propose to exercise his discretion to exclude any areas from the final designation based on economic impacts. However, during the development of a final designation, we will consider any additional economic impact information we receive during the public comment period, which may result in areas being excluded from the final critical habitat designation under section 4(b)(2) of the Act and our implementing regulations at 50 CFR 424.19.

Exclusions Based on National Security Impacts or Homeland Security Impacts

Under section 4(b)(2) of the Act, we consider whether there are lands owned or managed by the Department of Defense or Department of Homeland Security where a national security impact might exist. In preparing this proposal, we have determined that the lands within the proposed designation of critical habitat for both species are not owned or managed by the Department of Defense or Department of Homeland Security, and, therefore, we anticipate no impact on national security (but see Exemptions, above). Consequently, the Secretary does not propose to exercise his discretion to exclude any areas from the final designation based on impacts on national security.

Exclusions Based on Other Relevant Impacts

Under section 4(b)(2) of the Act, we consider any other relevant impacts, in addition to economic impacts and impacts on national security. We consider a number of factors, including whether there are permitted conservation plans covering the species in the area such as Habitat Conservation Plans (HCPs), safe harbor agreements, or candidate conservation agreements with assurances, or whether there are non-permitted conservation agreements and partnerships that would be encouraged by designation of, or exclusion from, critical habitat. In addition, we look at the existence of Tribal conservation plans and partnerships and consider the government-to-government relationship of the United States with Tribal entities. We also consider any social impacts that might occur because of the designation.

In preparing this proposal, we have determined that there are currently no HCPs or other management plans for the Carolina madtom or Neuse River waterdog, and the proposed designation does not include any Tribal lands or trust resources. Accordingly, the Secretary does not propose to exercise his discretion to exclude any areas from the final designation based on other relevant impacts.

Effects of Critical Habitat Designation

Section 7 Consultation

Section 7(a) of the Act requires Federal agencies to evaluate their actions with respect to any species that is proposed or listed as an endangered or threatened species and with respect to its critical habitat, if any is designated. Section 7(a)(2) of the Act requires Federal agencies, including the Service, to ensure that any action they fund, authorize, or carry out is not likely to jeopardize the continued existence of any endangered species or threatened species or result in the destruction or adverse modification of designated critical habitat of such species. In addition, section 7(a)(4) of the Act requires Federal agencies to confer with the Service on any agency action that is likely to jeopardize the continued existence of any species proposed to be listed under the Act or result in the destruction or adverse modification of proposed critical habitat.

We published a final regulation with a new definition of destruction or adverse modification on February 11, 2016 (81 FR 7214). Destruction or adverse modification means a direct or indirect alteration that appreciably diminishes the value of critical habitat for the conservation of a listed species. Such alterations may include, but are not limited to, those that alter the physical or biological features essential to the conservation of a species or that preclude or significantly delay development of such features.

If a Federal action may affect a listed species or its critical habitat, the responsible Federal agency (action agency) must enter into consultation with us. Examples of actions that are subject to the section 7 consultation process are actions on State, Tribal, local, or private lands that require a Federal permit or that involve some other Federal action. Federal agency actions within the species' habitat that may require conference or consultation or both include management and any other landscape-altering activities on Federal lands administered by the Army National Guard; issuance of section 404 Clean Water Act (33 U.S.C. 1251 *et seq.*) permits by the U.S. Army Corps of Engineers; and construction and maintenance of roads or highways by the Federal Highway Administration. Federal actions not affecting listed species or critical habitat, and actions on State, Tribal, local, or private lands that are not federally funded or authorized, do not require section 7 consultation.

As a result of section 7 consultation, we document compliance with the requirements of section 7(a)(2) through our issuance of:

(1) A concurrence letter for Federal actions that may affect, but are not likely to adversely affect, listed species or critical habitat; or

(2) A biological opinion for Federal actions that may affect, and are likely to adversely affect, listed species or critical habitat.

When we issue a biological opinion concluding that a project is likely to jeopardize the continued existence of a listed species and/or destroy or adversely modify critical habitat, we provide reasonable and prudent alternatives to the project, if any are identifiable, that would avoid the likelihood of jeopardy and/or destruction or adverse modification of critical habitat. We define ''reasonable and prudent alternatives'' (at 50 CFR 402.02) as alternative actions identified during consultation that:

(1) Can be implemented in a manner consistent with the intended purpose of the action,

(2) Can be implemented consistent with the scope of the Federal agency's legal authority and jurisdiction,

(3) Are economically and technologically feasible, and

(4) Would, in the Service Director's opinion, avoid the likelihood of jeopardizing the continued existence of the listed species and/or avoid the likelihood of destroying or adversely modifying critical habitat.

Reasonable and prudent alternatives can vary from slight project modifications to extensive redesign or relocation of the project. Costs associated with implementing a reasonable and prudent alternative are similarly variable.

Regulations at 50 CFR 402.16 require Federal agencies to reinitiate consultation on previously reviewed actions in instances where we have listed a new species or subsequently designated critical habitat that may be affected and the Federal agency has retained discretionary involvement or control over the action (or the agency's discretionary involvement or control is authorized by law). Consequently, Federal agencies sometimes may need to request reinitiation of consultation with us on actions for which formal consultation has been completed, if those actions with discretionary involvement or control may affect subsequently listed species or designated critical habitat.

Application of the ''Adverse Modification'' Standard

The key factor related to the adverse modification determination is whether, with implementation of the proposed Federal action, the affected critical habitat would continue to serve its intended conservation role for the species. Activities that may destroy or adversely modify critical habitat are those that result in a direct or indirect alteration that appreciably diminishes the value of critical habitat for the conservation of the Carolina madtom or Neuse River waterdog. Such alterations may include, but are not limited to, those that alter the physical or biological features essential to the conservation of the species or that preclude or significantly delay development of such features. As discussed above, the role of critical habitat is to support physical or biological features essential to the conservation of a listed species and provide for the conservation of the species.

Section 4(b)(8) of the Act requires us to briefly evaluate and describe, in any proposed or final regulation that designates critical habitat, activities involving a Federal action that may destroy or adversely modify such habitat, or that may be affected by such designation. Activities that may affect critical habitat, when carried out, funded, or authorized by a Federal agency, should result in consultation for the Carolina madtom or Neuse River waterdog. These activities include, but are not limited to:

(1) Actions that would alter the minimum flow or the existing flow regime. Such activities could include, but are not limited to, impoundment, channelization, water diversion, water withdrawal, and hydropower generation. These activities could eliminate or reduce the habitat necessary for the growth and reproduction of the species by decreasing or altering flows to levels that would adversely affect their ability to complete their life cycles.

(2) Actions that would significantly alter water chemistry or temperature. Such activities could include, but are not limited to, release of chemicals (including pharmaceuticals, metals, and salts), biological pollutants, or heated effluents into the surface water or connected groundwater at a point source or by dispersed release (non-point source). These activities could alter water conditions to levels that are beyond the tolerances of the species and result in direct or cumulative adverse effects to these individuals and their life cycles.

(3) Actions that would significantly increase sediment deposition within the stream channel. Such activities could include, but are not limited to, excessive sedimentation from livestock grazing, road construction, channel alteration, timber harvest, off-road vehicle use, and other watershed and floodplain disturbances. These activities could eliminate or reduce the habitat necessary for the growth and reproduction of both species by increasing the sediment deposition to levels that would adversely affect their ability to complete their life cycles.

(4) Actions that would significantly increase the filamentous algal community within the stream channel. Such activities could include, but are not limited to, release of nutrients into the surface water or connected groundwater at a point source or by dispersed release (non-point source). These activities can result in excessive filamentous algae filling streams and reducing habitat for both species, degrading water quality during their decay, and decreasing oxygen levels at night from their respiration to levels below the tolerances of the species.

(5) Actions that would significantly alter channel morphology or geometry. Such activities could include, but are not limited to, channelization, impoundment, road and bridge construction, mining, dredging, and destruction of riparian vegetation. These activities may lead to changes in water flows and levels that would degrade or eliminate the two species and/or their habitats. These actions can also lead to increased sedimentation and degradation in water quality to levels that are beyond the tolerances of the species.

(6) Actions that result in the introduction, spread, or augmentation of nonnative aquatic species in occupied stream segments, or in stream segments that are hydrologically connected to occupied stream segments, even if those segments are occasionally intermittent, or introduction of other species that compete with or prey on either species. Possible actions could include, but are not limited to, stocking of nonnative fishes, stocking of sport fish, or other related actions. These activities can introduce parasites or disease, and can result in direct predation, or affect the growth, reproduction, and survival, of both species.

Required Determinations

Clarity of the Rule

We are required by Executive Orders 12866 and 12988 and by the Presidential Memorandum of June 1, 1998, to write all rules in plain language. This means that each rule we publish must:

(1) Be logically organized;

(2) Use the active voice to address readers directly;

(3) Use clear language rather than jargon;

(4) Be divided into short sections and sentences; and

(5) Use lists and tables wherever possible.

If you feel that we have not met these requirements, send us comments by one of the methods listed in **ADDRESSES.** To better help us revise the rule, your comments should be as specific as possible. For example, you should tell us the numbers of the sections or paragraphs that are unclearly written, which sections or sentences are too long, the sections where you feel lists or tables would be useful, etc.

Executive Order 13771

This proposed rule is not an Executive Order (E.O.) 13771 (''Reducing Regulation and Controlling Regulatory Costs'') (82 FR 9339, February 3, 2017) regulatory action because this rule is not significant under E.O. 12866.

Regulatory Planning and Review (Executive Orders 12866 and 13563)

Executive Order 12866 provides that the Office of Information and Regulatory Affairs (OIRA) in the Office of Management and Budget will review all significant rules. OIRA has determined that this rule is not significant.

Executive Order 13563 reaffirms the principles of E.O. 12866 while calling for improvements in the nation's regulatory system to promote predictability, to reduce uncertainty, and to use the best, most innovative, and least burdensome tools for achieving regulatory ends. The executive order directs agencies to consider regulatory approaches that reduce burdens and maintain flexibility and freedom of choice for the public where these approaches are relevant, feasible, and consistent with regulatory objectives. E.O. 13563 emphasizes further that regulations must be based on the best available science and that the rulemaking process must allow for public participation and an open exchange of ideas. We have developed this rule in a manner consistent with these requirements.

Regulatory Flexibility Act (5 U.S.C. 601 et seq.)

Under the Regulatory Flexibility Act (RFA; 5 U.S.C. 601 *et seq.*), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA; 5 U.S.C. 801 *et seq.*), whenever an agency is required to publish a notice of rulemaking for any proposed or final rule, it must prepare and make available for public comment a regulatory flexibility analysis that describes the effects of the rule on small entities (*i.e.,* small businesses, small organizations, and small government jurisdictions). However, no regulatory flexibility analysis is required if the head of the agency certifies the rule will not have a significant economic impact on a substantial number of small entities. The SBREFA amended the RFA to require Federal agencies to provide a certification statement of the factual basis for certifying that the rule will not have a significant economic impact on a substantial number of small entities.

According to the Small Business Administration, small entities include small organizations such as independent nonprofit organizations; small governmental jurisdictions, including school boards and city and town governments that serve fewer than 50,000 residents; and small businesses (13 CFR 121.201). Small businesses include manufacturing and mining concerns with fewer than 500 employees, wholesale trade entities with fewer than 100 employees, retail and service businesses with less than $5 million in annual sales, general and heavy construction businesses with less than $27.5 million in annual business, special trade contractors doing less than $11.5 million in annual business, and agricultural businesses with annual sales less than $750,000. To determine if potential economic impacts to these small entities are significant, we considered the types of activities that might trigger regulatory impacts under this designation as well as types of project modifications that may result. In general, the term ''significant economic impact'' is meant to apply to a typical small business firm's business operations.

The Service's current understanding of the requirements under the RFA, as amended, and following recent court decisions, is that Federal agencies are only required to evaluate the potential incremental impacts of rulemaking on those entities directly regulated by the rulemaking itself, and, therefore, are not required to evaluate the potential impacts to indirectly regulated entities. The regulatory mechanism through which critical habitat protections are realized is section 7 of the Act, which requires Federal agencies, in consultation with the Service, to ensure that any action authorized, funded, or carried out by the agency is not likely to destroy or adversely modify critical habitat. Therefore, under section 7, only Federal action agencies are directly subject to the specific regulatory requirement (avoiding destruction and adverse modification) imposed by critical habitat designation. Consequently, it is our position that only Federal action agencies would be directly regulated if we adopt the proposed critical habitat designation. There is no requirement under the RFA to evaluate the potential impacts to entities not directly regulated. Moreover, Federal agencies are not small entities. Therefore, because no small entities would be directly regulated by this rulemaking, the Service certifies that, if promulgated, the proposed critical habitat designation will not have a significant economic impact on a substantial number of small entities.

In summary, we have considered whether the proposed designation would result in a significant economic impact on a substantial number of small entities. For the above reasons and based on currently available information, we certify that, if promulgated, the proposed critical habitat designation will not have a significant economic impact on a substantial number of small business entities. Therefore, an initial regulatory flexibility analysis is not required.

Energy Supply, Distribution, or Use—Executive Order 13211

Executive Order 13211 (Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use) requires agencies to prepare Statements of Energy Effects when undertaking certain actions. In our economic analysis, we did not find that the designation of this proposed critical habitat will significantly affect energy supplies, distribution, or use. Therefore, this action is not a significant energy action, and no Statement of Energy Effects is required.

Unfunded Mandates Reform Act (2 U.S.C. 1501 et seq.)

In accordance with the Unfunded Mandates Reform Act (2 U.S.C. 1501 *et seq.*), we make the following findings:

(1) This proposed rule would not produce a Federal mandate. In general, a Federal mandate is a provision in legislation, statute, or regulation that would impose an enforceable duty upon State, local, or tribal governments, or the private sector, and includes both ''Federal intergovernmental mandates'' and ''Federal private sector mandates.'' These terms are defined in 2 U.S.C. 658(5)–(7). ''Federal intergovernmental mandate'' includes a regulation that ''would impose an enforceable duty upon State, local, or tribal governments'' with two exceptions. It excludes ''a condition of Federal assistance.'' It also excludes ''a duty arising from participation in a voluntary Federal program,'' unless the regulation ''relates to a then-existing Federal program under which $500,000,000 or more is provided annually to State, local, and tribal governments under entitlement authority,'' if the provision would ''increase the stringency of conditions of assistance'' or ''place caps upon, or otherwise decrease, the Federal Government's responsibility to provide funding,'' and the State, local, or tribal governments ''lack authority'' to adjust accordingly. At the time of enactment, these entitlement programs were: Medicaid; Aid to Families with Dependent Children work programs; Child Nutrition; Food Stamps; Social Services Block Grants; Vocational Rehabilitation State Grants; Foster Care, Adoption Assistance, and Independent Living; Family Support Welfare Services; and Child Support Enforcement. ''Federal private sector mandate'' includes a regulation that ''would impose an enforceable duty

upon the private sector, except (i) a condition of Federal assistance or (ii) a duty arising from participation in a voluntary Federal program.''

The designation of critical habitat does not impose a legally binding duty on non-Federal Government entities or private parties. Under the Act, the only regulatory effect is that Federal agencies must ensure that their actions do not destroy or adversely modify critical habitat under section 7. While non-Federal entities that receive Federal funding, assistance, or permits, or that otherwise require approval or authorization from a Federal agency for an action, may be indirectly impacted by the designation of critical habitat, the legally binding duty to avoid destruction or adverse modification of critical habitat rests squarely on the Federal agency. Furthermore, to the extent that non-Federal entities are indirectly impacted because they receive Federal assistance or participate in a voluntary Federal aid program, the Unfunded Mandates Reform Act would not apply, nor would critical habitat shift the costs of the large entitlement programs listed above onto State governments.

(2) We do not believe that this proposed rule would significantly or uniquely affect small governments because the lands being proposed for critical habitat designation are owned by the State of North Carolina. These government entities do not fit the definition of ''small governmental jurisdiction.'' Therefore, a Small Government Agency Plan is not required.

Takings—Executive Order 12630

In accordance with E.O. 12630 (Government Actions and Interference with Constitutionally Protected Private Property Rights), we have analyzed the potential takings implications of designating critical habitat for Neuse River waterdog and Carolina madtom in takings implications assessments. The Act does not authorize the Service to regulate private actions on private lands or confiscate private property as a result of critical habitat designation. Designation of critical habitat does not affect land ownership, or establish any closures or restrictions on use of or access to the designated areas. Furthermore, the designation of critical habitat does not affect landowner actions that do not require Federal funding or permits, nor does it preclude development of habitat conservation programs or issuance of incidental take permits to permit actions that do require Federal funding or permits to go forward. However, Federal agencies are prohibited from carrying out, funding, or authorizing actions that would destroy or adversely modify critical habitat. A takings implications assessment has been completed for both species and concludes that, if adopted, this designation of critical habitat for Neuse River waterdog and Carolina madtom does not pose significant takings implications for lands within or affected by the designation.

Federalism—Executive Order 13132

In accordance with E.O. 13132 (Federalism), this proposed rule does not have significant Federalism effects. A federalism summary impact statement is not required. In keeping with Department of the Interior and Department of Commerce policy, we requested information from, and coordinated development of this proposed critical habitat designation with, appropriate State resource agencies. From a federalism perspective, the designation of critical habitat directly affects only the responsibilities of Federal agencies. The Act imposes no other duties with respect to critical habitat, either for States and local governments, or for anyone else. As a result, the proposed rule does not have substantial direct effects either on the States, or on the relationship between the national government and the States, or on the distribution of powers and responsibilities among the various levels of government. The proposed designation may have some benefit to these governments because the areas that contain the features essential to the conservation of the species are more clearly defined, and the physical or biological features of the habitat necessary to the conservation of the species are specifically identified. This information does not alter where and what federally sponsored activities may occur. However, it may assist State and local governments in long-range planning because they no longer have to wait for case-by-case section 7 consultations to occur.

Where State and local governments require approval or authorization from a Federal agency for actions that may affect critical habitat, consultation under section 7(a)(2) of the Act would be required. While non-Federal entities that receive Federal funding, assistance, or permits, or that otherwise require approval or authorization from a Federal agency for an action, may be indirectly impacted by the designation of critical habitat, the legally binding duty to avoid destruction or adverse modification of critical habitat rests squarely on the Federal agency.

Civil Justice Reform—Executive Order 12988

In accordance with Executive Order 12988 (Civil Justice Reform), the Office of the Solicitor has determined that the rule does not unduly burden the judicial system and that it meets the requirements of sections 3(a) and 3(b)(2) of the Order. We have proposed designating critical habitat in accordance with the provisions of the Act. To assist the public in understanding the habitat needs of the species, this proposed rule identifies the elements of physical or biological features essential to the conservation of the species. The proposed areas of designated critical habitat are presented on maps, and the proposed rule provides several options for the interested public to obtain more detailed location information, if desired.

Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.)

This rule does not contain information collection requirements, and a submission to the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) is not required. We may not conduct or sponsor and you are not required to respond to a collection of information unless it displays a currently valid OMB control number.

National Environmental Policy Act (42 U.S.C. 4321 et seq.)

We have determined that environmental assessments and environmental impact statements, as defined under the authority of the National Environmental Policy Act (NEPA), need not be prepared in connection with listing a species as an endangered or threatened species under the Act. We published a notice outlining our reasons for this determination in the **Federal Register** on October 25, 1983 (48 FR 49244).

It is our position that, outside the jurisdiction of the U.S. Court of Appeals for the Tenth Circuit, we do not need to prepare environmental analyses pursuant to NEPA in connection with designating critical habitat under the Act. This determination is discussed in the October 1983 **Federal Register** document just mentioned. This position was upheld by the U.S. Court of Appeals for the Ninth Circuit (*Douglas County* v. *Babbitt,* 48 F.3d 1495 (9th Cir. 1995), cert. denied 516 U.S. 1042 (1996)).

Government-to-Government Relationship With Tribes

In accordance with the President's memorandum of April 29, 1994 (Government-to-Government Relations with Native American Tribal Governments; 59 FR 22951), Executive Order 13175 (Consultation and Coordination with Indian Tribal Governments), and the Department of the Interior's manual at 512 DM 2, we readily acknowledge our responsibility to communicate meaningfully with recognized Federal Tribes on a government-to-government basis. In accordance with Secretarial Order 3206 of June 5, 1997 (American Indian Tribal Rights, Federal-Tribal Trust Responsibilities, and the Endangered Species Act), we readily acknowledge our responsibilities to work directly with tribes in developing programs for healthy ecosystems, to acknowledge that tribal lands are not subject to the same controls as Federal public lands, to remain sensitive to Indian culture, and to make information available to tribes. As we have already discussed, there are no tribal lands in the proposed critical habitat designation, or that will be otherwise affected by the proposed listing.

References Cited

A complete list of references cited in the SSA Report is available on the internet at *http://www.regulations.gov* and upon request from the Raleigh Ecological Services Field Office (see **FOR FURTHER INFORMATION CONTACT**).

Authors

The primary authors of this proposed rule are the staff members of the Fish and Wildlife Service's Species Assessment Team and the Raleigh Ecological Services Field Office.

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, Transportation.

Proposed Regulation Promulgation

Accordingly, we propose to amend part 17, subchapter B of chapter I, title 50 of the Code of Federal Regulations, as set forth below:

PART 17—ENDANGERED AND THREATENED WILDLIFE AND PLANTS

■ 1. The authority citation for part 17 continues to read as follows:

Authority: 16 U.S.C. 1361–1407; 1531–1544; and 4201–4245, unless otherwise noted.

■ 2. Amend § 17.11(h) by adding entries for ''Waterdog, Neuse River'' in alphabetical order under AMPHIBIANS and ''Madtom, Carolina'' in alphabetical order under FISHES to read as follows:

§ 17.11 Endangered and threatened wildlife.

* * * * *

(h) * * *

Common name	Scientific name	Where listed	Status	Listing citations and applicable rules
*	*	*	*	*
Amphibians				
*	*	*	*	*
Waterdog, Neuse River	*Necturus lewisi*	Wherever found	T	[**Federal Register** citation when published as a final rule] 50 CFR 17.43(f)[4d] 50 CFR 17.95(d).[CH]
*	*	*	*	*
Fishes				
*	*	*	*	*
Madtom, Carolina	*Noturus furiosus*	Wherever found	E	[**Federal Register** citation when published as a final rule] 50 CFR 17.95(e).[CH]
*	*	*	*	*

■ 3. Amend § 17.43 by adding paragraph (f) to read as follows:

§ 17.43 Special rules—amphibians.

* * * * *

(f) Neuse River waterdog (*Necturus lewisi*).

(1) *Prohibitions.* Except as noted in paragraph (a)(2) of this section, all prohibitions and provisions of §§ 17.31 and 17.32 apply to the Neuse River waterdog.

(2) *Exceptions from prohibitions.* Incidental take of the Neuse River waterdog will not be considered a violation of the Act if the take results from any of the following activities:

(i) Species restoration efforts by State wildlife agencies, including collection of broodstock, tissue collection for genetic analysis, captive propagation, and subsequent stocking into currently occupied and unoccupied areas within the historical range of the species.

(ii) Channel restoration projects that create natural, physically stable, ecologically functioning streams (or stream and wetland systems) that are reconnected with their groundwater aquifers. These projects can be accomplished using a variety of methods, but the desired outcome is a natural channel with low shear stress (force of water moving against the channel); bank heights that enable reconnection to the floodplain; a reconnection of surface and groundwater systems, resulting in perennial flows in the channel; riffles and pools composed of existing soil, rock, and wood instead of large imported materials; low compaction of soils within adjacent riparian areas; and inclusion of riparian wetlands. Second- to third-order, headwater streams reconstructed in this way would offer suitable habitats for the Neuse River waterdog and contain stable channel features, such as pools, glides, runs, and riffles, which could be used by the species for spawning, rearing, growth,

feeding, migration, and other normal behaviors.

(iii) Bank stabilization projects that use bioengineering methods to replace pre-existing, bare, eroding stream banks with vegetated, stable stream banks, thereby reducing bank erosion and instream sedimentation and improving habitat conditions for the species. Following these bioengineering methods, stream banks may be stabilized using live stakes (live, vegetative cuttings inserted or tamped into the ground in a manner that allows the stake to take root and grow), live fascines (live branch cuttings, usually willows, bound together into long, cigar-shaped bundles), or brush layering (cuttings or branches of easily rooted tree species layered between successive lifts of soil fill). These methods would not include the sole use of quarried rock (rip-rap) or the use of rock baskets or gabion structures.

(iv) Silviculture practices and forest management activities that:

(A) Implement highest standard best management practices, particularly for Streamside Management Zones, stream crossings, and forest roads; and

(B) Comply with forest practice guidelines related to water quality standards, or comply with Sustainable Forestry Initiative/Forest Stewardship Council/American Tree Farm System certification standards for both forest management and responsible fiber sourcing.

■ 4. Amend § 17.95 by:

■ a. Adding to paragraph (d) an entry for ''Neuse River waterdog (*Necturus lewisi*)'' in the same alphabetical order as the species appears in the table in § 17.11(h), to read as set forth below; and

■ b. Adding to paragraph (e) an entry for ''Carolina madtom (*Noturus furiosus*)'' in the same alphabetical order as the species appears in the table in § 17.11(h), to read as set forth below:

§ 17.95 Critical habitat—fish and wildlife.

* * * * *

(d) *Amphibians.*

* * * * *

Neuse River Waterdog (*Necturus lewisi*)

(1) Critical habitat units are depicted for Craven, Durham, Edgecombe, Franklin, Granville, Greene, Halifax, Johnston, Jones, Lenoir, Nash, Orange, Person, Pitt, Wake, Warren, Wayne, and Wilson Counties, North Carolina, on the maps below.

(2) Within these areas, the physical or biological features essential to the conservation of Neuse River waterdog consist of the following components:

(i) Suitable substrates and connected instream habitats, characterized by geomorphically stable stream channels and banks (*i.e.,* channels that maintain lateral dimensions, longitudinal profiles, and sinuosity patterns over time without an aggrading or degrading bed elevation) with habitats that support a diversity of native aquatic fauna (such as, stable riffle-run-pool habitats that provide flow refuges consisting of silt-free gravel, small cobble, coarse sand, and leaf litter substrates) as well as abundant cover and burrows used for nesting.

(ii) Adequate flows, or a hydrologic flow regime (which includes the severity, frequency, duration, and seasonality of discharge over time), necessary to maintain instream habitats where the species is found and to maintain connectivity of streams with the floodplain, allowing the exchange of nutrients and sediment for maintenance of the waterdog's habitat, food availability, and ample oxygenated flow for spawning and nesting habitat.

(iii) Water quality (including, but not limited to, conductivity, hardness, turbidity, temperature, pH, ammonia, heavy metals, and chemical constituents) necessary to sustain natural physiological processes for normal behavior, growth, and viability of all life stages.

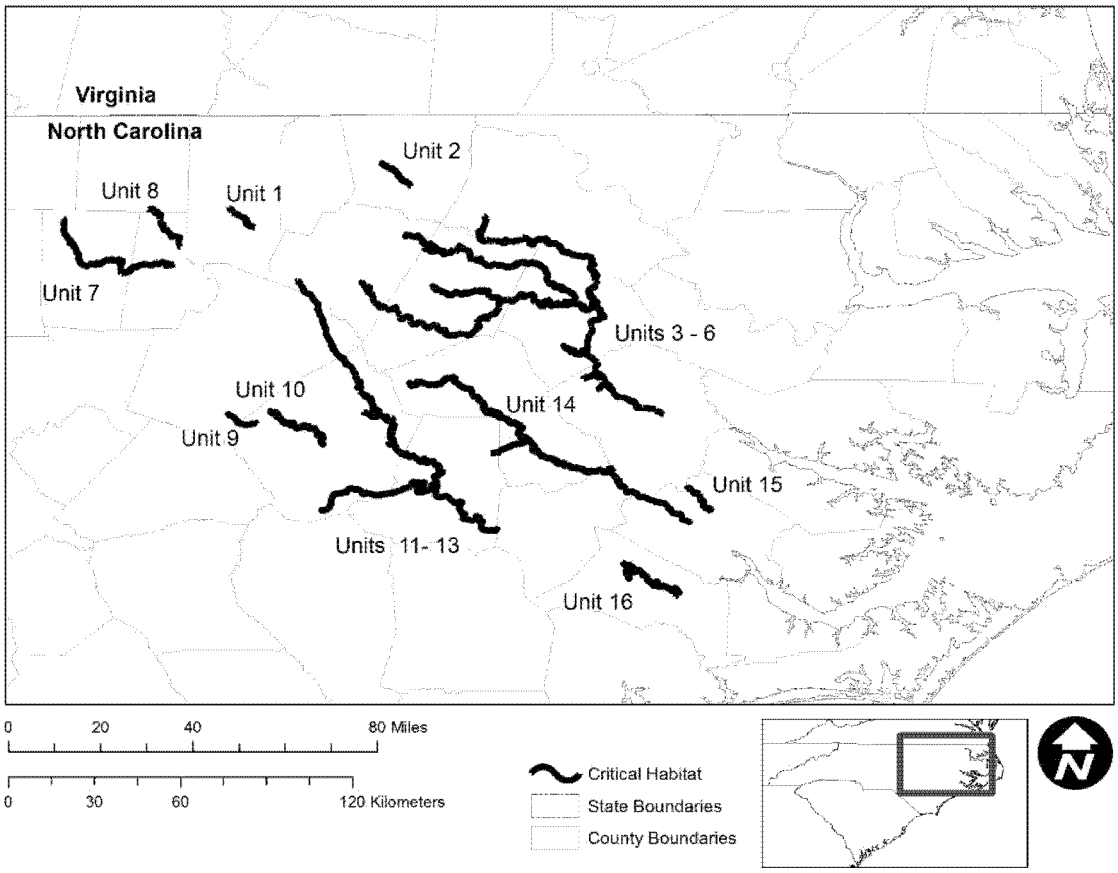
(iv) Invertebrate and fish prey items, which are typically hellgrammites, crayfish, mayflies, earthworms, snails, beetles, centipedes, slugs, and small fish.

(3) Critical habitat does not include manmade structures (such as buildings, aqueducts, runways, roads, and other paved areas) and the land on which they are located existing within the legal boundaries on [EFFECTIVE DATE OF THE FINAL RULE].

(4) *Critical habitat map units.* Data layers defining map units were created by overlaying Natural Heritage Element Occurrence data and U.S. Geological Survey (USGS) hydrologic data for stream reaches. The hydrologic data used in the critical habitat maps were extracted from the USGS 1:1M scale nationwide hydrologic layer (*https://nationalmap.gov/small_scale/mld/1nethyd.html*) with a projection of EPSG:4269—NAD83 Geographic. The North Carolina Natural Heritage program's species presence data were used to select specific stream segments for inclusion in the critical habitat layer. The maps in this entry, as modified by any accompanying regulatory text, establish the boundaries of the critical habitat designation. The coordinates or plot points or both on which each map is based are available to the public at *http://www.regulations.gov* under Docket No. FWS–R4–ES–2018–0092 and at the field office responsible for this designation. You may obtain field office location information by contacting one of the Service regional offices, the addresses of which are listed at 50 CFR 2.2.

(5) **Note:** Index map follows:

Index Map of Critical Habitat Units for Neuse River Waterdog

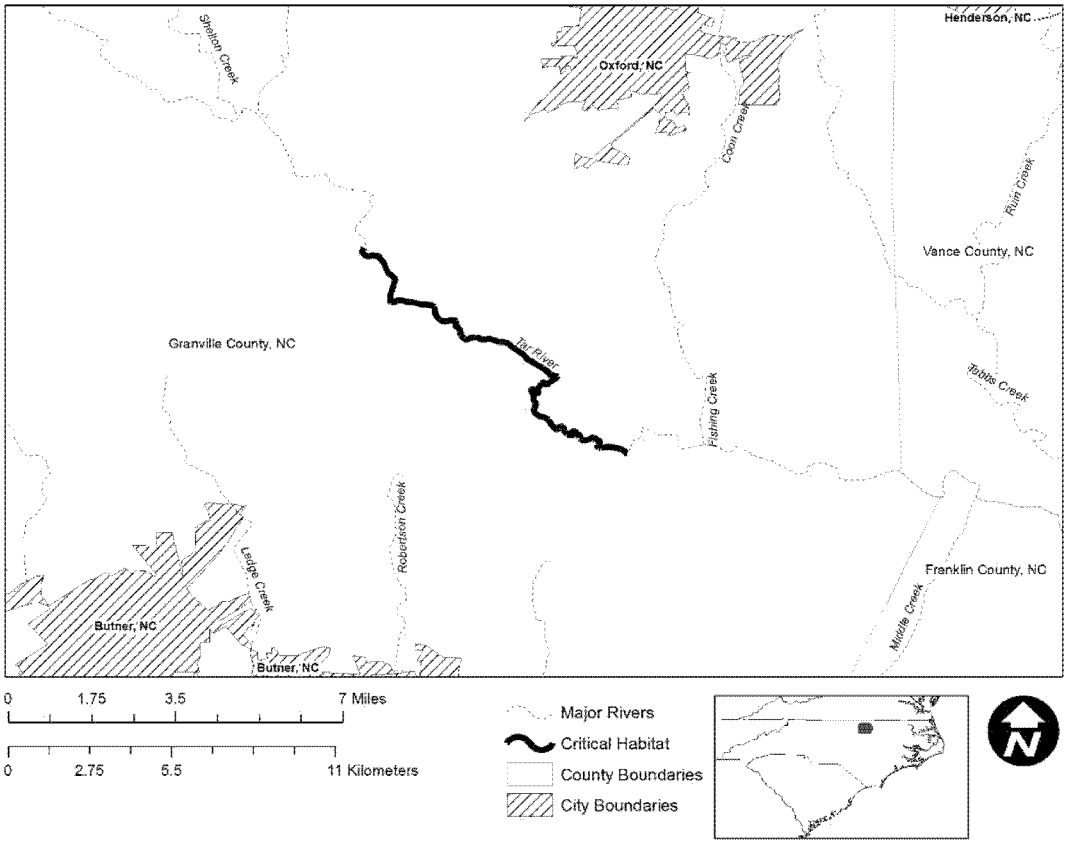


(6) Unit 1: TAR1–Upper Tar River, Granville County, North Carolina.

(i) This unit consists of 8.6 river miles (13.8 river kilometers) of occupied habitat in the Upper Tar River from approximately SR1004 (Old NC 75) downstream to NC 96. Unit 1 includes stream habitat up to bank full height.

(ii) Map of Unit 1 follows:

Map of Unit 1 - Upper Tar River Critical Habitat Unit for Neuse River Waterdog

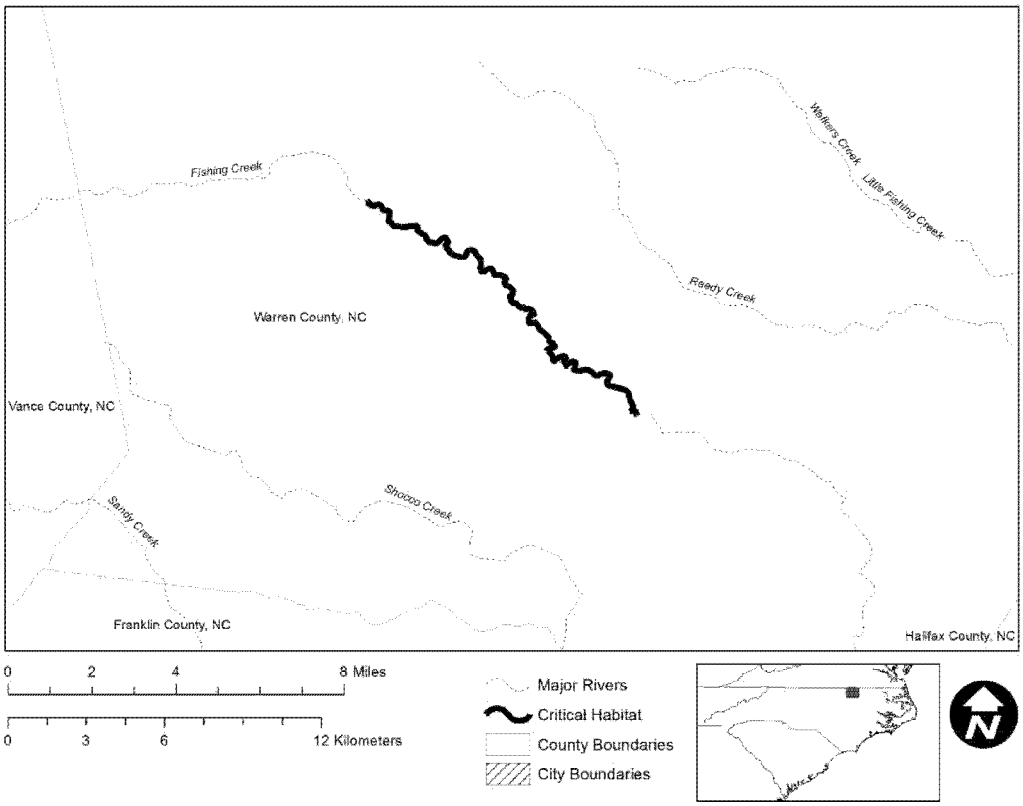


(7) Unit 2: TAR2–Upper Fishing Creek, Warren County, North Carolina.

(i) This unit consists of 10.5 river miles (16.9 river kilometers) of habitat in Upper Fishing Creek from SR1118 (No Bottom Drive) downstream to NC58. Unit 2 includes stream habitat up to bank full height.

(ii) Map of Unit 2 follows:

Map of Unit 2 - Upper Fishing Creek Critical Habitat Unit for Neuse River Waterdog



(8) Unit 3: TAR3a–Fishing Creek Subbasin, Edgecombe, Halifax, and Nash Counties, North Carolina; Unit 4: TAR3b–Sandy/Swift Creek, Edgecombe, Franklin, and Nash Counties, North Carolina; Unit 5: TAR3c–Middle Tar River Subbasin, Edgecombe, Franklin, and Nash Counties, North Carolina; and Unit 6: TAR3d–Lower Tar River Subbasin, Edgecombe and Pitt Counties, North Carolina. Units 3, 4, 5, and 6 include stream habitat up to bank full height.

(i) Unit 3 consists of 63 river miles (101 river kilometers) of habitat in lower Little Fishing Creek approximately 1.6 miles (2.6 km) upstream of SR1214 (Silvertown Rd) downstream to the confluence with Fishing Creek, and including the mainstem of Fishing Creek to the confluence with the Tar River.

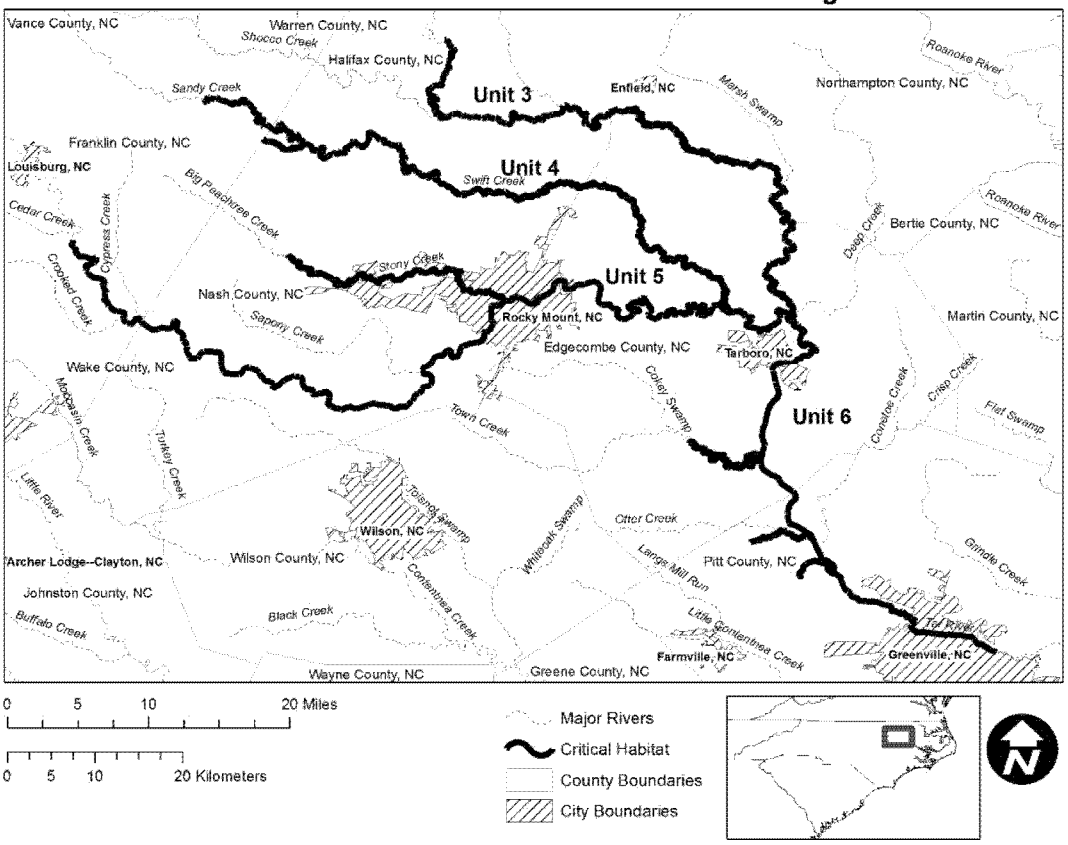
(ii) Unit 4 consists of 68 river miles (110 river kilometers) of habitat in Sandy Creek downstream of SR 1451 (Leonard Road) to the confluence with the Tar River, including Red Bud Creek downstream of the Franklin/Nash county line to the confluence with Swift Creek.

(iii) Unit 5 consists of approximately 100 river miles (161 river kilometers) of the Middle Tar River from the confluence with Cedar Creek downstream to the confluence with Fishing Creek, including Stony Creek below SR1300 (Boddies' Millpond Rd), downstream to the confluence with the Tar River.

(iv) Unit 6 consists of approximately 60 river miles (96.6 river kilometers) in the Lower Tar River Subbasin from the confluence with Fishing Creek downstream to the confluence with Barber Creek near SR1533 (Port Terminal Road). This unit includes portions of Town Creek below NC111 to the confluence with the Tar River, Otter Creek below SR1251 to the confluence with the Tar River, and Tyson Creek below SR1258 to the confluence with the Tar River.

(v) Map of Units 3, 4, 5, and 6 follows:

Map of Units 3 - 6 - Middle/Lower Tar River Subbasin Critical Habitat Unit for Neuse River Waterdog

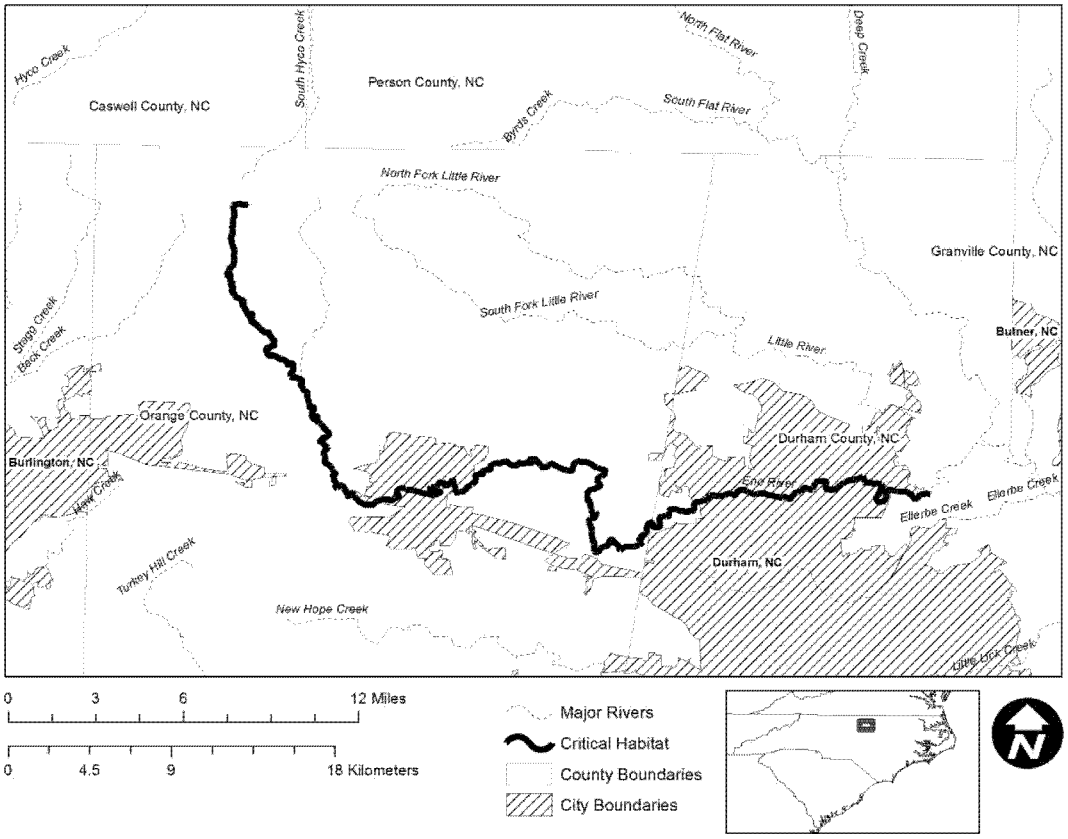


(9) Unit 7: NR1–Eno River, Durham and Orange Counties, North Carolina.

(i) This unit consists of approximately 41.5 river miles (66.8 river kilometers) of habitat in the Eno River from NC86 downstream to the inundated portion of Falls Lake. Unit 7 includes stream habitat up to bank full height.

(ii) Map of Unit 7 follows:

Map of Unit 7 - Eno River Critical Habitat Unit for Neuse River Waterdog

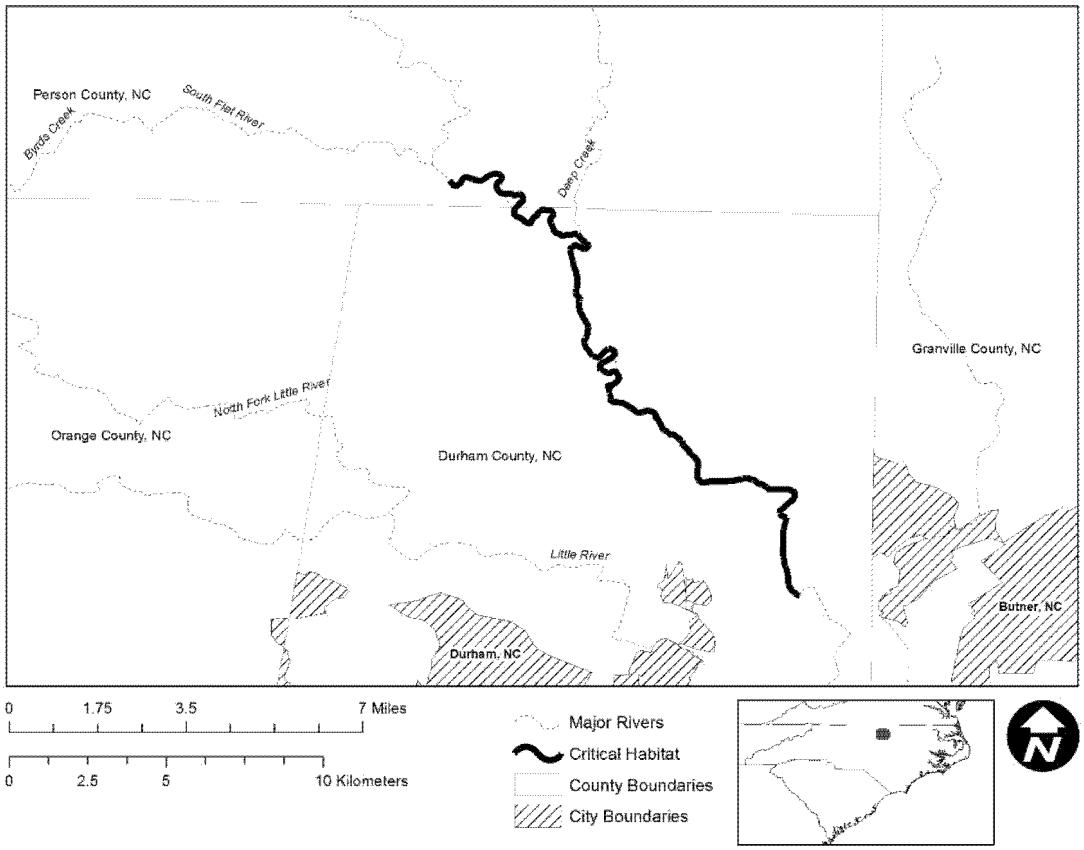


(10) Unit 8: NR2–Flat River, Durham and Person Counties, North Carolina.

(i) This unit consists of 17.4 river miles (28 river kilometers) of habitat in the Flat River from SR1739 (Harris Mill Road) downstream to the inundated portion of Falls Lake. Unit 8 includes stream habitat up to bank full height.

(ii) Map of Unit 8 follows:

Map of Unit 8 - Flat River Critical Habitat Unit for Neuse River Waterdog

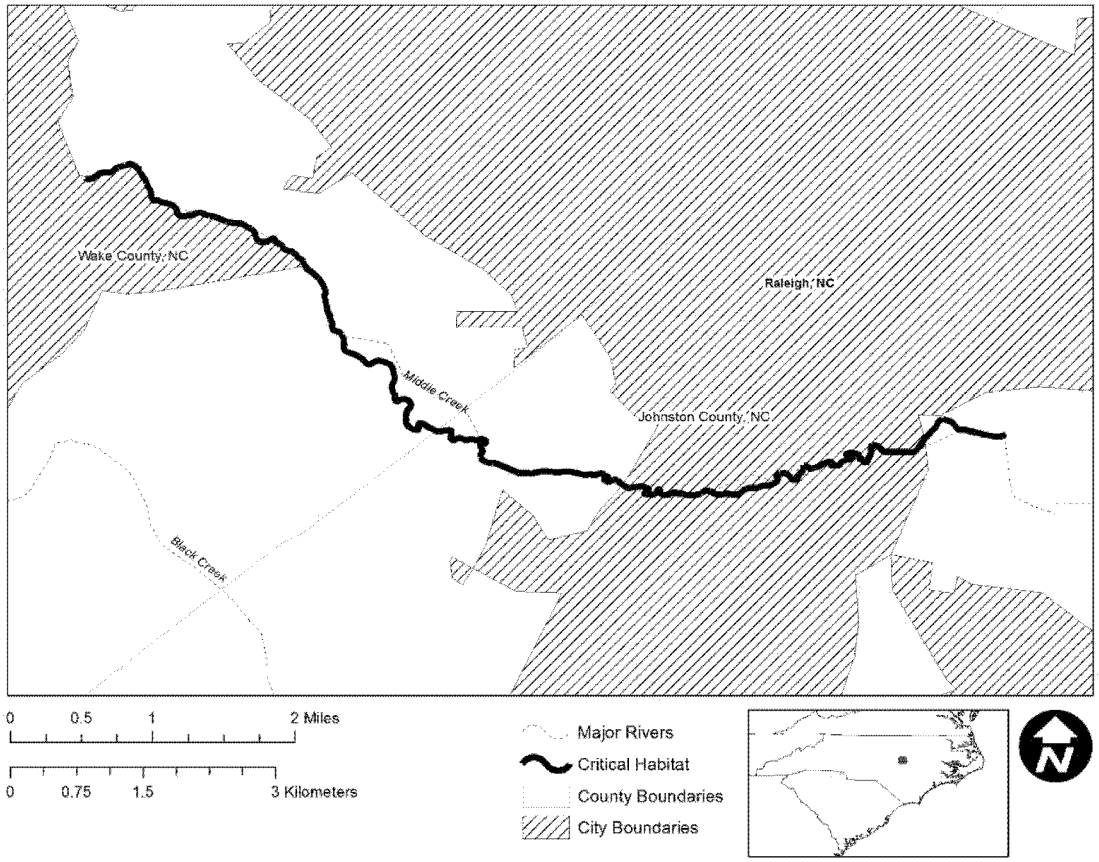


(11) Unit 9: NR3–Middle Creek, Johnston and Wake Counties, North Carolina.

(i) This unit consists of 7.6 river miles (12.2 river kilometers) of habitat in the Middle Creek from Southeast Regional Park downstream to the Interstate 40 crossing. Unit 9 includes stream habitat up to bank full height.

(ii) Map of Unit 9 follows:

Map of Unit 9 - Middle Creek Critical Habitat Unit for Neuse River Waterdog

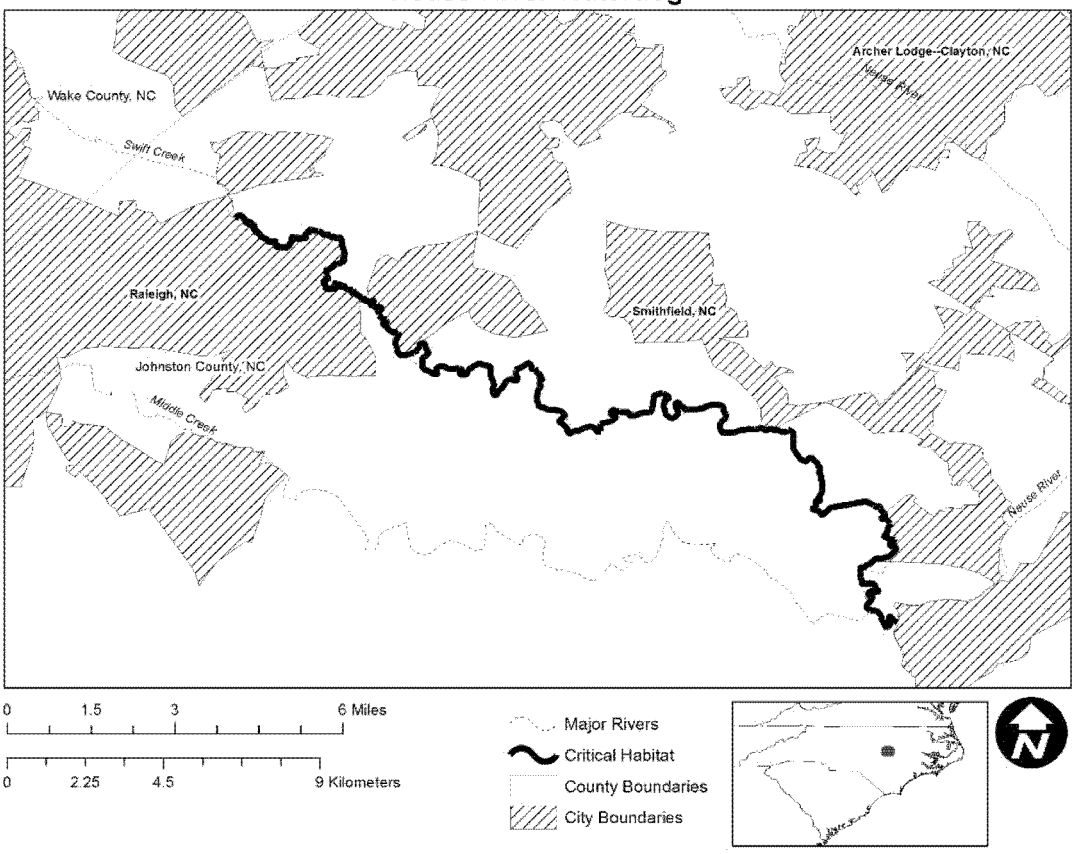


(12) Unit 10: NR4–Swift Creek, Johnston County, North Carolina.

(i) This unit consists of 23.4 river miles (37.6 river kilometers) of occupied habitat in Swift Creek from NC42 downstream to the confluence with the Neuse River. Unit 10 includes stream habitat up to bank full height.

(ii) Map of Unit 10 follows:

Map of Unit 10 - Swift Creek (Middle Neuse) Critical Habitat Unit for Neuse River Waterdog



(13) Unit 11: NR5a–Little River, Franklin, Johnston, Wake, and Wayne Counties, North Carolina; Unit 12: NR5b–Mill Creek, Johnston and Wayne Counties, North Carolina; and Unit 13: NR5c–Middle Neuse River, Wayne County, North Carolina. Units 11, 12, and 13 include stream habitat up to bank full height.

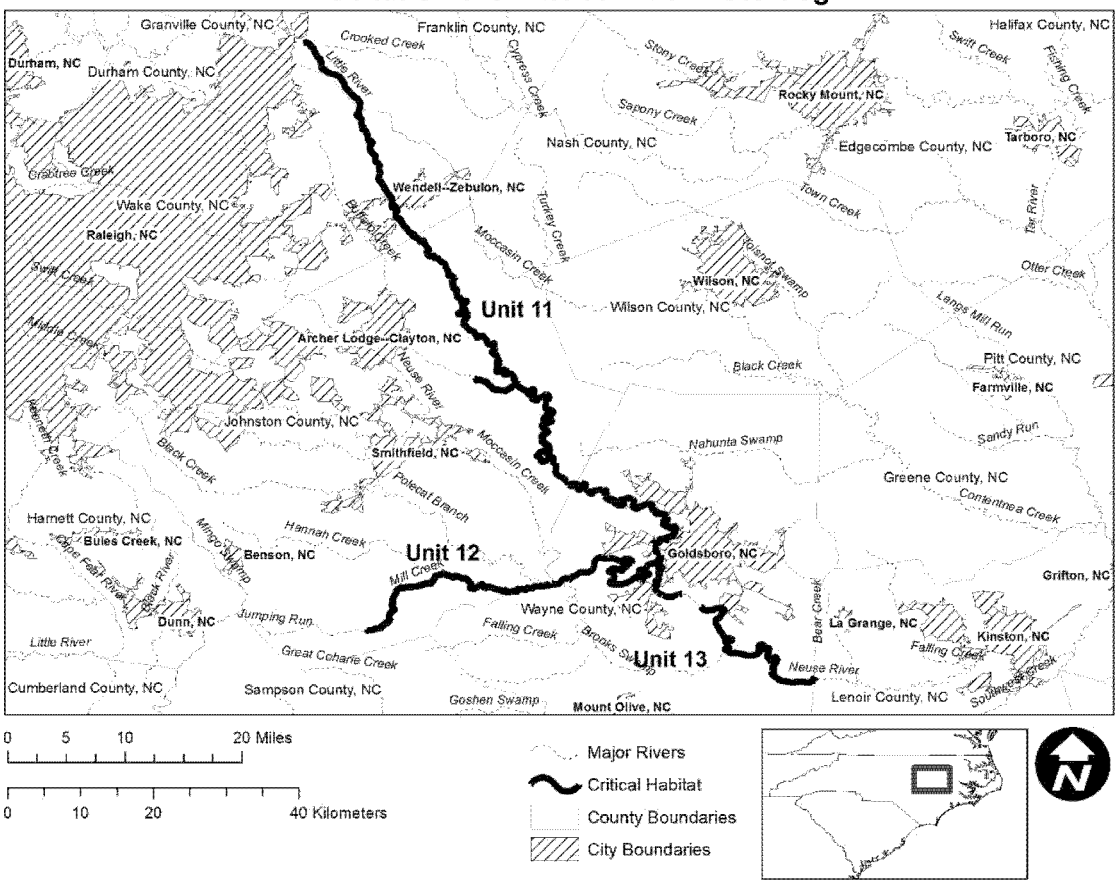
(i) Unit 11 consists of 89.6 river miles (144.2 river kilometers) of habitat in the Little River from near NC96 downstream to the confluence with the Neuse River, including Buffalo Creek from NC39 to the confluence with the Little River.

(ii) Unit 12 consists of 18.7 river miles (30 river kilometers) of Mill Creek from upstream of US701 downstream to the confluence with the Neuse River.

(iii) Unit 13 consists of 39.8 river miles (64 river kilometers) of the Middle Neuse River from the confluence with Mill Creek downstream to the Wayne/Lenoir County line.

(iv) Map of Units 11, 12, and 13 follows:

Map of Units 11 -13 - Middle Neuse River Subbasin Critical Habitat Unit for Neuse River Waterdog

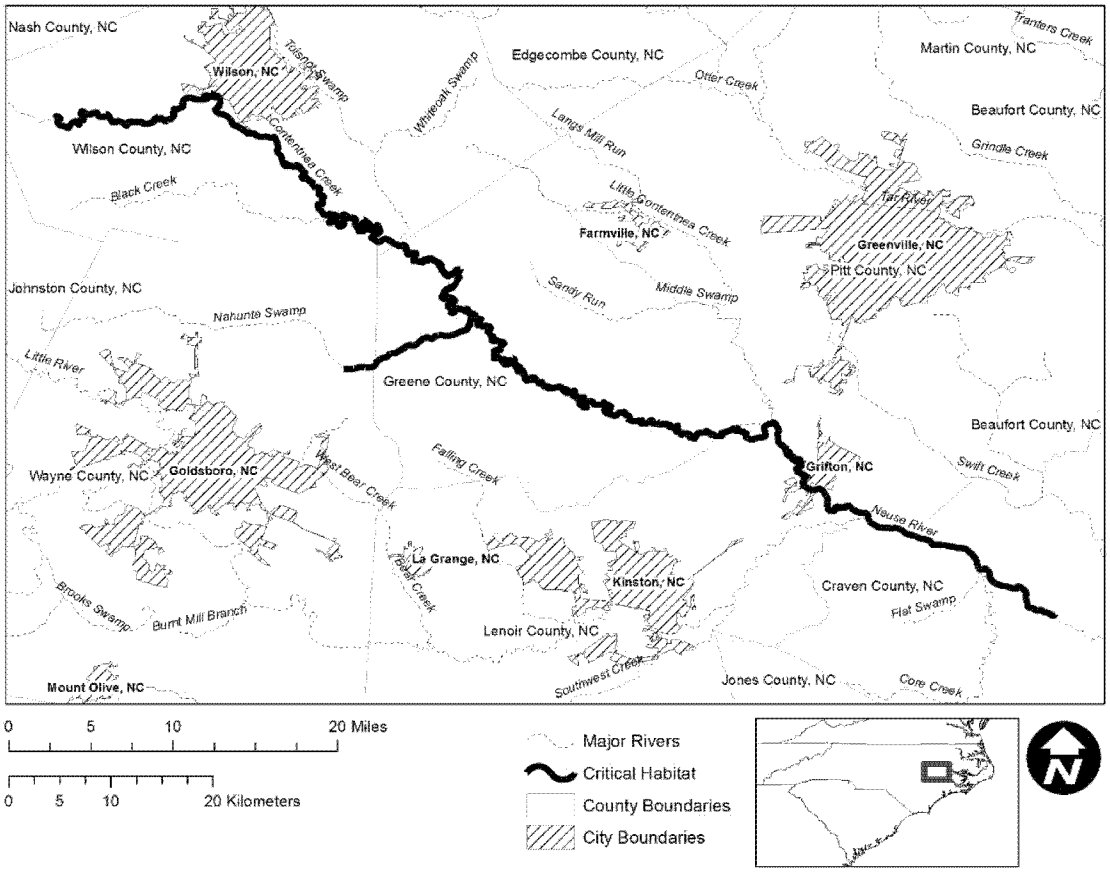


(14) Unit 14: NR6–Contentnea Creek/Lower Neuse River Subbasin, Craven, Lenoir, Pitt, Wayne, and Wilson Counties, North Carolina.

(i) This unit consists of 117 river miles (188.3 river kilometers) of habitat in the Contentnea Creek from NC581 downstream to its confluence with the Neuse River, Nahunta Swamp from the Wayne/Greene County line to the confluence with Contentnea Creek, and the Neuse River from the confluence with Contentnea Creek to the confluence with Pinetree Creek. Unit 14 includes stream habitat up to bank full height.

(ii) Map of Unit 14 follows:

Map of Unit 14 - Contentnea Creek/Lower Neuse River Subbasin Critical Habitat Unit for Neuse River Waterdog

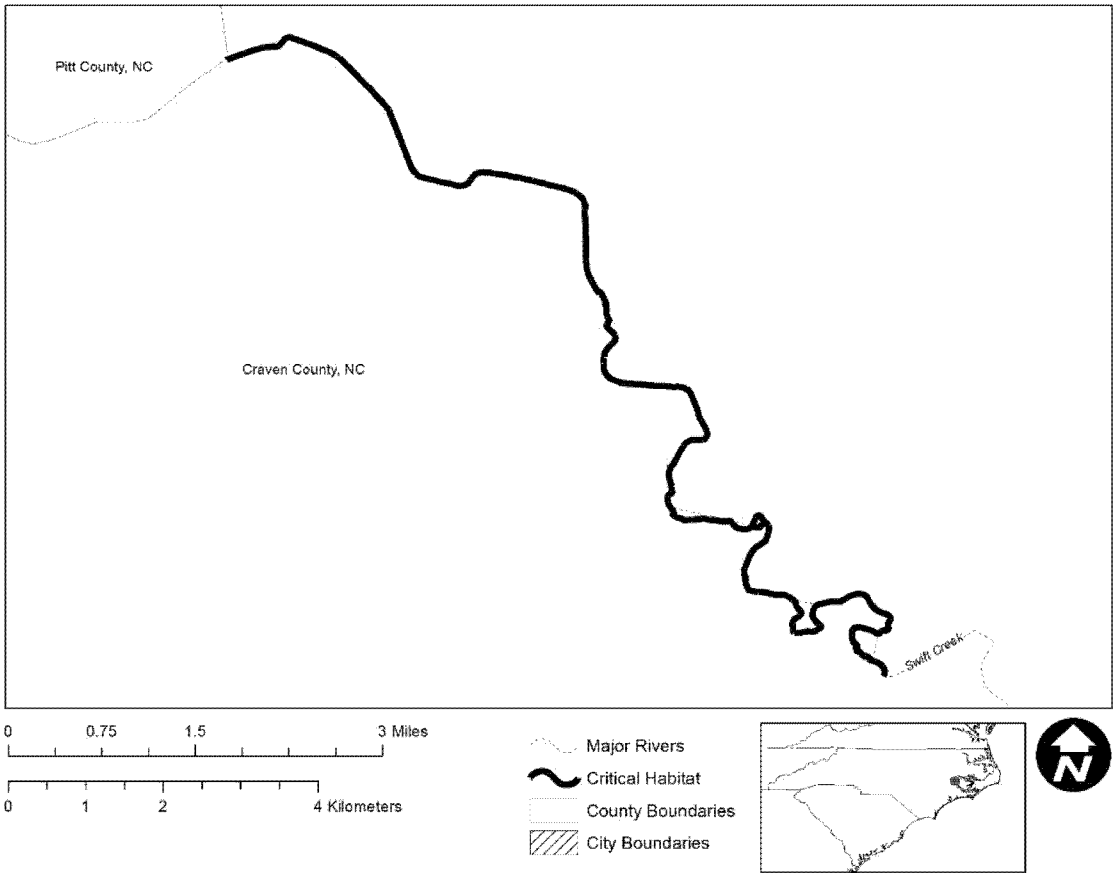


(15) Unit 15: NR7–Swift Creek, Craven County, North Carolina.

(i) This unit consists of 10 river miles (16.3 river kilometers) of habitat in Swift Creek from SR1931 (Beaver Camp Rd) downstream to SR1440 (Streets Ferry Rd). Unit 15 includes stream habitat up to bank full height.

(ii) Map of Unit 15 follows:

Map of Unit 15 - Swift Creek (Lower Neuse) Critical Habitat Unit for Neuse River Waterdog

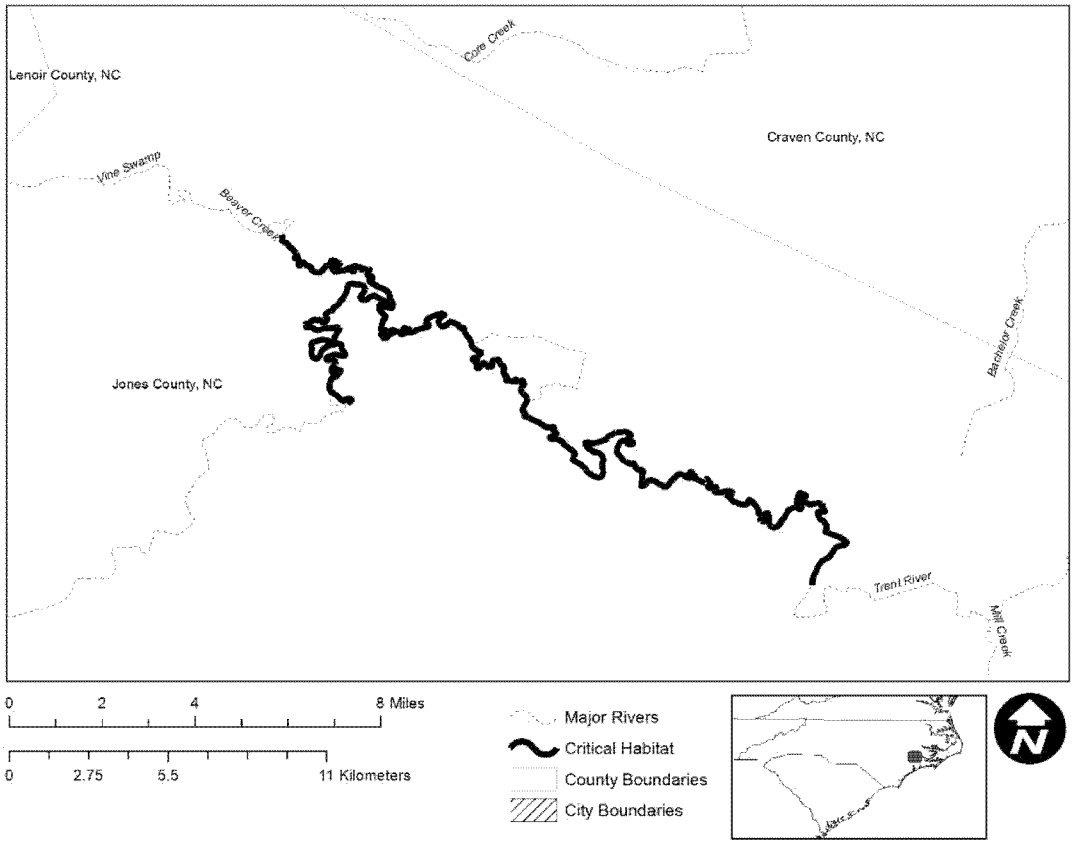


(16) Unit 16: TR1–Trent River, Jones County, North Carolina.

(i) This unit consists of 62 river miles (100 river kilometers) of habitat in Beaver Creek from SR1316 (McDaniel Fork Rd) to the confluence with the Trent River, and Trent River from the confluence with Poplar Branch downstream to SR1121 (Oak Grove Rd) crossing at the Marine Corps Cherry Point property. Unit 16 includes stream habitat up to bank full height.

(ii) Map of Unit 16 follows:

Map of Unit 16 - Trent River Subbasin Critical Habitat Unit for Neuse River Waterdog



(e) *Fishes.*

* * * * *

Carolina madtom (*Noturus furiosus*)

(1) Critical habitat units are depicted for Durham, Edgecombe, Franklin, Granville, Halifax, Jones, Johnston, Nash, Orange, Vance, Warren, and Wilson Counties, North Carolina, on the maps below.

(2) Within these areas, the physical or biological features essential to the conservation of Carolina madtom consist of the following components:

(i) Suitable substrates and connected instream habitats, characterized by geomorphically stable stream channels and banks (*i.e.,* channels that maintain lateral dimensions, longitudinal profiles, and sinuosity patterns over time without an aggrading or degrading bed elevation) with habitats that support a diversity of freshwater native fish (such as stable riffle-run-pool habitats that provide flow refuges consisting of silt-free gravel, small cobble, coarse sand, and leaf litter substrates) as well as abundant cover used for nesting.

(ii) Adequate flows, or a hydrologic flow regime (which includes the severity, frequency, duration, and seasonality of discharge over time), necessary to maintain instream habitats where the species is found and to maintain connectivity of streams with the floodplain, allowing the exchange of nutrients and sediment for maintenance of the fish's habitat, food availability, and ample oxygenated flow for spawning and nesting habitat.

(iii) Water quality (including, but not limited to, conductivity, hardness, turbidity, temperature, pH, ammonia, heavy metals, and chemical constituents) necessary to sustain natural physiological processes for normal behavior, growth, and viability of all life stages.

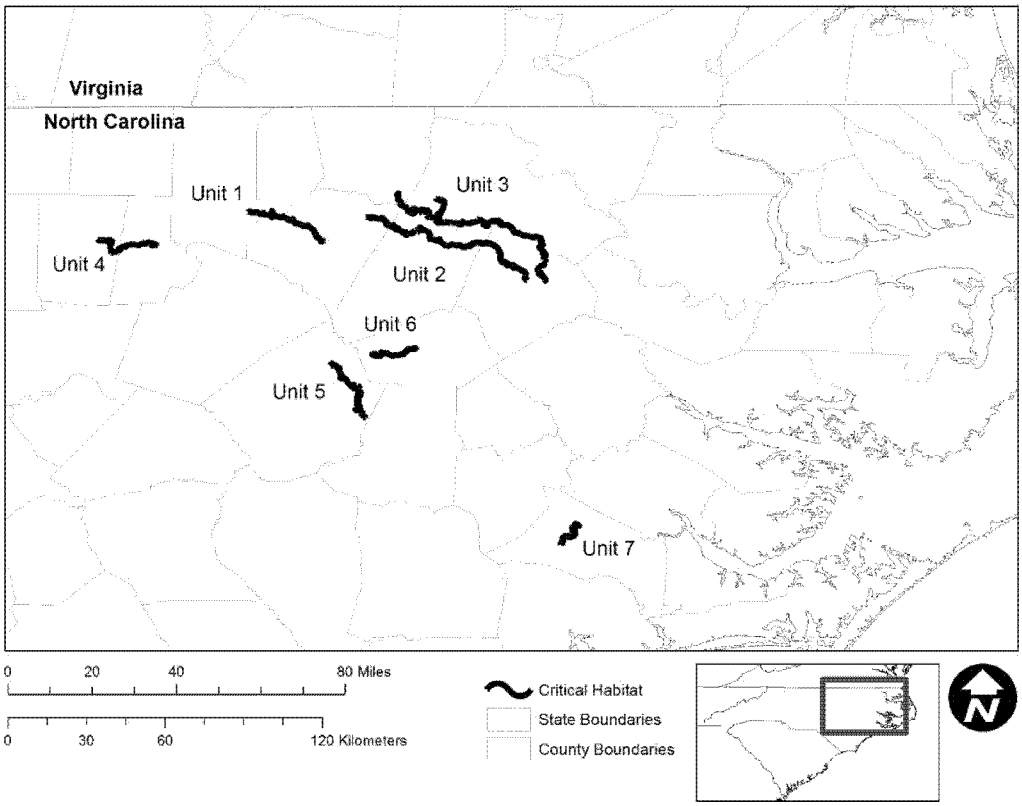
(iv) Aquatic macroinvertebrate prey items, which are typically dominated by larval midges, mayflies, caddisflies, dragonflies, and beetle larvae.

(3) Critical habitat does not include manmade structures (such as buildings, aqueducts, runways, roads, and other paved areas) and the land on which they are located existing within the legal boundaries on [EFFECTIVE DATE OF THE FINAL RULE].

(4) *Critical habitat map units.* Data layers defining map units were created by overlaying Natural Heritage Element Occurrence data and U.S. Geological Survey (USGS) hydrologic data for stream reaches. The hydrologic data used in the critical habitat maps were extracted from the USGS 1:1M scale nationwide hydrologic layer (*https://nationalmap.gov/small_scale/mld/1nethyd.html*) with a projection of EPSG:4269—NAD83 Geographic. The North Carolina Natural Heritage program's species presence data were used to select specific stream segments for inclusion in the critical habitat layer. The maps in this entry, as modified by any accompanying regulatory text, establish the boundaries of the critical habitat designation. The coordinates or plot points or both on which each map is based are available to the public at *http://www.regulations.gov* under Docket No. FWS–R4–ES–2018–0092 and at the field office responsible for this designation. You may obtain field office location information by contacting one of the Service regional offices, the addresses of which are listed at 50 CFR 2.2.

(5) **Note:** Index map follows:

Index Map of Critical Habitat Units for Carolina Madtom

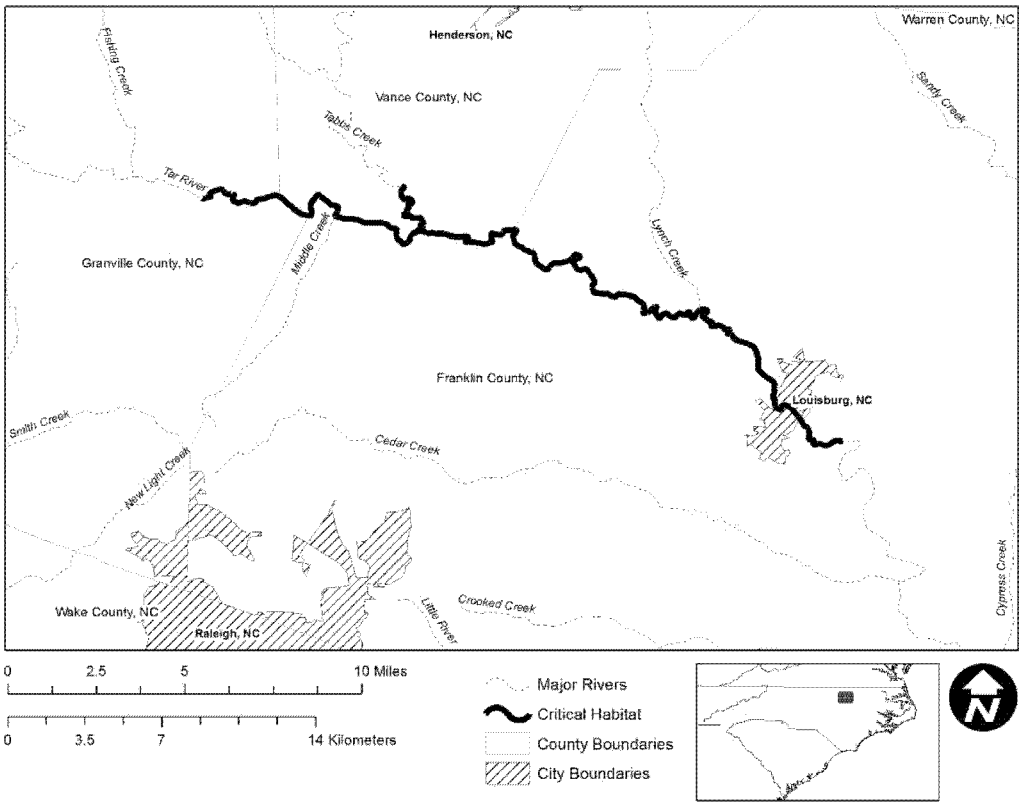


(6) Unit 1: TAR1–Upper Tar River, Franklin, Granville, and Vance Counties, North Carolina.

(i) This unit consists of 26 river miles (42 river kilometers) of habitat in the Upper Tar River from the confluence with Sand Creek to the confluence with Sycamore Creek. Unit 1 includes stream habitat up to bank full height.

(ii) Map of Unit 1 follows:

Map of Unit 1 - Upper Tar River Critical Habitat Unit for Carolina Madtom

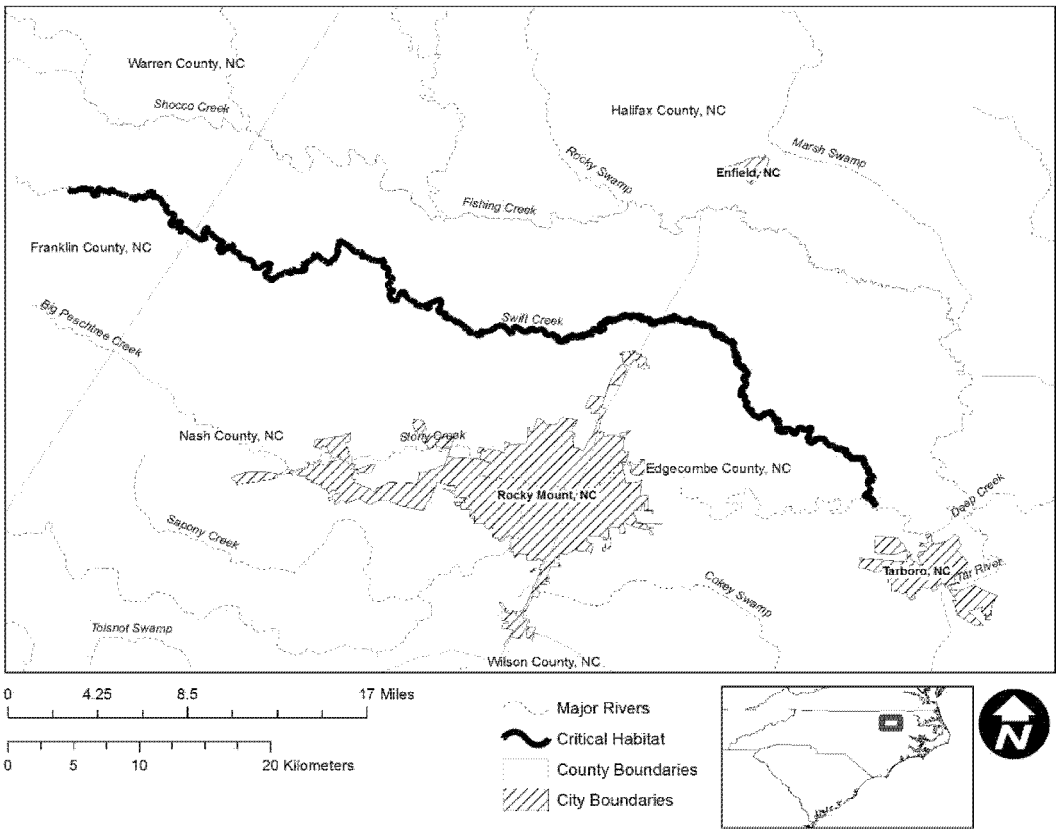


(7) Unit 2: TAR2–Sandy/Swift Creek, Edgecombe, Franklin, Halifax, Nash, Vance, and Warren Counties, North Carolina.

(i) This unit consists of 66 river miles (106 river kilometers) of occupied habitat in Sandy and Swift Creeks, located downstream from NC561 to the confluence with the Tar River. Unit 2 includes stream habitat up to bank full height.

(ii) Map of Unit 2 follows:

Map of Unit 2 - Sandy/Swift Creek Critical Habitat Unit for Carolina Madtom

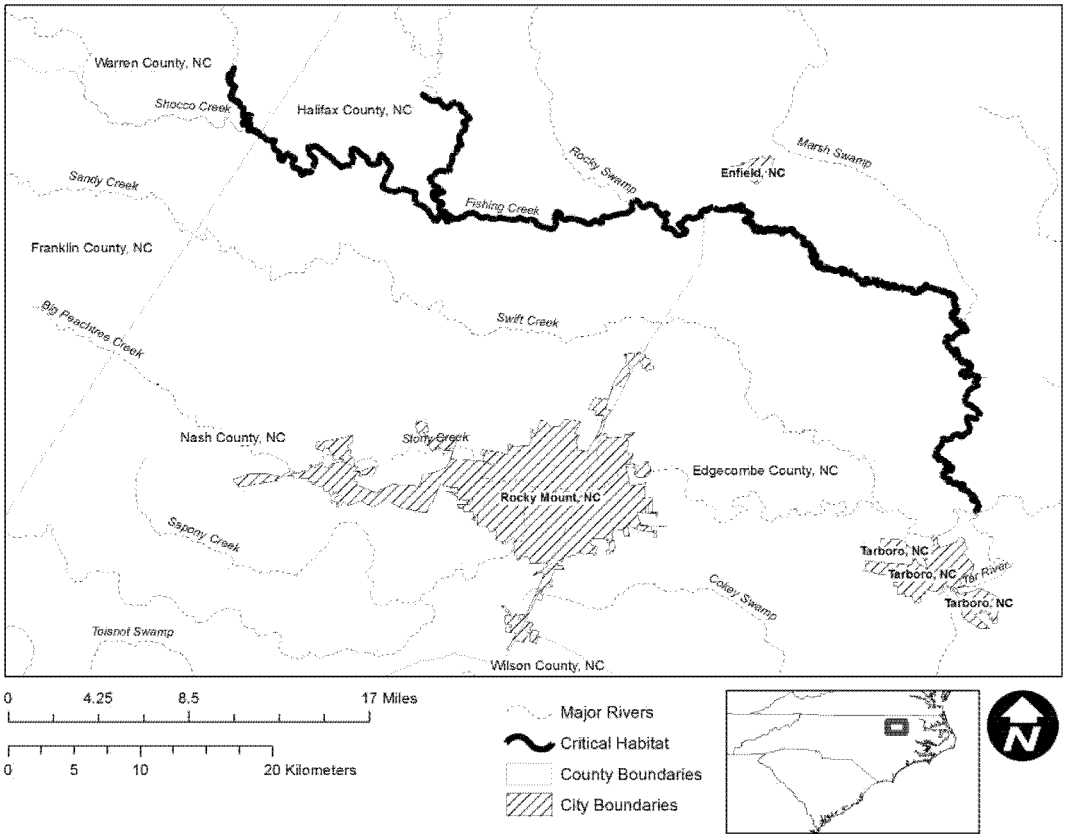


(8) Unit 3: TAR3–Fishing Creek Subbasin, Edgecombe, Franklin, Halifax, Nash, and Warren Counties, North Carolina.

(i) This unit consists of 86 river miles (138 river kilometers) of habitat in Fishing Creek from the confluence with Hogpen Branch to the confluence with the Tar River, and Little Fishing Creek from Medoc Mountain Road (SR1002) to the confluence with Fishing Creek. Unit 3 includes stream habitat up to bank full height.

(ii) Map of Unit 3 follows:

Map of Unit 3 - Fishing Creek Subbasin Critical Habitat Unit for Carolina Madtom

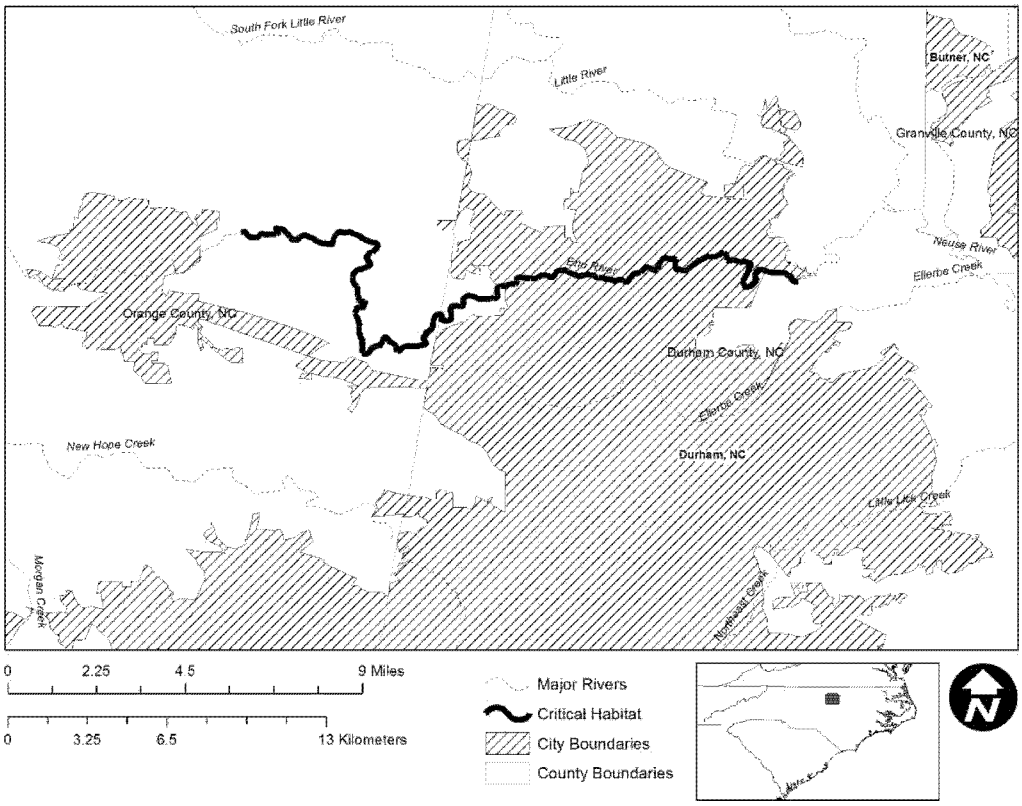


(9) Unit 4: NR1–Upper Neuse River Subbasin (Eno River), Durham and Orange Counties, North Carolina.

(i) This unit consists of 20 river miles (32 river kilometers) of habitat in the Upper Neuse River extending from Eno River State Park downstream of NC70 to the confluence with Cabin Creek near Falls Lake impoundment. Unit 4 includes stream habitat up to bank full height.

(ii) Map of Unit 4 follows:

Map of Unit 4 - Upper Neuse River Critical Habitat Unit for Carolina Madtom

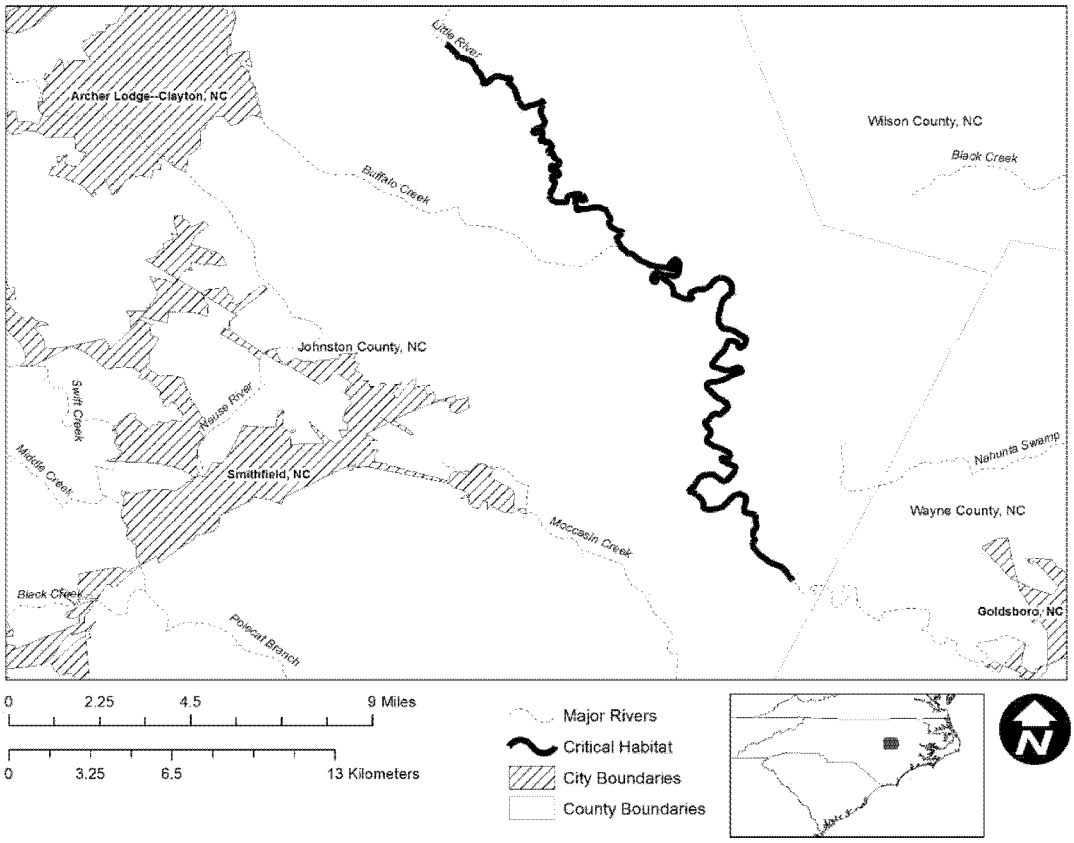


(10) Unit 5: NR2–Little River, Johnston County, North Carolina.

(i) This unit consists of 28 river miles (45 river kilometers) of habitat in the Upper and Lower Little River from NC42 to the Johnston/Wayne County line. Unit 5 includes stream habitat up to bank full height.

(ii) Map of Unit 5 follows:

Map of Unit 5 - Little River Critical Habitat Unit for Carolina Madtom

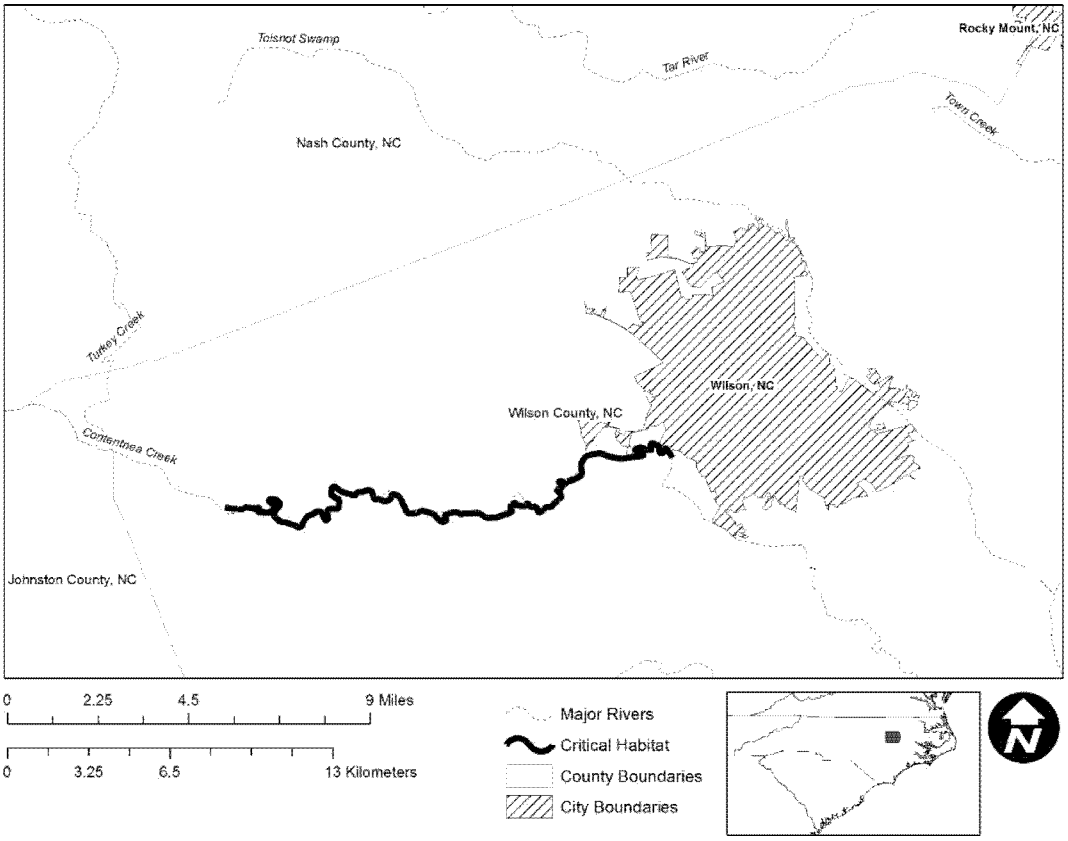


(11) Unit 6: NR3–Contentnea Creek, Wilson County, North Carolina.

(i) This unit consists of 15 river miles (24 river kilometers) of habitat in Contentnea Creek from Buckhorn Reservoir to Wiggins Mill Reservoir. Unit 6 includes stream habitat up to bank full height.

(ii) Map of Unit 6 follows:

Map of Unit 6 - Contentnea Creek Critical Habitat Unit for Carolina Madtom

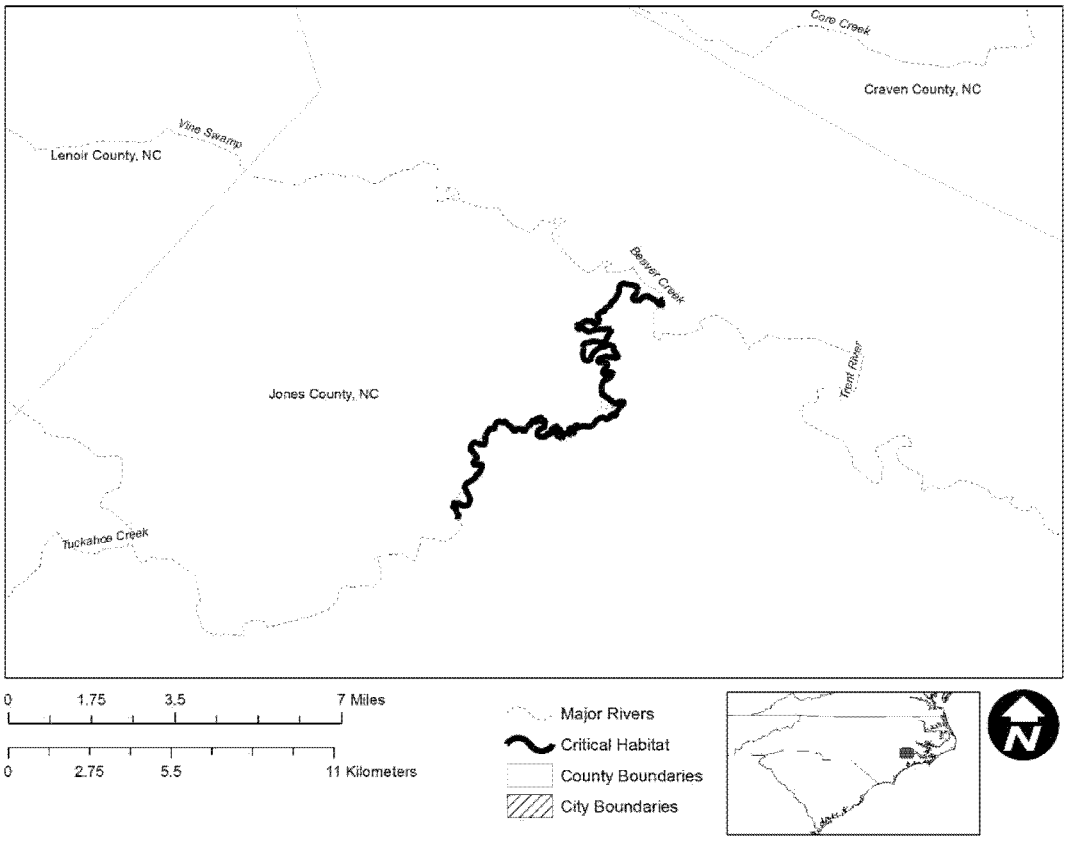


(12) Unit 7: TR1–Trent River, Jones County, North Carolina.

(i) This unit consists of 15 river miles (24 river kilometers) of unoccupied habitat in the Trent River between the confluence with Cypress Creek and Beaver Creek. Unit 7 includes stream habitat up to bank full height.

(ii) Map of Unit 7 follows:

Map of Unit 7 - Trent River Critical Habitat Unit for Carolina Madtom



* * * * *

Dated: April 2, 2019.

Margaret E. Everson,

Principal Deputy Director, U.S. Fish and Wildlife Service, Exercising the Authority of the Director, U.S. Fish and Wildlife Service.

[FR Doc. 2019–10379 Filed 5–21–19; 8:45 am]

BILLING CODE 4333–15–P

FEDERAL REGISTER

Vol. 84 Wednesday,

No. 99 May 22, 2019

Part III

The President

Proclamation 9889—National Safe Boating Week, 2019
Proclamation 9890—Emergency Medical Services Week, 2019
Proclamation 9891—World Trade Week, 2019
Proclamation 9892—Armed Forces Day, 2019

Federal Register
Vol. 84, No. 99
Wednesday, May 22, 2019

Presidential Documents

Title 3—

The President

Proclamation 9889 of May 17, 2019

National Safe Boating Week, 2019

By the President of the United States of America

A Proclamation

As we near the summer season, tens of millions of Americans will take to our Nation's waters to spend time with family and friends. As we enjoy our activities on the water, we must act responsibly to follow safety procedures when boating. During National Safe Boating Week, I urge all Americans to familiarize themselves with the best practices for a safe boating experience.

Regrettably, tragedy on the water can often strike when you least expect it. Indeed, the majority of boating fatalities happen in calm waters and good weather conditions. We must take the necessary steps to ensure our boats are inspected thoroughly and operated safely.

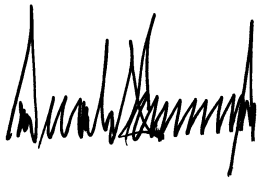
When it comes to safety on the water, it is critical to be a conscientious, aware, and responsible boat operator and ensure your boat is properly vetted and operational. A great way to start this upcoming season is to undergo a free vessel safety check offered through the United States Coast Guard. New boaters are also encouraged to participate in a boating safety course that teaches on-water skills. Further, you should never operate a boat while intoxicated and should always ensure that passengers enjoying alcohol do so in moderation to avoid potential injuries or accidental drowning. Additionally, the United States Coast Guard requires that a boat have an approved life jacket for each person onboard. Everyone should be able to access easily a life jacket that fits properly for size and weight, and the best practice is always to wear your life jacket while the boat is underway.

This week, we are reminded that by taking just a few extra precautions, we can dramatically reduce the likelihood of accidents occurring on the water. By acquainting yourself, your children, and your friends with safe boating practices before operating or boarding a boat, we can all enjoy the beauty of our Nation's waters safely and responsibly.

In recognition of the importance of safe boating practices, the Congress, by joint resolution approved June 4, 1958 (36 U.S.C. 131), as amended, has authorized and requested the President to proclaim annually the 7-day period before Memorial Day weekend as ''National Safe Boating Week.''

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, do hereby proclaim May 18 through May 24, 2019, as National Safe Boating Week. I encourage all Americans who participate in boating activities to observe this occasion by learning more about safe boating practices and taking advantage of boating safety education opportunities. I also encourage the Governors of the States and Territories, and appropriate officials of all units of government, to join me in encouraging boating safety through events and activities.

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



[FR Doc. 2019–10862
Filed 5–21–19; 11:15 am]
Billing code 3295–F9–P

Presidential Documents

Proclamation 9890 of May 17, 2019

Emergency Medical Services Week, 2019

By the President of the United States of America

A Proclamation

During Emergency Medical Services Week, we pay tribute to our Nation's Emergency Medical Services (EMS) providers, whose selfless dedication and extraordinary efforts help save countless lives each day. As the first link to emergency medical care, EMS personnel are a critical component of our healthcare system. Day or night, faithful EMS first responders—many of whom are volunteers—intensively prepare for and stand at the ready to help their fellow Americans through chaotic and distressing situations.

In the last year, our Nation has experienced some of the largest and most destructive wildfires, hurricanes, tornadoes, and mudslides in recent history. In places like California, Florida, Alabama, North Carolina, South Carolina, Virginia, Maryland, and other parts of our country, EMS providers have selflessly performed their duties under challenging and hazardous conditions. At the risk of their own safety and well-being, EMS personnel acted quickly to deliver critical assistance. They moved residents who were homebound, hospitalized, or in nursing homes out of harm's way before and during natural disasters, and provided medical care for thousands of displaced citizens for weeks after the disasters.

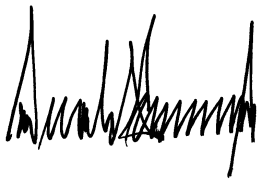
As President, I will never lose sight of the vital contributions that our country's emergency responders make to their fellow citizens. My Administration remains committed to working with State and local partners to ensure that EMS personnel are fully trained and prepared to meet the needs of their communities. Many rural EMS agencies, in particular, face unique challenges in delivering quality care. Last year, I signed into law the Agricultural Improvement Act of 2018, which reauthorizes funding for EMS agencies in rural areas of our country to access the training and equipment they need to perform their duties safely, effectively, and efficiently. To allow EMS providers additional flexibility, the Department of Health and Human Services recently announced the Emergency Triage, Treat, and Transport model for care delivery. This model is designed to allow ambulatory care providers to be compensated in innovative ways through Medicare when responding to emergency medical calls from beneficiaries.

First responders also continue to be at the forefront of dealing with the terrible effects of the opioid crisis, routinely responding to situations where someone has fallen victim to an opioid overdose. The Office of National Drug Control Policy has released extensive guidance on how emergency providers can stay safe when tending to opioid-related events. Additionally, my Administration has taken steps to expand the supply of life-saving naloxone to first responders nationwide. We must ensure that our EMS personnel have the necessary training and resources to help those who tragically end up in dire need due to opioid overdoses.

In every circumstance, and in crises where every second counts, EMS providers demonstrate courage and devotion to saving lives. They protect the health and safety of others with unmatched skill and extraordinary resolve. This month, and always, we express our endless gratitude and respect to the fine men and women of our country's EMS agencies for their continued commitment to excellence in emergency 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 19 through May 25, 2019, as Emergency Medical Services Week. I encourage all Americans to observe this occasion by showing their support for local EMS professionals through appropriate programs, ceremonies, and activities.

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



[FR Doc. 2019–10865
Filed 5–21–19; 11:15 am]
Billing code 3295–F9–P

Presidential Documents

Proclamation 9891 of May 17, 2019

World Trade Week, 2019

By the President of the United States of America

A Proclamation

Free, fair, and reciprocal trade is essential to American and global prosperity. During World Trade Week, we reaffirm our unwavering commitment to ensuring that our Nation's farmers, ranchers, manufacturers, and entrepreneurs are able to sell their goods and services in the global market on a level playing field. We also celebrate mutually beneficial and balanced trade between nations and pledge to continue pressing those countries that persist with one-sided trade polices to abandon them.

Our Nation is benefiting from a booming economy that is improving the lives of hardworking Americans and their families. Since my election, we have witnessed the creation of more than 5.8 million new jobs, including approximately 500,000 new manufacturing jobs. American gross domestic product grew at nearly 3 percent last year, and at a rate of 3.2 percent in the first quarter of this year. As a result, wages are rising at the fastest pace in a decade. This economic success is a testament to the effectiveness of my Administration's tax, regulatory, and tariff and trade policies.

With a level playing field, American workers and producers can compete with any nation in the world. In recent years, however, our prosperity has been hampered by the growing economic aggression and unfair trading practices of other countries. Nations that do not share our free market values have used dumping and industrial subsidies, discriminatory non-tariff barriers, forced technology transfers, excess capacity, cyber and hacking attacks, and other forms of economic aggression to gain unfair competitive advantages over American workers and producers. My Administration is using every available tool to confront these burdensome, market-distorting trade practices. We are aggressively enforcing the well-established trade laws of the United States, and we are negotiating new trade agreements to address unfair trade practices and remove barriers to the export of our goods and services.

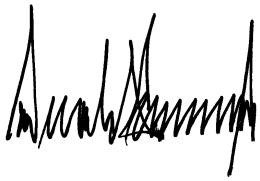
My Administration's leadership in strongly pursuing fair trade is enabling our Nation's firms to compete on a more level, fair playing field. We are working to modernize and improve our agreements, negotiating new trade deals that protect our national security and are based on fairness and reciprocity. For example, we revised one of our most significant trade deals, the United States-Korea Free Trade Agreement (KORUS), to make it far more beneficial to American workers.

In addition, with the signing of the United States-Mexico-Canada Agreement (USMCA), I delivered on my promise to renegotiate the outdated and unbalanced North American Free Trade Agreement (NAFTA). Once approved by the Congress, the USMCA will help address longstanding trade imbalances by granting American businesses across all sectors of our economy greater freedom to sell their goods and services throughout North America. The successful conclusion of both KORUS and USMCA shows that new trade deals that work for all Americans—and not just some—are possible. My Administration is also actively engaged in negotiations with the European Union, the United Kingdom, and Japan to secure broader market access for American products and services.

The United States and our trading partners benefit greatly from free, fair, balanced, and reciprocal trade. This week, we renew our commitment to addressing persistent trade imbalances, breaking down trade barriers, and providing Americans new opportunities to increase exports. Greater transparency in global trade and predictable business climates in economies that adhere to high standards for trade and investment will bring greater prosperity to our Nation and the world.

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 19 through May 25, 2019, as World Trade Week. I encourage Americans to observe this week with events, trade shows, and educational programs that celebrate the benefits of trade to our country.

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



[FR Doc. 2019–10866
Filed 5–21–19; 11:15 am]
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Presidential Documents

Proclamation 9892 of May 17, 2019

Armed Forces Day, 2019

By the President of the United States of America

A Proclamation

From Normandy and Iwo Jima through Operations Desert Storm and Inherent Resolve, our Nation's Armed Forces have consistently made us proud by defeating our enemies and defending the freedoms we cherish. Their bravery, love of country, and devotion to duty are unmatched, and we are eternally grateful for the sacrifices they make for all American citizens. On Armed Forces Day, we honor all of the Soldiers, Sailors, Airmen, Marines, and Coast Guardsmen who make up the finest military in the world.

Every day, tens of thousands of American troops risk their lives and sacrifice time with their families and friends to protect our national security and keep us safe. Through their strength and dedication to our country, they protect our freedoms, interests, and way of life at duty stations all around the world. We thank them for their incredible service, and we recognize that our Nation has a sacred obligation to ensure that our Armed Forces remain ready and fully equipped to face any threat.

As President, I am committed to empowering America's warriors with every advantage they need to fulfill their missions. During the last 2 years, our Armed Forces have had one victory after another against ISIS, culminating in March with the liberation of 100 percent of the territory once held by ISIS in Syria and Iraq. We are encouraged by this tremendous success, and it is important that our military remains the strongest in the world. This is one of my Administration's highest priorities, and I have called on the Congress to increase funding for our national defense by $34 billion over last year's level. These additional resources are vital to enhancing our capabilities at sea, on the ground, in the air, and in space and guaranteeing that America's military never falls behind.

I also continue to advocate for our service members to receive increased support, which they deserve for bearing the burden of defending our freedoms. Last year, I signed into law the largest pay raise for our troops in 9 years, and, for 2020, I have called on the Congress to provide a 3.1 percent pay raise. This 3.1 percent raise would be the largest pay raise for our troops in 10 years and would further demonstrate our Nation's gratitude to the more than 2.1 million active duty and reserve military men and women.

Our courageous and vigilant Armed Forces safeguard the blessings of liberty for us and for future generations by selflessly answering the call of duty. Today, and every day, we acknowledge and celebrate all who proudly wear our Nation's uniforms and the family members who face unique challenges as they tirelessly support them.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, and Commander in Chief of the Armed Forces of the United States, continuing the tradition of my predecessors in office, do hereby proclaim the third Saturday of each May as Armed Forces Day.

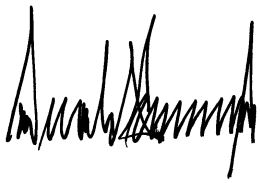
I invite the Governors of the States and Territories and other areas subject to the jurisdiction of the United States to provide for the observance of Armed Forces Day within their jurisdiction each year in an appropriate

manner designed to increase public understanding and appreciation of the Armed Forces of the United States. I also invite veterans, civic, and other organizations to join in the observance of Armed Forces Day each year.

Finally, I call upon all Americans to display the flag of the United States at their homes and businesses on Armed Forces Day, and I urge citizens to learn more about military service by attending and participating in the local observances of the day.

Proclamation 9753 of May 18, 2018, is hereby superseded.

IN WITNESS WHEREOF, I have hereunto set my hand this seventeenth 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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