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

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

NUCLEAR REGULATORY COMMISSION

10 CFR Part 72

[NRC–2019–0070]

RIN 3150–AK33

List of Approved Spent Fuel Storage Casks: NAC International NAC–UMS® Universal Storage System, Certificate of Compliance No. 1015, Amendment No. 7

AGENCY: Nuclear Regulatory Commission.

ACTION: Direct final rule; confirmation of effective date.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is confirming the effective date of July 29, 2019, for the direct final rule that was published in the **Federal Register** on May 15, 2019. This direct final rule amended the NRC's spent fuel storage regulations by revising the NAC International NAC–UMS® Universal Storage System listing within the ''List of approved spent fuel storage casks,'' to include Amendment No. 7 to Certificate of Compliance No. 1015. Amendment No. 7 revises the surveillance requirements for technical specifications A3.1.6.1 and A3.1.6.2 to ensure that adequate monitoring of the concrete cask heat removal system is performed. Amendment No. 7 also revises the basis for technical specification A3.1.6 to clarify that the surveillance requirements for technical specification A3.1.6 requires a minimum of two outlet air temperature measurements to provide an average outlet temperature.

DATES: The effective date of July 29, 2019, for the direct final rule published May 15, 2019 (84 FR 21687), is confirmed.

ADDRESSES: Please refer to Docket ID NRC–2019–0070 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–2019–0070. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individuals listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at *https://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''Begin Web-based ADAMS Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The proposed amendment to the certificate, the proposed Appendices A and B to the technical specifications, and the preliminary safety evaluation report are available in ADAMS under Accession No. ML19057A264. The final amendment to the certificate, final changes to the technical specifications, and final safety evaluation report can also be viewed in ADAMS under Accession No. ML19183A268.
- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

FOR FURTHER INFORMATION CONTACT: Bernard H. White, Office of Nuclear Material Safety and Safeguards; telephone: 301–415–6577; email: *Bernard.White@nrc.gov* or Victoria V. Huckabay, Office of Nuclear Material Safety and Safeguards; telephone: 301–415–5183; email: *Victoria.Huckabay@nrc.gov.* Both are staff of the U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

SUPPLEMENTARY INFORMATION: On May 15, 2019 (84 FR 21687), the NRC published a direct final rule amending § 72.214 of title 10 of the *Code of Federal Regulations,* ''List of approved spent fuel storage casks,'' to include Amendment No. 7 to Certificate of Compliance No. 1015 for the NAC International NAC–UMS® Universal Storage System. Amendment No. 7 revises the surveillance requirements for technical specifications A3.1.6.1 and A3.1.6.2 to ensure that adequate monitoring of the concrete cask heat removal system is performed. Amendment No. 7 also revises the basis for technical specification A3.1.6 to clarify that the surveillance requirements for technical specification A3.1.6 requires a minimum of two outlet air temperature measurements to provide an average outlet temperature.

In the direct final rule, the NRC stated that if no significant adverse comments were received, the direct final rule would become effective on July 29, 2019. The NRC did not receive any comments on the direct final rule. Therefore, this direct final rule will become effective as scheduled.

Dated at Rockville, Maryland, this 16th day of July 2019.

For the Nuclear Regulatory Commission.

Cindy K. Bladey,

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

[FR Doc. 2019–15398 Filed 7–18–19; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2019–0022; Product Identifier 2018–NM–162–AD; Amendment 39–19675; AD 2019–13–02]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain The Boeing Company Model 737–200, –200C, –300, –400, and –500 airplanes. This AD was prompted by reports of cracking in the lower lobe skin panel assemblies of the fuselage and an evaluation by the design approval holder (DAH) indicating that these assemblies are subject to widespread fatigue damage (WFD). This AD requires replacement of lower lobe skin panel assemblies, detailed inspections for scribe lines, and applicable on-

condition actions. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective August 23, 2019.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of August 23, 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–2019–0022.

Examining the AD Docket

You may examine the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2019–0022; 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 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: James Guo, Aerospace Engineer, Airframe Section, FAA, Los Angeles ACO Branch, 3960 Paramount Boulevard, Lakewood, CA 90712–4137; phone: 562–627–5357; fax: 562–627–5210; email: *james.guo@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

The FAA 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 737–200, –200C, –300, –400, and –500 airplanes. The NPRM published in the **Federal Register** on February 22, 2019 (84 FR 5614). The NPRM was prompted by reports of cracking in the lower lobe skin panel assemblies of the fuselage. The NPRM proposed to require replacement of lower lobe skin panel assemblies, detailed inspections for scribe lines, and applicable on-condition actions.

The FAA is issuing this AD to address the possibility of skin crack growth and multiple adjacent cracks at chem-milled steps in the fuselage skin linking up with each other, which could lead to decompression or loss of structural integrity of the airplane.

Comments

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

Effect of Winglets on Accomplishment of the Proposed Actions

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

The FAA concurs with the commenter. The FAA has 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 Revise What Prompted the NPRM

Boeing requested that the FAA change the **SUMMARY** section of the NPRM and paragraph (e) of the proposed AD to indicate that the proposed AD was prompted by the DAH indication that the lower skin panel assemblies of the fuselage are subject to WFD. Boeing asserted that this kind of language was used to address a similar issue in a previous AD and in the associated service information.

The FAA partially agrees that this AD was prompted by the DAH evaluation of WFD in this area, because the DAH did perform the evaluation. However, the FAA disagrees that this is the only reason for the creation of the proposed AD. The FAA has revised the **SUMMARY** section in this final rule and paragraph (e) of this AD to state that the AD was prompted by reports of cracking in the lower lobe skin panel assemblies and by a DAH evaluation that lower lobe skin panel assemblies of the fuselage are subject to WFD.

Request To Change Organization Designation Authorization (ODA) Name

Boeing requested that the FAA change ''the Boeing Commercial Airplanes Organization Designation Authorization (ODA)'' to ''The Boeing Company Organization Designation Authorization (ODA),'' because the name of the ODA has changed.

The FAA agrees with the request. The FAA has made the requested change in this AD.

Conclusion

The FAA 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. The FAA has 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.

The FAA 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

The FAA reviewed Boeing Alert Requirements Bulletin 737–53A1379 RB, dated September 4, 2018. The service information describes procedures for replacement of lower lobe skin panel assemblies, detailed inspections for scribe lines, and applicable on-condition actions.

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

Costs of Compliance

The FAA estimates that this AD affects 171 airplanes of U.S. registry. The FAA estimates 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
Inspection and replacement	688 work-hours × $85 per hour = $58,480	(*)	* $58,480	* $10,000,080

* Parts cost unavailable.

The FAA has received no definitive data that would enable the agency 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.

The FAA is 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) Will not affect intrastate aviation in Alaska, and

(3) 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):

2019–13–02 The Boeing Company: Amendment 39–19675; Docket No. FAA–2019–0022; Product Identifier 2018–NM–162–AD.

(a) Effective Date

This AD is effective August 23, 2019.

(b) Affected ADs

None.

(c) Applicability

(1) This AD applies to The Boeing Company Model 737–200, –200C, –300, –400, and –500 airplanes, certificated in any category, as identified in Boeing Alert Requirements Bulletin 737–53A1379 RB, dated September 4, 2018.

(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 53, Fuselage.

(e) Unsafe Condition

This AD was prompted by reports of cracking in the lower lobe skin panel assemblies of the fuselage and an evaluation by the design approval holder (DAH) indicating that the lower lobe skin panel assemblies of the fuselage are subject to widespread fatigue damage (WFD). The FAA is issuing this AD to address the possibility of skin crack growth and multiple adjacent cracks at chem-milled steps in the fuselage skin linking up with each other, which could lead to decompression or loss of structural integrity of the airplane.

(f) Compliance

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

(g) Required Actions

Except as specified by paragraph (h) of this AD: At the applicable times specified in the ''Compliance'' paragraph of Boeing Alert Requirements Bulletin 737–53A1379 RB, dated September 4, 2018, do all applicable actions identified in, and in accordance with, the Accomplishment Instructions of Boeing Alert Requirements Bulletin 737–53A1379 RB, dated September 4, 2018.

Note 1 to paragraph (g): Guidance for accomplishing the actions required by this AD can be found in Boeing Alert Service Bulletin 737–53A1379, dated September 4, 2018, which is referred to in Boeing Alert Requirements Bulletin 737–53A1379 RB, dated September 4, 2018.

(h) Exceptions to Service Information Specifications

(1) For purposes of determining compliance with the requirements of this AD: Where Boeing Alert Requirements Bulletin 737–53A1379 RB, dated September 4, 2018, uses the phrase ''the original issue date of Requirements Bulletin 737–53A1379 RB,'' this AD requires using ''the effective date of this AD.''

(2) Where Boeing Alert Requirements Bulletin 737–53A1379 RB, dated September 4, 2018, specifies contacting Boeing for work instructions or for scribe line repair and skin panel replacement instructions: This AD requires doing the work and the scribe line repair and skin panel replacement before further flight using a method approved in accordance with the procedures specified in paragraph (i) of this AD.

(i) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Los Angeles ACO Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the certification office, send it to the attention of the person identified in paragraph (j) 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 Company Organization Designation Authorization (ODA) that has been authorized by the Manager, Los Angeles ACO Branch, FAA, to make those findings. To be approved, the repair method, modification deviation, or alteration deviation must meet the certification basis of the airplane, and the approval must specifically refer to this AD.

(j) Related Information

For more information about this AD, contact James Guo, Aerospace Engineer, Airframe Section, FAA, Los Angeles ACO Branch, 3960 Paramount Boulevard, Lakewood, CA 90712–4137; phone: 562–627–5357; fax: 562–627–5210; email: *james.guo@faa.gov.*

(k) Material Incorporated by Reference

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

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

(i) Boeing Alert Requirements Bulletin 737–53A1379 RB, dated September 4, 2018.

(ii) [Reserved]

(3) For service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; 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 June 28, 2019.

Michael Kaszycki,

Acting Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2019–15358 Filed 7–18–19; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2018–1008; Product Identifier 2018–NM–126–AD; Amendment 39–19666; AD 2019–12–11]

RIN 2120–AA64

Airworthiness Directives; Bombardier, Inc., Airplanes

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

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain Bombardier, Inc., Model CL–600–2B19 (Regional Jet Series 100 & 440) airplanes. This AD was prompted by reports indicating there is a possibility of excessive error in the signal generated by the angle of attack (AOA) transducer. This AD requires replacing certain AOA transducers. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective August 23, 2019.

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

ADDRESSES: For service information identified in this final rule, contact Bombardier, Inc., 400 Côte-Vertu Road West, Dorval, Québec H4S 1Y9, Canada; Widebody Customer Response Center North America toll-free telephone 1–866–538–1247 or direct-dial telephone 1–514–855–2999; fax 514–855–7401; email *ac.yul@aero.bombardier.com*; internet *http://www.bombardier.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–2018–1008.

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–2018–1008; 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 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: John DeLuca, Aerospace Engineer, Avionics and Electrical Systems Services Section, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7369; fax 516–794–5531; email *9-avs-nyaco-cos@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain Bombardier, Inc., Model CL–600–2B19 (Regional Jet Series 100 & 440) airplanes. The NPRM published in the **Federal Register** on December 11, 2018 (83 FR 63594). The NPRM was prompted by reports indicating there is a possibility of excessive error in the signal generated by the AOA transducer. The NPRM proposed to require replacing certain AOA transducers.

The FAA is issuing this AD to address this potential error, which, if not detected by the stall protection computer, could lead to late activation of the stall protection system and possible loss of control of the airplane.

Transport Canada Civil Aviation (TCCA), which is the aviation authority for Canada, has issued Canadian AD CF–2018–17, dated June 29, 2018 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for certain Bombardier, Inc., Model CL–600–2B19 (Regional Jet Series 100 & 440) airplanes. The MCAI states:

> Bombardier has received reports from the manufacturer of its Angle of Attack (AOA) transducers indicating that there is a possibility of excessive error in the signal generated by the AOA Transducer. It is possible that this error may not be detected by the stall protection computer, which could lead to late stall protection system activation and potentially result in the loss of control of the aeroplane. The error could be a result of incorrect assembly or/and internal wear in the AOA Transducer.
>
> This [Canadian] AD mandates the modification or replacement of the AOA transducers in order to prevent late activation of the stick pusher in the stall protection system.

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–2018–1008.

Comments

The FAA 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 Reduce Proposed Applicability of This AD

Air Wisconsin Airlines (Air Wisconsin) recommended revising paragraph (c) of the proposed AD to restrict the applicability to only those airplanes equipped with the affected parts. Air Wisconsin suggested adding the phrase ''having AOA transducers P/Ns [part numbers] 45–150–340, C16258AA, or C16258AB'' to the end of the sentence that specifies the airplane models and serial numbers. Air Wisconsin pointed out that some airplanes might have unaffected part numbers installed, either by having installed a supplemental type certificate or prior accomplishment of the service information.

The FAA has not changed the AD as recommended by the commenter, because the affected AOA transducers are rotable parts and might be later installed on airplanes not initially delivered with the affected AOA transducers, or that did not have an affected AOA installed on the effective date of this AD. Paragraph (f) of this AD provides relief for airplanes on which the AOA transducer has been replaced prior to the effective date of this AD.

Request To Extend Proposed Compliance Time for Parts Installation Prohibition

Air Wisconsin requested that the compliance time for the Parts Installation Prohibition specified in paragraph (h) of the proposed AD be revised to match the compliance time for the AOA replacement required in paragraph (g) of this AD. Air Wisconsin suggested that, based on the date of the service information and the amount of time Bombardier recommends the service information be performed within, it would appear as through there is not an imminent pending failure of the parts.

The FAA disagrees with the request to extend the compliance time for the parts installation prohibition specified in paragraph (h) of this AD. In general, once the FAA has determined that an unsafe condition exists, the FAA does not allow that condition to be introduced into the fleet. In developing the technical information on which every AD is based, the FAA considers the availability of replacement parts that the AD will require to be installed. Replacement parts are available to operators, and this AD prohibits installation of the unsafe parts. The FAA's determination regarding compliance time is consistent with TCCA's compliance time determination. The FAA has not changed this AD in this regard.

Request To Clarify Airplanes Affected by Parts Installation Prohibition

Air Wisconsin requested a revision to paragraph (h) of the proposed AD to clarify that ''any airplane'' means those airplanes identified in paragraph (c) of the proposed AD.

The FAA finds that the requested change is unnecessary, because paragraph (c) of this AD establishes the AD's applicability for the airplanes in which the actions in paragraph (h) of this AD apply.

Request To Address Connection Between the Proposed AD and AD 2010–08–03, Amendment 39–16258 (75 FR 19203, April 14, 2010) (''AD 2010–08–03'')

Air Wisconsin requested that AD 2010–08–03 be addressed in this AD because that AD applies to the same airplane model, serial numbers, and AOA parts identified in the proposed AD.

The FAA disagrees with the request to reference AD 2010–08–03, because that AD is not affected by this AD. Although, AD 2010–08–03 and this AD both require actions on the AOA transducer, the two ADs address different root causes or failure modes. The primary focus of AD 2010–08–03 was heater element degradation and inaccurate calibration in AOA transducers. The focus of this AD is possible excessive error in the signal from the AOA transducer, which became known at a later time. Therefore, since the required actions in this AD are not related to the required actions in AD 2010–08–03, the FAA has not changed this AD in this regard.

Conclusion

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

The FAA 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

Bombardier has issued Service Bulletin 601R–27–165, dated December 20, 2016. This service information describes procedures for replacing certain AOA transducers with new or modified AOA transducers.

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

The FAA estimates that this AD affects 525 airplanes of U.S. registry. The FAA estimates the following costs to comply with this AD:

ESTIMATED COSTS

Labor cost	Parts cost	Cost per product	Cost on U.S. operators
5 work-hours × $85 per hour = $425	Up to $6,800	Up to $7,225	Up to $3,793,125.

According to the manufacturer, some or all of the costs of this AD may be covered under warranty, thereby reducing the cost impact on affected individuals. The FAA does not control warranty coverage for affected individuals. As a result, the FAA has included all known costs in its cost estimate.

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.

The FAA is 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) Will not affect intrastate aviation in Alaska, and

(3) 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):

2019–12–11 Bombardier, Inc.: Amendment 39–19666; Docket No. FAA–2018–1008; Product Identifier 2018–NM–126–AD.

(a) Effective Date

This AD is effective August 23, 2019.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Bombardier, Inc., Model CL–600–2B19 (Regional Jet Series 100 & 440) airplanes, certificated in any category, having serial numbers 7003 through 7067 inclusive and 7069 through 7891 inclusive.

(d) Subject

Air Transport Association (ATA) of America Code 27, Flight Controls.

(e) Reason

This AD was prompted by reports indicating there is a possibility of excessive error in the signal generated by the angle of attack (AOA) transducer. The FAA is issuing this AD to address this potential error, which, if not detected by the stall protection computer, could lead to late activation of the stall protection system and possible loss of control of the airplane.

(f) Compliance

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

(g) Replacement of AOA Transducers

Within 9,000 flight hours or 46 months, whichever occurs first, after the effective date of this AD, replace the AOA transducers having part number (P/N) 45–150–340, C16258AA, or C16258AB, in accordance with the Accomplishment Instructions of Bombardier Service Bulletin 601R–27–165, dated December 20, 2016.

(h) Parts Installation Prohibition

As of the effective date of this AD, no person may install any AOA transducer having P/N 45–150–340, C16258AA, or C16258AB, on any Bombardier, Inc., Model CL–600–2B19 airplane.

(i) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, New York 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 ATTN: Program Manager, Continuing Operational Safety, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7300; fax 516–794–5531. Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

(2) *Contacting the Manufacturer:* For any requirement in this AD to obtain corrective actions from a manufacturer, the action must be accomplished using a method approved by the Manager, New York ACO Branch, FAA; or Transport Canada Civil Aviation (TCCA); or Bombardier, Inc.'s TCCA Design Approval Organization (DAO). If approved by the DAO, the approval must include the DAO-authorized signature.

(j) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) Canadian AD CF–2018–17, dated June 29, 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–2018–1008.

(2) For more information about this AD, contact John DeLuca, Aerospace Engineer, Avionics and Electrical Systems Services Section, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7369; fax 516–794–5531; email *9-avs-nyaco-cos@faa.gov.*

(k) Material Incorporated by Reference

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

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

(i) Bombardier Service Bulletin 601R–27–165, dated December 20, 2016.

(ii) [Reserved]

(3) For service information identified in this AD, contact Bombardier, Inc., 400 Côte-Vertu Road West, Dorval, Québec H4S 1Y9, Canada; Widebody Customer Response Center North America toll-free telephone 1–866–538–1247 or direct-dial telephone 1–514–855–2999; fax 514–855–7401; email *ac.yul@aero.bombardier.com;* internet *http://www.bombardier.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 June 28, 2019.

Jeffrey E. Duven,

Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2019–15360 Filed 7–18–19; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[TD 9872]

RIN 1545–BM74

Income Inclusion When Lessee Treated as Having Acquired Investment Credit Property

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Final regulations and removal of temporary regulations.

SUMMARY: This document contains final regulations that provide guidance concerning the income inclusion rules under section 50(d)(5) of the Internal Revenue Code (Code) that are applicable to a lessee of investment credit property when a lessor of such property elects to treat the lessee as having acquired the property. These final regulations also provide rules to coordinate the section 50(a) recapture rules with the section 50(d)(5) income inclusion rules. In addition, these final regulations provide rules regarding income inclusion upon a lease termination, lease disposition by a lessee, or disposition of a partner's or S corporation shareholder's entire interest in a lessee partnership or S corporation outside of the recapture period. Accordingly, these regulations will affect lessees of investment credit property when the lessor of the property makes an election to treat the lessee as having acquired the property and an investment credit is determined under section 46 with respect to such lessee.

DATES:

Effective date: These regulations are effective on July 17, 2019.

Applicability date: For date of applicability, see § 1.50–1(f).

FOR FURTHER INFORMATION CONTACT: Barbara J. Campbell or Michael J. Torruella Costa, (202) 317–4137 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

I. Overview

This document amends the Income Tax Regulations (26 CFR part 1) to finalize rules under section 50(d)(5) of the Code. On July 22, 2016, the Department of the Treasury (Treasury Department) and the IRS published in the **Federal Register** a notice of proposed rulemaking by cross-reference to temporary regulations ((REG–102516–15) (81 FR 47739)) (proposed regulations) and final and temporary regulations ((TD 9776) (81 FR 47701)) (temporary regulations) that amended § 1.50–1 of the Income Tax Regulations. On September 23, 2016, the Treasury Department and the IRS published corrections to the temporary regulations in the **Federal Register** (81 FR 65541). (Subsequent references in this preamble to the temporary regulations are to the temporary regulations as so corrected.) The Treasury Department and the IRS received two written comments on the proposed regulations. No requests for a public hearing were made, and no public hearing was held. After consideration of the comments received, these final regulations adopt the proposed regulations without modification.

II. Section 50 Background

Section 50(d) provides special rules applicable to the investment credit determined under section 46 (investment credit property). Section 50(d)(5) provides the income inclusion rules applicable to a lessee of investment credit property when a lessor elects to treat the lessee as having acquired the property. Section 50(d)(5) provides that, for purposes of the investment credit, rules similar to former section 48(d) (as in effect prior to the enactment of the Revenue Reconciliation Act of 1990 (Pub. L. 101–508, 104 Stat 1388 (November 5, 1990))) apply.

Former section 48(d)(1) permitted a lessor of new section 38 property to elect to treat that property as having been acquired by the lessee for an amount equal to its fair market value (or, if the lessor and lessee were members of a controlled group of corporations, equal to the lessor's basis). Former section 48(d)(3) provided that if the lessor made the election provided in former section 48(d)(1) with respect to any such property, the lessee would be treated for all purposes of subpart E, part IV, subchapter A, Chapter 1, subtitle A, as having acquired such property. Section 50(a)(5)(A) replaced the term ''section 38 property'' with the term ''investment credit property.''

Under former section 48(q), if a credit was determined under section 46 with respect to section 38 property, the basis of the property was reduced by 50 percent of the amount of the credit determined (or 100 percent of the amount of the credit determined in the case of a credit for qualified rehabilitation expenditures). Former section 48(d)(5) provided specific rules coordinating the effect of the former section 48(d) election with the basis adjustment rules under former section 48(q). Because the lessee would have no basis in the property that the lessee was deemed to have acquired pursuant to the election, former section 48(d)(5)(A) provided that the basis adjustment rules under former section 48(q) did not apply. Section 50(c) replaced former section 48(q) and provides the current basis adjustment rules.

In lieu of a basis adjustment, former section 48(d)(5)(B) provided that the lessee was required to include ratably in gross income, over the shortest recovery period which could be applicable under section 168 with respect to the property, an amount equal to 50 percent of the amount of the credit allowable under section 38 to the lessee with respect to such property. In the case of the rehabilitation credit, former section 48(q)(3) provided that former section 48(d)(5)(B) was to be applied without the phrase ''50 percent of.''

Former section 48(d)(5)(C) provided that, in the case of a disposition of property to which former section 47 (the former recapture rules) applied, the income inclusion rules of former section 48(d)(5) applied in accordance with regulations prescribed by the Secretary. Section 50(a) replaced former section 47 and provides the current recapture rules.

The temporary regulations provide the applicable rules that the Secretary determined are similar to the rules of former section 48(d)(5). The temporary regulations are limited in scope to the income inclusion rules that apply when a lessor elects under § 1.48–4 to treat the lessee as having acquired investment credit property.

The temporary regulations provide general rules for coordinating the basis adjustment rules under section 50(c) (the successor to former section 48(q)) with the rules under § 1.48–4 pursuant to which a lessor may elect to treat the lessee of investment credit property as having acquired such property for purposes of calculating the investment credit. Similar to the rule in former section 48(d)(5)(A), which provided that the basis adjustment rules under former section 48(q) did not apply when a § 1.48–4 election was made, the temporary regulations provide that section 50(c) does not apply when the election is made. Thus, the lessor is not required to reduce its basis in the property by the amount of the investment credit (or 50 percent of the amount of the credit in the case of the energy credit under section 48) determined under section 46.

The temporary regulations require that, in lieu of a basis adjustment, and similar to the rule contained in former section 48(d)(5)(B), a lessee must include in gross income an amount

equal to the amount of the credit (or 50 percent of the amount of the credit in the case of the energy credit under section 48) determined under section 46. The lessee includes the amount ratably over the shortest recovery period applicable under the accelerated cost recovery system provided in section 168, beginning on the date the investment credit property is placed in service and continuing on each one-year anniversary date thereafter until the end of the applicable recovery period. The amount required to be included by the lessee is not subject to any limitations under section 38(c) on the amount of the credit allowed based on the amount of the lessee's income tax.

Because section 50(c) replaces the old basis adjustment rules under former section 48(q), the amount the lessee is required to include in gross income under the temporary regulations corresponds to the current basis adjustment amounts required under section 50(c), rather than the former basis adjustment amounts provided in former section 48(q).

The temporary regulations include special rules for partnerships and S corporations. In the case of a partnership (other than an electing large partnership) or an S corporation for which an election is made under § 1.48–4 to treat such entity as having acquired the investment credit property, each partner or S corporation shareholder that is the ultimate credit claimant is treated as the lessee for purposes of the income inclusion rules under the temporary regulations. The term *ultimate credit claimant* is defined in the temporary regulations as any partner or S corporation shareholder that files (or that would file) Form 3468, ''Investment Credit'' (or its successor form), with such partner's or S corporation shareholder's income tax return to claim the investment credit determined under section 46 that results in the corresponding income inclusion under the temporary regulations. Each partner or S corporation shareholder that is the ultimate credit claimant must include in gross income the amount required under the temporary regulations in proportion to the amount of the credit determined under section 46 (or 50 percent of the amount of the credit in the case of the energy credit under section 48) with respect to the partner or S corporation shareholder.

The temporary regulations also coordinate the income inclusion rules with the credit recapture rules in section 50(a). The temporary regulations provide that, when the investment credit recapture rules under section 50(a) are triggered (including when there is a lease termination), causing a recapture of the credit or a portion of the credit, an adjustment will be made to the lessee's (or, as applicable, the ultimate credit claimant's) gross income for any discrepancies between the total amount included in gross income under the income inclusion requirement in the temporary regulations and the total credit allowable after recapture. The adjustment amount is taken into account in the taxable year in which the property is disposed of or otherwise ceases to be investment credit property. The temporary regulations provide rules for when the amount of the unrecaptured credit (that is, the allowable credit after taking into account the recapture amount, or 50 percent of the unrecaptured credit in the case of the energy credit) exceeds the income inclusion, and when the income inclusion exceeds the unrecaptured credit.

The temporary regulations also allow a lessee or an ultimate credit claimant to make an irrevocable election to include in gross income any remaining income required to be taken into account under § 1.50–1T(b)(2) in the taxable year in which the lease terminates or is otherwise disposed of. Similarly, the temporary regulations provide that if an ultimate credit claimant disposes of its entire interest, either direct or indirect, in a partnership (other than an electing large partnership) or an S corporation, the ultimate credit claimant may make an irrevocable election to include in gross income any remaining income required to be taken into account by the temporary regulations in the taxable year of the disposition. The availability of this election allows a lessee or an ultimate credit claimant to account for any remaining required gross income inclusion in the taxable year in which the lease terminates or is otherwise disposed of or in which an ultimate credit claimant exits its investment.

This election is available only outside of the section 50(a) recapture period, and only if the lessee or the ultimate credit claimant was not already required to accelerate the gross income required to be included under § 1.50–1T(b)(2) because of a recapture event during the recapture period. Additionally, a former partner or S corporation shareholder that no longer owns a direct or indirect interest in the lessee partnership or S corporation may not elect to accelerate the gross income required to be included under the temporary regulations at the time of a termination or disposition of the lease by the lessee partnership or S corporation. The appropriate time for a former partner or S corporation shareholder that is an ultimate credit claimant to elect income acceleration is the taxable year that it disposes of its entire interest in a lessee partnership or S corporation.

Summary of Comments and Explanation of Provisions

I. Reconsideration of the Special Rule for Partnerships and S Corporations

The temporary regulations (§ 1.50–1T(b)(3)) clarify that the gross income inclusion is not an item of partnership income or an item of S corporation income to which the rules of subchapter K or subchapter S apply. One commenter requested that the Treasury Department and the IRS reconsider the rules in § 1.50–1T(b)(3) based on a concern that the operation of the rules will decrease the amount of investment that flows into the credit programs, which will result in less cash available for projects. The commenter also expressed a related concern that requiring credit claimants to identify and track the income inclusion will add additional complexity to the investments.

As explained in the preamble to the temporary regulations, because the investment credit and any limitations on the credit itself are determined at the partner or S corporation shareholder level it is appropriate that the income inclusion occurs at the partner or shareholder level. In the case of a partnership that owns the investment credit property, a partner in a partnership is treated as the taxpayer with respect to the partner's share of the basis of partnership investment credit property under § 1.46–3(f)(1) and separately computes the investment credit based on its share of the partnership's basis in the investment credit property. Similarly, in the case of a lessee partnership where the lessor makes an election under § 1.48–4 to treat the partnership as having acquired investment credit property, each partner in the lessee partnership is the taxpayer with respect to whom the investment credit is determined under section 46. Each partner in the lessee partnership will separately compute the investment credit based on each partner's share of the investment credit property. The credit is therefore computed at the partner level based on partner level limitations. Section 1.704–1(b)(4)(ii), which requires allocations with respect to the investment tax credit provided by section 38 to be made in accordance with the partners' interests in the partnership, provides that allocations of cost or qualified investment (as opposed to the investment credit itself, which is

not determined at the partnership level) made in accordance with § 1.46–3(f) shall be deemed to be made in accordance with the partners' interests in the partnership.

Under similar principles, in the case of a lessor that makes an election under § 1.48–4 to treat a lessee S corporation as having acquired investment credit property, each shareholder in the lessee S corporation is the taxpayer with respect to whom the investment credit is determined under section 46. The credit is therefore computed at the S corporation shareholder level based on shareholder level limitations.

The Treasury Department and the IRS have determined that the burden of income inclusion should match the benefits of the allowable credit. Therefore, because the investment credit and any limitations on the credit are determined at the partner or shareholder level, these final regulations adopt the rule from the proposed regulations that provides that the gross income required to be ratably included is not an item of partnership income for purposes of subchapter K or an item of S corporation income for purposes of subchapter S. Accordingly, the basis adjustment rules that would apply if such gross income was an item of income under section 702 or section 1366, such as section 705(a) (providing for an increase in a partner's outside basis for items of partnership income) or section 1367(a) (providing for an increase in an S corporation shareholder's stock basis for items of S corporation income), do not apply.

When the temporary regulations were issued, the Treasury Department and the IRS were aware that some partnerships and S corporations had taken the position that this income is includible by the partnership or S corporation and that their partners or S corporation shareholders were entitled to increase their bases in their partnership interests or S corporation stock as a result of the income inclusion. The Treasury Department and the IRS determined that such basis increases are inconsistent with Congressional intent as they thwart the purpose of the income inclusion requirement in former section 48(d)(5)(B) and confer an unintended benefit upon partners and S corporation shareholders of lessee partnerships and S corporations that is not available to any other credit claimant.

The investment credit rules operate to allow a taxpayer to claim the benefit of the credit in exchange for the recoupment of that amount (or 50 percent of that amount in the case of the section 48 energy credit) over time. Where the taxpayer claiming the credit owns the investment credit property, the basis reduction provided in section 50(c) results in reduced cost recovery deductions over the life of the property or the realization of gain (or a reduction in the amount of loss realized) upon the disposition of the property. In the case of a lessor that elects under § 1.48–4 to treat the lessee of investment credit property as having acquired such property, § 1.50–1T(b)(2) instead requires the lessee to ratably include this amount in gross income over the life of the property.

If that lessee is a partnership or an S corporation, however, some partnerships and S corporations contend that this income inclusion is treated as an item of partnership or S corporation income that entitles their partners or S corporation shareholders to a corresponding outside basis increase under section 705(a) or section 1367(a). If these partners or S corporation shareholders were entitled to an outside basis increase equal to their share of the income inclusion, they would be able to claim an offsetting loss (or reduce the amount of gain realized) upon the disposition of their partnership interests or S corporation shares.

As noted, the Treasury Department and the IRS have concluded that the income inclusion is not properly treated as an item of partnership income or of S corporation income. Nonetheless, had the Treasury Department and the IRS determined otherwise, the Treasury Department and the IRS have decided that in addition to being inconsistent with the purpose of section 48(d)(5)(B), allowing a basis increase for the income inclusion would also be inconsistent with the purpose of sections 705 and 1367. The income to be included is a notional amount, which has no current or future economic effect on the basis of assets held by a partnership or S corporation. In general, Congress intended for sections 705 and 1367 to preserve inside and outside basis parity for partnerships and S corporations so as to prevent any unintended tax benefit or detriment to the partners or shareholders. See H.R. Rep. No. 1337, 83d Cong., 2d Sess. A225 (1954); S. Rep. No. 1622, 83d Cong., 2d Sess. 384 (1954); H.R. Rep. No. 97–826, 97th Cong., 2d Sess. p. 17 (1982); S. Rep. No. 97–640, 97th Cong., 2d Sess. 16, 18 (1982); and Rev. Rul. 96–11 (1996–1 CB 140). Ultimately, the Treasury Department and the IRS have determined that, under any approach, allowing partners and S corporation shareholders a basis increase to offset the income inclusion required by the temporary regulations upon disposition of their partnership interests or S corporation shares is inappropriate, and that Congress did not intend to allow partners and S corporation shareholders the full benefit of the credit without any of the corresponding burden.

Additionally, the Treasury Department and the IRS are aware that one practitioner questioned whether the Supreme Court's holding in *U.S.* v. *Basye,* 410 U.S. 441 (1973), is contrary to the position taken in the temporary regulations that the notional income created under section 50(d)(5) is not an item of partnership income computed under section 703. In *Basye,* the partnership entered into a contractual arrangement whereby a portion of the payments it received for services rendered was redirected to a trust established for the benefit of the partnership's partner and non-partner physicians. The payments were not forfeitable by the partnership or recoverable by the payor upon the happening of any contingency. The Court held that because the payments represented compensation for services rendered by the partnership, the partnership was required to include them in current income and each partner was required to include his distributive share of those amounts in his income. The Court stated:

> This conclusion rests on two familiar principles of income taxation, first, that income is taxed to the party who earns it and that liability may not be avoided through an anticipatory assignment of that income, and, second, that partners are taxable on their distributive or proportionate shares of current partnership income irrespective of whether that income is actually distributed to them.

Basye at 447–448.

The Treasury Department and the IRS believe that *Basye* is inapplicable to the determination that the notional income created under section 50(d)(5) is not an item of partnership income computed under section 703. Unlike the income at issue in *Basye,* the income created under section 50(d)(5) is not ''earned'' by the partnership. It has no economic effect as it is merely a notional item created to mimic the effect of the basis adjustment under former section 48(q) with respect to a lessee. Further, treating it as a partnership income item would generate an inappropriate basis increase to the partners under section 705 that would allow them to take a non-economic loss.

II. Basis Reduction Election

The temporary regulations (§ 1.50–1T(c)) allow a lessee or an ultimate

credit claimant, under certain circumstances, to elect to accelerate the income inclusion outside of the section 50(a) recapture period (income acceleration election). This income acceleration election is available in the taxable year in which the lease terminates or is otherwise disposed of or when an ultimate credit claimant disposes of their entire interest in the partnership or the S corporation. One commenter requested that the final regulations permit the lessor and lessee of investment credit property, together with the ultimate credit claimant, to make an irrevocable ''basis reduction election.'' This election would allow the lessor of investment credit property to reduce the basis of the property by the remaining amount of the ultimate credit claimant's income inclusion in lieu of requiring the ultimate credit claimant to continue to account for the income inclusion or make the income acceleration election. The commenter suggested that the ''basis reduction election'' be permitted after the recapture period when a lease termination occurs or when an ultimate credit claimant disposes of their entire interest in the partnership or S corporation. The commenter requested that the Treasury Department and the IRS adopt the ''basis reduction election'' based on policy considerations the Treasury Department and the IRS took into account when incorporating the income acceleration election in the temporary regulations.

As previously noted, the investment credit rules operate to allow a taxpayer to claim the benefit of the credit in exchange for the recoupment of that amount (or 50 percent of that amount in the case of the section 48 energy credit) over time. In the case of a lessee, in lieu of a basis adjustment, and similar to the rule contained in former section 48(d)(5)(B), the lessee (or an ultimate credit claimant) must include in gross income an amount equal to the amount of the credit (or 50 percent of the amount of the credit in the case of the energy credit under section 48) determined under section 46. The Treasury Department and the IRS did consider the administrative convenience and reduced reporting burden for taxpayers when permitting the income acceleration election. The Treasury Department and the IRS also determined that such an election is consistent with the applicable rules in former section 48(d)(5)(B), because a lessee (or an ultimate credit claimant) that benefitted from the credit is the appropriate party to recognize the gross income inclusion described in the statute.

The Treasury Department and the IRS have determined that the suggested ''basis reduction election'' is inconsistent with the applicable rules in former section 48(d)(5)(B) because the election would allow the lessee or ultimate credit claimant that recognized the benefit of the credit to transfer the burden of the offsetting income inclusion to the lessor. The suggested ''basis reduction election'' would essentially permit participants in investment credit leasing transactions to unwind the transactions after the section 50(a) recapture period. For these reasons, the Treasury Department and the IRS do not adopt this recommendation in the final regulations.

III. Amount of Credit Included Ratably in Gross Income

The temporary regulations (§§ 1.50–1T(b)(2) and (3)) require a lessee or an ultimate credit claimant to include ratably in gross income, over the shortest recovery period which could be applicable under section 168 with respect to that property, an amount equal to the amount of the credit (or 50 percent of the amount of the energy credit under section 48). The temporary regulations made applicable the rule in former section 48(d)(5) that required the lessee of investment credit property to recognize the gross income inclusion over the shortest applicable recovery period under section 168. One commenter suggested that the final regulations allow a lessee or ultimate credit claimant to calculate the income inclusion based on the depreciation methods and conventions applicable to the underlying investment credit property. The commenter described an example where an owner-lessor of investment credit property elects to depreciate rental property over 40 years instead of over the usual 27½ year recovery period, and the lessee or ultimate credit claimant reports the offsetting income inclusion over the same 40-year period instead of the shortest recovery period. The commenter suggested that the approach is equitable and can be justified under the ''rules similar to'' language in section 50(d)(5), which provides that for purposes of the investment credit, rules similar to former section 48(d) apply.

The Treasury Department and the IRS have determined that the applicable rules from the temporary regulations (§ 1.50–1T(b)(2) and (3)) are the correct interpretation of the language in section 50(d)(5). A rule that permits a lessee or ultimate credit claimant to calculate the income inclusion based on the depreciation methods and conventions applicable to the underlying investment credit property is dissimilar to the rule in former section 48(d)(5)(B), because it contradicts the plain language of the statute. Adopting a rule that would allow a lessor or an ultimate credit claimant to recognize the income inclusion over a longer recovery period would facilitate an inappropriate income deferral, and create additional reporting and monitoring burden. For these reasons, the Treasury Department and the IRS are not adopting this recommendation in the final regulations.

IV. Request for Comments in the Proposed Regulations

The preamble to the proposed regulations included a specific request for comments regarding whether guidance is needed to address the applicability of the income inclusion rules under section 50(d)(5) to trusts, estates, and/or electing large partnerships. No comments were received in response to this request. However, the Treasury Department and the IRS are aware that, given the reference to electing large partnerships, some questioned how the temporary regulations would interact with the centralized partnership audit regime enacted as part of the Bipartisan Budget Act of 2015. Such guidance is beyond the scope of these final regulations.

V. Effective and Applicability Dates

The temporary regulations were effective on July 22, 2016, and applicable to investment credit property placed in service on or after the date that is 60 days after the date of filing in the **Federal Register** (September 19, 2016). The preamble to the temporary regulations states that the effective date of the regulations should not be construed to create any inference concerning the proper interpretation of section 50(d) prior to the effective date of the regulations. Both commenters requested that the final regulations clarify the treatment of pre-effective date transactions.

Both commenters also requested that the effective date be modified to limit the application of the rules for investment partnership transactions entered into in prior years. Both commenters noted that different portions of a project could be placed in service both before and after the effective date, because some historic rehabilitation projects involve multiple placed in service dates (for example, if a project involves renovating multiple buildings over a period of years). One commenter proposed to deem an entire project as placed in service on the first

placed in service date when contemporaneous evidence shows that the project will include more than one building. The other commenter suggested that the effective date be based on timing of investment in the investment partnership, rather than the placed in service date.

The Treasury Department and the IRS do not adopt these recommendations in the final regulations. These final regulations are effective on July 17, 2019, and are applicable to investment credit property placed in service on or after September 19, 2016. Section 7805(b)(1)(B) provides that a final regulation may apply to a taxable period ending on or after the date on which a proposed or temporary regulation to which the final regulation relates was filed with the **Federal Register**. The applicability date of the rules in the final regulations is September 19, 2016, the same date as the applicability date of the rules as set forth in the temporary regulations. Those regulations were issued as temporary regulations to address investment credit transactions in which partnerships and S corporations treated the income inclusion as an item of partnership or S corporation income that entitled their partners or S corporation shareholders to a corresponding outside basis increase under section 705(a) or section 1367(a). Such a basis increase would allow these partners or S corporation shareholders to claim an inappropriate loss (or reduce the amount of gain realized) upon the disposition of their partnership interests or S corporation shares. Revising the rules in accordance with commenters' suggestions would conflict with the purpose of these regulations. Accordingly, the applicability date of the final regulations corresponds to the applicability date of the temporary regulations. Similar to the temporary regulations, the applicability date of these final regulations should not be construed to create any inference concerning the proper interpretation of section 50(d) prior to the applicability date of these regulations.

VI. Revenue Procedure 2014–12

As explained in the Effect on Other Documents section of TD 9776, the temporary regulations modified Revenue Procedure 2014–12 (2014–3 IRB 415). Because these final regulations remove the temporary regulations from the **Federal Register**, this Treasury decision includes an identical modification to Rev. Proc. 2014–12 in the Effect on Other Documents section. Rev. Proc. 2014–12 establishes the requirements under which the IRS will not challenge partnership allocations of section 47 rehabilitation credits by a partnership to its partners. Section 3 states that Rev. Proc. 2014–12 does not address how a partnership is required to allocate the income inclusion required by section 50(d)(5). Furthermore, section 4.07 of Rev. Proc. 2014–12 provides that, solely for purposes of determining whether a partnership meets the requirements of that section, the partnership's allocation to its partners of the income inclusion required by section 50(d)(5) shall not be taken into account.

Because § 1.704–1(b)(4)(ii) provides that allocations of cost or qualified investment, and not the investment credit itself (which is not determined at the partnership level), made in accordance with § 1.46–3(f) shall be deemed to be made in accordance with the partners' interests in a partnership, this Treasury decision modifies Rev. Proc. 2014–12 by changing all references to allocations of section 47 rehabilitation credits to refer instead to allocations of qualified rehabilitation expenditures under section 47(c)(2). Additionally, because § 1.50–1(b)(3) provides that the gross income required to be included under section 50(d)(5) is not an item of partnership income to which the rules of subchapter K apply, this Treasury decision modifies Rev. Proc. 2014–12 by deleting the sentences in section 3 and section 4.07 that refer to allocation by a partnership of the income inclusion required under section 50(d)(5).

VII. Recapture of the Rehabilitation Credit

These regulations finalize the rules described in § 1.50–1T(c) that coordinate the credit recapture rules in section 50(a) with the income inclusion rules in § 1.50–1T(b)(2) and (3). These final regulations incorporate the rule from the temporary regulations requiring the lessee or ultimate credit claimant to make an adjustment to gross income for any discrepancies between the total amounts included in gross income under the income inclusion rules and the total unrecaptured credit. When the temporary regulations were published in 2016, section 47(a) provided that the rehabilitation credit was 20% of the qualified rehabilitation expenditures (QREs) with respect to a certified historic structure. Section 47(a) was amended by section 13402 of the Tax Cuts and Jobs Act, Public Law 115–97, 131 Stat. 2054, 2134 (TCJA). Section 47(a)(1) now provides that for any taxable year during the 5-year period beginning in the taxable year in which the qualified rehabilitated building is placed in service, the rehabilitation credit for the year is an amount equal to the ratable share. Section 47(a)(2) defines the ratable share as 20 percent of the qualified rehabilitation expenditures with respect to the qualified rehabilitated building, as allocated ratably to each year during the period. The TCJA did not amend section 47(b), which provides that qualified rehabilitation expenditures with respect to any qualified rehabilitated building are taken into account for the taxable year in which the building is placed in service. These final regulations adopt the rules from the temporary regulations, but the Treasury Department and the IRS request comments addressing whether additional guidance under section 50(a) is needed to coordinate recapture of the rehabilitation credit.

Effect on Other Documents

Rev. Proc. 2014–12 (2014–3 IRB 415) is modified by: (1) Changing all references to allocations of section 47 rehabilitation credits to refer instead to allocations of qualified rehabilitation expenditures under section 47(c)(2); and (2) deleting the sentences in section 3 and section 4.07 that refer to allocation by a partnership of the income inclusion required under section 50(d)(5).

Statement of Availability of IRS Documents

Rev. Proc. 2014–12 (2014–3 IRB 415) is published in the Internal Revenue Bulletin (or Cumulative Bulletin) and is available from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402, or by visiting the IRS website at *http://www.irs.gov.*

Special Analyses

This regulation is not subject to review under section 6(b) of Executive Order 12866 pursuant to the Memorandum of Agreement (April 11, 2018) between the Department of the Treasury and the Office of Management and Budget regarding review of tax regulations. Therefore, a regulatory impact assessment is not required. Because these regulations do not impose a collection of information on small entities, the Regulatory Flexibility Act (5 U.S.C. chapter 6) does not apply. Pursuant to section 7805(f) of the Code, the notice of proposed rulemaking preceding these regulations was submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on their impact on small businesses. No comments were received from the Small Business Administration.

Drafting Information

The principal authors of these temporary regulations are Barbara J. Campbell and Michael J. Torruella Costa, Office of the Associate Chief Counsel (Passthroughs and Special Industries), IRS. However, other personnel from the Treasury Department and the IRS participated in their development.

List of Subjects in 26 CFR Part 1

Income taxes, Reporting and recordkeeping requirements.

Adoption of Amendments to the Regulations

Accordingly, 26 CFR part 1 is amended as follows:

PART 1—INCOME TAXES

■ **Paragraph 1.** The authority citation for part 1 is amended by removing the entry for § 1.50–1T to read in part as follows:

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

■ **Par. 2.** Section 1.50–1 is revised to read as follows:

§ 1.50–1 Lessee's income inclusion following election of lessor of investment credit property to treat lessee as acquirer.

(a) *In general.* Section 50(d)(5) provides that, for purposes of computing the investment credit, rules similar to the rules of former section 48(d) (relating to certain leased property) (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990 (Pub. L. 101–508, 104 Stat. 1388 (November 5, 1990))) apply. This section provides rules similar to the rules of former section 48(d)(5) that the Secretary has determined shall apply for purposes of determining the inclusion in gross income required when a lessor elects to treat a lessee as having acquired investment credit property.

(b) *Coordination with basis adjustment rules.* In the case of any property with respect to which an election is made under § 1.48–4 by a lessor of investment credit property to treat the lessee as having acquired the property—

(1) *Basis adjustment.* Section 50(c) does not apply with respect to such property.

(2) *Amount of credit included ratably in gross income*—(i) *In general.* A lessee of the property must include ratably in gross income, over the shortest recovery period which could be applicable under section 168 with respect to that property, an amount equal to the amount of the credit determined under section 46 with respect to that property. The ratable income inclusion under this paragraph begins on the date the investment credit property is placed in service and continues on each one year anniversary date thereafter until the end of the applicable recovery period. The lessee will include in gross income the amount of its credit determined under section 46 regardless of limitations on the amount of the credit allowed under section 38(c) based on the amount of the lessee's income tax.

(ii) *Special rule for the energy credit.* In the case of any energy credit determined under section 48(a), paragraph (b)(2)(i) of this section applies only to the extent of 50 percent of the amount of the credit determined under section 46.

(3) *Special rule for partnerships and S corporations*—(i) *In general.* For purposes of paragraph (b)(2) of this section, if the lessee of the property is a partnership (other than an electing large partnership) or an S corporation, the gross income includible under such paragraph is not an item of partnership income to which the rules of subchapter K of Chapter 1, subtitle A of the Code apply or an item of S corporation income to which the rules of subchapter S of Chapter 1, subtitle A of the Code apply. Any partner or S corporation shareholder that is an ultimate credit claimant (as defined in paragraph (b)(3)(ii) of this section) is treated as a lessee that must include in gross income the amounts required under paragraph (b)(2) of this section in proportion to the credit determined under section 46 with respect to such partner or S corporation shareholder.

(ii) *Definition of ultimate credit claimant.* For purposes of this section, the term *ultimate credit claimant* means any partner or S corporation shareholder that files (or that would file) Form 3468, ''Investment Credit,'' with such partner's or S corporation shareholder's income tax return to claim an investment credit determined under section 46 with respect to such partner or S corporation shareholder.

(c) *Coordination with the recapture rules*—(1) *In general.* If section 50(a) requires an increase in the lessee's or the ultimate credit claimant's tax or a reduction in the carryback or carryover of an unused credit (or both) as a result of an early disposition (including a lease termination), etc., of leased property for which an election had been made under § 1.48–4, the lessee or the ultimate credit claimant is required to include in gross income an amount equal to the excess, if any, of the amount of the credit that is not recaptured over the total increases in gross income previously made under paragraph (b)(2) of this section with respect to the property. Such amount is in addition to the amounts the lessee or the ultimate credit claimant previously included in gross income under paragraph (b)(2) of this section.

(2) *Income inclusion exceeds unrecaptured credit.* If section 50(a) requires an increase in the lessee's or ultimate credit claimant's tax or a reduction in the carryback or carryover of an unused credit (or both) as a result of an early disposition (including a lease termination), etc., of leased property for which an election had been made under § 1.48–4, the lessee's or the ultimate credit claimant's gross income shall be reduced by an amount equal to the excess, if any, of the total increases in gross income previously included under paragraph (b)(2) of this section over the amount of the credit that is not recaptured.

(3) *Special rule for the energy credit.* In the case of any energy credit determined under section 48(a), paragraphs (c)(1) and (2) of this section apply by substituting the phrase ''50 percent of the amount of the credit that is not recaptured'' for the phrase ''the amount of the credit that is not recaptured.''

(4) *Timing of income inclusion or reduction following recapture.* Any adjustment required by paragraphs (c)(1) and (2) of this section is taken into account in the taxable year in which the property is disposed of or otherwise ceases to be investment credit property.

(d) *Election to accelerate income inclusion outside of the recapture period*—(1) *In general.* If after the recapture period described in section 50(a), but prior to the expiration of the recovery period described in paragraph (b)(2) of this section, there is a lease termination, the lessee otherwise disposes of the lease, or a partner or S corporation shareholder that is an ultimate credit claimant disposes of its entire interest, either direct or indirect, in a lessee partnership (other than an electing large partnership) or S corporation, the lessee, or, in the case of a partnership or S corporation, the ultimate credit claimant may irrevocably elect to take into account the remaining amount required to be included in gross income under this section in the taxable year of the disposition or termination.

(2) *Exceptions.* The election provided under paragraph (d)(1) of this section is not available to—

(i) Lessees or ultimate credit claimants required by paragraph (c) of this section to account for the remaining amount required to be included in gross income after accounting for recapture in

the taxable year in which the property was disposed of or otherwise ceased to be investment credit property under section 50(a); or

(ii) Former partners or S corporation shareholders that own no interest, either direct or indirect, in a lessee partnership or S corporation at the time of a lease termination or disposition.

(3) *Manner and time for making election.* The election under paragraph (d)(1) of this section is made by including the remaining amount required to be included under this section in gross income in the taxable year of the lease termination or disposition or the disposition of the ultimate credit claimant's entire interest, either direct or indirect, in a partnership or S corporation. The election must be made on or before the due date (including any extension of time) of the lessee's income tax return, or, in the case of a partnership or S corporation, the ultimate credit claimant's income tax return for the taxable year in which the lease termination or disposition or the disposition of the ultimate credit claimant's entire interest, either direct or indirect, in a partnership or S corporation occurs.

(e) *Examples.* The provisions of this section may be illustrated by the following examples:

(1) *Example 1.* X, a calendar year C corporation, leases nonresidential real property from Y. The property is placed in service on October 1, 2016. Y elects under § 1.48–4 to treat X as having acquired the property. X's investment credit determined under section 46 for 2016 with respect to such property is $9,750. The shortest recovery period that could be available to the property under section 168 is 39 years. Because Y has elected to treat X as having acquired the property, Y does not reduce its basis in the property under section 50(c). Instead, X, the lessee of the property, must include ratably in gross income over 39 years an amount equal to the credit determined under section 46 with respect to such property. Under paragraph (b)(2) of this section, X's increase in gross income for each of the 39 years beginning with 2016 is $250 ($9,750/39 year recovery period).

(2) *Example 2.* The facts are the same as in *Example 1* in paragraph (e)(1) of this section, except that instead of nonresidential real property, X leases from Y solar energy equipment for which an energy credit under section 48 is determined under section 46. X's investment credit determined under section 46 for 2016 with respect to the property is $9,750. The shortest recovery period that could be available to the property under section 168 is 5 years. X, the lessee of the property, must include ratably in gross income over 5 years an amount equal to 50% of the credit determined under section 46 with respect to such property. Under paragraph (b)(2) of this section, X's increase in gross income for each of the 5 years beginning with 2016 is $975 ($4,875/5 year recovery period).

(3) *Example 3.* A and B, calendar year taxpayers, form a partnership, the AB partnership, that leases nonresidential real property from Y. The property is placed in service on October 1, 2016. Y elects under § 1.48–4 to treat the AB partnership as having acquired the property. A's investment credit determined under section 46 for 2016 is $3,900 and B's investment credit determined under section 46 for 2016 is $7,800 with respect to the property. The shortest recovery period that could be available to the property under section 168 is 39 years. Because Y has elected to treat the AB partnership as having acquired the property, Y does not reduce its basis in the building under section 50(c). Instead, A and B, the ultimate credit claimants, must include the amount of the credit determined with respect to A and B under section 46 ratably in gross income over 39 years, the shortest recovery period available with respect to such property. Therefore, A and B must include ratably in gross income over 39 years under paragraph (b)(2) of this section an amount equal to $3,900 and $7,800, respectively. Under paragraph (b)(2) of this section, A's increase in gross income for each of the 39 years beginning with 2016 is $100 ($3,900/39 year recovery period) and B's is $200 ($7,800/39 year recovery period). Because the gross income A and B are required to include under paragraph (b)(2) of this section is not an item of partnership income, the rules under subchapter K applicable to items of partnership income do not apply with respect to such income. In particular, A and B are not entitled to an increase in the outside basis of their partnership interests under section 705(a) and are not entitled to an increase in their capital accounts under section 704(b).

(4) *Example 4.* The facts are the same as in *Example 3* in paragraph (e)(3) of this section, except that on January 1, 2019, the lease between AB partnership and Y terminates (Y retains ownership of the property), which is a recapture event under section 50(a). A's and B's income tax for 2019 is increased under section 50(a) by $2,340 and $4,680, respectively (60% of $3,900 and $7,800, respectively, assuming that the aggregate decrease in the credits allowed under section 38 was the full amount of the investment credits determined as to A and B under section 46). Therefore, the amount of the unrecaptured credit as to A and B is $1,560 and $3,120, respectively (40% of $3,900 and $7,800, respectively). The amounts that A and B previously included in gross income under paragraph (b)(2) of this section are $300 ($100 for each of 2016, 2017, and 2018) and $600 ($200 for each of 2016, 2017, and 2018), respectively. A and B are required under paragraph (c)(1) of this section to include in gross income an amount equal to the excess of the credit that is not recaptured ($1,560 and $3,120, respectively) over the total increases in gross income previously made under paragraph (b)(2) of this section with respect to the property ($300 and $600, respectively). Therefore, A and B must include in gross income $1,260 and $2,520, respectively, in the taxable year of the lease termination (2019) in addition to the recapture amounts described above.

(5) *Example 5.* (i) The facts are the same as in *Example 4* in paragraph (e)(4) of this section, except that instead of nonresidential real property, the AB partnership leases from Y solar energy equipment for which an energy credit under section 48 is determined under section 46. Because the shortest recovery period that could be available to the property under section 168 is 5 years, A and B are required under paragraph (b)(2)(ii) of this section to include ratably in gross income over 5 years an amount equal to 50% of the credit determined under section 46 with respect to such property (50% of $3,900/5, or $390, per year for A, and 50% of $7,800/5, or $780, per year for B).

(ii) The January 1, 2019 lease termination requires A's and B's income tax for 2019 to be increased under section 50(a) by $2,340 and $4,680, respectively (60% of $3,900 and $7,800, respectively). Therefore, the amount of the unrecaptured credit as to A and B is $1,560 and $3,120, respectively (40% of $3,900 and $7,800, respectively). Under paragraph (b)(2)(ii) of this section, the amounts A and B previously included in gross income are $1,170 ($390 for each of 2016, 2017, and 2018) and $2,340 ($780 for each of 2016, 2017, and 2018), respectively. A and B are entitled to a reduction in gross income under paragraph (c)(2) of this section equal to the excess of the total increases in gross income made under paragraph (b)(2)(ii) of this section ($1,170 and $2,340, respectively) over 50% of the amount of the credit that is not recaptured ($780 and $1,560, respectively). Therefore, A and B are entitled to a reduction in gross income in the amount of $390 and $780, respectively, in the taxable year of the lease termination (2019).

(6) *Example 6.* (i) The facts are the same as in *Example 3* in paragraph (e)(3) of this section, except that on December 1, 2021, A sells its entire interest to C, and on January 1, 2022, the lease between AB partnership and Y terminates. At the time of the lease termination, B is still a partner in the AB partnership. There is no recapture event under section 50(a) because both the lease termination and the disposition of A's interest in the partnership occurred outside of the recapture period.

(ii) At the time that A sold its interest in the AB partnership to C, A had previously included $500 ($100 for each of 2016–2020) in gross income under paragraph (b)(2) of this section. Under paragraph (b)(2) of this section, A must continue to include the remaining $3,400 (including $100 in 2021) in gross income ratably over the remaining portion of the applicable recovery period of 39 years. Alternatively, under paragraph (d)(1) of this section, A may irrevocably elect to include the remaining $3,400 in gross income in the taxable year that A sold its entire interest in the AB partnership to C (2021). Pursuant to paragraph (d)(2) of this section, A cannot make this election in the taxable year of the lease termination (2022).

(iii) At the time of the lease termination, B had previously included $1,200 ($200 for each of 2016–2021) in gross income under paragraph (b)(2) of this section. Under

paragraph (b)(2) of this section, B must continue to include the remaining $6,600 required in gross income ratably over the remaining portion of the applicable recovery period of 39 years. Alternatively, under paragraph (d)(1) of this section, B may irrevocably elect to include the remaining $6,600 in gross income in the taxable year of the lease termination (2022).

(f) *Applicability date.* This section applies to property placed in service on or after September 19, 2016.

§ 1.50–1T [Removed]

■ **Par. 3.** Section 1.50–1T is removed.

Kirsten Wielobob,

Deputy Commissioner for Services and Enforcement.

Approved: June 21, 2019.

David J. Kautter,

Assistant Secretary of the Treasury (Tax Policy).

[FR Doc. 2019–15497 Filed 7–17–19; 4:15 pm]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Alcohol and Tobacco Tax and Trade Bureau

27 CFR Part 9

[Docket No. TTB–2018–0009; T.D. TTB–156; Ref: Notice No. 178]

RIN 1513–AC43

Establishment of the Crest of the Blue Ridge Henderson County Viticultural Area

AGENCY: Alcohol and Tobacco Tax and Trade Bureau, Treasury.

ACTION: Final rule; Treasury decision.

SUMMARY: The Alcohol and Tobacco Tax and Trade Bureau (TTB) establishes the approximately 215-square mile ''Crest of the Blue Ridge Henderson County'' viticultural area in Henderson County, North Carolina. The Crest of the Blue Ridge Henderson County viticultural area is not located within any other established viticultural area. TTB designates viticultural areas to allow vintners to better describe the origin of their wines and to allow consumers to better identify wines they may purchase.

DATES: This final rule is effective August 19, 2019.

FOR FURTHER INFORMATION CONTACT: Karen A. Thornton, Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, 1310 G Street NW, Box 12, Washington, DC 20005; telephone 202–453–1039, ext. 175.

SUPPLEMENTARY INFORMATION:

Background on Viticultural Areas

TTB Authority

Section 105(e) of the Federal Alcohol Administration Act (FAA Act), 27 U.S.C. 205(e), authorizes the Secretary of the Treasury to prescribe regulations for the labeling of wine, distilled spirits, and malt beverages. The FAA Act provides that these regulations should, among other things, prohibit consumer deception and the use of misleading statements on labels and ensure that labels provide the consumer with adequate information as to the identity and quality of the product. The Alcohol and Tobacco Tax and Trade Bureau (TTB) administers the FAA Act pursuant to section 1111(d) of the Homeland Security Act of 2002, codified at 6 U.S.C. 531(d). The Secretary has delegated various authorities through Treasury Department Order 120–01, dated December 10, 2013 (superseding Treasury Order 120–01, dated January 24, 2003), to the TTB Administrator to perform the functions and duties in the administration and enforcement of these laws.

Part 4 of the TTB regulations (27 CFR part 4) authorizes the establishment of definitive viticultural areas and regulates the use of their names as appellations of origin on wine labels and in wine advertisements. Part 9 of the TTB regulations (27 CFR part 9) sets forth standards for the preparation and submission of petitions for the establishment or modification of American viticultural areas (AVAs) and lists the approved AVAs.

Definition

Section 4.25(e)(1)(i) of the TTB regulations (27 CFR 4.25(e)(1)(i)) defines a viticultural area for American wine as a delimited grape-growing region having distinguishing features, as described in part 9 of the regulations, and a name and a delineated boundary, as established in part 9 of the regulations. These designations allow vintners and consumers to attribute a given quality, reputation, or other characteristic of a wine made from grapes grown in an area to the wine's geographic origin. The establishment of AVAs allows vintners to describe more accurately the origin of their wines to consumers and helps consumers to identify wines they may purchase. Establishment of an AVA is neither an approval nor an endorsement by TTB of the wine produced in that area.

Requirements

Section 4.25(e)(2) of the TTB regulations (27 CFR 4.25(e)(2)) outlines the procedure for proposing an AVA and provides that any interested party may petition TTB to establish a grape-growing region as an AVA. Section 9.12 of the TTB regulations (27 CFR 9.12) prescribes standards for petitions for the establishment or modification of AVAs. Petitions to establish an AVA must include the following:

- Evidence that the area within the proposed AVA boundary is nationally or locally known by the AVA name specified in the petition;
- An explanation of the basis for defining the boundary of the proposed AVA;
- A narrative description of the features of the proposed AVA affecting viticulture, such as climate, geology, soils, physical features, and elevation, that make the proposed AVA distinctive and distinguish it from adjacent areas outside the proposed AVA boundary;
- The appropriate United States Geological Survey (USGS) map(s) showing the location of the proposed AVA, with the boundary of the proposed AVA clearly drawn thereon; and
- A detailed narrative description of the proposed AVA boundary based on USGS map markings.

Crest of the Blue Ridge Henderson County Petition

TTB received a petition from Mark Williams, the executive director of Agribusiness Henderson County, and Barbara Walker, the county extension support specialist for North Carolina Cooperative Extension, on behalf of local vineyards and winery operators, proposing the establishment of the ''Crest of the Blue Ridge Henderson County'' AVA in Henderson County, North Carolina. The proposed Crest of the Blue Ridge Henderson County AVA covers approximately 215 square miles and is not located within any other AVA. There are 14 commercial vineyards covering a total of approximately 70 acres within the proposed AVA, as well as two bonded wineries. According to the petition, an additional 55 acres of vineyards are planned for planting in the next five years.

According to the petition, the distinguishing features of the proposed AVA are its climate and topography—specifically its elevation. Elevation can influence such climatic factors as temperature, length of growing season, and precipitation. The petition describes the Crest of the Blue Ridge Henderson County AVA as straddling the Eastern Continental Divide, colloquially known as the Crest of the Blue Ridge. The crest separates two

physiographic provinces, the Blue Ridge Escarpment, which covers the southern and eastern portions of the proposed AVA, and the Blue Ridge Plateau, which covers the northern and western portions of the proposed AVA. The Blue Ridge Escarpment rises steeply, so that this region of the proposed AVA has an average elevation more than 950 feet higher than the region immediately south, and more than 1,200 feet higher than the region immediately east. To the northwest of the proposed AVA lies the Asheville Basin, along the valley through which the French Broad River flows. Although the Asheville Basin sits at a similar elevation to the proposed AVA, the hills and mountains surrounding the Asheville Basin rise to some of the highest elevations of the entire Appalachian Chain, with an average elevation more than 800 feet higher than in the proposed AVA. Meanwhile, the areas to the west of the proposed AVA rise an average of more than 400 feet higher than the proposed AVA. Thus, the proposed AVA's position straddling the Crest of the Blue Ridge gives it an intermediate elevation, higher than the areas to the south and east, while lower than the areas to the north and west.

Similarly, the proposed AVA's position along the Crest of the Blue Ridge gives it a distinct climate compared to surrounding regions. The proposed AVA, along with the similarly situated Asheville Basin, has an average temperature in the warm 63–67 °F range, compared to the regions immediately east and south, which have hotter average temperatures in the 67–72 °F range. The regions to the west, and the mountains and hills immediately north, of the proposed AVA have cooler average temperatures in the 59–63 °F range. The proposed AVA's transitional temperature and elevation from the higher and cooler regions to the north and west, and the lower and warmer region to the south and east, are reflected in precipitation levels and growing season length. The growing season of the proposed AVA spans 200–220 days, shorter than the 220–240 day growing season to the south and 210–240 day growing season to the east of the proposed AVA, but slightly longer than the 180–210 day growing season to the north (excluding the Asheville Basin), and the 170–210 day growing season to the west of the proposed AVA. The length of the growing season affects the grape varietals that can be grown in a region, and the petitioners single out such grape varietals as Cabernet Franc, Cabernet Sauvignon, Chardonnay, and Vidal Blanc as good fits for the proposed AVA, given the length of its growing season.

Similarly, the proposed AVA has average annual precipitation levels lower than the regions east, south, and west of the proposed AVA, but higher than the regions north of the proposed AVA, including the Asheville Basin, the latter which has average annual precipitation levels approximately fifteen inches lower than the proposed AVA. According to the petition, these intermediate precipitation levels are viticulturally significant, because excessive rainfall can cause excess vine and leaf growth, promote fungal disease, and attract insects, whereas too little rainfall can stress or even kill the vines.

Notice of Proposed Rulemaking and Comments Received

TTB published Notice No. 178 in the **Federal Register** on December 6, 2018 (83 FR 62743), proposing to establish the Crest of the Blue Ridge Henderson County AVA. In the notice, TTB summarized the evidence from the petition regarding the name, boundary, and distinguishing features for the proposed AVA. The notice also compared the distinguishing features of the proposed AVA to the surrounding areas. For a detailed description of the evidence relating to the name, boundary, and distinguishing features of the proposed AVA, and for a detailed comparison of the distinguishing features of the proposed AVA to the surrounding areas, see Notice No. 178. In Notice No. 178, TTB solicited comments on the accuracy of the name, boundary, and other required information submitted in support of the petition. The comment period closed on February 4, 2019.

Comments Received

In response to Notice No. 178, TTB received five comments. Commenters included the general manager of a local vineyard, a local resident, wine consumers, and Congressman Mark Meadows of North Carolina.

All of the comments supported the proposed AVA, generally due to the potential of the AVA designation to raise consumer and industry awareness of the distinctive nature of locally grown wines. The comments did not raise any new issues concerning the proposed AVA. TTB received no comments opposing the establishment of the Crest of the Blue Ridge Henderson County AVA.

TTB Determination

After careful review of the petition and the comments received in response to Notice No. 178, TTB finds that the evidence provided by the petitioner supports the establishment of the Crest of the Blue Ridge Henderson County AVA. Accordingly, under the authority of the FAA Act, section 1111(d) of the Homeland Security Act of 2002, and parts 4 and 9 of the TTB regulations, TTB establishes the ''Crest of the Blue Ridge Henderson County'' AVA in Henderson County, North Carolina, effective 30 days from the publication date of this document.

Boundary Description

See the narrative description of the boundary of the Crest of the Blue Ridge Henderson County AVA in the regulatory text published at the end of this final rule.

Maps

The petitioner provided the required maps, and they are listed below in the regulatory text.

Impact on Current Wine Labels

Part 4 of the TTB regulations prohibits any label reference on a wine that indicates or implies an origin other than the wine's true place of origin. For a wine to be labeled with an AVA name or with a brand name that includes an AVA name, at least 85 percent of the wine must be derived from grapes grown within the area represented by that name, and the wine must meet the other conditions listed in 27 CFR 4.25(e)(3). If the wine is not eligible for labeling with an AVA name and that name appears in the brand name, then the label is not in compliance and the bottler must change the brand name and obtain approval of a new label. Similarly, if the AVA name appears in another reference on the label in a misleading manner, the bottler would have to obtain approval of a new label. Different rules apply if a wine has a brand name containing an AVA name that was used as a brand name on a label approved before July 7, 1986. See 27 CFR 4.39(i)(2) for details.

With the establishment of this AVA, its name, ''Crest of the Blue Ridge Henderson County'' will be recognized as a name of viticultural significance under § 4.39(i)(3) of the TTB regulations (27 CFR 4.39(i)(3)). The text of the regulation clarifies this point. Consequently, wine bottlers using the name ''Crest of the Blue Ridge Henderson County'' in a brand name, including a trademark, or in another label reference as to the origin of the wine, will have to ensure that the product is eligible to use the AVA name as an appellation of origin. TTB is not designating ''Crest of the Blue Ridge,'' standing alone, or ''Blue Ridge,''

standing alone, as terms of viticultural significance, because the Blue Ridge Mountains and the ridgeline forming the Crest of the Blue Ridge both cover a multi-State area significantly larger than the region of the AVA, which lies entirely within Henderson County, North Carolina. The establishment of the Crest of the Blue Ridge Henderson County AVA will not affect any existing AVA. The establishment of the Crest of the Blue Ridge Henderson County AVA will allow vintners to use ''Crest of the Blue Ridge Henderson County'' as an appellation of origin for wines made primarily from grapes grown within the Crest of the Blue Ridge Henderson County AVA if the wines meet the eligibility requirements for the appellation.

Regulatory Flexibility Act

TTB certifies that this regulation will not have a significant economic impact on a substantial number of small entities. The regulation imposes no new reporting, recordkeeping, or other administrative requirement. Any benefit derived from the use of an AVA name would be the result of a proprietor's efforts and consumer acceptance of wines from that area. Therefore, no regulatory flexibility analysis is required.

Executive Order 12866

It has been determined that this final rule is not a significant regulatory action as defined by Executive Order 12866 of September 30, 1993. Therefore, no regulatory assessment is required.

Drafting Information

Trevar D. Kolodny of the Regulations and Rulings Division drafted this final rule.

List of Subjects in 27 CFR Part 9

Wine.

The Regulatory Amendment

For the reasons discussed in the preamble, TTB amends title 27, chapter I, part 9, Code of Federal Regulations, as follows:

PART 9—AMERICAN VITICULTURAL AREAS

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

Authority: 27 U.S.C. 205.

Subpart C—Approved American Viticultural Areas

■ 2. Add § 9.266 to read as follows:

§ 9.266 Crest of the Blue Ridge Henderson County.

(a) *Name.* The name of the viticultural area described in this section is ''Crest of the Blue Ridge Henderson County''. For purposes of part 4 of this chapter, ''Crest of the Blue Ridge Henderson County'' is a term of viticultural significance.

(b) *Approved maps.* The nine United States Geological Survey (USGS) 1:24,000 scale topographic maps used to determine the boundary of the Crest of the Blue Ridge Henderson County viticultural area are titled:

(1) Black Mountain, North Carolina, 1941; photorevised 1978;

(2) Bat Cave, North Carolina, 1997;

(3) Cliffield Mountain, North Carolina, 1946; photorevised 1991;

(4) Saluda, North Carolina–South Carolina, 1983 (provisional edition);

(5) Zirconia, North Carolina–South Carolina, 1997;

(6) Standingstone Mountain, South Carolina–North Carolina, 1997;

(7) Horse Shoe, North Carolina, 1997;

(8) Hendersonville, North Carolina, 1997; and

(9) Fruitland, North Carolina, 1997.

(c) *Boundary.* The Crest of the Blue Ridge Henderson County viticultural area is located in Henderson County, North Carolina. The boundary of the Crest of the Blue Ridge Henderson County viticultural area is as described below:

(1) The beginning point is on the Black Mountain map at the 4,412-foot elevation marker atop Little Pisgah Mountain, along the shared Buncombe–Henderson county line. From the beginning point, proceed southeast along the Buncombe–Henderson county line approximately 4.4 miles, crossing onto the Bat Cave map, to the intersection of the Buncombe–Henderson county line with the shared Henderson–Rutherford county line; then

(2) Proceed southerly along the shared Henderson–Rutherford county line approximately 5.1 miles to its intersection with the Polk county line; then

(3) Proceed southwest along the shared Henderson–Polk county line approximately 14.9 miles, crossing over the Cliffield Mountain map and onto the Saluda map, to its intersection with the North Carolina–South Carolina border; then

(4) Proceed westerly along the North Carolina–South Carolina border approximately 8.1 miles, crossing onto the Zirconia map, to the 3,058-foot elevation marker atop Big Top Mountain; then

(5) Proceed northwest in a straight line approximately 2.0 miles, crossing onto the Standingstone Mountain map, to the center of the highest closing contour atop Maybin Mountain; then

(6) Proceed northeast in a straight line approximately 2.2 miles, crossing back onto the Zirconia map, to the intersection of an unnamed road, known locally as County Road 1113/Maybin Road, with Mountain Valley Road, also known as County Road 1109/Cabin Creek Road; then

(7) Proceed northwest along Mountain Valley Road/County Road 1109/Cabin Creek Road approximately 1.3 miles, crossing back onto the Standingstone Mountain map, to its intersection with Pinnacle Mountain Road; then

(8) Proceed northwest in a straight line approximately 1.0 mile to the intersection of Little Cove Creek with the 2,800-foot elevation contour; then

(9) Proceed westerly along the 2,800-foot elevation contour approximately 2.4 miles to its intersection with an unnamed creek on the north slope of Stone Mountain that flows into Jeffers Lake; then

(10) Proceed southwest in a straight line approximately 2.0 miles to the intersection of the shared Henderson–Transylvania county line with the Dupont State Forest boundary atop Hickory Mountain; then

(11) Proceed northeast along the Henderson–Transylvania county line approximately 2.6 miles, crossing onto the Horse Shoe map, to its intersection with an unnamed road, known locally as Clipper Lane, on the hilltop above the Sentell Cemetery; then

(12) Proceed northeast in a straight line approximately 1.6 miles to the center of the highest closing contour atop Jeter Mountain; then

(13) Proceed southeast in a straight line approximately 1.3 miles to the center of the highest closing contour atop Evans Mountain; then

(14) Proceed northeast in a straight line approximately 2.0 miles to the center of the highest closing contour atop Wolf Mountain; then

(15) Proceed northeast in a straight line approximately 1.2 miles to the center of the highest closing contour atop Drake Mountain; then

(16) Proceed northwest in a straight line approximately 0.7 mile to the center of the highest closing contour atop Cantrell Mountain; then

(17) Proceed northeast in a straight line approximately 3.3 miles to the 2,618-foot elevation marker on the northeast slope of Long John Mountain; then

(18) Proceed northeast in a straight line approximately 1.4 miles, crossing onto the Hendersonville map, to the

center of the highest closing contour atop Stoney Mountain; then

(19) Proceed northeast in a straight line approximately 0.6 mile to the intersection of Brookside Camp Road with Dixie Highway; then

(20) Proceed northeast along Brookside Camp Road approximately 2.1 miles, crossing onto the Fruitland map, to its intersection with Locust Grove Road; then

(21) Proceed northeast along Locust Grove Road approximately 1.4 miles to its intersection with an unnamed trail near Locust Grove Church; then

(22) Proceed northeast in a straight line approximately 0.7 mile to the 3,442-foot elevation marker atop Rich Mountain; then

(23) Proceed northwest in a straight line approximately 0.4 mile to the intersection of Southern Leveston Road with an unnamed jeep trail; then

(24) Proceed northwest along Southern Leveston Road approximately 2.4 miles to its intersection with Hoopers Creek Road; then

(25) Proceed northeast in a straight line approximately 0.7 mile to the 2,983-foot elevation marker labeled Edneyville-5 atop a peak on Burney Mountain along the shared Henderson–Buncombe county line; then

(26) Proceed northeast along the Henderson–Buncombe county line approximately 8.2 miles, crossing onto the Black Mountain map, and return to the beginning point atop Little Pisgah Mountain.

Signed: June 18, 2019.

Mary G. Ryan,

Acting Administrator.

Approved: July 11, 2018.

Timothy E. Skud,

Deputy Assistant Secretary, (Tax, Trade, and Tariff Policy).

[FR Doc. 2019–15353 Filed 7–18–19; 8:45 am]

BILLING CODE 4810–31–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1926

[Docket No. OSHA–2007–0066]

RIN 1218–AC96

Cranes and Derricks in Construction: Operator Qualification; Approval of Information Collection Requirements

AGENCY: Occupational Safety and Health Administration (OSHA), Department of Labor.

ACTION: Final rule; OMB information collection approval.

SUMMARY: This rule is a technical amendment announcing Office of Management and Budget (OMB) approval for the information collection requirements in the Cranes and Derricks in Construction: Operator Qualification final rule. OSHA sought OMB approval of these requirements under the Paperwork Reduction Act of 1995 (the PRA), and is announcing the approval for these requirements. OSHA is also amending its regulations to display the new OMB control number, which is 1218–0270.

DATE: Effective July 19, 2019.

FOR FURTHER INFORMATION CONTACT: Seleda Perryman, OSHA, Directorate of Standards and Guidance, U.S. Department of Labor; telephone (202) 693–2222.

SUPPLEMENTARY INFORMATION: On November 9, 2018, OSHA published the Cranes and Derricks in Construction: Operator Qualification final rule, revising 29 CFR part 1926, subpart CC. The standard contains new and revised information collection requirements. These requirements are contained in the Information Collection Request (ICR) under control number 1218–0270, which OSHA included in the final rule published in the **Federal Register** (83 FR 56242–43). OSHA sought OMB approval of these requirements under the PRA (44 U.S.C. 3501 *et seq.*), and OMB approved the ICR on February 11, 2019. As required by OMB's regulations implementing that Act, this notice is announcing the approval for these requirements and adding the OMB control number 1218–0270 to the list of approved construction standard ICR requirements that is maintained in 29 CFR 1926.5 (see 5 CFR 1320.3(f)). A copy of the approved ICR is available at *https://www.reginfo.gov/public/do/PRAViewDocument?ref_nbr=201809-1218-001.*

The public has already had the opportunity to comment on the information collection requirements and OMB has approved them. This announcement is to increase public awareness of OMB's approval of the information collection requirements.

Authority and Signature

Loren Sweatt, Acting Assistant Secretary of Labor for Occupational Safety and Health, directed the preparation of this notice. The authority for this notice is the Paperwork Reduction Act of 1995 (44 U.S.C. 3506 *et seq.*) and Secretary of Labor's Order No. 1–2012 (77 FR 3912).

Signed at Washington, DC, on July 5, 2019.

Loren Sweatt,

Acting Assistant Secretary of Labor for Occupational Safety and Health.

For the reasons stated in the preamble in this notice, the Occupational Safety and Health Administration amends 29 CFR part 1926 as follows:

PART 1926—[AMENDED]

Subpart A—General

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

Authority: 40 U.S.C. 3701 *et seq.;* 29 U.S.C. 653, 655, 657; Secretary of Labor's Order No. 12–71 (36 FR 8754), 8–76 (41 FR 25059), 9–83 (48 FR 35736), 1–90 (55 FR 9033), 6–96 (62 FR 111), 3–2000 (65 FR 50017), 5–2002 (67 FR 65008), or 5–2007 (72 FR 31160), 5–2007 (72 FR 31160), 4–2010 (75 FR 55355), or 1–2012 (77 FR 3912), as applicable; and 29 CFR part 1911.

■ 2. Amend the table in § 1926.5 by revising the entry for ''1926.1427'' to read as follows:

§ 1926.5 OMB control numbers under the Paperwork Reduction Act

* * * * *

29 CFR citation	OMB control No.
* * *	*
1926.1427	1218–0270
* * *	*

[FR Doc. 2019–15383 Filed 7–18–19; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2019–0521]

RIN 1625–AA00

Safety Zone; Beaufort Water Festival Air Show, Beaufort, SC

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone on the waters of the Beaufort River in Beaufort, SC. The safety zone is needed to ensure the safety of life on navigable waters of the Beaufort River during the Beaufort Water Festival Air Show. This rule will prohibit persons and vessels from entering, transiting through, anchoring in, or remaining within the

regulated area unless authorized by the Captain of the Port Charleston (COTP) or a designated representative.

DATES: This rule is effective from 12 p.m. until 5 p.m. on July 20, 2019.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *https://www.regulations.gov,* type USCG–2019–0521in 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 Chief Jeromy Sherrill, Sector Charleston Office of Waterways Management, U.S. Coast Guard; telephone (843) 740–3186, email *Jeromy.N.Sherrill@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 it is impracticable. The Coast Guard did not receive necessary information from the event sponsor for this year's event until June 20, 2019. The Coast Guard has an existing special local regulation for this event in 33 CFR 100.701, Table to § 100.701, paragraph (g) Line 3; however, the existing regulation only covers the event when it is scheduled on the second week of June. This temporary rule is necessary to provide for the safety of participants, spectators, and other vessels navigating the surrounding waterways during the air show.

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 impracticable because the event is taking place on July 20, 2019, and immediate action is needed to respond to the potential safety hazards associated with this event.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 46 U.S.C. 70041 (previously 33 U.S.C. 1233). The Captain of the Port Charleston (COTP) has determined that potential hazards associated with the Beaufort Water Festival Air Show on July 20, 2019 present a safety concern for anyone within the safety zone. This rule is needed to protect personnel, vessels, and the marine environment in the navigable waters within the safety zone during the air show.

IV. Discussion of the Rule

This rule establishes a safety zone from 12 p.m. until 5 p.m. on July 20, 2019. The safety zone will encompass a portion of the waterway that is 700 feet wide by 2600 feet in length on the waters of the Beaufort River in Beaufort, SC. The duration of the zone is intended to protect personnel, vessels, and the marine environment in these navigable waters during the Beaufort Water Festival Air Show. No vessel or person will be permitted to enter the safety zone without obtaining permission from the COTP or a designated representative.

V. Regulatory Analyses

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

A. Regulatory Planning and Review

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

This regulatory action determination is based on the size, location, duration and available exceptions to the enforcement of the safety zone. The regulated area will impact small designated areas of the Beaufort River for only 5 hours and thus is limited in time and scope. Furthermore, the rule will allow vessels to seek permission to enter the zone. Non-participant persons and vessels may enter, transit through, anchor in, or remain within the regulated area during the enforcement periods if authorized by the COTP or a designated representative. Vessels not able to enter, transit through, anchor in, or remain within the regulated area without authorization from the COTP or a designated representative may operate in the surrounding areas during the 5 hour enforcement period. The Coast Guard will issue a Local Notice to Mariners and a Broadcast Notice to Mariners, allowing mariners to make alternative plans or seek permission to transit the zone.

B. Impact on Small Entities

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

While some owners or operators of vessels intending to transit the safety zone may be small entities, for the reasons stated in section 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 Environmental Planning COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves a safety zone lasting only 5 hours that will prohibit entry within 700 feet wide by 2600 feet in length on the waters of the Beaufort River in Beaufort, SC. It is categorically excluded from further review under paragraph L 60(a) in Table 3–1 of U.S. Coast Guard Environmental Planning Implementing Procedures 5090.1. A Record of Environmental Consideration supporting this determination is available in the docket where indicated under **ADDRESSES**.

G. Protest Activities

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

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add § 165.T07–0463 to read as follows:

§ 165.T07–0463 Safety Zone; Beaufort Water Festival Air Show, Beaufort, SC.

(a) *Location.* This rule establishes a safety zone on certain waters of the Beaufort River, Beaufort, SC. The rule creates a regulated area that will encompass a portion of the waterway that is 700 feet wide by 2600 feet in length on waters of the Beaufort River encompassed within the following points: (1) 32°25′47″ N/080°40′44″ W, (2) 32°25′41″ N/080°40′14″ W, (3) 32°25′35″ N/080°40′16″ W, (4) 32°25′40″ N/080°40′46″ W.

All coordinates are North American Datum 1983.

(b) *Definition.* As used in this section, *designated representative* means a Coast Guard Patrol Commander, including a Coast Guard coxswain, petty officer, or other officer operating a Coast Guard vessel and a Federal, State, and local officer designated by or assisting the Captain of the Port Charleston (COTP) in the enforcement of the safety zone.

(c) *Regulations.* (1) Under the general safety zone regulations in subpart C of this part, you may not enter the safety zone described in paragraph (a) of this section unless authorized by the COTP or the COTP's designated representative.

(2) To seek permission to enter, contact the COTP or the COTP's representative by contacting the U.S. Coast Guard Sector Charleston Command Center via VHF–FM marine channel 16 or at (843) 740–7050. Those in the safety zone must comply with all lawful orders or directions given to them by the COTP or the COTP's designated representative.

Enforcement period. This rule will be enforced from 12 p.m. until 5 p.m. on July 20, 2019.

Dated: July 15, 2019.

J.W. Reed,

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

[FR Doc. 2019–15356 Filed 7–18–19; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Parts 19 and 20

RIN 2900–AQ26

VA Claims and Appeals Modernization

AGENCY: Department of Veterans Affairs.

ACTION: Correcting amendment.

SUMMARY: On January 18, 2019, the Department of Veterans Affairs (VA) revised its regulations regarding appeals and Rules of Practice of the Board of Veterans' Appeals (Board). On February 15, 2019, VA published a correction to that rule. This correction addresses technical errors in the final regulations.

DATES: Effective July 19, 2019.

FOR FURTHER INFORMATION CONTACT: Rachel Sauter, Counsel for Legislation, Regulations, and Policy, Board of Veterans' Appeals, Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420, (202) 632–5555 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION: VA published a final rule, VA Claims and Appeals Modernization, on January 18, 2019, in the **Federal Register** at 84 FR 138, and a correction to the final rule that published February 15, 2019, in the **Federal Register** at 84 FR 4336.

This document augments the corrections which were published in the **Federal Register** on February 15, 2019 (84 FR 4336).

List of Subjects in 38 CFR Parts 19 and 20

Administrative practice and procedure, Claims, Veterans.

Accordingly, 38 CFR parts 19 and 20 are amended by making the following correcting amendments:

PART 19—BOARD OF VETERANS' APPEALS: LEGACY APPEALS REGULATIONS

■ 1. The authority citation for part 19 continues to read as follows:

Authority: 38 U.S.C. 501(a), unless otherwise noted.

§ § 19.15 through 19.19 [Reserved]

■ 2. Add reserved §§ 19.15 through 19.19 to subpart A.

§ 19.30 [Amended]

■ 3. In § 19.30, amend paragraph (b) by removing ''and'' before ''a VA Form 9'' and by removing the comma after ''Appeal to Board of Veterans' Appeals'' and adding a semicolon in its place.

■ 4. In § 19.51, revise the section heading and the authority citation at the end of the section to read as follows:

§ 19.51 Place of filing Notice of Disagreement and Substantive Appeal.

* * * * *

(Authority: 38 U.S.C. 7105(b)(1), (d)(3) (2016))

PART 20—BOARD OF VETERANS' APPEALS: RULES OF PRACTICE

■ 5. The authority citation for part 20 continues to read as follows:

Authority: 38 U.S.C. 501(a) and as noted in specific sections.

■ 6. In § 20.104, revise the section heading to read as follows:

§ 20.104 Rule 104. Jurisdiction of the Board.

* * * * *

§ 20.303 [Amended]

■ 7. In § 20.303, amend paragraph (b)(2) by removing the comma after ''Rule 202''.

§ 20.405 [Amended]

■ 8. In § 20.405, amend the first sentence by removing ''30 day period'' and adding ''30-day period'' in its place.

■ 9. In § 20.407, revise the section heading to read as follows:

§ 20.407 Rule 407. Favorable findings are not binding in contested claims.

* * * * *

§ 20.502 [Amended]

■ 10. In § 20.502, remove the first occurrence of ''38 U.S.C.'' in the authority citation following paragraph (c).

■ 11. Revise § 20.707 to read as follows:

§ 20.707 Rule 707. Prehearing conference.

An appellant's authorized representative may request a prehearing conference with the presiding Member of a hearing to clarify the issues to be considered at a hearing on appeal, obtain rulings on the admissibility of evidence, develop stipulations of fact, establish the length of argument which will be permitted, or take other steps which will make the hearing itself more efficient and productive.

(Authority: 38 U.S.C. 7102, 7107)

■ 12. In § 20.711, revise the section heading to read as follows:

§ 20.711 Rule 711. Hearings in simultaneously contested claims.

* * * * *

■ 13. Revise § 20.713 to read as follows:

§ 20.713 Rule 713. Recording of hearing by appellant or representative.

An appellant or representative may record the hearing with his or her own equipment. Filming, videotaping or televising the hearing may only be authorized when prior written consent is obtained from all appellants and contesting claimants, if any, and made a matter of record. In no event will such additional equipment be used if it interferes with the conduct of the hearing or the official recording apparatus. In all such situations, advance arrangements must be made with the Board of Veterans' Appeals, P.O. Box 27063, Washington, DC 20038.

(Authority: 38 U.S.C. 7102, 7107)

§ 20.800 [Amended]

■ 14. In § 20.800, in the first sentence of paragraph (c)(3), remove the words ''member'' and ''members'' and add in their place ''Member'' and ''Members'', respectively, and in paragraph (e), remove ''Rule 803'' and add ''Rule 802'' in its place.

■ 15. In § 20.904, revise the section heading to read as follows:

§ 20.904 Rule 904. Remand or referral for further action.

* * * * *

■ 16. In § 20.906, revise paragraph (b) to read as follows:

§ 20.906 Rule 906. Medical opinions and opinions of the General Counsel.

* * * * *

(b) *Joint Pathology Center opinions.* The Board may refer pathologic material to the Joint Pathology Center and request an opinion based on that material.

(Authority: 38 U.S.C. 7109(a))

* * * * *

§ 20.1405 [Amended]

■ 17. In § 20.1405, in paragraph (c)(2), remove ''Planning and Analysis (014)''.

Approved: July 11, 2019.

Jeffrey M. Martin,

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

[FR Doc. 2019–15153 Filed 7–18–19; 8:45 am]

BILLING CODE 8320–01–P

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Humanities

45 CFR Part 1169

RIN 3136–AA18

Implementation of the Privacy Act of 1974

AGENCY: National Endowment for the Humanities.

ACTION: Final rule.

SUMMARY: The National Endowment for the Humanities (''NEH'') is issuing regulations to implement the Privacy Act of 1974 (the ''Privacy Act''). These regulations establish procedures by which an individual may determine whether a system of records maintained by NEH contains a record pertaining to him or her; gain access to such records; and request correction or amendment of such records. These regulations also establish exemptions from certain Privacy Act requirements for all or part of certain systems of records maintained by NEH.

DATES: Effective August 19, 2019.

FOR FURTHER INFORMATION CONTACT: Elizabeth Voyatzis, Deputy General Counsel, Office of the General Counsel, National Endowment for the Humanities, 400 Seventh Street SW, Room 4060, Washington, DC 20506; (202) 606–8322; *gencounsel@neh.gov.*

SUPPLEMENTARY INFORMATION:

1. Background

NEH operates as part of the National Foundation on the Arts and the

Humanities (the ''Foundation'') under the National Foundation of the Arts and the Humanities Act of 1965, as amended (20 U.S.C. 951 *et seq.*). The Foundation consists of the Federal Council on the Arts and the Humanities (''FCAH''), the Institute of Museum and Library Services (''IMLS''), the National Endowment for the Arts (''NEA''), and NEH. NEH currently follows Foundation regulations implementing the Privacy Act, located at part 1115 within Subchapter A of 45 CFR Chapter XI.

The regulations found within 45 CFR Chapter XI, Subchapter A apply to the entire Foundation. On April 30, 2019, NEH published a notice of proposed rulemaking (''NPRM'') to add NEH-specific Privacy Act regulations to 45 CFR Chapter XI, Subchapter D (45 CFR part 1169), replacing the Foundation's Privacy Act regulations with regard to NEH. IMLS and NEA have already added IMLS- and NEA-specific Privacy Act regulations to 45 CFR XI, Subchapters B and E (45 CFR parts 1159 & 1182), respectively, which replaced the Foundation's Privacy Act regulations with regard to IMLS and NEA. FCAH, which relies upon NEA and NEH for its administration, does not maintain any systems of records of its own, and hence has no need or obligation to publish Privacy Act regulations. *See* 5 U.S.C. 552a(f) (requiring only that an agency that ''maintain[s] a system of records shall promulgate rules'' implementing the Privacy Act).

In the preamble of the NPRM, NEH explained that its new agency-specific Privacy Act regulations will be substantively similar to the Foundation's Privacy Act regulations, but will put into place current contact information, as well as update and clarify the procedures NEH will follow when granting access to, or amending or correcting, a record contained within a system of records. NEH will also add a new exemption covering its system of records entitled ''Office of Inspector General (''OIG'') Investigative Files,'' which did not exist when the Foundation published its Privacy Act regulations.

Because NEH is the only agency that continues to use the Foundation regulations at 45 CFR Chapter XI, Subchapter A, rather than amend the Foundation regulations—which, along with future amendments, requires coordination with IMLS and NEA—NEH has chosen instead to issue its own Privacy Act regulations. Upon the effective date of this final rule, NEH will seek NEA and IMLS's consent to publish a joint rulemaking removing the Foundation's Privacy Act regulations at 45 CFR part 1115, as those regulations will no longer apply to any of the Foundation's constituent agencies.

2. Public Comment and Changes From Proposed Rule

NEH did not receive any comments from the public in response to its proposed rule. Accordingly, NEH is adopting the proposed rule with no changes.

3. Regulatory Analyses

Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review

This action is not a significant regulatory action and was therefore not submitted to the Office of Management and Budget (OMB) for review.

Executive Order 13771: Reducing Regulations and Controlling Regulatory Costs

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

Paperwork Reduction Act of 1995 (''PRA'')

This action does not impose an information collection burden under the PRA. This action contains no provisions constituting a collection of information under the PRA.

Regulatory Flexibility Act of 1980 (''RFA'')

This action will not have a significant economic impact on a substantial number of small entities under the RFA. This action will not impose any requirements on small entities.

Unfunded Mandates Reform Act of 1995 (''UMRA'')

This action does not contain any unfunded mandate as described in the UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments.

Executive Order 13132 (Federalism)

This action does not have federalism implications. It will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government.

Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

This action does not have tribal implications as specified in Executive Order 13175. Thus, Executive Order 13175 does not apply to this action.

List of Subjects in 45 CFR Part 1169

Administrative practice and procedure, Privacy.

■ For the reasons stated in the preamble, the National Endowment for the Humanities amends 45 CFR Chapter XI Subchapter D by adding part 1169 as follows:

PART 1169—PRIVACY ACT REGULATIONS

Sec.

1169.1 Purpose and scope.
1169.2 Definitions.
1169.3 Inquiries about NEH's systems of records or implementation of the Privacy Act.
1169.4 Procedures for determining if an individual is the subject of an NEH record.
1169.5 Procedures for acquiring access to NEH records pertaining to an individual.
1169.6 Identification required when requesting access to NEH records pertaining to an individual.
1169.7 Procedures for amending or correcting an individual's NEH record.
1169.8 The appeals process.
1169.9 Fees charged to locate, review, or copy records.
1169.10 NEH systems of records that are covered by exemptions under the Privacy Act.
1169.11 Penalties for obtaining an NEH record under false pretenses.

Authority: 5 U.S.C. 552a(f).

§ 1169.1 Purpose and scope.

The regulations in this part set forth NEH's procedures under the Privacy Act, as required by 5 U.S.C. 552a(f), with respect to systems of records maintained by NEH. These regulations establish procedures by which an individual may exercise the rights granted by the Privacy Act to determine whether an NEH system of records contains a record pertaining to him or her; gain access to such records; and request correction or amendment of such records. The regulations also set identification requirements; establish procedures by which an individual may appeal within NEH an adverse agency determination; prescribe fees which NEH will charge for copying records; and establish exemptions from certain requirements of the Privacy Act for certain NEH systems of records or parts thereof.

§ 1169.2 Definitions.

The definitions of the Privacy Act apply to this part. In addition, as used in this part:

Agency means any executive department, military department, Government corporation, or other

establishment in the executive branch of the Federal government, including the Executive Office of the President or any independent regulatory agency.

Business day means a calendar day, excluding Saturdays, Sundays, and legal public holidays.

Chairperson means the Chairperson of NEH, or his or her designee.

General Counsel means the General Counsel of NEH, or his or her designee;

Individual means any citizen of the United States or an alien lawfully admitted for permanent residence.

Maintain means to collect, use, store, or disseminate records, as well as any combination of these recordkeeping functions. The term also includes exercise of control over and, therefore, responsibility and accountability for, systems of records.

NEH means the National Endowment for the Humanities.

NEH system means a system of records maintained by NEH.

Privacy Act means the Privacy Act of 1974, as amended (5 U.S.C. 552a).

Record means any item, collection, or grouping of information about an individual, including, but not limited to, information regarding an individual's education, financial transactions, medical history, and criminal or employment history and that contains the individual's name or another identifying particular, such as a number or symbol assigned to the individual, or his or her fingerprints, voice print, or photograph.

Routine use means, with respect to disclosure of a record, the use of a record for a purpose that is compatible with the purpose for which it was collected.

System of records means a group of records under the control of NEH from which NEH retrieves information by use of an individual's name or by some number, symbol, or other identifying particular assigned to an individual.

§ 1169.3 Inquiries about NEH's systems of records or implementation of the Privacy Act.

Inquiries about NEH's systems of records or implementation of the Privacy Act should be sent by email to *gencounsel@neh.gov* or by mail to the following address: National Endowment for the Humanities, Office of the General Counsel, 400 Seventh Street SW, Room 4060, Washington, DC 20506.

§ 1169.4 Procedures for determining if an individual is the subject of an NEH record.

(a) NEH has published notice of its systems of records in the **Federal Register** and also has made such information available on the privacy program page of the NEH website. Any individual desiring to know whether a specific system of records contains a record pertaining to him or her should address such inquiries in writing to the Office of the General Counsel at the email or physical address identified in § 1169.3.

(b) The written inquiry described in § 1169.4(a) should refer to the specific system or systems of records listed in the NEH Notice of Systems of Records, or describe the type of record in sufficient detail reasonably to identify the relevant system of records.

(c) At a minimum, the request should contain sufficient identifying information to allow NEH to determine if there is a record pertaining to the individual making the request in a particular system of records. NEH reserves the right to solicit from an individual submitting such inquiry proof of identification, depending upon the sensitivity of the request.

(d) NEH will attempt to respond to an inquiry regarding whether a record exists within 10 business days of receiving the inquiry, or 10 business days from the time any required identification is established, whichever is later. Such a response will contain or reference the procedures that the individual must follow in order to gain access to any such records.

§ 1169.5 Procedures for acquiring access to NEH records pertaining to an individual.

(a) An individual may request access to his or her own records contained within an NEH system of records by writing to the Office of the General Counsel at the email or physical address identified in § 1169.3. The individual making the request should include his or her full name, address, email address, and telephone number. The individual making the request should also specifically indicate whether he or she wishes to review such records in person.

(b) The request for access to a record within a system of records should refer to the specific system or systems of records listed in the NEH Notice of Systems of Records within which NEH may retrieve the individual's records, or describe the type of record in sufficient detail such that NEH may reasonably identify the relevant system of records. The request should further state that it is made pursuant to the Privacy Act. In addition, the request should include any other information which may permit NEH to identify the record for which access is being requested, such as maiden name, dates of employment, etc.

(c) Where an individual requests records pertaining to himself or herself, NEH will process such request under both these regulations and NEH's regulations implementing the Freedom of Information Act (''FOIA''), set forth in 45 CFR part 1171, so as to provide the greatest degree of lawful access.

(d) Upon receipt of any such request, NEH will determine whether the records identified by the requester exist and whether they are subject to any exemption under § 1169.10. Should NEH determine that the records are releasable under the Privacy Act and these regulations, and upon verifying the individual's identity per § 1169.6, NEH will provide access to copies of the records by transmitting them to the requester at the mailing or email address provided by the requester, or by permitting the requester to inspect the records at NEH's offices should the requester ask for in-person inspection or where the requester is a current NEH employee.

(e) NEH will acknowledge a request for access as soon as practicable, and in no event in less than 5 business days. Consistent with the agency's FOIA regulations, NEH will otherwise substantively answer a request for access in no less than 20 business days, except when NEH determines otherwise, in which case NEH will inform the person making the request of the reasons for the delay and the estimated date by which NEH will answer the request. When NEH can answer the request within 20 business days, the response shall include the following:

(1) A statement that there is no record as requested or a statement that there is no such record in the systems of records maintained by NEH;

(2) A statement as to whether NEH will grant access by providing a copy of the record through the mail or email; or, where an individual requests in-person inspection, the address of the location and the date and time at which the record may be examined. In the event the person requesting access is unable to meet the specified date and time, he or she may make alternative arrangements with NEH;

(3) The amount of fees charged, if any (see § 1169.9);

(4) Any documentation required by NEH to verify the identity of the person making the request.

(f) NEH will provide only one copy of each requested record, based on the fee schedule in § 1169.9.

(g) Per 5 U.S.C. 552a(h), a parent of a minor, upon presenting suitable personal identification, may act on behalf of the minor to gain access to any record pertaining to the minor maintained by NEH in a system of

records. A legal guardian may similarly act on behalf of an individual declared to be incompetent due to physical or mental incapacity or age by a court of competent jurisdiction, upon the presentation of the documents authorizing the legal guardian to so act, and upon suitable personal identification of the guardian.

(h) In the event NEH gains access to a record by permitting in-person inspection, the individual to which the record pertains may be accompanied by a person of his or her choice to review the record. Under such circumstances, NEH may require that the individual who is the subject of the record furnish a written statement authorizing discussion of the record in the accompanying person's presence.

(i) In accordance with this provision, NEH will disclose medical or psychological records pertaining to an individual to whom they pertain unless NEH determines, in consultation with a physician, that disclosure of such records might adversely affect the individual to whom they pertain. Under these circumstances, NEH will disclose this information to a licensed physician designated by such individual in writing.

§ 1169.6 Identification required when requesting access to NEH records pertaining to an individual.

(a) Before granting access to personal information under the Privacy Act, NEH may require that the individual requesting such access provide reasonable proof of his or her identity.

(b) Except in the case of NEH employees and those individuals who request in-person inspection, NEH generally will endeavor to provide access to records via mail or email. In such instances, NEH will first confirm that the physical and/or email addresses provided by the requester match those contained with the NEH system of records. Depending upon the sensitivity of the records requested, and whether the addresses match as described in the preceding sentence, NEH may also request that the individual verify his or her identity by providing certain minimum identifying data, such as date or place of birth and/or copies of a valid driver's license or passport. Where the information sought is of a particularly sensitive nature, and/or where the individual cannot provide minimum identifying data, NEH may require that the individual seeking access submit a notarized statement of identity or a signed statement asserting and acknowledging that knowingly or willfully seeking or obtaining access to records about another person under false pretenses may result in a fine of up to $5,000.

(c) NEH will provide access by in-person examination to NEH employees as well as to individuals who specifically request disclosure in person. In such instances, the individual requesting disclosure may prove identity by producing an employee identification card, driver's license, or other license, permit or pass used for routine identification purposes. If the individual is unable to provide suitable documentation or identification, NEH may require that he or she stipulate, in writing, that knowingly or willingly seeking or obtaining access to records about another person under false pretenses is punishable by a fine of up to $5,000.

(d) Identity verification procedures shall not:

(1) Be so complicated as to discourage unnecessarily individuals from seeking access to information about themselves;

(2) Be required of an individual seeking access to records that normally would be available under FOIA (see 45 CFR part 1171);

(3) Require, as a condition to access, the provision of a social security number, unless a social security number is the only means by which NEH may retrieve the records that are the subject of the request.

(4) Require that the individual explain or justify his or her need for access to any record under this part.

§ 1169.7 Procedures for amending or correcting an individual's NEH record.

(a) Individuals are entitled to request amendments or corrections of records pertaining to themselves pursuant to 5 U.S.C. 552a(d)(2). Normally, amendments to this part are limited to correcting factual matters and not matters of official judgment, such as grant proposal evaluations, performance ratings, promotion potential, and job performance appraisals. An individual seeking action under this provision bears the burden of demonstrating to NEH that a record should be amended or corrected.

(b) Individuals may request the amendment of records pertaining to themselves by submitting a letter in writing to the NEH Office of the General Counsel at the email or physical address identified in § 1169.3. Such letter shall include the following information:

(1) Identification of the particular record to be amended or corrected;

(2) The NEH system from which the record was retrieved;

(3) The precise correction or amendment sought, preferably in the form of an edited copy of the record reflecting the desired modification;

(4) Reasons for requesting amendment or correction of the record, including copies of available documentary evidence supporting the request, where applicable.

(c) NEH will acknowledge a request for amendment or correction as soon as practicable, and in no event less than 5 business days.

(d) When NEH has previously verified the individual's identity pursuant to §§ 1169.6(b) or 1169.6(c), it will not require further verification of identity so long as the request for amendment or correction does not suggest a need for additional verification. If NEH has not previously verified the individual's identity, it may require that the individual validate his or her identity as described in §§ 1169.6(b) or 1169(c).

(e) To the extent possible, NEH will render a decision upon a request to amend a record no less than 20 business days after receiving such a request. In the event NEH cannot render a decision within that time frame, it will so inform the individual who made the request and provide an expected date for a decision. Any such decision will include the following information:

(1) NEH's decision whether to grant in whole, or deny any part of, the request to amend or correct the record;

(2) The reasons for the determination for any portion of the request which is denied;

(3) A statement that any denial may be appealed pursuant to the procedures set forth in § 1169.8; and

(4) The name and address of the official to whom an individual may submit an appeal of denial.

(f) NEH will forward requests to amend or correct a record governed by the regulations of another agency to such agency for processing, and inform the person who submitted such request in writing of its referral.

§ 1169.8 The appeals process.

(a) An individual whose request for access to, or correction or amendment of, a record is initially denied by NEH and who wishes to appeal that denial may do so by sending a letter within 90 days of receipt of the initial denial to the Chairperson. If an appeal concerns records retrieved from the OIG's Investigative Files, the OIG will act on the appeal and will carry out all responsibilities with respect to Privacy Act appeals otherwise assigned to the Chairperson under this section.

(b) The appeal letter must:

(1) Specify the records subject to the appeal;

(2) Include the information specified in § 1169.7(b);

(3) Include copies of the correspondence from NEH in which it initially denied the request for access, or for amendment or correction; and

(4) Explain why NEH's denial of access, amendment or correction was erroneous.

(b) Appeals should be directed to the NEH Office of the General Counsel at the physical address or email address identified in § 1169.3. The Office of the General Counsel will refer the appeal letter to the Chairperson (or his or his or her designee), or in the case of records retrieved from NEH's OIG Investigative Files, will refer the appeal letter to the NEH OIG.

(c) The Chairperson will review the initial request for access to, or amendment or correction of, the record, NEH's refusal, and any other pertinent material relating to the appeal. NEH will not hold a hearing on the appeal.

(d) The Chairperson will render a final decision on the appeal within 30 business days of its receipt by NEH, unless the Chairperson, for good cause shown, extends the 30-day period. Should the Chairperson extend the 30-day period, NEH will inform the requester of the extension and the circumstances of the delay.

(e) In conducting appeals under this provision, the Chairperson will be guided by the requirements of 5 U.S.C. 552a(e)(1) and (e)(5).

(f) NEH will notify a requester, in writing, when the Chairperson determines to grant an appeal in whole or in part, and will grant the requester access to his or her record, or correct or amend the record, in accordance with the Chairperson's determination.

(g) When the Chairperson determines to deny an appeal, in whole or in part, NEH will notify the requester in writing of the following:

(1) The basis for the decision;

(2) That the requester may submit to NEH a concise statement setting forth the reasons for disagreeing with NEH's decision.

(3) The procedures for filing such statement of disagreement.

(4) That, in a case where the Chairperson refuses a request to amend or correct a record, NEH will make such statements of disagreement available in subsequent disclosures of the record, together with a statement from NEH (if deemed appropriate) summarizing the agency's refusal.

(5) The requester's right to seek judicial review under 5 U.S.C. 552a(g)(1)(a).

§ 1169.9 Fees charged to locate, review, or copy records.

(a) NEH will not charge fees for the search or review of requested records, or the amendment or correction of records.

(b) NEH will not charge fees for providing the first copy of a record or any portion of a record to whom the record pertains. NEH will otherwise charge copying fees at the same rate, and using the same procedures, that NEH has established for FOIA requests.

§ 1169.10 NEH systems of records that are covered by exemptions under the Privacy Act.

(a) Pursuant to and limited by 5 U.S.C. 552a(j)(2), the NEH system entitled ''Office of the Inspector General Investigative Files'' shall be exempted from the provisions of 5 U.S.C. 552a, except for subsections (b); (c)(1) and (2); (e)(4)(A) through (F); (e)(6), (7), (9), (10), and (11); and (i), insofar as that NEH system contains information pertaining to criminal law enforcement investigations. NEH has implemented this exemption because application of these provisions of the Privacy Act might alert investigation subjects to the existence or scope of investigations; lead to suppression, alteration, fabrication, or destruction of evidence; disclose investigative techniques or procedures; reduce the cooperativeness or safety of witnesses; or otherwise impair investigations.

(b) Pursuant to and limited by 5 U.S.C. 552a(k)(2), the NEH system entitled ''Office of the Inspector General Investigative Files'' shall be exempted from 5 U.S.C. 552a(c)(3); (d); (e)(1); (e)(4)(G), (H), and (I); and (f), insofar as that NEH system consists of investigatory material compiled for law enforcement purposes, other than material within the scope of the exemption at 5 U.S.C. 552a(j)(2).

(c) Pursuant to and limited by 5 U.S.C. 552a(k)(5), the NEH system entitled ''Grants and Cooperative Agreements: Electronic Grant Management System'' shall be exempted from 5 U.S.C. 552a(c)(3); (d); (e)(1); (e)(4)(G), (H), and (I); and (f), insofar as that NEH system consists of materials which would reveal the identity of references for fellowship or grant applicants.

(d) Records on applicants for employment at NEH are covered by the Office of Personnel Management government-wide system notice ''Recruiting, Examining, and Placement Records.'' These records are exempted as claimed in 5 CFR 297.501(b)(7).

(e) Pursuant to 5 U.S.C. 552a(d)(5), nothing within these regulations shall allow an individual access to any information compiled in reasonable anticipation of a civil action or proceeding.

(f) NEH may also assert exemptions for records received from another agency that could properly be claimed by that agency in responding to a request.

§ 1169.11 Penalties for obtaining an NEH record under false pretenses.

Under 5 U.S.C. 552a(i)(3), any person who knowingly and willfully requests or obtains any record from NEH concerning an individual under false pretenses shall be guilty of a misdemeanor and fined not more than $5,000.

Dated: July 8, 2019.

Elizabeth Voyatzis,

Deputy General Counsel, National Endowment for the Humanities.

[FR Doc. 2019–14998 Filed 7–18–19; 8:45 am]

BILLING CODE 7536–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 15 and 95

[ET Docket No. 16–56, ET Docket No. 14–165, GN Docket No. 12–268, RM–11745, FCC 19–24]

Unlicensed White Space Devices

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: In the Report and Order, the Federal Communications Commission (Commission) takes steps to improve the accuracy and reliability of fixed white space device data recorded in the white space databases and assure that the potential for these devices to cause interference to protected services is minimized. In the Order on Reconsideration, the Commission modifies the white space device antenna height rules to allow improved broadband coverage in rural areas, and resolves certain outstanding white space reconsideration issues. White space devices are used to provide a variety of wireless services, including broadband data.

DATES: Effective August 19, 2019, except for § 95.2309, which is delayed. We will publish a document in the **Federal Register** announcing the effective date.

ADDRESSES: Federal Communications Commission, 445 12th Street SW, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Mr. Hugh L. Van Tuyl at (202) 418–7506, or *Hugh.VanTuyl@fcc.gov.*

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Report and Order and Order on Reconsideration,* ET Docket No. 16–56, ET Docket No. 14–165, and RM–11745, FCC 19–24, adopted March 19, 2019 and released March 20, 2019. The full text of this document is available for public inspection and copying during normal business hours in the FCC Reference Center (Room CY–A257), 445 12th Street SW, Washington, DC 20554, or by downloading the text from the Commission's website at *https://www.fcc.gov/document/amendment-part-15-rules-unlicensed-white-spaces-devices.* Alternative formats are available for people with disabilities (Braille, large print, electronic files, audio format) by sending an email to *fcc504@fcc.gov* or calling the Commission's Consumer and Governmental Affairs Bureau at (202) 418–0530 (voice), (202) 418–0432 (TTY).

Synopsis

Report and Order

1. In this Report and Order, the Commission adopts certain changes to the rules for fixed white space devices. Specifically, it requires all fixed white space devices to incorporate a geo-location capability such as GPS and eliminates the option that permitted the geographic coordinates of a fixed device to be determined by a professional installer. The Commission also will allow the use of external geo-location sources by a fixed white space device when the device is used at a location where its internal geo-location capability does not function, such as deep inside a building. In addition, the Commission will require fixed white space devices to periodically re-check their geographic coordinates at least once a day and report the coordinates to the white space database.

2. *Fixed device location data*—The Commission will require all fixed white space devices to include an internal geo-location capability to determine their geographic coordinates and require that fixed white space devices automatically provide their coordinates to the database when the device is registered. These actions will help ensure the accuracy of information provided to the white space database, thus reducing the likelihood of imprecise registered coordinates for fixed white space devices. These actions will also enable simpler ''do-it-yourself'' installations of certain fixed devices, such as those where a professional installer is not needed to mount an antenna on a tall structure. Additionally, these actions will provide a means for a fixed white space device to automatically re-establish its coordinates if they are lost or altered due to a power outage or equipment reboot. The Commission does not believe that these requirements are overly burdensome because manufacturers can incorporate a variety of location technologies into their devices. Many of these, such as GPS and Wi-Fi, are widely available at low cost.

3. *External geo-location capability*—The Commission will allow fixed white space devices to obtain their geographic coordinates through an external geo-location source when they are used at locations where their internal geo-location capability does not function, such as deep inside a building. It will allow an external geo-location source to be connected to a fixed device through either a wired or a wireless connection and allow a single geo-location source to provide location information to multiple fixed devices. The Commission will require that an external geo-location source be connected to a fixed device using a secure connection that ensures only an external geo-location source that has been approved with a particular fixed device can provide geographic coordinates to that device. Additionally, the Commission will allow the use of extender cables to connect a remote receive antenna to a geo-location receiver within a fixed device. For any of these scenarios, the Commission requires the applicant for equipment certification to demonstrate the location uncertainty with a confidence level of 95%, and that the device reports the location uncertainty correctly to the database. These changes will increase the flexibility that manufacturers have to develop fixed white space devices that can be used in a wide variety of locations while ensuring devices accurately determine their location and report it to the white space database to prevent harmful interference to protected services.

4. *Geo-location accuracy requirement*—The Commission does not make any changes to the location accuracy rules in the Report and Order. It affirms the location accuracy rules adopted in the *TV White Spaces Order,* 80 FR 73044, in the Order on Reconsideration.

5. Daily database contact to report geographic coordinates—The Commission requires that a fixed white space device verify its coordinates at least once per day, except when not in operation, and report its geographic location to the database when it makes a request for a list of available channels. This action serves to improve the accuracy of the coordinates that fixed white space devices report to the database by providing multiple observations that could be used to reduce the uncertainty of the device's location. It will also provide a safeguard that allows the coordinates to be re-established if they are inadvertently or deliberately altered. Because the daily re-check of coordinates and transmission of them to the white space database will be automatic, this change will not be burdensome on the users of fixed white space devices.

6. *Re-registration of devices when moved or coordinates altered*—The Commission requires that a fixed white space device's coordinates and antenna height above ground be re-established and the device registered with the database when it is moved or when its coordinates are altered by more than ±50 meters from the last registered location. By limiting this requirement to location changes greater than 50 meters, the Commission ensures that fixed devices will not have to re-register with the database repeatedly for small changes in coordinates that have no effect on channel availability. When a fixed device is moved, or its coordinates are changed by more than 50 meters, the database will have accurate information necessary to determine the channels available for use by the device.

7. *Determining antenna height above ground*—The Commission will not require that fixed white space devices automatically determine their antenna height above ground. Instead, the Commission will allow the installer or operator of the device to manually enter the height but will also provide the option for devices to determine their antenna height automatically. The accuracy of height measurements determined by GPS is lower than the accuracy of geographic coordinates determined by GPS, and a GPS receiver in a fixed white space device may be at a lower elevation than the transmit antenna, introducing sources of uncertainty into height determination. Given the current state of technology, the Commission finds it inappropriate to require white space devices and databases to use automatically determined antenna height information that may be in error at a particular location. Erroneous height data could preclude operation of a fixed device if the antenna height above ground reported to the database is outside of the allowable range. The Commission recognizes that improvements in technology in the future could enable white space devices to more accurately determine their antenna height above ground, so it provides the option for fixed white space devices to

automatically determine their antenna height above ground.

8. The Commission finds NAB's suggestion to allow the database to assume a 10-meter default antenna height when an automatically determined antenna height is out of range to be an inadequate method of compensating for errors. Thus, the Commission concludes that it should continue to permit the installer of a device to manually enter the antenna height above ground. While the Commission recognizes NAB's concern about potential errors in antenna heights entered by a professional installer, it believes that installers will generally be able to accurately determine the antenna height above ground. Further, minor errors in the reported antenna height above ground of a fixed white space device will in many cases have no impact on the protection of television services since the protection distances that a fixed device must meet are the same across ranges of antenna heights.

9. *Transition provisions*—The Commission requires that fixed white space devices that are approved by Telecommunication Certification Bodies (TCBs) beginning six months after the effective date of the rules adopted in this proceeding to comply with the new rules. The Commission also permits the continued marketing of previously approved devices that do not comply with the new rules until 18 months after the effective date of the rules. These deadlines provide sufficient time to develop compliant products and provide the industry with flexibility to tailor manufacturing and importation cutoff dates to suit the relevant circumstances. The 18-month marketing cutoff date also applies to parties other than the manufacturer, so owners of white space devices that do not comply with the new rules will not be permitted to re-sell the non-compliant devices after this date. The Commission does not establish any operational cutoff for users of previously approved fixed white space devices that do not comply with the new rules because the number of those devices is relatively small, as is the likelihood that they would cause interference.

10. *Fixed device registration*—The Commission requires that the operator of a fixed white space device be responsible for the accuracy of the registration information, because that is the party capable of shutting down the device as required by the part 15 rules in the event the device causes harmful interference. The operator could be the owner of the device or another party that has the capability to control and deactivate the device. The fixed device registration must therefore provide the contact information for the operator of the fixed device. The Commission permits a party such as a professional installer to submit the registration information on behalf of the owner or operator, but the operator of the device will ultimately be responsible for ensuring its accuracy.

11. *Verification of registration information*—The Commission declines to adopt its proposal to require database administrators to verify email addresses or phone numbers for fixed device registrations (81 FR 15210). The Commission believes this requirement is unnecessary and would be unduly burdensome for database operators because of the time and expense that would be required to redesign their systems to enable verification of contact information and to actually verify the information for each fixed device registration. The database administrators have already taken steps to ensure that operators of fixed white space devices supply all necessary information for a device registration and to reject information that is clearly erroneous. Additionally, requiring database administrators to hold new or modified registrations inactive until they verify the registrant's contact information could delay service to fixed white space device users.

Order on Reconsideration

12. In this *Order on Reconsideration,* the Commission addresses several petitions for reconsideration of the actions it took in the *TV White Spaces Order.* The Commission affirms most of the its decisions, with the exception of increasing the maximum permissible fixed white space device antenna height above ground level in less congested areas. The Commission will address at a later time those petitions concerning push notifications and white space device operation on Channel 37. The Commission previously addressed petitions related to wireless microphones.

Low Power Fixed Devices

13. *Operation within adjacent channel television contours*—The Commission denies NAB's request to reconsider the decision to permit fixed white space devices to operate with 40 milliwatts EIRP within the contour of adjacent channel television stations with an antenna height that does not exceed 10 meters above ground level. The Commission is not persuaded that permitting such operation poses a significant threat of harmful interference to adjacent channel television reception. Interference to television reception from an adjacent channel transmitter occurs when the signal from that transmitter is substantially greater than the received television signal level and is most likely to occur where the television signal is weak, such as at the edge of a station's coverage area where an outdoor directional rooftop television antenna would be needed to obtain good reception. The highest likelihood of harmful interference occurring would be when the main beams of both antennas are pointed towards each other when the devices are in close proximity. Because fixed white space devices must use directional antennas with a gain of at least 6 dBi to reach the 40-milliwatt EIRP level allowed by the rules, the Commission expects this to be a low probability event. Moreover, even if all factors were to align and create a worst-case situation, the Commission disagrees with NAB's claim that 160-meter separation would be required to protect television reception from a 40-milliwatt white space device. Using the −84 dBm threshold for a UHF-television signal and applying the −33 dB D/U ratio for adjacent channel interference and assuming worst-case free space loss, a 40-milliwatt white space device need only be separated from a television antenna by 88 meters; significantly less than the distance claimed by NAB. While the Commission recognizes that this distance is not *de minimis,* it notes that it is based on the low probability event of several worst-case conditions occurring simultaneously. The majority of over-the-air television reception occurs at higher signal levels than assumed here, and white space device signals are likely to attenuate faster than assumptions of free space propagation would indicate. Other factors are also likely to decrease the distance at which interference could occur, including the mismatch between the directivity of the white space transmit and the television receive antennas, and any intervening obstacles between the antennas. The Commission does not believe that the low probability case where all worst-case conditions occur simultaneously should lead it to adopt overly restrictive requirements, and points out that if a white space device causes harmful interference to television reception, it must remedy such interference up to and including ceasing operation.

14. *Power limits*—The Commission denies Microsoft's request to change the rule that requires fixed devices to use a directional antenna with at least 6 dBi gain in order to transmit at the 40-milliwatt limit. While in many situations an indoor 40-milliwatt fixed

device with an omnidirectional antenna would pose no more risk of interference than a personal/portable device operating at 40 milliwatts with an omnidirectional antenna, the Commission notes that in modifying the rules to allow low power fixed devices to operate inside the contour of an adjacent television channel, it relied on the directional antenna requirement to ensure a low probability for causing interference. The Commission further notes that devices do not specify to the database whether operation is indoors or outdoors, so there is no way to distinguish such operations and permit omnidirectional antennas indoors and require directional antennas outdoors. Because the Commission requires all fixed devices to incorporate a geo-location capability and comply with minimum separation distances from registered licensed wireless microphones, it disagrees with Shure's contention that a fixed white space device that operates indoors would have any greater potential for causing interference to wireless microphones than fixed devices used outdoors.

15. The Commission concludes that it is unnecessary to address whether in-home wireless routers are fixed devices and consequently whether moving a router from one area of a house to another would be a *de minimis* change in location that would require professional re-installation.

16. *Operation on contiguous channels*—The Commission denies Carlson/Cal.net's request to increase the maximum allowable power above 100 milliwatts EIRP for fixed white space devices that operate on two or more contiguous vacant channels with a three-megahertz frequency separation from occupied adjacent television channels. Carlson/Cal.net does not explain what it believes to be the correct interference analysis assumptions, and does not justify its assertion that orthogonal polarization between a white space device transmit antenna and a television receive antenna will result in 12–15 dB of signal attenuation. Carlson/Cal.net indicates that it has not performed testing to demonstrate whether fixed white space devices could operate at four watts EIRP without causing interference to television reception when operating with only three-megahertz frequency separation from an occupied adjacent television channel, and no other party has provided relevant test results. For those reasons, the Commission upholds its decision to limit fixed white space devices that operate on contiguous vacant channels to 100 milliwatts EIRP, or to 50 milliwatts EIRP on a channel with a three-megahertz frequency separation from an occupied adjacent television channel.

17. *Variable power levels*—The Commission denies NAB's request to make certain modifications to the rules intended to ensure that white space devices operate only on authorized channels and at authorized power levels. It declines to require white space devices to report their operating channels and power levels to the database, noting that it previously considered and rejected a similar request and stating that NAB has not provided any information that would persuade the Commission to change its previous decision. The Commission disagrees with NAB that the rules provide no guidance or mechanisms to ensure that white space devices will operate as required. It notes that both fixed and Mode II personal/portable devices are subject to requirements that operation is permitted only on channels and at power levels that are indicated in the database as being available for the device, and that operation on a channel must cease immediately or power must be reduced to a permissible level if the database indicates that the channel is no longer available at the current operating level. The Commission also notes that white space devices may not contain an interface that allows users to select higher power levels than the database indicates are available for a channel at a given location, and that a manufacturer must demonstrate that a white space device will comply with these requirements in order to obtain certification for the device. Thus, the Commission concludes that it does not need to impose additional requirements on white space devices to implement the rules that allow operation at a variety of power levels.

Fixed White Space Device Antennas

18. *Antenna height above ground level and average terrain*—The Commission grants WISPA's request to increase the maximum allowable antenna height above ground for fixed white space devices, but denies its request to increase the maximum antenna height above average terrain. The increase in allowable fixed white space device antenna height above ground level from 30 meters to 100 meters in less congested areas will allow for improved wireless broadband service to persons in rural and other underserved areas. A 100-meter height above ground level limit will permit antennas to be mounted on towers or other structures at heights sufficient to clear intervening obstacles such as trees and hills that would attenuate the transmitted signal, thereby increasing the range at which the signal can be received. Less congested areas will have many vacant channels and therefore a low likelihood that increased antenna height above ground level would affect other operations in the television bands. The Commission may consider increasing the antenna height above average terrain limit in the future if it has a more complete record addressing this issue.

19. *Antenna Directivity*—The Commission denies WISPA's request for reconsideration of its decision to prohibit television white space databases from considering fixed device antenna directivity in determining channel availability. The Commission lacks sufficient information to develop rules that would ensure that television and other services are protected from harmful interference. Allowing consideration of directional antenna patterns would add additional complexity to the operation of fixed devices and the white space databases, since there are many factors that would have to be addressed. The database would have to contain information describing fixed white space device antenna patterns, and the Commission may need to specify additional requirements such the size of the arc over which white space devices must limit their power or minimum separation distances at additional power levels. Additionally, the Commission would need to address how to ensure that the orientation of a directional antenna is accurately reported to the white space database. The Commission could consider this issue again in the future.

20. *Geo-location accuracy requirement*—The Commission denies NAB's request to modify the location uncertainty rules. It finds that NAB's request to limit the maximum geo-location uncertainty to ±100 meters is overly restrictive and would eliminate most of the flexibility that the Commission provided in adopting this rule since it would allow only an additional 50 meters of uncertainty for less precise location technologies. The Commission disagrees with NAB that it is necessary to specify an upper limit on location uncertainty. Because a higher location uncertainty requires an increase in separation distances from protected services, manufacturers will have an incentive to determine a device's location as precisely as possible to maximize the number of channels that a device can use.

21. The Commission does not believe it is necessary to modify the rules to require the use of the ETSI EN 301 598

standard for determining a device's location accuracy. It expects that many manufacturers may wish to use this standard because it addresses measurements they need to make, but does not want to preclude the use of other standards or measurement methods that may be developed in the future.

Procedural Matters

22. *Final Regulatory Flexibility Analysis.*—The Final Regulatory Flexibility Analysis, required by the Regulatory Flexibility Act, *see* 5 U.S.C. 604, is contained in Appendix D of the Report and Order and Order of Reconsideration.

23. *Paperwork Reduction Act.*—This document contains modified information collection requirements subject to the Paperwork Reduction Act of 1995 (PRA), Public Law 104–13. It will be submitted to the Office of Management and Budget (OMB) for review under Section 3507(d) of the PRA. OMB, the general public, and other Federal agencies will be invited to comment on the new or modified information collection requirements contained in this proceeding. In addition, we note that pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, *see* 44 U.S.C. 3506(c)(4), we previously sought specific comment on how the Commission might further reduce the information collection burden for small business concerns with fewer than 25 employees.

24. The Commission has assessed the effects of the policies adopted in this Report and Order and Order on Reconsideration with regard to information collection burdens on small business concerns, and find that these policies will benefit many companies with fewer than 25 employees by providing unlicensed white space devices and unlicensed wireless microphones with access to spectrum in the television broadcasting band and the 600 MHz band, while at the same time protecting licensed users from harmful interference. In addition, we have described impacts that might affect small businesses, which includes most businesses with fewer than 25 employees, in the Final Regulatory Flexibility Analysis in Appendix D of the Report and Order and Order of Reconsideration.

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

Ordering Clauses

26. *It is ordered* that, pursuant to the authority contained in sections 4(i), 302, 303(b), (c), (e), (f), (r), and 307 of the Communications Act of 1934, as amended, and sections 6403 and 6407 of the Middle Class Tax Relief and Job Creation Act of 2012, Public Law 112–96, 126 Stat. 156, 47 U.S.C. 154(i), 302, 303(b), (c), (e), (f), (r), 307, 1452, 1454, this Report and Order and Order on Reconsideration *is hereby adopted.*

27. *It is further ordered* that part 15 of the Commission's rules *is amended* as specified below, and such rule amendments *will become effective* 30 days after the date of publication in the **Federal Register**.

28. *It is further ordered* that the Commission's Consumer and Governmental Affairs Bureau, Reference Information Center, *shall send* a copy of the Report and Order and Order on Reconsideration, including the Final Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the U.S. Small Business Administration.

29. *It is further ordered* that the Commission *shall send* a copy of the Report and Order and Order on Reconsideration in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act, see 5 U.S.C. 801(a)(1)(A).

List of Subjects

47 CFR Part 15

Communications equipment, Radio, Reporting and recordkeeping requirements.

47 CFR Part 95

Communications equipment, Radio.

Federal Communications Commission.

Marlene Dortch,

Secretary.

Final Rules

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR parts 15 and 95 as follows:

PART 15—RADIO FREQUENCY DEVICES

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

Authority: 47 U.S.C. 154, 302a, 303, 304, 307, 336, 544a, and 549.

■ 2. Section 15.37 is amended by revising the section heading and adding paragraph (q) to read as follows:

§ 15.37 Transition provisions for compliance with this part.

* * * * *

(q) All fixed white space devices which are approved by Telecommunication Certification Bodies on or after February 19, 2020 or that are marketed on or after February 19, 2021 shall comply with the requirements of § 15.711(c). Fixed white space devices which are approved or marketed before the dates in the preceding sentence shall comply with either the requirements of § 15.711(c) or the requirements of § 15.711(c) as in effect prior to August 19, 2019 (see 47 CFR part 15 as revised October 1, 2018).

■ 3. Section 15.703 is amended by revising paragraphs (a), (b), and (c), removing the note to paragraphs (a), (b), and (c), and revising paragraphs (o) and (r) to read as follows:

§ 15.703 Definitions.

(a) *600 MHz duplex gap.* An 11 megahertz guard band at 652–663 MHz that separates part 27 600 MHz service uplink and downlink frequencies.

(b) *600 MHz guard band.* Designated frequency band at 614–617 MHz that prevents interference between licensed services in the 600 MHz service band and channel 37.

(c) *600 MHz service band.* Frequencies in the 617–652 MHz and 663–698 MHz bands that are reallocated and reassigned for 600 MHz band services under part 27 of this chapter.

* * * * *

(o) *Sensing only device.* A personal/portable white space device that uses spectrum sensing to determine a list of available channels. Sensing only devices may transmit on any available channels in the frequency bands 512–608 MHz (TV channels 21–36).

* * * * *

(r) *Television bands.* The broadcast television frequency bands at 54–72 MHz (TV channels 2–4), 76–88 MHz (TV channels 5–6), 174–216 MHz (TV channels 7–13) and 470–608 MHz (channels 14–36).

* * * * *

■ 4. Section 15.707 is amended by revising paragraph (a) to read as follows:

§ 15.707 Permissible channels of operation.

(a)(1) *470–698 MHz band.* All white space devices are permitted to operate on available channels in the frequency bands 470–698 MHz (TV channels 14–51), subject to the interference protection requirements in §§ 15.711 and 15.712.

(2) *600 MHz duplex gap.* White space devices may operate in the 657–663 MHz segment of the 600 MHz duplex gap.

(3) *600 MHz service band.* White space devices may operate on

frequencies in the bands 617–652 MHz and 663–698 MHz in areas where 600 MHz band licensees have not commenced operations, as defined in § 27.4 of this chapter.

(4) *Channel 37 guard band.* White space devices are not permitted to operate in the band 614–617 MHz.

* * * * *

■ 5. Section 15.709 is amended by revising paragraphs (a)(3), (b)(1) and (2), and (g)(1)(i) to read as follows:

§ 15.709 General technical requirements.

(a) * * *

(3) *608–614 MHz band (channel 37).* Up to 40 mW (16 dBm) EIRP.

* * * * *

(b) * * *

(1) *Fixed white space devices.* (i) Technical limits for fixed white space devices are shown in the table in paragraph (b)(1)(iii) of this section and subject to the requirements of this section.

(ii) For operation at EIRP levels of 36 dBm (4,000 mW) or less, fixed white space devices may operate at EIRP levels between the values shown in the table in paragraph (b)(1)(iii) of this section provided that the conducted power and the conducted power spectral density (PSD) limits are linearly interpolated between the values shown and the adjacent channel emission limit of the higher value shown in the table is met. Operation at EIRP levels above 36 dBm (4,000 mW) shall follow the requirements for 40 dBm (10,000 mW).

(iii) The conducted power spectral density from a fixed white space device shall not be greater than the values shown in the table in this paragraph (b)(1)(iii) when measured in any 100 kHz band during any time interval of continuous transmission.

TABLE 1 TO PARAGRAPH (b)(1)(iii)

EIRP (6 MHz)	Conducted power limit (6 MHz)	Conducted PSD limit (100 kHz) (dBm)	Conducted adjacent channel emission limit (100 kHz) (dBm)
16 dBm (40 mW)	10 dBm (10 mW)	−7.4	−62.8
20 dBm (100 mW)	14 dBm (25 mW)	−3.4	−58.8
24 dBm (250 mW)	18 dBm (63 mW)	0.6	−54.8
28 dBm (625 mW)	22 dBm (158 mW)	4.6	−50.8
32 dBm (1,600 mW)	26 dBm (400 mW)	8.6	−46.8
36 dBm (4,000 mW)	30 dBm (1,000 mW)	12.6	−42.8
40 dBm (10,000 mW)	30 dBm (1,000 mW)	12.6	−42.8

(2) *Personal/portable white space devices.* (i) Technical limits for personal/portable white space devices are shown in the table in paragraph (b)(2)(ii) of this section and subject to the requirements of this section.

(ii) The radiated power spectral density from a personal/portable white space device shall not be greater than the values shown in the table in this paragraph (b)(2)(ii) when measured in any 100 kHz band during any time interval of continuous transmission.

TABLE 2 TO PARAGRAPH (b)(2)(ii)

EIRP (6 MHz)	Radiated PSD limit EIRP (100 kHz) (dBm)	Radiated adjacent channel emission limit EIRP (100 kHz) (dBm)
16 dBm (40 mW)	−1.4	−56.8
20 dBm (100 mW)	2.6	−52.8

* * * * *

(g) *Antenna requirements*—(1) *Fixed white space devices*—(i) *Above ground level.* The transmit antenna height shall not exceed 100 meters above ground level in less congested areas or 30 meters above ground level in other areas, except that the antenna height may not exceed 10 meters above ground level in any area for fixed white space devices operating in the TV bands at 40 mW EIRP or less or operating across multiple contiguous TV channels at 100 mW EIRP or less.

* * * * *

■ 6. Section 15.711 is amended by revising paragraphs (c)(1) introductory text and (c)(1)(i), adding paragraphs (c)(1)(iii) and (iv), and revising paragraph (c)(2)(iii) to read as follows:

§ 15.711 Interference avoidance methods.

* * * * *

(c) *Requirements for fixed white space devices.* (1) The geographic coordinates of a fixed white space device shall be determined at the time of installation and first activation from a power off condition by an incorporated geo-location capability. The antenna height above ground shall be determined by the installer or operator of the device, or by an automatic means. This information shall be stored internally in the white space device and transmitted automatically by the device to the white space database. The operator of a fixed white space device shall be responsible for assuring the accuracy of the information registered in the white space database. If a fixed white space device is moved to another location or if its stored coordinates become altered, the operator shall reestablish the device's:

(i) Geographic location through the incorporated geo-location capability and the antenna height above ground level and store this information in the white space device; and

* * * * *

(iii) A fixed white space device may obtain its geographic coordinates through an external geo-location source when it is used at a location where its internal geo-location capability does not

function. An external geo-location source may be connected to a fixed device through either a wired or a wireless connection, and a single geo-location source may provide location information to multiple fixed devices. An external geo-location source must be connected to a fixed device using a secure connection that ensures that only an external geo-location source that has been approved with a particular fixed device can provide geographic coordinates to that device. The geographic coordinates must be provided automatically by the external geo-location source to the fixed device; users may not manually enter them. Alternatively, an extender cable may be used to connect a remote receive antenna to a geo-location receiver within a fixed device.

(iv) The applicant for certification of a fixed device must demonstrate the accuracy of the geo-location method used and the location uncertainty as defined in paragraph (b) of this section. For fixed devices that are not using an internal geo-location capability, this uncertainty must account for the accuracy of the geo-location source and the separation distance between such source and the white space device.

(2) * * *

(iii) Each fixed white space device shall access the database at least once a day to verify that the operating channels continue to remain available. Each fixed white space device must adjust its use of channels in accordance with channel availability schedule information provided by its database for the 48-hour period beginning at the time the device last accessed the database for a list of available channels. The fixed device's registration information shall be updated if the geographic coordinates reported to the database differ by more than ±50 meters from the previously registered coordinates.

* * * * *

■ 7. Section 15.712 is amended by revising paragraph (j) to read as follows:

§ 15.712 Interference protection requirements.

* * * * *

(j) *Wireless Medical Telemetry Service.* (1) White space devices operating in the 608–614 MHz band (channel 37) are not permitted to operate within an area defined by the polygon described in § 15.713(j)(11) plus the distances specified in the tables in this paragraph (j)(1):

(i) Mode II personal/portable white space devices.

TABLE 23 TO PARAGRAPH (j)(1)(i)

	Required co-channel separation distances in kilometers from edge of polygon
	16 dBm (40 mW)
Communicating with Mode II or Fixed device	0.38
Communicating with Mode I device	0.76

(ii) Fixed white space devices, except that when communicating with Mode I personal/portable white space devices, the required separation distances must be increased beyond the specified distances by 0.38 kilometers.

TABLE 24 TO PARAGRAPH (j)(1)(ii)

Antenna height above average terrain of unlicensed devices (meters)	Required co-channel separation distances in kilometers from edge of polygon
	16 dBm (40 mW)
Less than 3	0.38
3–10	0.70
10–30	1.20
30–50	1.55
50–75	1.90
75–100	2.20
100–150	2.70
150–200	3.15
200–250	3.50

(2) White space devices operating in the 602–608 MHz band (channel 36) and 614–620 MHz band (channel 38) are not permitted to operate within an area defined by the polygon described in § 15.713(j)(11) plus the distances specified in the tables in this paragraph (j)(2):

(i) Mode II personal/portable white space devices.

TABLE 25 TO PARAGRAPH (j)(2)(i)

	Required adjacent channel separation distances in meters from edge of polygon	
	16 dBm (40 mW)	20 dBm (100 mW)
Communicating with Mode II or Fixed device	8	13
Communicating with Mode I device	16	26

(ii) Fixed white space devices, except that when communicating with Mode I personal/portable white space devices, the required separation distances must be increased beyond the specified distances by 8 meters if the Mode I device operates at power levels no more than 40 mW EIRP, or 13 meters if the Mode I device operates at power levels above 40 mW EIRP.

TABLE 26 TO PARAGRAPH (j)(2)(ii)

Required adjacent channel separation distances in meters from edge of polygon					
16 dBm (40 mW)	20 dBm (100 mW)	24 dBm (250 mW)	28 dBm (625 mW)	32 dBm (1600 mW)	36 dBm (4 watts)
8	13	20	32	50	71

* * * * *

■ 8. Section 15.713 is amended by revising paragraph (a)(1) to read as follows:

§ 15.713 White space database.

(a) * * *

(1) To determine and provide to a white space device, upon request, the available channels at the white space device's location in the TV bands, the 600 MHz duplex gap, the 600 MHz service band, and 608–614 MHz (channel 37). Available channels are determined based on the interference protection requirements in § 15.712. A database must provide fixed and Mode II personal portable white space devices with channel availability information that includes scheduled changes in channel availability over the course of the 48-hour period beginning at the time the white space devices make a recheck contact. In making lists of available channels available to a white space device, the white space database shall ensure that all communications and interactions between the white space database and the white space device include adequate security measures such that unauthorized parties cannot access or alter the white space database or the list of available channels sent to white space devices or otherwise affect the database system or white space devices in performing their intended functions or in providing adequate interference protections to authorized services operating in the TV bands, the 600 MHz duplex gap, the 600 MHz service band, and 608–614 MHz (channel 37). In addition, a white space database must also verify that the FCC identifier (FCC ID) of a device seeking access to its services is valid; under the requirement in this paragraph (a)(1) the white space database must also verify that the FCC ID of a Mode I device provided by a fixed or Mode II device is valid. A list of devices with valid FCC IDs and the FCC IDs of those devices is to be obtained from the Commission's Equipment Authorization System.

* * * * *

■ 9. Section 15.714 is amended by revising paragraph (a) to read as follows:

§ 15.714 White space database administration fees.

(a) A white space database administrator may charge a fee for provision of lists of available channels to fixed and personal/portable devices and for registering fixed devices. This paragraph (a) applies to devices that operate in the TV bands, the 600 MHz service band, the 600 MHz duplex gap, and 608–614 MHz (channel 37).

* * * * *

PART 95—PERSONAL RADIO SERVICES

■ 10. The authority citation for part 95 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 307.

■ 11. Section 95.2309 is amended by adding paragraph (h) to read as follows:

§ 95.2309 WMTS frequency coordination.

* * * * *

(h) *Obtaining interference protection.* To receive interference protection, parties operating WMTS networks in the 608–614 MHz frequency band shall notify one of the white space database administrators of their operating location pursuant to §§ 15.713(j)(11) and 15.715(p) of this chapter.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 181203999–9503–02]

RIN 0648–BI64

Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Framework Adjustment 58

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

ACTION: Final rule.

SUMMARY: This action approves and implements Framework Adjustment 58 to the Northeast Multispecies Fishery Management Plan. This rule sets 2019–2020 catch limits for 7 of the 20 multispecies (groundfish) stocks, implements new or revised rebuilding plans for 5 stocks, revises an accountability measure, and makes other minor changes to groundfish management measures. This action is

necessary to respond to updated scientific information and to achieve the goals and objectives of the fishery management plan. The final measures are intended to help prevent overfishing, rebuild overfished stocks, achieve optimum yield, and ensure that management measures are based on the best scientific information available.

DATES: Effective July 18, 2019.

ADDRESSES: Copies of Framework Adjustment 58, including the draft Environmental Assessment, the Regulatory Impact Review, and the Regulatory Flexibility Act Analysis prepared by the New England Fishery Management Council in support of this action are available from Thomas A. Nies, Executive Director, New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950. The supporting documents are also accessible via the internet at: *http://www.nefmc.org/management-plans/northeast-multispecies* or *http://www.regulations.gov.*

Written comments regarding the burden-hour estimates or other aspects of the collection-of-information requirements contained in this final rule may be submitted to Greater Atlantic Regional Fisheries Office and by email to *OIRA_Submission@omb.eop.gov* or fax to (202) 395–5806.

FOR FURTHER INFORMATION CONTACT: Mark Grant, Fishery Policy Analyst, phone: 978–281–9145; email: *Mark.Grant@noaa.gov.*

SUPPLEMENTARY INFORMATION:

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1. Summary of Approved Measures

This action approves the management measures in Framework Adjustment 58 to the Northeast Multispecies Fishery Management Plan (FMP). The measures implemented in this final rule are:

- Fishing year 2019 shared U.S./Canada quotas for Georges Bank (GB) yellowtail flounder and Eastern GB cod and haddock;
- Fishing year 2019–2020 specifications, including catch limits, for four groundfish stocks: Witch flounder; GB winter flounder; Gulf of Maine (GOM) winter flounder; and Atlantic halibut;
- Revisions to rebuilding programs for GB winter flounder and northern windowpane flounder; and new rebuilding plans for Southern New England/Mid-Atlantic (SNE/MA) yellowtail flounder, witch flounder and ocean pout;
- Revisions to the trigger for the scallop fishery's accountability measures (AM) for GB yellowtail flounder; and
- An exemption for vessels fishing exclusively in the Northwest Atlantic Fisheries Organization (NAFO) Regulatory Area from the U.S. minimum fish size for groundfish species.

This action also implements a number of other measures that are not part of Framework 58, but that are implemented under Regional Administrator authority included in the Northeast Multispecies FMP or Secretarial authority to address administrative matters under section 305(d) of the Magnuson-Stevens Fishery Conservation and Management Act. We are implementing these measures in conjunction with the Framework 58 measures for expediency purposes, and because some of these measures are related to the catch limits proposed as part of Framework 58. The additional measures proposed in this action are listed below.

- *Adjustment for fishing year 2017 catch overage*—this action announces the reduction of the 2019 GOM cod allocation due to an overage that occurred in fishing year 2017.
- *Other administrative revisions and corrections*—this action revises the application deadline for days-at-sea (DAS) leases, makes regulatory corrections regarding the information required to be included in catch reports submitted via a vessel monitoring system (VMS), and corrects a citation in the regulations allocating GB and SNE/MA yellowtail flounder to the scallop fishery. These changes are described in the section 8, Administrative Changes and Regulatory Corrections under Secretarial Authority.

2. Fishing Year 2019 Shared U.S./Canada Quotas

Management of Transboundary Georges Bank Stocks

As described in the proposed rule (84 FR 16441; April 19, 2019), Eastern GB cod, Eastern GB haddock, and GB yellowtail flounder are jointly managed with Canada under the U.S./Canada Resource Sharing Understanding. This action adopts shared U.S./Canada quotas for these stocks for fishing year 2019 based on 2018 assessments and the recommendations of the Transboundary Management Guidance Committee (TMGC). The 2019 shared U.S./Canada quotas, and each country's allocation, are listed in Table 1. Detailed summaries of the assessments can be found at: *https://www.nefsc.noaa.gov/assessments/trac/.*

TABLE 1—2019 FISHING YEAR U.S./CANADA QUOTAS (MT, LIVE WEIGHT) AND PERCENT OF QUOTA ALLOCATED TO EACH COUNTRY

Quota	Eastern GB cod	Eastern GB haddock	GB yellowtail flounder
Total Shared Quota	650	30,000	140
U.S. Quota	189 (29%)	15,000 (50%)	106 (76%)
Canadian Quota	461 (71%)	15,000 (50%)	34 (24%)

The regulations implementing the U.S./Canada Resource Sharing Understanding require deducting any overages of the U.S. quota for Eastern GB cod, Eastern GB haddock, or GB yellowtail flounder from the U.S. quota in the following fishing year. If catch information for the 2018 fishing year indicates that the U.S. fishery exceeded its quota for any of the shared stocks, we will reduce the respective U.S. quotas for the 2019 fishing year in a future management action, as close to May 1, 2019, as possible. If any fishery that is allocated a portion of the U.S. quota

exceeds its allocation and causes an overage of the overall U.S. quota, the overage reduction would be applied only to that fishery's allocation in the following fishing year. This ensures that catch by one component of the overall fishery does not negatively affect another component of the overall fishery.

3. Catch Limits for Fishing Years 2019–2020

Summary of the Catch Limits

This rule adopts new catch limits for 7 of the 20 groundfish stocks for the 2019–2020 fishing years. Framework 57 (83 FR 18985; May 1, 2018) previously set quotas for all groundfish stocks for fishing years 2019–2020. Only the eastern portion of the GB cod stock, jointly managed with Canada, did not have a 2019 quota set in Framework 57. The catch limits implemented in this action, including overfishing limits (OFL), acceptable biological catches (ABC), and annual catch limits (ACL), are listed in Tables 2 through 8. A summary of how these catch limits were developed, including the distribution to the various fishery components, was provided in the proposed rule and in Appendix II (Calculation of Northeast Multispecies Annual Catch Limits, FY 2019—FY 2020) to the Framework 58 Environmental Assessment (EA) (see **ADDRESSES** for information on how to get this document), and is not repeated here. The sector and common pool sub-ACLs implemented in this action are based on fishing year 2019 potential sector contributions (PSC) and final fishing year 2019 sector rosters.

TABLE 2—FISHING YEARS 2019–2020 OVERFISHING LIMITS AND ACCEPTABLE BIOLOGICAL CATCHES

[Mt, live weight]

Stock	2019		Percent change from 2018	2020	
	OFL	U.S. ABC		OFL	U.S. ABC
GB Cod *	3,047	1,824	15	3,047	2,285
GOM Cod	938	703	0	938	703
GB Haddock *	99,757	58,114	19	100,825	73,114
GOM Haddock	16,038	12,490	−5	13,020	10,186
GB Yellowtail Flounder *	UNK	106	−50	UNK	168
SNE/MA Yellowtail Flounder	90	68	0	90	68
CC/GOM Yellowtail Flounder	736	511	0	848	511
American Plaice	2,099	1,609	−7	1,945	1,492
Witch Flounder	UNK	993	0	UNK	993
GB Winter Flounder	1,182	810	0	1,756	810
GOM Winter Flounder	596	447	0	596	447
SNE/MA Winter Flounder	1,228	727	0	1,228	727
Redfish	15,640	11,785	2	15,852	11,942
White Hake	3,898	2,938	0	3,916	2,938
Pollock	53,940	40,172	0	57,240	40,172
N. Windowpane Flounder	122	92	0	122	92
S. Windowpane Flounder	631	473	0	631	473
Ocean Pout	169	127	0	169	127
Atlantic Halibut	UNK	104	0	UNK	104
Atlantic Wolffish	120	90	0	120	90

CC = Cape Cod; N = Northern; S = Southern; UNK = Unknown.
* Only the GB cod, GB haddock, and GB yellowtail stocks have changes from the 2019 U.S. ABCs previously approved in Framework 57.

In fishing year 2017, GOM cod catch exceeded the total ACL and ABC, but not the OFL (Table 10). This overage and the required payback are discussed in detail in Section 4, Adjustments Due to Fishing Year 2017 Overage. The allocations for GOM cod in Tables 3, 5, 6, and 8 through 11 have been adjusted for this overage.

Default Catch Limits for 2021

Framework 53 established a mechanism for setting default catch limits in the event a future management action is delayed. If final catch limits have not been implemented by the start of a fishing year on May 1, then default catch limits are set at 35 percent of the previous year's catch limit, effective until July 31 of that fishing year, or when replaced by new catch limits sooner than July 31. If this default value exceeds the Council's recommendation for the upcoming fishing year, the default catch limits will be reduced to an amount equal to the Council's recommendation for the upcoming fishing year. Because groundfish vessels are not able to fish if final catch limits have not been implemented, this default measure was established to prevent disruption to the groundfish fishery. Additional description of the default catch limit mechanism is provided in the preamble to the Framework 53 final rule (80 FR 25110; May 1, 2015).

TABLE 3—CATCH LIMITS FOR THE 2019 FISHING YEAR

[Mt, live weight]

Stock	Total ACL	Groundfish sub-ACL	Final sector sub-ACL	Final common pool sub-ACL	Recreational sub-ACL	Midwater trawl fishery	Scallop fishery	Small-mesh fisheries	State waters sub-component	Other sub-component
	A to H	A + B + C	A	B	C	D	E	F	G	H
GB Cod*	1,741	1,568	1,514	54	.....	.....	.....	.....	18	155
GOM Cod	637	581	350	11	220	.....	.....	.....	47	9

TABLE 3—CATCH LIMITS FOR THE 2019 FISHING YEAR—Continued

[Mt, live weight]

Stock	Total ACL	Groundfish sub-ACL	Final sector sub-ACL	Final common pool sub-ACL	Recreational sub-ACL	Midwater trawl fishery	Scallop fishery	Small-mesh fisheries	State waters sub-component	Other sub-component
	A to H	A + B + C	A	B	C	D	E	F	G	H
GB Haddock*	55,249	53,276	52,432	844		811			581	581
GOM Haddock	11,803	11,506	8,216	96	3,194	116			91	91
GB Yellowtail Flounder*	103	85	82	2			17	2	0	0
SNE/MA Yellowtail Flounder	66	32	26	6			15		2	17
CC/GOM Yellowtail Flounder	490	398	377	21					51	41
American Plaice	1,532	1,467	1,436	31					32	32
Witch Flounder*	948	854	831	23					40	55
GB Winter Flounder*	786	774	742	32					0	12
GOM Winter Flounder*	428	355	337	18					67	7
SNE/MA Winter Flounder	700	518	444	74					73	109
Redfish	11,208	10,972	10,915	57					118	118
White Hake	2,794	2,735	2,714	21					29	29
Pollock	38,204	37,400	37,152	248					402	402
N. Windowpane Flounder	86	63	na	63			18		2	3
S. Windowpane Flounder	457	53	na	53			158		28	218
Ocean Pout	120	94	na	94					3	23
Atlantic Halibut*	100	75	na	75					21	4
Atlantic Wolffish	84	82	na	82					1	1

na: Not allocated to sectors.
*These stocks have changes from the 2019 allocations previously approved in Framework 57.

TABLE 4—CATCH LIMITS FOR THE 2020 FISHING YEAR

[Mt, live weight]

Stock	Total ACL	Groundfish sub-ACL	Final sector sub-ACL	Final common pool sub-ACL	Recreational sub-ACL	Midwater trawl fishery	Scallop fishery	Small-mesh fisheries	State waters sub-component	Other sub-component
	A to H	A + B + C	A	B	C	D	E	F	G	H
GB Cod*	2,182	1,965	1,897	67					23	194
GOM Cod	666	610	378	11	220				47	9
GB Haddock*	69,509	67,027	65,965	1,062		1,020			731	731
GOM Haddock	9,626	9,384	6,700	78	2,605	95			74	74
GB Yellowtail Flounder*	163	134	130	4			26	3	0	0
SNE/MA Yellowtail Flounder	66	31	25	6			16		2	17
CC/GOM Yellowtail Flounder	490	398	377	21					51	41
American Plaice	1,420	1,361	1,332	29					30	30
Witch Flounder*	948	854	831	23					40	55
GB Winter Flounder*	786	774	742	32					0	12
GOM Winter Flounder*	428	355	337	18					67	7
SNE/MA Winter Flounder	700	518	444	74					73	109
Redfish	11,357	11,118	11,060	58					119	119
White Hake	2,794	2,735	2,714	21					29	29
Pollock	38,204	37,400	37,152	248					402	402
N. Windowpane Flounder	86	63	na	63			18		2	3
S. Windowpane Flounder	457	53	na	53			158		28	218
Ocean Pout	120	94	na	94					3	23
Atlantic Halibut*	100	75	na	75					21	4
Atlantic Wolffish	84	82	na	82					1	1

na: Not allocated to sectors.
*These stocks have changes from the 2020 allocations previously approved in Framework 57.

TABLE 5—FISHING YEARS 2019–2020 COMMON POOL TRIMESTER TACS

[Mt, live weight]

Stock	2019			2020		
	Trimester 1	Trimester 2	Trimester 3	Trimester 1	Trimester 2	Trimester 3
GB Cod	15.1	18.3	20.4	18.9	22.9	25.6
GOM Cod	5.3	3.6	2.0	5.5	3.7	2.0
GB Haddock	228.0	278.6	337.7	286.8	350.5	424.9
GOM Haddock	26.0	25.0	45.2	21.2	20.4	36.8
GB Yellowtail Flounder	0.5	0.7	1.2	0.7	1.1	1.9
SNE/MA Yellowtail Flounder	1.3	1.8	3.3	1.3	1.7	3.2
CC/GOM Yellowtail Flounder	12.2	5.6	3.6	12.2	5.6	3.6
American Plaice	23.3	2.5	5.7	21.6	2.3	5.2
Witch Flounder	12.7	4.6	5.8	12.7	4.6	5.8
GB Winter Flounder	2.5	7.6	21.6	2.5	7.6	21.6

TABLE 5—FISHING YEARS 2019–2020 COMMON POOL TRIMESTER TACS—Continued

[Mt, live weight]

Stock	2019			2020		
	Trimester 1	Trimester 2	Trimester 3	Trimester 1	Trimester 2	Trimester 3
GOM Winter Flounder	6.7	6.9	4.5	6.7	6.9	4.5
Redfish	14.3	17.7	25.2	14.5	18.0	25.5
White Hake	8.0	6.6	6.6	8.0	6.6	6.6
Pollock	69.5	86.8	91.8	69.5	86.8	91.8

TABLE 6—COMMON POOL INCIDENTAL CATCH TACS FOR THE 2019–2020 FISHING YEARS

[Mt, live weight]

Stock	Percentage of common pool sub-ACL	2019	2020
GB Cod	2	1.08	1.35
GOM Cod	1	0.11	0.11
GB Yellowtail Flounder	2	0.05	0.08
CC/GOM Yellowtail Flounder	1	0.21	0.21
American Plaice	5	1.57	1.46
Witch Flounder	5	1.15	1.15
SNE/MA Winter Flounder	1	0.74	0.74

TABLE 7—PERCENTAGE OF INCIDENTAL CATCH TACS DISTRIBUTED TO EACH SPECIAL MANAGEMENT PROGRAM

Stock	Regular B DAS program (%)	Closed area I hook gear haddock SAP (%)	Eastern U.S./CA haddock SAP (%)
GB Cod	50	16	34
GOM Cod	100		
GB Yellowtail Flounder	50		50
CC/GOM Yellowtail Flounder	100		
American Plaice	100		
Witch Flounder	100		
SNE/MA Winter Flounder	100		

TABLE 8—FISHING YEARS 2019–2020 INCIDENTAL CATCH TACS FOR EACH SPECIAL MANAGEMENT PROGRAM

[Mt. live weight]

Stock	Regular B DAS program	Closed area I hook gear haddock SAP	Eastern U.S./Canada haddock SAP			
	2019	2020	2019	2020	2019	2020
GB Cod	0.54	0.67	0.17	0.22	0.37	0.46
GOM Cod	0.11	0.11				
GB Yellowtail Flounder	0.02	0.04			0.02	0.04
CC/GOM Yellowtail Flounder	0.21	0.21				
American Plaice	1.57	1.46				
Witch Flounder	1.15	1.15				
SNE/MA Winter Flounder	0.74	0.74				

Sector Annual Catch Entitlements (ACE)

This rule announces the ACE allocated to sectors based on fishing year 2019 potential sector contributions (PSC) and final fishing year 2019 sector rosters. We calculate a sector's allocation for each stock by summing its members' PSC for the stock and then multiplying that total percentage by the commercial sub-ACL for that stock. The process for allocating ACE to sectors is further described in the final rule approving sector operations plans for fishing years 2019 and 2020 (84 FR 17916; April 26, 2019) and is not repeated here. At the start of the 2019 fishing year, we provided final allocations, to the nearest pound, to each sector based on their final May 1 rosters. Table 9 shows the cumulative fishing year 2019 PSC by stock for each sector for fishing year 2019. Tables 10 and 11 show the ACEs allocated to each sector for fishing year 2019, in pounds and metric tons, respectively. We have included the common pool sub-ACLs in tables 9 through 11 for comparison.

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Table 9 -- Cumulative PSC (percentage) each sector is receiving by stock for fishing year 2019

Sector Name	MRI Count	GB Cod	GOM Cod	GB Haddock	GOM Haddock	GB Yellowtail Flounder	SNE/MA Yellowtail Flounder	CC/GOM Yellowtail Flounder	Plaice	Witch Flounder	GB Winter Flounder	GOM Winter Flounder	SNE/MA Winter Flounder	Redfish	White Hake	Pollock
Fixed Gear Sector	77	16.4463816	0.76138213	2.46371816	0.21209561	0.8467309	0.72288695	2.16381305	0.66973956	1.25390141	0.07239399	12.692847	1.34491762	0.65299547	1.14124062	3.83231266
Maine Coast Community Sector	85	2.32945267	11.5036951	3.13851332	8.88543681	1.7787573	1.4982696	3.40789601	12.2947645	9.60733252	1.01111527	3.48417828	1.83972479	8.64505174	13.2298481	12.6221748
Maine Permit Bank	11	0.13360966	1.15405062	0.04432773	1.12451663	0.01377701	0.03180705	0.317725	1.16407082	0.72688225	0.00021715	0.42643762	0.01789069	0.82190152	1.65422882	1.69505339
Mooncusser Sector	40	12.2376902	3.36776156	4.08494805	3.03403352	0.00660941	0.17678852	2.39421429	0.66192027	1.64610086	0.01018417	2.43054175	1.49924351	2.69684784	5.82619857	5.43067395
NEFS 2	137	6.56110032	27.3669288	10.7153753	23.3449701	1.90808383	1.88582919	25.4681065	11.3487456	14.8712767	3.21761828	25.2736815	4.27378299	15.5863977	9.48758155	14.9609105
NEFS 4	53	4.14715377	10.9572837	5.34210878	8.81058655	2.16161028	2.2612274	6.12165848	9.40642104	8.71637823	0.69180161	7.00769691	0.86851087	6.63468548	8.23850875	6.56549379
NEFS 5	24	0.47996588	0.00066239	0.81554777	0.00357885	1.27619665	20.0477965	0.20509605	0.43226934	0.56080262	0.43636604	0.01160091	12.0392738	0.01449119	0.09437284	0.04251814
NEFS 6	24	3.04705666	3.08690553	3.35165948	4.22042782	2.7147303	4.62121534	3.62074425	4.39493222	5.69558486	1.52608004	4.5398473	1.74528574	6.80464863	4.51264711	3.65402413
NEFS 7	55	11.8905817	3.0162481	10.5482595	7.40207811	24.0819284	7.90202627	9.79489855	9.36742282	9.16015927	29.9749814	2.85940513	14.6659939	9.05212644	6.35623876	6.29405708
NEFS 8	39	7.76827943	1.10297247	7.37398169	0.67593196	14.2948252	8.82944802	5.71766365	2.9609966	3.56068818	21.6884865	4.63264392	10.3440965	0.86441708	1.043686	1.17029747
NEFS 10	29	0.52584587	2.46878322	0.17673207	1.2820479	0.00114846	0.54787117	4.27772808	1.08109636	2.04601658	0.01083155	9.10191902	0.60102392	0.33492707	0.65504438	0.76336954
NEFS 11	48	0.39910256	12.3443259	0.0348594	2.86938324	0.00149117	0.01948622	2.52120664	1.69908227	1.6544682	0.00312599	2.13205972	0.02150409	1.94329496	4.50105141	8.90552513
NEFS 12	18	0.62874707	2.8678693	0.09374416	1.0135535	0.00042969	0.01049524	7.83165685	0.50289552	0.56772919	0.00043898	7.53639404	0.21702251	0.22673867	0.28137128	0.77537598
NEFS 13	66	11.6582938	0.75905885	20.3786926	0.94291262	34.7614337	23.0227454	6.09705271	8.46304277	8.68233154	17.3078377	1.91384775	15.2248795	4.31064442	2.13845227	2.62678979
New Hampshire Permit Bank	4	0.00082215	1.14430608	3.4057E-05	0.03234742	2.0262E-05	1.7878E-05	0.02179261	0.02847772	0.00615968	3.2379E-06	0.06067789	3.6297E-05	0.01940234	0.08135658	0.11135181
Sustainable Harvest Sector 1	23	2.26053718	3.12270341	1.96920548	3.62668945	0.80749099	0.12772692	3.35132189	4.37675268	3.32755932	5.66114479	4.44084348	0.80328436	2.8860922	4.23262121	3.1993367
Sustainable Harvest Sector 2	36	0.98521931	4.82034601	0.972144	3.14482002	2.64119607	3.11490618	2.6903929	4.27414195	3.42441717	0.63886188	3.04136153	1.98112304	3.41004341	6.32307856	5.87288783
Sustainable Harvest Sector 3	58	15.0685142	7.26760844	26.911408	28.2180763	9.84679159	5.26025239	8.62447719	24.7318655	21.7898628	13.6346388	3.31793498	18.2411343	34.5739744	29.4293798	20.8144536
Common Pool	489	3.43164582	2.88710843	1.58474045	1.15651365	2.85674878	19.9192037	5.37255528	2.14136248	2.70234859	4.11387264	5.09608124	14.2712715	0.52131945	0.77309336	0.66339377

Table 10 -- ACE (in 1,000 lb), by stock, for each sector for fishing year 2019#^

Sector Name	GB Cod East	GB Cod West	GOM Cod	GB Haddock East	GB Haddock West	GOM Haddock	GB Yellowtail Flounder	SNE/MA Yellowtail Flounder	CC/GOM Yellowtail Flounder	Plaice	Witch Flounder	GB Winter Flounder	GOM Winter Flounder	SNE/MA Winter Flounder	Redfish	White Hake	Pollock
Fixed Gear Sector	69	500	6	815	2,079	39	2	1	19	22	24	1	99	15	158	69	3,160
Maine Coast Community Sector	10	71	91	1,038	2,648	1,628	3	1	30	398	181	17	27	21	2,091	798	10,407
Maine Permit Bank	1	4	9	15	37	206	0	0	3	38	14	0	3	0	199	100	1,398
Mooncusser Sector	51	372	27	1,351	3,447	556	0	0	21	21	31	0	19	17	652	351	4,478
NEFS 2	27	199	217	3,544	9,042	4,278	4	1	224	367	280	55	198	49	3,770	572	12,336
NEFS 4	17	126	87	1,767	4,508	1,614	4	2	54	304	164	12	55	10	1,605	497	5,413
NEFS 5	2	15	0	270	688	1	2	14	2	14	11	7	0	137	4	6	35
NEFS 6	13	93	24	1,108	2,828	773	5	3	32	142	107	26	35	20	1,646	272	3,013
NEFS 7	50	362	24	3,488	8,901	1,356	45	6	86	303	172	511	22	167	2,190	383	5,190
NEFS 8	32	236	9	2,439	6,222	124	27	6	50	96	67	370	36	118	209	63	965
NEFS 10	2	16	20	58	149	235	0	0	38	35	39	0	71	7	81	40	629
NEFS 11	2	12	98	12	29	526	0	0	22	55	31	0	17	0	470	271	7,343
NEFS 12	3	19	23	31	79	186	0	0	69	16	11	0	59	2	55	17	639
NEFS 13	49	354	6	6,739	17,196	173	65	16	54	274	163	295	15	174	1,043	129	2,166
New Hampshire Permit Bank	0	0	9	0	0	6	0	0	0	1	0	0	0	0	5	5	92
Sustainable Harvest Sector 1	9	69	25	651	1,662	665	2	0	29	142	63	97	35	9	698	255	2,638
Sustainable Harvest Sector 2	4	30	38	321	820	576	5	2	24	138	64	11	24	23	825	381	4,842
Sustainable Harvest Sector 3	63	458	58	8,899	22,709	5,171	18	4	76	800	410	233	26	208	8,363	1,775	17,162
Common Pool	14	104	25	524	1,337	212	5	14	47	69	51	70	40	163	126	47	547
Sector Total	402	2,936	771	32,545	83,047	18,112	181	57	830	3,166	1,831	1,636	742	979	24,063	5,984	81,906

Numbers are rounded to the nearest thousand pounds. In some cases, this table shows an allocation of 0, but that sector may be allocated a small amount of that stock in tens or hundreds pounds.

^ The data in the table represent the total allocations to each sector.

Table 11 -- ACE (in metric tons), by stock, for each sector for fishing year 2019 #^

Sector Name	GB Cod East	GB Cod West	GOM Cod	GB Haddock East	GB Haddock West	GOM Haddock	GB Yellowtail Flounder	SNE/MA Yellowtail Flounder	CC/GOM Yellowtail Flounder	Plaice	Witch Flounder	GB Winter Flounder	GOM Winter Flounder	SNE/MA Winter Flounder	Redfish	White Hake	Pollock
Fixed Gear Sector	31	227	3	370	943	18	1	0	9	10	11	1	45	7	72	31	1,433
Maine Coast Community Sector	4	32	41	471	1,201	739	2	0	14	180	82	8	12	10	949	362	4,721
Maine Permit Bank	0	2	4	7	17	93	0	0	1	17	6	0	2	0	90	45	634
Mooncusser Sector	23	169	12	613	1,564	252	0	0	10	10	14	0	9	8	296	159	2,031
NEFS 2	12	90	99	1,607	4,101	1,940	2	1	101	167	127	25	90	22	1,710	260	5,595
NEFS 4	8	57	39	801	2,045	732	2	1	24	138	74	5	25	4	728	225	2,456
NEFS 5	1	7	0	122	312	0	1	6	1	6	5	3	0	62	2	3	16
NEFS 6	6	42	11	503	1,283	351	2	1	14	64	49	12	16	9	747	123	1,367
NEFS 7	22	164	11	1,582	4,037	615	20	3	39	137	78	232	10	76	993	174	2,354
NEFS 8	15	107	4	1,106	2,822	56	12	3	23	43	30	168	16	54	95	29	438
NEFS 10	1	7	9	27	68	107	0	0	17	16	17	0	32	3	37	18	286
NEFS 11	1	6	44	5	13	238	0	0	10	25	14	0	8	0	213	123	3,331
NEFS 12	1	9	10	14	36	84	0	0	31	7	5	0	27	1	25	8	290
NEFS 13	22	161	3	3,057	7,800	78	29	7	24	124	74	134	7	79	473	58	982
New Hampshire Permit Bank	0	0	4	0	0	3	0	0	0	0	0	0	0	0	2	2	42
Sustainable Harvest Sector 1	4	31	11	295	754	301	1	0	13	64	28	44	16	4	317	116	1,197
Sustainable Harvest Sector 2	2	14	17	146	372	261	2	1	11	63	29	5	11	10	374	173	2,196
Sustainable Harvest Sector 3	28	208	26	4,037	10,301	2,345	8	2	34	363	186	106	12	94	3,793	805	7,785
Common Pool	6	47	11	238	607	96	2	6	21	31	23	32	18	74	57	21	248
Sector Total	183	1,332	350	14,762	37,669	8,216	82	26	377	1,436	831	742	337	444	10,915	2,714	37,152

Numbers are rounded to the nearest metric ton, but allocations are made in pounds. In some cases, this table shows a sector allocation of 0 metric tons, but that sector may be allocated a small amount of that stock in pounds.

^ The data in the table represent the total allocations to each sector.

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4. Adjustments Due to Fishing Year 2017 Overage

If an overall ACL is exceeded due to catch from vessels fishing outside of an allocated fishery, the overage is distributed to the components of the fishery with an allocation in proportion to each component's share of the ACL. If a fishery component's catch and its share of the ACL overage exceed the component's allocation, then the applicable AMs must be implemented. The commercial groundfish fishery AMs require a pound-for-pound reduction of the applicable sector or common pool sub-ACL following either component's overage. The recreational fishery AMs require a modification to that fishery's management measures.

In fishing year 2017, GOM cod catch exceeded the total ACL and ABC, but not the OFL (Table 12). We notified the Council of the overage and payback amounts in October 2018. The proposed rule included a description of the fishing year 2017 catch overage and required adjustments to fishing year 2019 allocations, and is not repeated here. These adjustments are not part of Framework 58. We are including them in conjunction with Framework 58 measures for expediency purposes, and because they relate to the catch limits included in Framework 58.

Table 13 shows the proportion (as a percentage) of the unallocated overage attributed to each component, the amount (mt) of the unallocated overage attributed to each sub-component, the amount (mt) of any overage of each component's sub-ACL, and amount (mt) that must be paid back by each component. Table 14 shows revised fishing year 2019 GOM cod allocations incorporating these payback amounts. These revised allocations were incorporated in the quotas set for 2019 (see 3. Catch Limits for Fishing Years 2019–2020).

TABLE 12—2017 ABC, ACL, CATCH, AND OVERAGE

[mt, live weight]

Stock	U.S. ABC	Total ACL	Catch	Total overage	Unallocated overage
GOM Cod	500	473	612.6	139.6	61.4

TABLE 13—2017 PAYBACK CALCULATIONS AND AMOUNTS

[mt, live weight]

Component	Proportion of overage (%)	Overage amount	Catch amount below sub-ACL (underage)	Payback (overage minus underage)
Sectors	64	39.4	10.5	28.8
Common Pool	2	1.3	0.9	0.4
Recreational	34	20.7	0	(*)

* The recreational fishery does not have pound-for-pound payback.

TABLE 14—REVISED 2019 ALLOCATIONS

[mt, live weight]

Stock	Total ACL	Groundfish sub-ACL	Initial sector sub-ACL	Revised sector sub-ACL	Initial common pool sub-ACL	Revised common pool sub-ACL
GOM Cod	666	610	378.40	349.56	11.25	10.85

5. Rebuilding Programs

This action revised the rebuilding programs for GB winter flounder and northern windowpane flounder; and creates new rebuilding plans for Southern New England/Mid-Atlantic (SNE/MA) yellowtail flounder, witch flounder and ocean pout, as more fully described in the proposed rule and Appendix III of the EA (see **ADDRESSES**). The deadline to implement these rebuilding plans is August 31, 2019. The Council's Scientific and Statistical Committee (SSC) advised that revising the ABCs for fishing years 2019 and 2020 is not warranted for the development of the new rebuilding plans because these ABCs were set with the most recent assessments in 2017. Therefore, the 2019 and 2020 ABCs set in Framework 57 are incorporated in the approved rebuilding plans. These rebuilding plans begin in 2019; therefore, January 1, 2020, will be the first year of the rebuilding plan for all stocks.

Stocks With Projections

The GB winter flounder and SNE/MA yellowtail flounder rebuilding programs approved in this action are expected to rebuild the stocks within 10 years, or by 2029, which is the maximum rebuilding time (T_{max}) allowed by the Magnuson-Stevens Act. The approved rebuilding plan for GB winter flounder sets the fishing mortality (F) rate that is required to rebuild the stock ($F_{rebuild}$) at 70 percent of fishing mortality rate associated with maximum sustainable yield (F_{MSY}) with a 77-percent probability of achieving the biomass associated with maximum sustainable yield (B_{MSY}). Generally, F is the proportion of the mean population size that is removed in a period of time. The approved rebuilding plan for SNE/MA yellowtail flounder sets $F_{rebuild}$ at 70 percent of F_{MSY} with an 82-percent probability of achieving B_{MSY}. As explained in more detail in Appendix III of the EA, the approved rebuilding plans address the needs of fishing communities as much as practicable, as well as factoring in past performance of groundfish catch projections in order to increase the likelihood of rebuilding success.

Stocks Without Projections

The approved rebuilding plan for northern windowpane flounder sets $F_{rebuild}$ at 70 percent of F_{MSY} and the rebuilding timeline (T_{target}) at 10 years, rebuilding by the end of 2029. The approved rebuilding plan for ocean pout sets $F_{rebuild}$ at 70 percent of F_{MSY} and T_{target} at 10 years, rebuilding by the end of 2029. The approved witch flounder rebuilding plan sets $F_{rebuild}$ as an exploitation rate of 6 percent (or as otherwise determined in a future stock assessment) and T_{target} at 23 years, rebuilding by the end of 2043. The northern windowpane flounder and ocean pout assessments are index-based. The witch flounder assessment is an empirical area-swept model. None of these assessments provide sufficient information for projections, which prevents calculating probabilities of achieving B_{MSY}. Additional considerations by stock are discussed in Appendix III of the EA.

6. Revision to the Georges Bank Yellowtail Flounder Accountability Measure Trigger for Scallop Vessels

The scallop fishery is allocated sub-ACLs for four stocks: GB yellowtail flounder; SNE/MA yellowtail flounder; northern windowpane flounder; and southern windowpane flounder. These allocations manage the scallop fishery's bycatch of these stocks and mitigate potential negative impacts to the groundfish fishery. Framework 47 (77 FR 26104; May 2, 2012) established a policy for triggering scallop fishery AMs. The AMs are triggered if either the scallop fishery exceeds its sub-ACL for a stock and the overall ACL for that stock is exceeded, or the scallop fishery exceeds its sub-ACL for a stock by 50 percent or more. Framework 56 (82 FR 35660; August 1, 2017) made a change to this policy for GB yellowtail flounder to remove the second trigger for the 2017 and 2018 fishing years. This action extends this policy for GB yellowtail flounder for the 2019 and 2020 fishing years. For these years, the scallop fishery's AMs for GB yellowtail flounder will be triggered only if the scallop fishery exceeds its sub-ACL, *and* the overall ACL is exceeded.

This measure is intended to provide flexibility for the scallop fishery to better achieve optimal yield, despite recent reductions in the ACL, while continuing to prevent overfishing. Framework 58 reduces the 2019 GB yellowtail flounder ABC by 50 percent when compared to 2018. In recent years, a significant portion of the overall ACL has remained uncaught as groundfish vessels have reduced their catch and avoided the stock. Exceeding the total ACL would trigger the AM to mitigate biological effects of the overage and to address the cause of the overage by deterring subsequent ACL overages. This measure provides the scallop fishery with flexibility to adjust to current catch conditions and better achieve optimum yield while still providing an incentive to avoid GB yellowtail flounder. This extension is for only 2 years to reduce the potential risk for negative economic impacts to the groundfish fishery while providing further opportunity to assess the AM's performance. The underlying policy for triggering scallop fishery AMs that was established by Framework 47 will be in effect for catches in fishing year 2021 and beyond. Beginning with catch during fishing year 2021, the AM will be triggered if either the scallop fishery exceeds its sub-ACL for a stock and the overall ACL for that stock is exceeded, or the scallop fishery exceeds its sub-ACL for a stock by 50 percent or more.

7. Exemption From the U.S. Minimum Fish Sizes for Groundfish Species for Vessels Fishing Exclusively in the Northwest Atlantic Fisheries Organization Regulatory Area

This action exempts U.S. vessels on trips fishing exclusively in the NAFO Regulatory Area (Figure 1) from the domestic Northeast Multispecies FMP minimum sizes. On those trips, the vessels are required to land fish that meet the NAFO minimum sizes as specified in the NAFO Conservation and Enforcement Measures (see: *https://www.nafo.int/Fisheries/Conservation*), or otherwise specified. A comparison of U.S. domestic and NAFO minimum sizes is contained in the EA (see **ADDRESSES**). The NAFO stocks are distinct from the stocks managed by the Northeast Multispecies FMP. Therefore, harvest of those stocks does not have a biological impact on U.S. stocks. NAFO fishing trips require 100-percent observer coverage, and all catch that comes onboard the vessel is identified and quantified following NAFO protocols by the fisheries observer. Allowing U.S. vessels to harvest groundfish using NAFO minimum sizes enables the United States to be better stewards of the NAFO resource by reducing discards that meet the NAFO size standards but are below the domestic minimum size. NAFO catch primarily goes into the frozen market. Landing the dressed fish, even at sizes less than the domestic minimum size, does not give the NAFO participants a competitive advantage over domestic fishermen that rely upon the fresh fish market nor does it negatively affect the fresh fish market. Instead, this is expected to provide U.S. fishing businesses an opportunity to compete equally in the frozen market. This exemption applies to all NAFO species included in the Northeast Multispecies FMP.

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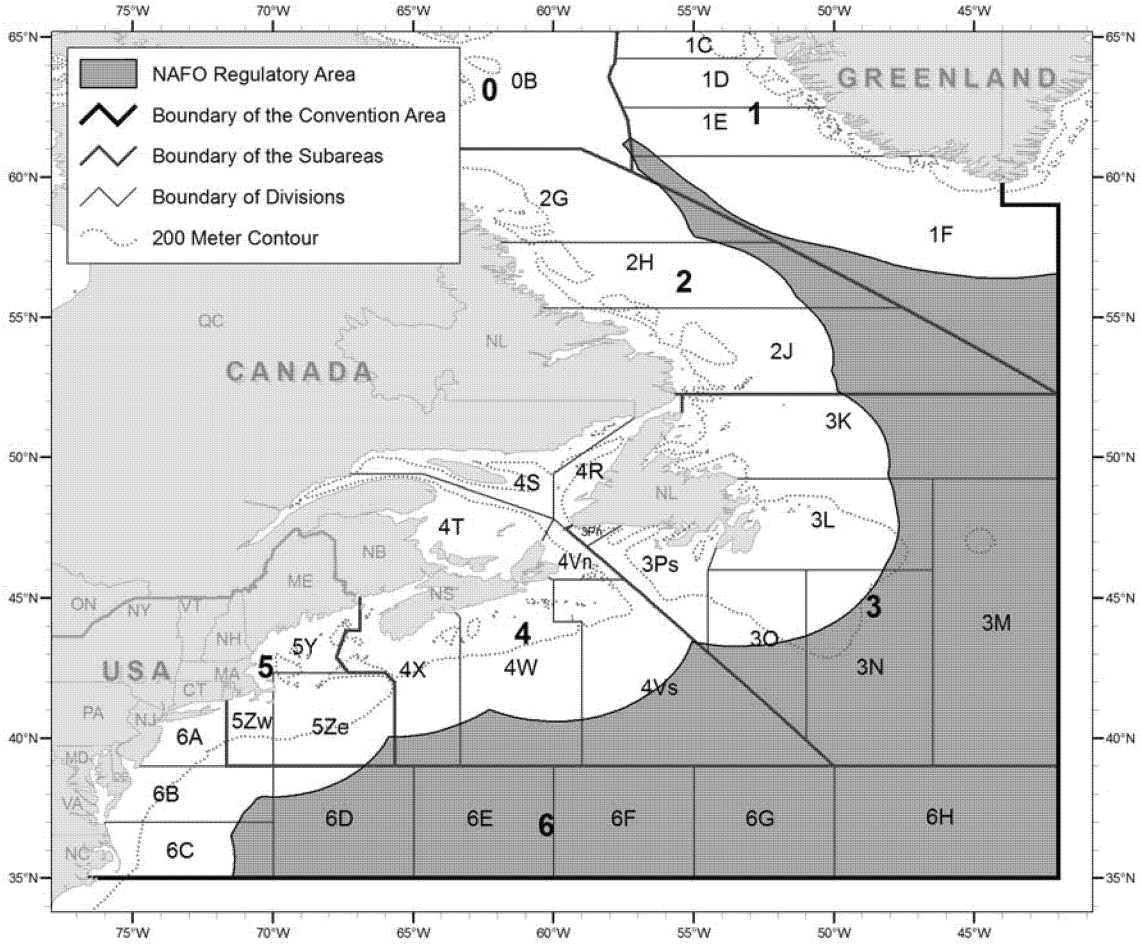
Figure 1 -- NAFO Convention Area including Statistical Subareas, Divisions, and Subdivisions



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8. Administrative Changes and Regulatory Corrections Under Secretarial Authority

The following changes are being made using Magnuson-Stevens Act section 305(d) authority to ensure that FMPs or amendments are implemented in accordance with the Magnuson-Stevens Act.

Days-at-Sea Leasing Deadline

We are using our administrative authority under § 305(d) of the Magnuson-Stevens Act to set the application deadline for days-at-sea leasing applications to April 30. This is intended to facilitate efficient use of groundfish DAS throughout the fishing year. As explained in the proposed rule, NMFS previously set a March 1 annual deadline to allow for a 45-day window to process paper applications and time to use the DAS prior to the end of the fishing year on April 30. Nearly all DAS leases are now submitted electronically and are processed almost immediately, making the March 1 deadline unnecessary.

At-Sea Catch Reporting

This rule revises the regulations for vessel monitoring system (VMS) catch reports. As explained in the proposed rule, Amendment 16 (75 FR 18262; April 9, 2010) implemented a new requirement for vessels to submit catch reports at-sea via their VMS on any trip fishing in multiple broad stock areas (BSA) and maintained preexisting requirements for vessels to submit catch reports for any trip fishing in a special management program (*e.g.,* the U.S./Canada Management Areas, the Regular B DAS Program). However, the regulatory text implemented by the final rule inadvertently removed the requirement to report by statistical area. Additionally, in 2013, we revised the VMS reporting instructions to require vessels to submit catch by statistical area fished, rather than reporting catch by BSA, for any trip requiring a VMS catch report, but this change was not captured consistently in the regulations. This action revises the regulations to state consistently that species kept must be reported by statistical area on all VMS catch reports.

Citation for Scallop-Yellowtail Quota Transfer

This action corrects an erroneous citation to recreational allocations in the regulations implementing the mechanism to transfer unused yellowtail flounder quota from the scallop fishery to the groundfish fishery.

9. Comments and Responses on Measures Proposed in the Framework 58 Proposed Rule

We received comments on the Framework 58 proposed rule from three members of the public, the Northeast Seafood Coalition (NSC), and a joint comment from the Conservation Law Foundation (CLF) and the Natural Resources Defense Council (NRDC). Only comments that were applicable to the proposed measures are addressed below. Consolidated responses are provided to similar comments on the proposed measures.

Fishing Year 2019 Shared U.S./Canada Quotas

Comment 1: NSC commented that the 140-mt total shared quota for GB yellowtail flounder for 2019 could result in significant fishery and management implications that NMFS and the Council have not fully addressed.

Response 1: We disagree. The SSC review of the Transboundary Resource Assessment Committee assessment results and the discussions by the Council directly addressed the low GB yellowtail flounder quota for fishing year 2019 and the potential effects to the fishery. The EA analyzes the effects of the reduced quota. Additionally, this action extends the temporary change to the scallop fishery AM trigger for GB yellowtail flounder for the 2019 and 2020 fishing years (see 3. Revision to the Georges Bank Yellowtail Flounder Accountability Measure Trigger for Scallop Vessels) to provide flexibility for the scallop fishery to better achieve optimal yield, despite recent reductions in the ACL, while continuing to prevent overfishing.

Catch Limits for Fishing Years 2019–2020

Comment 2: CLF and NRDC commented that the GB cod ACL should not be increased until there is full accountability in the groundfish fishery through 100-percent catch monitoring at sea, an approved stock assessment model for GB cod, and a clear indication that the stock status for GB cod is increasing.

Response 2: We disagree. This action does not change the 2019 OFL and overall ABC set by Framework 57. The 2019 ACL increase for U.S. fishermen is not an increase in the overall available catch, but rather is the result of the way the overall ABC is divided between the U.S. and Canada. Canada's portion of the overall catch was not originally included in the U.S. available catch for 2019 and 2020. In the final rule for Framework 57, the published 2018 U.S. ABC included a reduction to account for Canadian catch, but the published U.S. ABCs for 2019 and 2020 were set equal to the total ABCs for those years because the portion of the Eastern GB cod TAC allocated to Canada for those years had not yet been set. Framework 58 allocates a portion of the Eastern GB cod TAC to Canada, and this allocation results in a 34-percent reduction to the 2019 U.S. ABC to account for Canada's allocation (see 2. Fishing Year 2019 Shared U.S./Canada Quotas). Accordingly, the increase in the GB cod ACL for fishing year 2019, in comparison to 2018, does not reflect an increase in the overall ABC. Rather, the ACL increase reflects that the allocation of Eastern GB cod to Canada in 2019 is less than in 2018.

Framework 57 set the GB cod OFL and overall ABC for fishing years 2018–2020 based on the peer-reviewed stock assessment completed in 2017 and the recommendations of the SSC, consistent with the National Standard 2 requirement to use the best scientific information available. Further, the ABCs and ACLs were calculated to prevent overfishing while achieving optimum yield, as required by National Standard 1, and they are consistent with the current rebuilding program for GB cod. In the absence of better information that would allow a more explicit determination of scientific uncertainty (including accuracy of catch and natural mortality estimates), the SSC's catch advice for GB cod set an ABC that was 75 percent of the recommended OFL, consistent with the Council's ABC control rule. This action revises the GB cod U.S. ABC and ACL for fishing year 2019 based on the most recent assessment of the eastern portion of the GB cod stock (jointly managed with Canada) and the resulting Eastern GB cod TAC for 2019. This reflects the best scientific information available, is expected to prevent overfishing while achieving optimum yield, and is consistent with the rebuilding program for GB cod.

Comment 3: One member of the public commented that the possession limits for yellowtail flounder for common pool vessels and the small-mesh fisheries should be zero, because it is not economically efficient to implement small possession limits.

Response 3: We disagree that the common pool should be prohibited from possessing yellowtail flounder. This action allocates quotas to components of the groundfish fishery and some other fisheries (see Table 3), but does not set individual vessel possession limits. A separate action (84 FR 17926; April 26, 2019) set common pool vessel possession and trip limits for fishing year 2019 to facilitate harvest and enable the total catch to approach, but not exceed, the quota for stocks allocated to the common pool, including yellowtail flounder stocks. Further, the FMP prohibits small-mesh vessels from retaining yellowtail flounder (all stocks) and allocates a sub-ACL of GB yellowtail flounder to manage that fishery's bycatch of the stock, which, if exceeded, would result in AMs being triggered.

Comment 4: One recreational fisherman commented that either the GOM cod commercial fishery allocation should be reduced to allow recreational fishermen to retain GOM cod or GOM cod possession should be prohibited for all vessels.

Response 4: We disagree. In Amendment 16, the Council allocated 33.7 percent of the GOM cod ACL to the recreational fishery and 66.3 percent to the commercial fishery, based on historic catch. This action allocates GOM cod to each group based on the ABCs set in Framework 57, consistent with the allocation split set by the Council in Amendment 16, as reduced to payback an overage in fishing year 2016 (see 4. Adjustments Due to Fishing Year 2017 Overage). Recreational measures (*e.g.,* season, bag limit, minimum size) are set to ensure that the recreational sub-ACL is achieved, but not exceeded. A separate action (84 FR 20609; May 10, 2019) recently proposed and solicited comment on recreational fishing measures for fishing year 2019, including two 2-week seasons when recreational vessels may be allowed to possess GOM cod.

Rebuilding Programs

Comment 5: CLF and NRDC commented that the northern windowpane flounder, ocean pout, and witch flounder rebuilding plans do not have an adequate probability of rebuilding success; and do not comply with the legal requirements for rebuilding plans.

Response 5: We disagree and have approved the rebuilding plans. The northern windowpane flounder, ocean pout, and witch flounder rebuilding plans are based on the best scientific information available and are designed to ensure rebuilding progress within required timelines. In the absence of scientific information that provides a basis for precise probabilities of achieving B_{MSY}, we are required to base our determination on the data currently available for these specific fisheries, the potential for gaining additional data within the rebuilding plan time, the performance of rebuilding plans generally compared to specific measures

in these rebuilding plans, and the ability to adjust measures using updated information during our frequent evaluation of adequate rebuilding progress. Using this information, we are approving measures that we expect will promote rebuilding within the timelines taking into account the status and biology of the stocks, the interactions of these stocks within the ecosystem, and the needs of fishing communities.

The best scientific information available on the status and biology of these stocks show that they are in poor condition and rebuilding progress has been inadequate. However, the assessments provide limited information. The northern windowpane flounder and ocean pout assessments are index-based, which compare current catch in the most recent survey tows conducted by NOAA's research vessel to the 3-year average catch of the surveys. The witch flounder assessment is an empirical area-swept model, which estimates exploitable biomass based on the survey catch and that area surveyed. None of these assessments is appropriate for making short-term projections of biomass, which prevents calculating probabilities of achieving B_{MSY}. Despite not being able to generate projections, both northern windowpane flounder and ocean pout have proxy reference points that are used to evaluate rebuilding progress. Witch flounder does not have proxy reference points, but the indices of abundance and biomass are compared to time series averages to evaluate rebuilding progress.

The approved rebuilding plans for northern windowpane flounder and ocean pout conservatively set T_{target} at 10 years, rebuilding by the end of 2029, because the minimum time for rebuilding each of these stocks in the absence of any fishing mortality (T_{min}) is unknown due to a lack of aging data to calculate a mean generation time for these stocks. As described in the proposed rule, following National Standard 1 guidelines for setting timelines for stocks whose biology required more than 10 years to rebuild, T_{target} for witch flounder is set at 23 years based on two times the mean generation time, rebuilding by the end of 2043.

To rebuild within the prescribed timelines, the approved rebuilding plans set fishing mortality limits more conservatively than the past rebuilding plans. Under the groundfish control rule, most stocks would be expected to rebuild in 10 years when fishing at 75 percent of F_{MSY}. Consistent with the Council's ABC control rule, the previous rebuilding plans began by setting F at 75 percent of F_{MSY}, with an option to reduce the target F to a lower $F_{rebuild}$ if the stock was not rebuilding as expected. However, for northern windowpane flounder, ocean pout, and witch flounder, rebuilding was not achieved as previously planned despite application of the control rule. The revised rebuilding plans for northern windowpane flounder and ocean pout set $F_{rebuild}$ at 70 percent of F_{MSY} and T_{target} at 10 years, rebuilding by the end of 2029. The revised witch flounder rebuilding plan sets $F_{rebuild}$ as an exploitation rate of 6 percent and T_{target} as 23 years, rebuilding by the end of 2043.

The new rebuilding plans for northern windowpane flounder and ocean pout have a more conservative $F_{rebuild}$, set at 70 percent of F_{MSY}, and unlike the previous rebuilding plans, the $F_{rebuild}$ will be implemented from the start of the rebuilding plans. Future quotas, based on the rebuilding plans, are expected to be lower than they would have been under the current rebuilding plans. Possession of these stocks is already prohibited, but if catch exceeds the quotas, accountability measures are implemented to further reduce catch by requiring selective trawl gear in geographic areas where catch is highest. The witch flounder rebuilding plan sets a more conservative $F_{rebuild}$ as an exploitation rate of 6 percent. These new rebuilding plans set $F_{rebuild}$ levels as rates (*e.g.,* $F_{rebuild}$ at 70 percent of F_{MSY}) rather than setting specific static values (*e.g.,* 0.30). The rebuilding plans will incorporate the $F_{rebuild}$ values calculated by future assessments, consistent with the recommendations of the SSC. Importantly, this ensures that the rebuilding plans will adjust to new information by incorporating the $F_{rebuild}$ and exploitation rate values calculated by future assessments.

Consistent with the Magnuson-Stevens Act rebuilding requirement and National Standard 1 Guidelines, at least every 2 years NMFS will evaluate the rebuilding progress of each of these stocks and make a determination as to whether adequate rebuilding progress is being made. The National Standard 1 Guidelines state that the Secretary may find that a stock is making inadequate rebuilding progress if either: (1) $F_{rebuild}$ or the ACL associated with $F_{rebuild}$ is exceeded, and AMs are not correcting the operational issue that caused the overage, nor addressing any biological consequences; or (2) the rebuilding expectations of a stock or stock complex are significantly changed due to new and unexpected information about the status of the stock. The guidelines provide for reviews of recent stock assessments, comparisons of catches to ACLs, or other appropriate performance measures to gauge whether adequate rebuilding progress is being made. When addressing rebuilding programs based on available scientific information that does not provide for precise probabilities, this periodic review ensures that there is opportunity to use potentially better available information to take prompt and timely corrective action if a rebuilding plan is making inadequate progress.

We plan to monitor the rebuilding progress of northern windowpane flounder and ocean pout using the proxy biological reference points. Northern windowpane flounder has proxy biological reference points defined as $F_{MSY\ proxy} = 0.34$ and $B_{MSY\ proxy} = 2.06$ kg/tow. Ocean pout has proxy biological reference points defined as $F_{MSY\ proxy} = 0.76$ and $B_{MSY\ proxy} = 4.94$ kg/tow. Determining whether witch flounder is rebuilt will be more difficult because F_{MSY} and B_{MSY} are undefined. To make a determination, we will evaluate whether catch has exceeded the ACLs, or F has exceeded $F_{rebuild}$, and the accountability measures are not addressing the cause of the overage; and whether the rebuilding expectations of the stock are significantly changed due to new or unexpected information about the status of the stock. We will continue to monitor whether the large 2013 year class moves through the population. As part of the mandated review of rebuilding progress we will determine whether additional measures are required and make recommendations to the Council as necessary. We are expecting additional assessment information during the rebuilding plans that will provide for adjusting fishing mortality accordingly and will inform our evaluation of whether adequate rebuilding progress is being made during the rebuilding plan. New fishery assessments for the northern windowpane flounder and witch flounder stocks are expected every 2 years and new assessments for the ocean pout stock are expected every 3 years. In addition to providing updated estimates of catch and status determination criteria, future assessments may provide additional information useful to evaluating rebuilding. For example, otoliths collected from windowpane flounder may allow for the development of a full analytical model at a future research track assessment.

These rebuilding plans also account for the role of these stocks within the ecosystem and the needs of fishing communities. The Council considered and analyzed multiple rebuilding plans

for each stock as part of Framework Adjustment 58. In evaluating the options for each stock, the Council reviewed expected social and economic effects to consider the needs of communities, as recommended by the SSC. The Council opted to balance the likelihood of rebuilding a stock while simultaneously reducing economic risk. Ocean pout and northern windowpane flounder are each managed as a single stock throughout a very large geographic range. Therefore, these stocks have the potential to severely constrain catch of many other stocks caught in these stock areas. Thus, for ocean pout and northern windowpane flounder the Council selected neither the most conservative nor the most liberal $F_{rebuild}$. For witch flounder, the Council selected the exploitation rate from the most recent assessment. These measures balance the need for better available information that would support development of more refined restrictions with ensuring rebuilding while avoiding potentially overly burdensome restrictions.

Comment 6: CLF and NRDC commented that NMFS recommended that the Council consider new conservation measures for northern windowpane flounder and ocean pout, and that witch flounder was ''in need of rebuilding measures,'' but that Framework 58 did not include new or additional management measures beyond new rebuilding timelines and new $F_{rebuild}$ rates.

Response 6: We are approving these rebuilding plans after taking into account the fishery management plan's ACL and AM measures, and the recent performance of these fisheries in relation to those measures; our close scrutiny of available information concerning the progress of these stocks as required under the Magnuson-Stevens Act; and our intent to conduct a research track assessment to investigate index-based assessments and control rules in the fall of 2020. In our August 31, 2017, letter to the Council, we made several recommendations to the Council regarding development of new rebuilding plans for northern windowpane flounder and ocean pout, including suggesting they consider additional management measures. We also recommended that the Council consider the effect of Framework Adjustment 56 (82 FR 35660; August 1, 2017) measures on correcting an operational issue that had contributed to recent ACL overages of northern windowpane flounder.

The Groundfish Plan Development Team discussed whether to develop additional management measures. Since Framework 56 was implemented, northern windowpane flounder catch has been reduced and has not exceeded the ACL. This suggests that the accountability measures implemented under Framework 56 are correcting the operational issues that led to the ACL overages and thereby addressed any biological consequences from overages. Ocean pout catch and witch flounder catches continue to be significantly below their ACLs and, as discussed above, are unit stocks for which additional restrictions could substantially adversely affect the entire fishery. As a result, the Plan Development Team developed the more conservative rebuilding plans approved by this action, rather than developing additional management measures for these stocks.

Comment 7: NSC commented that we should reconsider the stock status of GB winter flounder, consistent with the July 27, 2018, letter from Thomas A. Nies, Executive Director of the New England Fishery Management Council.

Response 7: In the July letter, Thomas A. Nies asked that we revisit our August 31, 2017, determination that, based on the 2015 stock assessment, GB winter flounder was overfished and subject to overfishing. In a response dated November 1, 2018, we notified the Council that, based on the 2017 stock assessment, GB winter flounder is not overfished and is not subject to overfishing, but is approaching an overfished condition. Further, we agreed that the latest assessment's biomass time series shows that GB winter flounder was not below the overfished threshold in 2007, nor any year since; therefore, the National Standard 1 Guidelines provide for the Council to choose to end the rebuilding plan. Because the stock is approaching an overfished condition, we recommended that the Council revise the rebuilding plan, rather than ending it. In Framework 58, the Council proactively revised the rebuilding plan for GB winter flounder because it is approaching an overfished condition. For the reasons discussed in the proposed rule and the preamble to this proposed rule, we have approved the rebuilding plan.

Comment 8: NSC commented in support of the witch flounder rebuilding plan and, in particular, setting the exploitation rate at 6 percent or as determined by a future stock assessment.

Response 8: We agree and have approved the witch flounder rebuilding plan.

Comment 9: NSC commented in support of the extension of the temporary change to the AM trigger for GB yellowtail flounder to remove the second trigger for the 2019 and 2020 fishing years.

Response 9: We agree and have approved the measure for the reasons discussed in the proposed rule and the preamble to this rule.

Comment 10: NSC commented in support of the exemption from U.S. domestic minimum fish sizes for groundfish for vessels fishing exclusively in the NAFO regulatory area to provide an opportunity for U.S. vessels to compete in the international frozen fish market without affecting the fresh fish market.

Response 10: We agree and have approved the measure for the reasons discussed in the proposed rule and the preamble to this rule.

10. Changes From the Proposed Rule

The sector and common pool sub-ACLs implemented by this action are based on fishing year 2019 PSCs and final fishing year 2019 sector rosters. The sub-ACLs in the proposed rule were based on the 2018 rosters because all permits enrolled in a sector, and the vessels associated with those permits, had until April 30, 2019, to withdraw from a sector and fish in the common pool for the 2019 fishing year. In addition to the enrollment delay, all permits that changed ownership after December 1, 2018, were allowed to join a sector through April 30, 2019.

Classification

Pursuant to section 304(b)(1)(A) of the Magnuson-Stevens Act, the NMFS Assistant Administrator has determined that the management measures implemented in this final rule are necessary for the conservation and management of the Northeast multispecies fishery and consistent with the Magnuson-Stevens Act, and other applicable law.

This final rule has been determined to be not significant for purposes of Executive Order (E.O.) 12866.

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

This final rule does not contain policies with Federalism or takings implications as those terms are defined in E.O. 13132 and E.O. 12630, respectively.

The Assistant Administrator for Fisheries finds that there is good cause under 5 U.S.C. 553(d)(3) to waive the 30-day delayed effectiveness of this action. This action relies on the best available science to set 2019 catch limits for seven groundfish stocks and adopts several other measures to improve the management of the groundfish fishery.

This final rule must be in effect as early in fishing year 2019 as possible to capture fully the conservation and economic benefits of Framework 58.

Framework 58 implements new quotas for fishing year 2019 for the transboundary GB stocks that we jointly manage with Canada (GB cod, GB haddock, and GB yellowtail flounder) based on new assessments for these stocks conducted in 2018. Framework 58 also includes minor adjustments to the catch limits specified in Framework 57 for witch flounder, GB winter flounder, GOM winter flounder, and Atlantic halibut. Framework 57, which we approved last year, set fishing year 2019 (May 1, 2019, through April 30, 2020) catch limits for all 20 groundfish stocks based on assessments conducted in 2017. Only the eastern portion of the GB cod stock, jointly managed with Canada, did not have a 2019 quota set in Framework 57. The Council took its final vote on Framework 58 in December 2018 and submitted the preliminary draft framework to NMFS for review on February 5, 2019. The formal submission of the framework to NMFS occurred on March 19, 2019. Given the timing of the Council process and the 5-week partial government shutdown, we were unable to publish a proposed rule for Framework 58 until April 19, 2019. A separate action implemented a constraining default quota (35 percent of the 2018 quota) for Eastern GB cod that will be in effect until we implement Framework 58.

The 30-day delay in implementation for this rule is unnecessary because this rule contains no new measures (*e.g.,* requiring new nets or equipment) for which regulated entities need time to prepare or revise their current practices. This action is similar to the process used to set quotas every 1–2 years, approves all items as proposed, and contains only quotas and minor adjustments to the management plan that were discussed at multiple noticed meetings where the public was provided opportunity to learn about the action, ask questions, and provide input into the development of the measures. Affected parties and other interested parties participated in this public process to develop this action and expect implementation as close to the beginning of the fishing year on May 1 as possible.

A further delay in implementation beyond the date of filing, during which time a constraining default quota is in place for Eastern GB cod, increases negative economic effects for regulated entities. The default quota, which is in place for Eastern GB cod from May 1 until this rule is effective, is constraining the fishery in the Eastern U.S./Canada Area. The majority of fishing in that region occurs during summer. The seasonality of this fishery is primarily due to the seasonal geographic distribution of the stocks jointly managed with Canada. Haddock, a healthy and abundant stock, is the target fishery for U.S. vessels in the Eastern U.S./Canada Area. However, this stock of haddock is primarily in the U.S. waters of their range during the summer and are generally more abundant in Canadian waters later in the fishing year. A secondary reason for the importance of accessing the Eastern U.S./Canada Area early in the year is that the summer weather provides safer fishing in the area (approximately 150–200 miles offshore).

To estimate the effect of a further delay before implementing the full Eastern GB cod quota for the year we can evaluate a recent instance of this occurring. In 2017, default quotas (35 percent of the 2016 quotas) were in place from May 1 until we implemented Framework 56 on August 1. That resulted in negative economic impacts to the offshore fleet by reducing harvest of Eastern GB cod by nearly half and reducing harvest of Eastern GB haddock by nearly a third. In 2017, catch of Eastern GB cod dropped to 43.7 mt from 82.1 mt in 2016, while catch of Eastern GB haddock dropped to 425.1 mt from 588 mt in 2016. We forecast how a similar delay in 2019 could affect the fleet by using the 2017 declines in catch and the most recent (2018) average ex-vessel prices per pound during the period of May through July. In 2018, cod and haddock prices were $2.41 and $0.98, respectively. That would reduce revenue by more than $500,000 for the industry in 2019. That includes only the foregone catch of Eastern U.S./Canada stocks and does not include the revenue from other stocks (*e.g.,* pollock, GB yellowtail flounder, GB winter flounder) that would also be caught on trips in the Eastern U.S./Canada Area. Because of the seasonal nature of the fishery, industry would permanently forego the revenues. Accordingly, a further delay in effectiveness for this action would be contrary to the public interest.

The quota for GB yellowtail flounder will decrease 50 percent with implementation of this rule. Delaying the reduction could lead to catch at a rate that would result in an early closure, or quota overage, once the reduced quota is implemented. This would have future negative economic impacts on the fishery. Further, delaying the required reduction in the catch limit increases the likelihood of an overage and negative biological impact to this stock that is overfished and subject to a rebuilding plan.

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration, during the proposed rule stage, that this action would not have a significant economic impact on a substantial number of small entities. The factual basis for this certification was published in the proposed rule and is not repeated here. No comments were received regarding this certification. As a result, a regulatory flexibility analysis was not required and none was prepared.

This rule contains a collection-of-information requirement subject to the Paperwork Reduction Act (PRA) and which has been approved by OMB under control number 0648–0605. Public reporting burden for VMS catch reports is estimated to average 15 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate, or any other aspect of this data collection, including suggestions for reducing the burden, to NMFS (see **ADDRESSES**) and by email to *OIRA_Submission@omb.eop.gov,* or fax to (202) 395–5806.

Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the PRA, unless that collection of information displays a currently valid OMB Control Number. All currently approved NOAA collections of information may be viewed at: *http://www.cio.noaa.gov/services_programs/prasubs.html.*

List of Subjects in 50 CFR Part 648

Fisheries, Fishing, Recordkeeping and reporting requirements.

Dated: July 15, 2019.

Samuel D. Rauch III,

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

For the reasons stated in the preamble, 50 CFR part 648 is amended as follows:

PART 648—FISHERIES OF THE NORTHEASTERN UNITED STATES

■ 1. The authority citation for part 648 continues to read as follows:

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

■ 2. In § 648.10, revise paragraph (k)(2) and the first sentence of paragraph (k)(3) to read as follows:

§ 648.10 VMS and DAS requirements for vessel owners/operators.

* * * * *

(k) * * *

(2) *Reporting requirements for NE multispecies vessel owners or operators fishing in more than one broad stock area per trip.* Unless otherwise provided in this paragraph (k)(2), the owner or operator of any vessel issued a NE multispecies limited access permit that has declared its intent to fish within multiple NE multispecies broad stock areas, as defined in paragraph (k)(3) of this section, on the same trip must submit a hail report via VMS providing a good-faith estimate of the amount of each regulated species retained (in pounds, landed weight) and the total amount of all species retained (in pounds, landed weight), including NE multispecies and species managed by other FMPs, from each statistical area. This reporting requirement is in addition to the reporting requirements specified in paragraph (k)(1) of this section and any other reporting requirements specified in this part. The report frequency is detailed in paragraphs (k)(2)(i) and (ii) of this section.

(i) *Vessels declaring into GOM Stock Area and any other stock area.* A vessel declared to fish in the GOM Stock Area, as defined in paragraph (k)(3)(i) of this section, and any other stock area defined in paragraphs (k)(3)(ii) through (iv) of this section, must submit a daily VMS catch report in 24-hr intervals for each day by 0900 hr of the following day. Reports are required even if groundfish species caught that day have not yet been landed.

(ii) *Vessels declaring into multiple broad stock areas not including GOM Stock Area.* A vessel declared into multiple stock areas defined in paragraphs (k)(3)(ii) through (iv) of this section, not including the GOM Stock Area I defined in paragraph (k)(3)(i) of this section, must submit a trip-level report via VMS prior to crossing the VMS demarcation line, as defined in § 648.10, upon its return to port following each fishing trip on which regulated species were caught, as instructed by the Regional Administrator.

(iii) The Regional Administrator may adjust the reporting frequency specified in paragraph (k)(2) of this section.

(iv) *Exemptions from broad stock area VMS reporting requirements.* (A) A vessel is exempt from the reporting requirements specified in paragraph (k)(2) of this section if it is fishing in a special management program, as specified in § 648.85, and is required to submit daily VMS catch reports consistent with the requirements of that program.

(B) The Regional Administrator may exempt vessels on a sector trip from the reporting requirements specified in this paragraph (k)(2) if it is determined that such reporting requirements would duplicate those specified in § 648.87(b).

(3) *NE multispecies broad stock areas.* For the purposes of the area-specific reporting requirements listed in paragraph (k)(1) of this section, the NE multispecies broad stock areas are defined in paragraphs (k)(3)(i) through (iv) of this section. * * *

* * * * *

■ 3. In § 648.14, revise paragraphs (a)(7) and (k)(17) to read as follows:

§ 648.14 Prohibitions.

* * * * *

(a) * * *

(7) Possess, import, export, transfer, land, or have custody or control of any species of fish regulated pursuant to this part that do not meet the minimum size provisions in this part, unless such species were harvested exclusively within state waters by a vessel that does not hold a valid permit under this part, or are species included in the NE Multispecies Fishery Management Plan that were harvested by a vessel issued a valid High Seas Fishing Compliance permit that fished exclusively in the NAFO Regulatory Area.

* * * * *

(k) * * *

(17) *Presumptions.* For purposes of this part, the following presumptions apply: Regulated species possessed for sale that do not meet the minimum sizes specified in § 648.83 are deemed to have been taken from the EEZ or imported in violation of these regulations, unless the preponderance of all submitted evidence demonstrates that such fish were harvested by a vessel not issued a permit under this part and fishing exclusively within state waters, or by a vessel issued a valid High Seas Fishing Compliance permit that fished exclusively in the NAFO Regulatory Area. This presumption does not apply to fish being sorted on deck.

* * * * *

■ 4. In § 648.17, revise paragraph (a)(1) to read as follows:

§ 648.17 Exemptions for vessels fishing in the NAFO Regulatory Area.

(a) *Fisheries included under exemption*—(1) *NE multispecies.* A vessel issued a valid High Seas Fishing Compliance Permit under part 300 of this title and that complies with the requirements specified in paragraph (b) of this section, is exempt from NE multispecies permit, mesh size, effort-control, minimum fish size, and possession limit restrictions, specified in §§ 648.4, 648.80, 648.82, 648.83, and 648.86, respectively, while transiting the EEZ with NE multispecies on board the vessel, or landing NE multispecies in U.S. ports that were caught while fishing in the NAFO Regulatory Area.

* * * * *

■ 5. In § 648.82, revise paragraph (k)(3)(iii) to read as follows:

§ 648.82 Effort-control program for NE multispecies limited access vessels.

* * * * *

(k) * * *

(3) * * *

(iii) *Denial of lease application.* The Regional Administrator may deny an application to lease Category A DAS for any of the following reasons, including, but not limited to: The application is incomplete or submitted past the April 30 deadline; the Lessor or Lessee has not been issued a valid limited access NE multispecies permit or is otherwise not eligible; the Lessor's or Lessee's DAS are under sanction pursuant to an enforcement proceeding; the Lessor's or Lessee's vessel is prohibited from fishing; the Lessor's or Lessee's limited access NE multispecies permit is sanctioned pursuant to an enforcement proceeding; the Lessor or Lessee vessel is determined not in compliance with the conditions, restrictions, and requirements of this part; or the Lessor has an insufficient number of allocated or unused DAS available to lease. Upon denial of an application to lease NE multispecies DAS, the Regional Administrator shall send a letter to the applicants describing the reason(s) for application rejection. The decision by the Regional Administrator is the final agency decision.

* * * * *

■ 6. Section 648.85 is amended by revising paragraphs (a)(3)(v)(A)(*3*), (b)(6)(iv)(I), and (b)(7)(vi)(D) to read as follows:

§ 648.85 Special management programs.

(a) * * *

(3) * * *

(v) * * *

(A) * * *

(*3*) Total pounds of cod, haddock, yellowtail flounder, winter flounder, witch flounder, pollock, American plaice, redfish, Atlantic halibut, ocean pout, Atlantic wolffish, and white hake kept (in pounds, live weight) in each

statistical area, as instructed by the Regional Administrator.

* * * * *

(b) * * *

(6) * * *

(iv) * * *

(I) *Reporting requirements.* The owner or operator of a NE multispecies DAS vessel must submit catch reports via VMS in accordance with instructions provided by the Regional Administrator, for each day fished when declared into the Regular B DAS Program. The reports must be submitted in 24-hr intervals for each day, beginning at 0000 hr and ending at 2359 hr. The reports must be submitted by 0900 hr of the following day. For vessels that have declared into the Regular B DAS Program in accordance with paragraph (b)(6)(iv)(C) of this section, the reports must include at least the following information: VTR serial number or other universal ID specified by the Regional Administrator; date fish were caught; statistical area fished; and the total pounds of cod, haddock, yellowtail flounder, winter flounder, witch flounder, pollock, American plaice, redfish, Atlantic halibut, and white hake kept in each statistical area (in pounds, live weight), as instructed by the Regional Administrator. Daily reporting must continue even if the vessel operator is required to flip, as described in paragraph (b)(6)(iv)(E) of this section.

* * * * *

(7) * * *

(vi) * * *

(D) *Reporting requirements.* The owner or operator of a common pool vessel must submit reports via VMS, in accordance with instructions to be provided by the Regional Administrator, for each day fished in the Closed Area I Hook Gear Haddock SAP Area. The reports must be submitted in 24-hr intervals for each day fished, beginning at 0000 hr local time and ending at 2359 hr local time. The reports must be submitted by 0900 hr local time of the day following fishing. The reports must include at least the following information: VTR serial number or other universal ID specified by the Regional Administrator; date fish were caught; statistical area fished; and the total pounds of cod, haddock, yellowtail flounder, winter flounder, witch flounder, pollock, American plaice, redfish, Atlantic halibut, and white hake kept in each statistical area (in pounds, live weight), specified in § 648.10(k)(3), as instructed by the Regional Administrator. Daily reporting must continue even if the vessel operator is required to exit the SAP as required under paragraph (b)(7)(iv)(G) of this section.

* * * * *

■ 7. In § 648.87, revise paragraphs (b)(1)(vi) introductory text and (b)(1)(vi)(A) to read as follows:

§ 648.87 Sector allocation.

* * * * *

(b) * * *

(1) * * *

(vi) *Sector reporting requirements.* In addition to the other reporting/recordkeeping requirements specified in this part, a sector's vessels must comply with the reporting requirements specified in this paragraph (b)(1)(vi).

(A) *VMS declarations and trip-level catch reports.* Prior to each sector trip, a sector vessel must declare into broad stock areas in which the vessel fishes and submit the VTR serial number associated with that trip pursuant to § 648.10(k). The sector vessel must also submit a VMS catch report detailing regulated species and ocean pout catch by statistical area when fishing in multiple broad stock areas on the same trip, pursuant to § 648.10(k).

* * * * *

■ 8. Section 648.90 is amended by revising paragraphs (a)(4)(iii)(C) and (a)(5)(iv)(B), and adding paragraph (a)(5)(iv)(D) to read as follows:

§ 648.90 NE multispecies assessment, framework procedures and specifications, and flexible area action system.

* * * * *

(a) * * *

(4) * * *

(iii) * * *

(C) *Yellowtail flounder catch by the Atlantic sea scallop fishery.* Yellowtail flounder catch in the Atlantic sea scallop fishery, as defined in subpart D of this part, shall be deducted from the ABC/ACL for each yellowtail flounder stock pursuant to the restrictions specified in subpart D of this part and the process to specify ABCs and ACLs, as described in paragraph (a)(4) of this section. Unless otherwise specified in this paragraph (a)(4)(iii)(C), or subpart D of this part, the specific value of the sub-components of the ABC/ACL for each stock of yellowtail flounder distributed to the Atlantic sea scallop fishery shall be specified pursuant to the biennial adjustment process specified in paragraph (a)(2) of this section. The Atlantic sea scallop fishery shall be allocated 40 percent of the GB yellowtail flounder ABC (U.S. share only) in fishing year 2013, and 16 percent in fishing year 2014 and each fishing year thereafter, pursuant to the process for specifying ABCs and ACLs described in this paragraph (a)(4). An ACL based on this ABC shall be determined using the process described in paragraph (a)(4)(i) of this section. Based on information available, NMFS shall project the expected scallop fishery catch of GB and SNE/MA yellowtail flounder for the current fishing year by January 15. If NMFS determines that the scallop fishery will catch less than 90 percent of its GB or SNE/MA yellowtail flounder sub-ACL, the Regional Administrator may reduce the pertinent scallop fishery sub-ACL to the amount projected to be caught, and increase the groundfish fishery sub-ACL by any amount up to the amount reduced from the scallop fishery sub-ACL. The revised GB or SNE/MA yellowtail flounder groundfish fishery sub-ACL shall be distributed to the common pool and sectors based on the process specified in paragraph (a)(4)(iii)(H)(*2*) of this section.

* * * * *

(5) * * *

(iv) * * *

(B) *2017 and 2018 fishing year threshold for implementing the Atlantic sea scallop fishery AMs for Northern windowpane flounder.* For the 2017 and 2018 fishing years only, if scallop fishery catch exceeds the northern windowpane flounder sub-ACL specified in paragraph (a)(4) of this section, and total catch exceeds the overall ACL for that stock, then the applicable scallop fishery AM will take effect, as specified in § 648.64 of the Atlantic sea scallop regulations. For the 2019 fishing year and onward, the threshold for implementing scallop fishery AMs for northern windowpane flounder will return to that listed in paragraph (a)(5)(iv)(A) of this section.

* * * * *

(D) *2017 through 2020 fishing year threshold for implementing the Atlantic sea scallop fishery AM for GB yellowtail flounder.* For the 2017, 2018, 2019, and 2020 fishing years, if scallop fishery catch exceeds the GB yellowtail flounder sub-ACL specified in paragraph (a)(4) of this section, and total catch exceeds the overall ACL for that stock, then the applicable scallop fishery AM will take effect, as specified in § 648.64 of the Atlantic sea scallop regulations. For the 2021 fishing year and onward, the threshold for implementing scallop fishery AMs for GB yellowtail flounder will return to that listed in paragraph (a)(5)(iv)(A) of this section.

* * * * *

[FR Doc. 2019–15322 Filed 7–18–19; 8:45 am]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register

Vol. 84, No. 139

Friday, July 19, 2019

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2019–0260; Product Identifier 2017–NE–13–AD]

RIN 2120–AA64

Airworthiness Directives; Ipeco Pilot and Co-Pilot Seats

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to supersede airworthiness directive (AD) 2017–22–02, which applies to certain Ipeco Holdings Limited (Ipeco) pilot and co-pilot seats. AD 2017–22–02 requires modification and re-identification of the affected seats. Since the FAA issued AD 2017–22–02, Ipeco has received reports that the tracklock spring modification required by AD 2017–22–02 does not adequately address the issue of unexpected seat movement during takeoff and landing and the FAA also determined the need to add additional seat part numbers (P/Ns) to the applicability. This proposed AD would continue to require modification and re-identification of the affected seats. This proposed AD would also require initial and repetitive inspections of the affected tracklock springs and, depending on the findings, replacement of the tracklock springs with a part eligible for installation. The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this proposed AD by September 3, 2019.

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

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.
- *Hand Delivery:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this NPRM, contact Ipeco Holdings Limited, Aviation Way, Southend-on-Sea, SS2 6UN, United Kingdom; phone: 44 1702 549371; fax: 44 1702 540782; email: *sales@Ipeco.com.* You may view this service information at the FAA, Engine & Propeller Standards Branch, 1200 District Avenue, Burlington, MA 01803. For information on the availability of this material at the FAA, call 781–238–7759.

Examining the AD Docket

You may examine the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2019–0260; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, the mandatory continuing airworthiness information, the regulatory evaluation, any comments received, and other information. The street address for Docket Operations is listed above. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Neil Doh, Aerospace Engineer, Boston ACO Branch, FAA, 1200 District Avenue, Burlington, MA 01803; phone: 781–238–7757; fax: 781–238–7199; email: *neil.doh@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2019–0260; Product Identifier 2017–NE–13–AD'' at the beginning of your comments. The FAA specifically invites comments on the overall regulatory, economic, environmental, and energy aspects of this NPRM. The FAA will consider all comments received by the closing date and may amend this NPRM because of those comments.

The FAA will post all comments received, without change, to *http://www.regulations.gov,* including any personal information you provide. The FAA will also post a report summarizing each substantive verbal contact received about this proposed AD.

Discussion

The FAA issued AD 2017–22–02, Amendment 39–19082 (82 FR 51552, November 7, 2017), (''AD 2017–22–02''), for Ipeco pilot and co-pilot seats. AD 2017–22–02 requires modification and re-identification of the affected seats. AD 2017–22–02 resulted from reports of unexpected movement of pilot and co-pilot seats during takeoff and landing. The FAA issued AD 2017–22–02 to prevent unexpected movement of pilot and co-pilot seats during takeoff and landing.

Actions Since AD 2017–22–02 Was Issued

Since the FAA issued AD 2017–22–02, Ipeco has received reports that the tracklock spring modification required by AD 2017–22–02 does not adequately address the issue of unexpected seat movement during takeoff and landing. As a result, Ipeco published Ipeco Service Bulletin (SB) 063–25–14, Revision 00, dated August 14, 2018, providing instructions to inspect and replace, if necessary, affected tracklock springs. Also, since the FAA issued AD 2017–22–02, the European Union Aviation Safety Agency (EASA) has issued AD 2018–0262, dated December 6, 2018, which retains the requirements of EASA AD 2016–0256, dated December 16, 2016, and also requires repetitive inspection of seats and, depending on findings, replacement of affected tracklock springs. Based on discussions with Ipeco and EASA, the FAA also determined the need to add additional seat part numbers (P/Ns) to the applicability. These seat P/Ns are included in the applicability of EASA AD 2018–0262.

Related Service Information Under 1 CFR Part 51

The FAA reviewed Ipeco Service Bulletin (SB) Number 063–25–08, Revision 00; SB Number 063–25–09, Revision 00; and SB Number 063–25–10, Revision 00; all dated May 31, 2016.

The SBs provide instructions, differentiated by the part numbers of the affected pilot and co-pilot seats, for the modification and re-identification of these seats. The FAA also reviewed Ipeco SB Number 063–25–14, Revision 00, dated August 14, 2018. This SB provides instructions for inspection and replacement, if necessary, of affected tracklock springs. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

FAA's Determination

The FAA is proposing this AD because it evaluated all the relevant information and determined the unsafe condition described previously is likely to exist or develop in other products of the same type design.

Proposed AD Requirements

This proposed AD would retain all of the requirements of AD 2017–22–02. This proposed AD would add additional seat P/Ns to the applicability. This proposed AD would also require initial and repetitive inspections of the affected tracklock springs and, depending on the findings, replacement of the tracklock springs with a part eligible for installation.

Differences Between the Proposed AD and MCAI or Service Information

This proposed AD and EASA AD 2018–0262, dated December 6, 2018, include pilot seat P/N 3A063–0099–01–1 and co-pilot seat P/N 3A063–0100–01–1in their respective applicability sections, while Ipeco SB Number 063–25–14, Revision 00, dated August 14, 2018, does not.

Costs of Compliance

The FAA estimates that this proposed AD affects 110 pilot and co-pilot seats installed on, but not limited to, ATR–GIE Avions de Transport Regional (ATR) 42 and ATR 72 airplanes of U.S. registry. The FAA estimates that seats installed on 34 ATR 42 airplanes and seats installed on 21 ATR 72 airplanes will require modification and inspection. The FAA is revising the estimated number of affected seats in this cost estimate to include two affected seats per airplane.

The FAA estimates the following costs to comply with this proposed AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspect ATR 42 flight crew seats	0.1 work-hours × $85 per hour = $8.50	$0	$8.50	$289
Modify ATR 42 flight crew seats	2 work-hours × $85 per hour = $170	56	226	7,684
Report results of ATR 42 inspection	1.0 work-hours × 85 per hour = $85	1	86	2,924
Inspect ATR 72 flight crew seats	0.1 work-hours × 85 per hour = $8.50	0	8.50	179
Modify ATR 72 flight crew seats	2 work-hours × 85 per hour = $170	56	226	4,746
Report results of ATR 72 inspection	1.0 work-hours × 85 per hour = $85	1	86	1,806

The FAA estimates the following costs to do any necessary replacements that would be required based on the results of the proposed inspection. The FAA has no way of determining the number of aircraft that might need these replacements:

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Remove seat and replace ATR 42 tracklock spring	1.4 work-hours × $85 per hour = $119	$28	$147
Remove seat and replace ATR 72 tracklock spring	1.4 work-hours × $85 per hour = $119	28	147

According to the manufacturer, some of the costs of this proposed AD may be covered under warranty, thereby reducing the cost impact on affected individuals. The FAA does not control warranty coverage for affected individuals. As a result, the FAA has included all costs in our cost estimate.

Paperwork Reduction Act

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

Authority for This Rulemaking

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

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

This AD is issued in accordance with authority delegated by the Executive

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

Regulatory Findings

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

For the reasons discussed above, I certify that the proposed regulation:

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by removing airworthiness directive (AD) 2017–22–02, Amendment 39–19082 (82 FR 51552, November 7, 2017), and adding the following new AD:

Ipeco Holdings Limited: Docket No. FAA–2019–0260; Product Identifier 2017–NE–13–AD.

(a) Comments Due Date

The FAA must receive comments on this AD action by September 3, 2019.

(b) Affected ADs

This AD replaces AD 2017–22–02, Amendment 39–19082 (82 FR 51552, November 7, 2017).

(c) Applicability

(1) This AD applies to:

(i) Ipeco Holdings Limited (Ipeco) pilot and co-pilot seats with a part number (P/N) listed in Paragraph 1.A., Planning Information, Tables 1 and 2, of Ipeco Service Bulletin (SB) Number 063–25–14, Revision 00, dated August 14, 2018, and

(ii) Ipeco pilot seat P/N 3A063–0099–01–1 and Ipeco co-pilot seat P/N 3A063–0100–01–1.

(2) These seats are installed on, but not limited to, ATR–GIE Avions de Transport Regional ATR 42 and ATR 72 airplanes.

(d) Subject

Joint Aircraft System Component (JASC) Code 2510, Flight Compartment Equipment.

(e) Unsafe Condition

This AD was prompted by reports of tracklock spring failures occurring on affected seats, including those seats already modified by AD 2017–22–02. The FAA is issuing this AD to prevent unexpected movement of pilot and co-pilot seats on takeoff and landing. The unsafe condition, if not addressed, could result in reduced control of the airplane.

(f) Compliance

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

(g) Required Action

(1) For seats that have not installed the tracklock spring modification kit, within two years after December 12, 2017 (the effective date of AD 2017–22–02), modify and re-identify each affected pilot and co-pilot seat. Use the Accomplishment Instructions of Ipeco SB Number 063–25–08, Revision 00; Ipeco SB Number 063–25–09, Revision 00; or Ipeco SB Number 063–25–10, Revision 00; all dated May 31, 2016, as appropriate, to do the modification and re-identification.

(2) For all affected seats, within 750 flight hours (FHs) after the effective date of this AD, and, thereafter at intervals not to exceed 750 FHs, inspect the tracklock spring of each seat in accordance with the Accomplishment Instructions, paragraph 3.2, of the Ipeco SB Number 063–25–14, Revision 00, dated August 14, 2018.

(i) If, during any inspection as required by paragraph (g)(2) of this AD, any damage on, or incorrect installation of, any tracklock spring is found on the pilot or co-pilot seat, before further flight, replace both tracklock springs of the affected seat with a part eligible for installation using the Accomplishment Instructions, paragraphs 3.3.3.1 or 3.3.3.2, as applicable, of the Ipeco SB Number 063–25–14, Revision 00, dated August 14, 2018.

(ii) [Reserved]

(3) Within 30 days after the initial and repetitive inspections, and thereafter for two years after the effective date of this AD, send the inspection results, including no findings, to Ipeco at *technicalsupport@ipeco.com.*

(h) Installation Prohibition

After the effective date of this AD, do not install any pilot or co-pilot seat identified in paragraph (c)(1)(i) of this AD unless the seat is modified and re-identified as specified in paragraph (g)(1) of this AD.

(i) Definition

(1) For the purpose of this AD, ''damage'' can include cracks, breaks, corrosion, or deformation of the tracklock spring.

(2) For the purpose of this AD, ''incorrect installation'' is installing the tracklock spring at an angle or position at odds with Figures 6 and 7 of Ipeco SB Number 063–25–14, Revision 00, dated August 14, 2018.

(3) For the purpose of this AD, a ''part eligible for installation'' is:

(i) A modified seat provided, before installation, it has passed an inspection (no damage or defect found).

(ii) a tracklock spring provided that it passed an inspection (no damage or defect found).

(j) Paperwork Reduction Act Burden Statement

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

(k) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Boston ACO Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the certification office, send it to the attention of the person identified in paragraph (l)(1) of this AD.

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

(l) Related Information

(1) For more information about this AD, contact Neil Doh, Aerospace Engineer, Boston ACO Branch, FAA, 1200 District

Avenue, Burlington, MA 01803; phone: 781–238–7757; fax: 781–238–7199; email: *neil.doh@faa.gov*.

(2) Refer to European Union Aviation Safety Agency AD 2018–0262, dated December 6, 2018, for more information. You may examine the EASA AD in the AD docket on the internet at *http://www.regulations.gov* by searching for and locating it in Docket No. FAA–2019–0260.

(3) For service information identified in this AD, contact Ipeco Holdings Limited, Aviation Way, Southend-on-Sea, SS2 6UN, United Kingdom; phone: 44 1702 549371; fax: 44 1702 540782; email: *sales@Ipeco.com*. You may view this referenced service information at the FAA, Engine & Propeller Standards Branch, 1200 District Avenue, Burlington, MA 01803. For information on the availability of this material at the FAA, call 781–238–7759.

Issued in Burlington, Massachusetts, on July 12, 2019.

Robert J. Ganley,

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

[FR Doc. 2019–15413 Filed 7–18–19; 8:45 am]

BILLING CODE 4910–13–P

COMMODITY FUTURES TRADING COMMISSION

17 CFR Parts 39 and 140

RIN 3038–AE87

Registration With Alternative Compliance for Non-U.S. Derivatives Clearing Organizations

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Commodity Futures Trading Commission (Commission) is proposing amendments to its regulations that would permit derivatives clearing organizations (DCOs) organized outside of the United States (hereinafter referred to as ''non-U.S. clearing organizations'') that do not pose substantial risk to the U.S. financial system to register with the Commission yet comply with the core principles applicable to DCOs set forth in the Commodity Exchange Act (CEA) through compliance with their home country regulatory regime, subject to certain conditions and limitations. The Commission is also proposing certain related amendments to the delegation provisions in its regulations.

DATES: Comments must be received on or before September 17, 2019.

ADDRESSES: You may submit comments, identified by ''Registration with Alternative Compliance for Non-U.S. Derivatives Clearing Organizations'' and RIN 3038–AE87, by any of the following methods:

- *CFTC Comments Portal: https://comments.cftc.gov*. Select the ''Submit Comments'' link for this rulemaking and follow the instructions on the Public Comment Form.
- *Mail:* Send to Christopher Kirkpatrick, Secretary of the Commission, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW, Washington, DC 20581.
- *Hand Delivery/Courier:* Follow the same instructions as for Mail, above.

Please submit your comments using only one of these methods. To avoid possible delays with mail or in-person deliveries, submissions through the CFTC Comments Portal are encouraged.

All comments must be submitted in English, or if not, accompanied by an English translation. Comments will be posted as received to *https://comments.cftc.gov*. You should submit only information that you wish to make available publicly. If you wish the Commission to consider information that you believe is exempt from disclosure under the Freedom of Information Act (FOIA), a petition for confidential treatment of the exempt information may be submitted according to the procedures established in § 145.9 of the Commission's regulations.[1]

The Commission reserves the right, but shall have no obligation, to review, pre-screen, filter, redact, refuse or remove any or all of your submission from *https://comments.cftc.gov* that it may deem to be inappropriate for publication, such as obscene language. All submissions that have been redacted or removed that contain comments on the merits of the rulemaking will be retained in the public comment file and will be considered as required under the Administrative Procedure Act and other applicable laws, and may be accessible under the FOIA.

FOR FURTHER INFORMATION CONTACT: Eileen A. Donovan, Deputy Director, 202–418–5096, *edonovan@cftc.gov;* Parisa Abadi, Associate Director, 202–418–6620, *pabadi@cftc.gov;* Eileen R. Chotiner, Senior Compliance Analyst, 202–418–5467, *echotiner@cftc.gov;* Brian Baum, Special Counsel, 202–418–5654, *bbaum@cftc.gov;* August A. Imholtz III, Special Counsel, 202–418–5140, *aimholtz@cftc.gov;* Abigail S. Knauff, Special Counsel, 202–418–5123, *aknauff@cftc.gov;* Division of Clearing and Risk, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW, Washington, DC 20581.

SUPPLEMENTARY INFORMATION:

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I. Background

A. DCO Registration Framework

Section 5b(a) of the CEA provides that a clearing organization may not ''perform the functions of a [DCO]'' [2] with respect to futures or swaps unless the clearing organization is registered with the Commission.[3] With respect to futures, section 4(a) of the CEA restricts the execution of a futures contract to a designated contract market (DCM), and § 38.601 of the Commission's regulations requires any transaction executed on or through a DCM to be

[1] 17 CFR 145.9. Commission regulations referred to in this release are found at 17 CFR chapter I (2018), and are accessible on the Commission's website at *https://www.cftc.gov/LawRegulation/CommodityExchangeAct/index.htm*.

[2] The term ''derivatives clearing organization'' is statutorily defined to mean a clearing organization in general. However, for purposes of the discussion in this release, the term ''DCO'' refers to a Commission-registered DCO, the term ''exempt DCO'' refers to a derivatives clearing organization that is exempt from registration, and the term ''clearing organization'' refers to a clearing organization that: (a) Is neither registered nor exempt from registration with the Commission as a DCO; and (b) falls within the definition of ''derivatives clearing organization'' under section 1a(15) of the CEA, 7 U.S.C. 1a(15), and ''clearing organization or derivatives clearing organization'' under § 1.3, 17 CFR 1.3.

[3] 7 U.S.C. 7a–1(a). Under section 2(i) of the CEA, 7 U.S.C. 2(i), activities outside of the United States are not subject to the swap provisions of the CEA, including any rules prescribed or regulations promulgated thereunder, unless those activities either ''have a direct and significant connection with activities in, or effect on, commerce of the United States,'' or contravene any rule or regulation established to prevent evasion of a CEA provision enacted under the Dodd-Frank Wall Street Reform and Consumer Protection Act, Public Law 111–203, 124 Stat. 1376 (Dodd-Frank Act). Therefore, pursuant to section 2(i), the DCO registration requirement extends to any clearing organization whose clearing activities outside of the United States have a ''direct and significant connection with activities in, or effect on, commerce of the United States.''

cleared at a DCO.[4] This is distinguished from foreign futures which, if executed on or through a registered foreign board of trade, must be cleared through a DCO or a clearing organization that observes the CPMI–IOSCO Principles for Financial Market Infrastructures and is in good regulatory standing in its home country jurisdiction.[5]

With respect to swaps, the CEA permits the Commission to exempt from DCO registration a non-U.S. clearing organization that is ''subject to comparable, comprehensive supervision and regulation'' by its home country regulator.[6] The Commission has granted exemptions from DCO registration but so far has limited exempt DCOs to clearing only proprietary swaps for U.S. persons. As a result, a non-U.S. clearing organization currently must register as a DCO if it wants to clear swaps for customers of futures commission merchants (FCMs).

In order to register and maintain registration as a DCO, a clearing organization must comply with each of the core principles applicable to DCOs set forth in the CEA (DCO Core Principles) and any requirement that the Commission imposes by rule or regulation.[7] Most of the requirements applicable to DCOs are set forth in part 39 of the Commission's regulations (Part 39), which the Commission adopted to implement the DCO Core Principles.[8]

Of the 16 DCOs currently registered with the Commission, six are organized outside of the United States.[9] These six DCOs are also registered (or have comparable status) in their respective home countries, which means they are subject to compliance with the CEA and Part 39 and their home country regulatory regimes, as well as oversight by the Commission and their home country regulators. There are, however, meaningful differences in the extent to which U.S. persons clear trades through these six non-U.S. DCOs. For example, nearly half of the swaps business at LCH Limited, if measured on the basis of required initial margin, is attributable to U.S. persons.[10] In contrast, certain other non-U.S. DCOs, such as LCH SA and Eurex Clearing AG, for example, hold significantly less initial margin from U.S. persons, both in absolute terms and as a percentage of the total required initial margin at the DCO. The Commission, recognizing this regulatory overlap and considering the dynamics of the marketplace, is proposing a new DCO registration framework that would differentiate between clearing organizations organized in the United States (U.S. clearing organizations) and non-U.S. clearing organizations. The proposed framework would also distinguish non-U.S. clearing organizations that do not pose substantial risk to the U.S. financial system from those that do.

Under the new framework, the status of U.S. clearing organizations would not change. A U.S. clearing organization would still be required to register as a DCO and to comply with the CEA and all Commission regulations applicable to DCOs. In addition, any non-U.S. clearing organization that wants to clear futures listed for trading on a DCM would be subject to the current registration requirements. Finally, any non-U.S. clearing organization that wants to clear swaps, either proprietary or customer, for U.S. persons, and is determined by the Commission to pose substantial risk to the U.S. financial system (as discussed further below), would be subject to the current requirements as well.

However, a non-U.S. clearing organization that wants to clear swaps for U.S. persons (and not futures listed for trading on a DCM) and has not been determined by the Commission to pose substantial risk to the U.S. financial system would have two additional options. First, the non-U.S. clearing organization could still apply for an exemption from DCO registration. The Commission recognizes that this option may not appeal to some non-U.S. clearing organizations because, as previously noted, an exempt DCO is currently limited to clearing proprietary swaps for U.S. persons.[11] If the non-U.S. clearing organization wants to clear swaps for FCM customers, but does not want to be subject to full compliance with Commission regulations, it would have the option to register and maintain registration as a DCO by relying largely on its home country regulatory regime, as discussed below.

The Commission believes these proposed changes would allow the Commission to make more effective use of its resources by focusing its oversight almost exclusively on those DCOs that are either organized in the United States or pose substantial risk to the U.S. financial system. The Commission further believes this rulemaking would advance a territorial, risk-based approach to the regulation of clearing organizations that shows appropriate deference to non-U.S. regulation that achieves a similar result as the DCO Core Principles where the non-U.S. regulator itself has a substantial regulatory interest in the DCOs located in its jurisdiction. A deference-based cross-border policy recognizes that market participants and market facilities in a globalized swap market are subject to multiple regulators and potentially face duplicative regulations. Under the proposed framework, the Commission would allow a non-U.S. DCO to satisfy the DCO Core Principles by complying with the corresponding requirements in its home jurisdiction, except with respect to certain Commission regulations, including critical customer protection safeguards and swap data reporting requirements, as discussed below. In this way, the proposed framework would help preserve the benefits of an integrated, global swap market by reducing the degree to which a DCO would be subject to multiple sets of regulations, while ensuring protection for U.S. customers. Further, the proposed approach encourages collaboration and coordination among U.S. and foreign regulators in establishing comprehensive regulatory standards for swaps clearing.

B. Overview of Proposed Requirements

The CEA requires a DCO to comply with the DCO Core Principles and any requirement that the Commission imposes by rule or regulation. The CEA further provides that, subject to any rule or regulation prescribed by the

[4] *See* 7 U.S.C. 6; *and* 17 CFR 38.601.

[5] *See* 17 CFR 48.7(d).

[6] Section 5b(h) of the CEA, 7 U.S.C. 7a–1(h). Section 5b(h) also permits the Commission to exempt from DCO registration a securities clearing agency registered with the Securities and Exchange Commission; however, the Commission has not granted, nor developed a framework for granting, such exemptions. In 2018, the Commission proposed regulations that would codify the policies and procedures that the Commission currently follows with respect to granting exemptions from DCO registration to non-U.S. clearing organizations. *See* Exemption From Derivatives Clearing Organization Registration, 83 FR 39923 (Aug. 13, 2018). On July 11, 2019, as a supplement to that proposal, the Commission approved a separate notice of proposed rulemaking, entitled ''Exemption from Derivatives Clearing Organization Registration,'' that will be published in the **Federal Register**. In that release, the Commission is further proposing to permit exempt DCOs to clear swaps for U.S. customers through foreign intermediaries. All references to exempt DCOs contained in this release are consistent with the existing exempt DCO regime and are not indicative of the Commission's response to comments received on the initial proposal.

[7] 7 U.S.C. 7a–1(c)(2)(A)(i).

[8] Derivatives Clearing Organization General Provisions and Core Principles, 76 FR 69334 (Nov. 8, 2011).

[9] The six registered DCOs organized outside of the United States are Eurex Clearing AG, ICE Clear Europe Limited, ICE NGX Canada Inc., LCH Limited, LCH SA, and Singapore Exchange Derivatives Clearing Limited.

[10] Nearly half of the total required initial margin that U.S. persons post globally in connection with cleared swaps is held at LCH Limited.

[11] *But see* Exemption from Derivatives Clearing Organization Registration, approved on July 11, 2019 (proposing to permit exempt DCOs to clear swaps for U.S. customers through foreign intermediaries).

Commission, a DCO has ''reasonable discretion'' in establishing the manner by which the DCO complies with each DCO Core Principle.[12] Currently, a DCO is required to comply with all Commission regulations that were adopted to implement the DCO Core Principles. The Commission is proposing regulations that would allow a non-U.S. clearing organization that seeks to clear swaps for U.S. persons,[13] including FCM customers, to register as a DCO and, in most instances, comply with the applicable legal requirements in its home country as an alternative means of complying with the DCO Core Principles.

A non-U.S. clearing organization would be eligible for this alternative compliance regime if: (1) The Commission determines that the clearing organization's compliance with its home country regulatory regime would satisfy the DCO Core Principles; [14] (2) the clearing organization is in good regulatory standing in its home country; (3) the Commission determines that the clearing organization does not pose substantial risk to the U.S. financial system; and (4) a memorandum of understanding (MOU) or similar arrangement satisfactory to the Commission is in effect between the Commission and the clearing organization's home country regulator. Each of these requirements is described in greater detail below.

An applicant for alternative compliance would be required to file only certain exhibits of Form DCO,[15] including a regulatory compliance chart in which the applicant would identify the applicable legal requirements [16] in its home country that correspond with each DCO Core Principle and explain how the applicant satisfies those requirements. Under the current registration regime, an applicant must demonstrate compliance with the DCO Core Principles and Part 39. Under the alternative compliance regime, an applicant must demonstrate: (1) That compliance with its home country requirements would satisfy the DCO Core Principles, and (2) compliance with those requirements. If the application is approved by the Commission, the DCO would be permitted to comply with its home country regulatory regime rather than Part 39 (with the exception of § 39.15, which concerns treatment of funds). Because the DCO would clear swaps for customers [17] through registered FCMs, the DCO would be required to fully comply with the Commission's customer protection requirements,[18] as well as the swap data reporting requirements in part 45 of the Commission's regulations. The DCO would also be held to certain ongoing and event-specific reporting requirements that are more limited in scope than the reporting requirements for existing DCOs. The proposed eligibility criteria, conditions, and reporting requirements would be set forth in proposed subpart D of Part 39.

Assuming all other eligibility criteria continue to be met, the alternative compliance regime would be available to the non-U.S. DCO unless and until its U.S. clearing activity (as measured by initial margin requirements) grows to the point that the Commission determines the DCO poses substantial risk to the U.S. financial system, as described below. If this alternative compliance regime is adopted, any currently registered non-U.S. DCO that does not currently pose substantial risk to the U.S. financial system would be able to apply.

II. Proposed Amendments to Part 39

A. Regulation 39.2—Definitions

1. Good Regulatory Standing

In a recent notice of proposed rulemaking regarding exempt DCOs, the Commission proposed a definition of ''good regulatory standing'' that is consistent with the definition that the Commission has been applying to exempt DCOs.[19] The Commission is now proposing to add to the definition of ''good regulatory standing'' separate language that would cover DCOs subject to alternative compliance. The proposed definition of ''good regulatory standing'' as it relates to exempt DCOs remains unchanged. With the addition of the separate language, the Commission is proposing to define ''good regulatory standing'' to mean, with respect to a DCO subject to alternative compliance, either there has been no finding by the home country regulator of material non-observance of the relevant home country legal requirements, or there has been such a finding by the home country regulator, but it has been or is being resolved to the satisfaction of the home country regulator by means of corrective action taken by the DCO. The Commission believes that the proposed definition, as it relates to DCOs subject to alternative compliance, establishes a basis for providing the Commission with a high degree of assurance as to the DCO's compliance with the relevant legal requirements in its home country, while only seeking from the home country regulator a reasonable representation. Although the Commission proposes to limit this to instances of ''material'' non-observance of relevant home country legal requirements, the Commission requests comment as to whether it should instead require all instances of non-observance.

2. Substantial Risk to the U.S. Financial System

For purposes of this rulemaking, the Commission is proposing to define ''substantial risk to the U.S. financial system'' to mean, with respect to a non-U.S. DCO, that (1) the DCO holds 20 percent or more of the required initial margin of U.S. clearing members for swaps across all registered and exempt DCOs; and (2) 20 percent or more of the initial margin requirements for swaps at that DCO is attributable to U.S. clearing members; provided, however, where one or both of these thresholds are close to 20 percent, the Commission may exercise discretion in determining

[12] 7 U.S.C. 7a–1(c)(2)(A)(ii).

[13] The Commission proposes to use the interpretation of ''U.S. person'' as set forth in the Commission's Interpretive Guidance and Policy Statement Regarding Compliance With Certain Swap Regulations, 78 FR 45292, 45316–45317 (July 26, 2013), as such definition may be amended or superseded by a definition of the term ''U.S. person'' that is adopted by the Commission and applicable to this proposed regulation.

[14] The Commission notes that the home country regulatory regime would not need to satisfy the Commission's regulations under Part 39.

[15] Whereas an applicant for DCO registration must file the numerous and extensive exhibits required by Form DCO, an applicant for alternative compliance would only be required to file certain exhibits. *See* Appendix A to Part 39, 17 CFR part 39, appendix A.

[16] Home country ''legal requirements'' would include those standards or other requirements that are legally binding in the applicant's home country.

[17] Section 2(e) of the CEA makes it unlawful for any person, other than an eligible contract participant, to enter into a swap unless the swap is entered into on, or subject to the rules of, a DCM. 7 U.S.C. 2(e). ''Eligible contract participant'' is defined in section 1a(18) of the CEA and § 1.3. 7 U.S.C. 1a(18); 17 CFR 1.3.

[18] Section 4d(f)(1) of the CEA makes it unlawful for any person to accept money, securities, or property (*i.e.,* funds) from a swaps customer to margin a swap cleared through a DCO unless the person is registered as an FCM. 7 U.S.C. 6(c). Any swaps customer funds held by a DCO are also subject to the segregation requirements of section 4d(f)(2) of the CEA and related regulations.

[19] *See* Exemption From Derivatives Clearing Organization Registration, 83 FR at 39924–39925 (proposing to define ''good regulatory standing'' to mean, with respect to a non-U.S. clearing organization that is authorized to act as a clearing organization in its home country, that either there has been no finding by the home country regulator of material non-observance of the Principles for Financial Market Infrastructures or other relevant home country legal requirements, or there has been such a finding by the home country regulator, but it has been or is being resolved to the satisfaction of the home country regulator by means of corrective action taken by the clearing organization).

whether the DCO poses substantial risk to the U.S. financial system. For purposes of this definition and proposed §§ 39.6 and 39.51, the Commission is proposing to clarify that ''U.S. clearing member'' means a clearing member organized in the United States or whose ultimate parent company is organized in the United States, or an FCM.[20]

This definition sets forth the test the Commission would use to identify those non-U.S. DCOs that pose substantial risk to the U.S. financial system, as these DCOs would not be eligible for the alternative compliance proposed in this release. The proposed test consists of two prongs. The first prong, which is directly related to systemic risk, is whether the DCO holds 20 percent or more of the required initial margin [21] of U.S. clearing members for swaps across all registered and exempt DCOs. The Commission notes that its primary systemic risk-related concern is the potential for loss of clearing services for a significant part of the U.S. swaps market in the event of a catastrophic occurrence affecting the DCO. The second prong is whether U.S. clearing members account for 20 percent or more of the initial margin requirements for swaps at that DCO. This prong of the test, intended to respect international comity, would capture a non-U.S. DCO only if a large enough proportion of its clearing activity were attributable to U.S. clearing members such that the U.S. has a substantial interest warranting more active oversight by the Commission.[22]

The Commission believes that, in the context of this test, the term ''substantial'' would reasonably apply to proportions of approximately 20 percent or greater. The Commission stresses that this is not a bright-line test; by offering this figure, the Commission does not intend to suggest that, for example, a DCO that holds 20.1 percent of the required initial margin of U.S. clearing members would potentially pose substantial risk to the U.S. financial system, while a DCO that holds 19.9 percent would not. The Commission is instead seeking to offer some indication of how it would assess the meaning of the term ''substantial'' in the test.

The Commission recognizes that a test based solely on initial margin requirements may not fully capture the risk of a given DCO. The Commission therefore proposes to retain discretion in determining whether a non-U.S. DCO poses substantial risk to the U.S. financial system, particularly where the DCO is close to 20 percent on both prongs of the test. In these cases, in making its determination, the Commission may look at other factors that may reduce or mitigate the DCO's risk to the U.S. financial system or provide a better indication of the DCO's risk to the U.S. financial system.

B. Regulation 39.3(a)—Application Procedures

The Commission is proposing to amend § 39.3(a) to establish in paragraph (a)(3) alternative application procedures for a non-U.S. clearing organization that is seeking to register as a DCO to clear swaps, does not pose substantial risk to the U.S. financial system, and wants to comply with its home country regulatory regime as a means of satisfying the DCO Core Principles.[23] Specifically, any such clearing organization may apply for registration in accordance with the terms of § 39.3(a)(3) in lieu of filing the application described in § 39.3(a)(2).[24]

Proposed § 39.3(a)(3) would require an applicant to submit to the Commission the following sections of Form DCO: Cover sheet, Exhibit A–1 (regulatory compliance chart), Exhibit A–2 (proposed rulebook), Exhibit A–3 (narrative summary of proposed clearing activities), Exhibit A–4 (detailed business plan), Exhibit A–7 (documents setting forth the applicant's corporate organizational structure), Exhibit A–8 (documents establishing the applicant's legal status and certificate(s) of good standing or its equivalent), Exhibit A–9 (description of pending legal proceedings or governmental investigations), Exhibit A–10 (agreements with outside service providers with respect to the treatment of customer funds), Exhibits F–1 through F–3 (documents that demonstrate compliance with the treatment of funds requirements with respect to FCM customers), and Exhibit R (ring-fencing memorandum).

For purposes of § 39.3(a)(3), the applicant would be required to demonstrate to the Commission in Exhibit A–1 the extent to which compliance with the applicable legal requirements in its home country would constitute compliance with the DCO Core Principles.[25] To satisfy this requirement, the applicant would be required to provide in Exhibit A–1 the citation and full text of each applicable legal requirement in its home country that corresponds with each DCO Core Principle and an explanation of how the

[20] The Commission is proposing an identical definition of ''substantial risk to the U.S. financial system'' in a separate rulemaking regarding exemption from DCO registration. *See* Exemption from Derivatives Clearing Organization Registration, approved on July 11, 2019.

[21] In general, initial margin requirements are risk-based and are meant to cover a DCO's potential future exposure to clearing members based on price movements in the interval between the last collection of variation margin and the time within which the DCO estimates that it would be able to liquidate a defaulting clearing member's portfolio. The Commission believes the relative risk that a DCO poses to the financial system can be identified by the cumulative sum of initial margin collected by the DCO. Therefore, the Commission has found initial margin to be an appropriate measure of risk.

[22] In developing this proposal, the Commission is guided by principles of international comity, which counsel due regard for the important interests of foreign sovereigns. *See* Restatement (Third) of Foreign Relations Law of the United States (the Restatement). The Restatement provides that even where a country has a basis for jurisdiction, it should not prescribe law with respect to a person or activity in another country when the exercise of such jurisdiction is unreasonable. *See* Restatement section 403(1). The reasonableness of such an exercise of jurisdiction, in turn, is to be determined by evaluating all relevant factors, including certain specifically enumerated factors where appropriate: (1) The link of the activity to the territory of the regulating state, *i.e.,* the extent to which the activity takes place within the territory, or has substantial, direct, and foreseeable effect upon or in the territory; (2) the connections, such as nationality, residence, or economic activity, between the regulating state and the persons principally responsible for the activity to be regulated, or between that state and those whom the regulation is designed to protect; (3) the character of the activity to be regulated, the importance of regulation to the regulating state, the extent to which other states regulate such activities, and the degree to which the desirability of such regulation is generally accepted; (4) the existence of justified expectations that might be protected or hurt by the regulation; (5) the importance of the regulation to the international political, legal, or economic system; (6) the extent to which the regulation is consistent with the traditions of the international system; (7) the extent to which another state may have an interest in regulating the activity; and (8) the likelihood of conflict with regulation by another state. *See* Restatement section 403(2). Notably, the Restatement does not preclude concurrent regulation by multiple jurisdictions. However, where concurrent jurisdiction by two or more jurisdictions creates conflict, the Restatement recommends that each country evaluate its own interests in exercising jurisdiction and those of the other jurisdiction, and where possible, to consult with each other.

[23] The proposed rule text includes changes to § 39.3(a) that were first proposed in a separate rulemaking. *See* Derivatives Clearing Organization General Provisions and Core Principles, 84 FR 22226 (May 16, 2019).

[24] Regulation 39.3(a)(2) provides that any entity seeking to register as a DCO shall submit to the Commission a completed Form DCO, which shall include a cover sheet, all applicable exhibits, and any supplemental materials, as provided in Appendix A to Part 39.

[25] By way of comparison, the Commission has made this determination, in part, with regard to EU regulation. *See* Comparability Determination for the European Union: Dually-Registered Derivatives Clearing Organizations and Central Counterparties, 81 FR 15260 (Mar. 22, 2016). The Commission notes, however, that this determination was made by comparing EU regulations with the Commission's regulations. Because the DCO Core Principles are broader than the Commission's regulations in most cases, the Commission expects it will be less burdensome for an applicant to demonstrate that compliance with its home country legal requirements would constitute compliance with the DCO Core Principles.

applicant satisfies those requirements. To the extent that the DCO's home country regulatory regime lacks legal requirements that correspond to those DCO Core Principles less related to risk, the Commission may, in its discretion, grant registration subject to conditions that would address the relevant DCO Core Principles.[26]

C. Regulation 39.4—Procedures for Implementing DCO Rules and Clearing New Products

Regulation 39.4(b) provides that proposed new or amended rules of a DCO not voluntarily submitted for Commission approval pursuant to § 40.5 must be submitted to the Commission pursuant to the self-certification procedures of § 40.6, as required by section 5c(c) of the CEA,[27] prior to their implementation.[28] Pursuant to the Commission's authority under section 4(c) of the CEA,[29] the Commission is proposing in § 39.4(c) to exempt DCOs that are subject to alternative compliance from submitting rules pursuant to section 5c(c) of the CEA and § 40.6, unless the rule relates to the DCO's compliance with the requirements of part 45 of the Commission's regulations,[30] or section 4d(f) of the CEA,[31] parts 1 or 22 of the Commission's regulations,[32] or § 39.15,[33] which set forth the Commission's customer protection requirements, as such DCOs would be subject to compliance with these requirements.

The Commission is proposing this limited exemption from the rule submission requirements for DCOs that are subject to alternative compliance as they would be subject to the applicable laws in their home country and oversight by their respective home country regulators. Accordingly, the Commission believes that the review of any new or amended rule unrelated to the Commission's customer protection regime would be more appropriately handled by the DCO's home country regulator. The Commission requests comment as to whether it should require, as part of the application process for alternative compliance, that there is a rule review or approval process under the home country regime.

The Commission believes the proposed exemption in § 39.4(c) is consistent with the public interest, as it would allow the Commission to focus on reviewing those critical rules that relate to areas where the Commission exercises direct oversight rather than review other rules for which duplication of review with the home country regulator is not necessary. The proposed exemption would reflect the protection of customers—and safeguarding of money, securities, or other property deposited by customers—as a fundamental component of the Commission's regulatory oversight of the derivatives markets by requiring these DCOs to certify rules relating to the Commission's customer protection requirements. A DCO's new or amended customer protection-related rules would also continue to be made transparent to FCMs and their customers, as § 40.6(a)(2) requires a DCO to certify that it has posted on its website a copy of the rule submission.[34]

At the same time, the proposed exemption in § 39.4(c) would reduce the time and resources necessary for DCOs to file rules unrelated to the Commission's customer protection or swap data reporting requirements. In light of the foregoing, the Commission believes the proposed exemption would be consistent with the public interest and the purposes of the CEA. The Commission also believes the proposed exemption would not have a material adverse effect on the ability of the Commission or any contract market to discharge its regulatory or self-regulatory duties under the CEA, as the Commission would continue to receive submissions for new rules or rule changes concerning customer protection and swap data reporting, matters for which the DCO is subject to compliance with Commission regulation.[35]

D. Regulation 39.9—Scope

The Commission recently proposed to revise § 39.9 to make it clear that the provisions of subpart B apply to any DCO, as defined under section 1a(15) of the CEA and § 1.3, that is registered with the Commission as a DCO pursuant to section 5b of the CEA, but do not apply to any exempt DCO.[36] The Commission is proposing to further revise § 39.9 to provide that the provisions of subpart B apply to any DCO, except as otherwise provided by Commission order. This change is intended to reflect the fact that a DCO registered through the alternative compliance procedures under proposed § 39.3(a)(3) would not be held to the requirements in subpart B, with the exception of § 39.15 and those requirements for which the Commission did not find there to be alternative compliance in the DCO's home country regulatory regime, as provided in the DCO's order. This provision also would allow the Commission to not apply to a particular DCO any subpart B requirement that the Commission deems irrelevant or otherwise inapplicable due to, for example, certain characteristics of the DCO's business model.

E. Subpart D—Provisions Applicable to DCOs Subject to Alternative Compliance

1. Regulation 39.50—Scope

The Commission is proposing new § 39.50 to state that the provisions of subpart D of Part 39 apply to any DCO that is registered through the process described in § 39.3(a)(3) (*i.e.,* DCOs subject to alternative compliance). Proposed § 39.51 would be contained in subpart D and would set forth the requirements for alternative compliance, as discussed below.

[26] For example, if the DCO's home country regulatory regime lacks legal requirements that would satisfy DCO Core Principle M (regarding information sharing), the Commission may grant registration subject to conditions that would address information sharing.

[27] 7 U.S.C. 7a–2(c).

[28] 17 CFR 40.6. A ''rule,'' by definition, includes any constitutional provision, article of incorporation, bylaw, rule, regulation, resolution, interpretation, stated policy, advisory, terms and conditions, trading protocol, agreement or instrument corresponding thereto, including those that authorize a response or establish standards for responding to a specific emergency, and any amendment or addition thereto or repeal thereof, made or issued by a registered entity or by the governing board thereof or any committee thereof, in whatever form adopted. 17 CFR 40.1(i).

[29] 7 U.S.C. 6(c). Section 4(c) of the CEA provides that, in order to promote responsible economic or financial innovation and fair competition, the Commission, by rule, regulation, or order, may exempt any transaction or class of transactions (including any person or class of persons offering, entering into, rendering advice, or rendering other services with respect to, the transaction) from any of the provisions of the CEA other than certain enumerated provisions, if the Commission determines that the exemption would be consistent with the public interest and the purposes of the CEA, that the transactions will be entered into solely between appropriate persons, and that the exemption will not have a material adverse effect on the ability of the Commission or any contract market to discharge its regulatory or self-regulatory responsibilities under the CEA.

[30] 17 CFR part 45 (setting forth swap data reporting and recordkeeping requirements).

[31] 7 U.S.C. 6d(f) (relating to segregation of customer funds).

[32] 17 CFR parts 1 and 22 (setting forth general regulations under the CEA, including treatment of customer funds, and requirements for cleared swaps, respectively).

[33] 17 CFR 39.15 (setting forth requirements for the treatment of customer funds).

[34] The Commission also publicly posts on its website all § 40.6 rule certifications for which confidential treatment is not requested.

[35] The factor under section 4(c) of whether a transaction is entered into solely between appropriate persons does not apply here because there are no transactions implicated by this proposed exemption.

[36] *See* Exemption From Derivatives Clearing Organization Registration, 83 FR at 39929.

2. Regulation 39.51—Alternative Compliance

a. Eligibility for Alternative Compliance

Proposed § 39.51(a) would provide that the Commission may register, subject to any terms and conditions as the Commission determines to be appropriate, a clearing organization for the clearing of swaps for U.S. persons if all of the eligibility requirements listed in proposed § 39.51(a)(1) and (a)(2) are met and the clearing organization satisfies the conditions set forth in § 39.51(b).[37] Each of these requirements is described below.

Proposed § 39.51(a)(1)(i) would require that, in order to be eligible for alternative compliance as a DCO, the Commission must determine that compliance with the clearing organization's home country regulatory regime would satisfy the DCO Core Principles. Under proposed § 39.51(a)(1)(ii), a clearing organization would be required to be in good regulatory standing in its home country. Under proposed § 39.51(a)(1)(iii), the Commission must also determine that the clearing organization does not pose substantial risk to the U.S. financial system (as previously discussed).

Proposed § 39.51(a)(1)(iv) would provide that, in order for a clearing organization to be eligible for alternative compliance as a DCO, an MOU or similar arrangement satisfactory to the Commission must be in effect between the Commission and the clearing organization's home country regulator,[38] pursuant to which, among other things, the home country regulator agrees to provide to the Commission any information that the Commission deems appropriate to evaluate the clearing organization's initial and continued eligibility for registration or to review compliance with any conditions of such registration. The Commission has customarily entered into MOUs or similar arrangements in connection with the supervision of non-U.S. clearing organizations that are registered or exempt from DCO registration. In the context of DCOs subject to alternative compliance, satisfactory MOUs or similar arrangements with the home country regulator would include provisions for information sharing and cooperation, as well as for notification upon the occurrence of certain events.[39] Although the Commission would retain the right to conduct site visits, the Commission would not expect to conduct routine site visits to such DCOs.

Under proposed § 39.51(a)(2), if the DCO's home country regulatory regime lacks legal requirements that correspond to those DCO Core Principles less related to risk, the Commission may, in its discretion, grant registration subject to conditions that would address the relevant DCO Core Principles.

b. Conditions of Alternative Compliance

Proposed § 39.51(b) sets forth conditions of alternative compliance. These conditions are similar to the conditions that the Commission has imposed on exempt DCOs.[40]

Under proposed § 39.51(b)(1), a DCO subject to alternative compliance would be required to comply with the DCO Core Principles through its compliance with applicable legal requirements in its home country, and any other requirements specified in its registration order including, but not limited to, section 4d(f) of the CEA, parts 1, 22, and 45 of the Commission's regulations, subpart A of Part 39, and § 39.15. Because the DCO would clear swaps for FCM customers, the DCO would be subject to the Commission's customer protection requirements set forth in section 4d(f) of the CEA, parts 1 and 22 of the Commission's regulations, and § 39.15. The DCO would also be subject to part 45 of the Commission's regulations, which sets forth swap data recordkeeping and reporting requirements, and subpart A of Part 39, which contains general provisions applicable to DCOs, including registration procedures.

Proposed § 39.51(b)(2) would codify the ''open access'' requirements of section 2(h)(1)(B) of the CEA with respect to swaps cleared by a DCO to which one or more of the counterparties is a U.S. person.[41] Paragraph (b)(2)(i) would require a DCO to have rules providing that all such swaps with the same terms and conditions (as defined by product specifications established under the DCO's rules) submitted to the DCO for clearing are economically equivalent and may be offset with each other, to the extent that offsetting is permitted by the DCO's rules. Paragraph (b)(2)(ii) would require a DCO to have rules providing for non-discriminatory clearing of such a swap executed either bilaterally or on or subject to the rules of an unaffiliated electronic matching platform or trade execution facility, *e.g.,* a swap execution facility.

Proposed § 39.51(b)(3) would provide that a DCO must consent to jurisdiction in the United States and designate an agent in the United States, for notice or service of process, pleadings, or other documents issued by or on behalf of the Commission or the U.S. Department of Justice in connection with any actions or proceedings against, or any investigations relating to, the DCO or any of its U.S. clearing members. The name of the designated agent would be submitted as part of the clearing organization's application for registration. If a DCO appoints another agent to accept such notice or service of process, the DCO would be required to promptly inform the Commission of this change. This condition is also included in existing DCO registration orders.

Proposed § 39.51(b)(4) is a general provision that would require a DCO to comply, and demonstrate compliance as requested by the Commission, with any condition of the DCO's registration order.

Proposed § 39.51(b)(5) would require a DCO to make all documents, books, records, reports, and other information related to its operation as a DCO (hereinafter, ''books and records'') open to inspection and copying by any Commission representative, and to promptly make its books and records available and provide them directly to Commission representatives, upon the request of a Commission representative. The Commission notes that it does not anticipate conducting routine site visits to DCOs subject to alternative compliance. However, the Commission may request a DCO to provide books and records related to its operation as a DCO subject to alternative compliance in order for the Commission to ensure that, among other things, the DCO continues to meet the eligibility requirements for alternative compliance as well as the conditions of its registration.[42]

[37] The eligibility requirements listed in proposed § 39.51(a)(1) and (a)(2) and the conditions set forth in proposed § 39.51(b) would be pre-conditions to the Commission's issuance of a registration order in this regard. Additional conditions that are unique to the facts and circumstances specific to a particular clearing organization could be imposed upon that clearing organization in the Commission's registration order.

[38] In foreign jurisdictions where more than one regulator supervises and regulates a clearing organization, the Commission would expect to enter into an MOU or similar arrangement with more than one regulator.

[39] For existing non-U.S. DCOs that wish to be subject to alternative compliance, the Commission believes the MOUs currently in place with their respective home country regulators would be sufficient to satisfy this requirement.

[40] *See* Exemption From Derivatives Clearing Organization Registration, 83 FR at 39926–39927.

[41] 7 U.S.C. 2(h)(1)(B).

[42] Although an MOU or similar arrangement would provide for information sharing whereby the home country regulator agrees to provide to the Commission any information that the Commission deems appropriate to evaluate the clearing organization's initial and continued eligibility for registration or to review compliance with any conditions of such registration, the Commission

Proposed § 39.51(b)(6) would require that a DCO request and the Commission receive an annual written representation from a home country regulator that the DCO is in good regulatory standing, within 60 days following the end of the DCO's fiscal year. This requirement would help the Commission assess the DCO's compliance with its home country legal requirements, and thus, compliance with the DCO Core Principles, and continued eligibility for alternative compliance.

Under proposed § 39.51(b)(7), the Commission may condition alternative compliance on any other facts and circumstances it deems relevant. In doing so, the Commission would be mindful of principles of international comity. For example, the Commission could take into account the extent to which the relevant foreign regulatory authorities defer to the Commission with respect to oversight of DCOs organized in the United States. This approach would advance the goal of regulatory harmonization, consistent with the express directive of Congress that the Commission coordinate and cooperate with foreign regulatory authorities on matters related to the regulation of swaps.[43]

c. General Reporting Requirements

Proposed § 39.51(c)(1) sets forth general reporting requirements pursuant to which a DCO subject to alternative compliance would have to provide certain information directly to the Commission: (1) On a periodic basis (daily or quarterly); and (2) after the occurrence of a specified event, each in accordance with the submission requirements of § 39.19(b).[44] Such information would be used by the Commission, among other things, to evaluate the continued eligibility of the DCO for alternative compliance, review the DCO's compliance with any conditions of its registration, or conduct oversight of U.S. clearing activity.

Proposed § 39.51(c)(2)(i) would require a DCO to compile a report as of the end of each trading day, and submit the report to the Commission by 10:00 a.m. U.S. Central time on the following business day, containing the following information with respect to swaps: (A) Total initial margin requirements for all clearing members; (B) initial margin requirements and initial margin on deposit for each U.S. clearing member, by house origin and by each customer origin, and by each individual customer account; and (C) daily variation margin, separately listing the mark-to-market amount collected from or paid to each clearing member, by house origin and by each customer origin, and by each individual customer account. These requirements are identical to reporting requirements in § 39.19(c)(1)(i)(A) and (B) that apply to registered DCOs and similar to reporting requirements in proposed § 39.6(c)(2)(i) that would apply to exempt DCOs.[45] These reports would provide the Commission with information regarding the cash flows associated with U.S. persons clearing swaps through DCOs subject to alternative compliance in order for the Commission to assess the risk exposure of U.S. persons and the extent of the DCO's U.S. clearing activity.[46]

Proposed § 39.51(c)(2)(ii) would require a DCO to compile a report as of the last day of each fiscal quarter, and submit the report to the Commission no later than 17 business days after the end of the fiscal quarter, containing a list of U.S. clearing members, with respect to the clearing of swaps. This requirement is the same as the one that would apply to exempt DCOs in proposed § 39.6(c)(2)(ii)(C).[47] This report would help the Commission to better understand the extent of U.S. clearing activity at the DCO.

Paragraphs (c)(2)(iii) through (c)(2)(vii) of proposed § 39.51 each would require a DCO to provide information to the Commission upon the occurrence of certain specified events. These requirements are similar to reporting requirements in proposed § 39.6(c)(2)(iii) through (c)(2)(viii) that would apply to exempt DCOs.[48] Several of the proposed required notifications are intended to provide the Commission with information relevant to the DCO's continued eligibility for alternative compliance or its compliance with the conditions of its registration.

Proposed § 39.51(c)(2)(iii) would require a DCO to provide prompt notice to the Commission regarding any change in its home country regulatory regime. The Commission requests comment on whether the Commission should require a DCO subject to alternative compliance to provide prompt notice of any *material* change in its home country regulatory regime. If so, should the Commission attempt to define ''material'' (and, if so, how)?

Proposed § 39.51(c)(2)(iv) would require a DCO to provide to the Commission, to the extent that it is available to the DCO, any examination report or examination findings by a home country regulator, and notify the Commission within five business days after it becomes aware of the commencement of any enforcement or disciplinary action or investigation by a home country regulator. Proposed § 39.51(c)(2)(v) would require a DCO to provide immediate notice to the Commission of any change with respect to its licensure, registration, or other authorization to act as a clearing organization in its home country.

In addition, the Commission is proposing some required notifications that would assist the Commission in its oversight of U.S. clearing members and FCMs. Proposed § 39.51(c)(2)(vi) would require a DCO to provide immediate notice to the Commission in the event of a default (as defined by the DCO in its rules) by any clearing member, including the amount of the clearing member's financial obligation. If the defaulting clearing member is a U.S. clearing member, the notice must also include the name of the U.S. clearing member and a list of the positions it held. Proposed § 39.51(c)(2)(vii) would require a DCO to provide notice of any action that it has taken against a U.S clearing member, no later than two business days after the DCO takes such action. Proposed paragraphs (c)(2)(vi) and (c)(2)(vii) of § 39.51 are similar to paragraphs (c)(4)(vii) and (c)(4)(xi) of § 39.19, which currently apply to registered DCOs.[49]

would retain the authority to access books and records directly from a DCO.

[43] In order to promote effective and consistent global regulation of swaps, section 752 of the Dodd-Frank Act directs the Commission to consult and coordinate with foreign regulatory authorities on the establishment of consistent international standards with respect to the regulation of swaps, among other things. Section 752 of the Dodd-Frank Act, Public Law 111–203, 124 Stat. 1376 (2010), codified at 15 U.S.C. 8325.

[44] Regulation 39.19(b), 17 CFR 39.19(b), requires that a DCO submit reports electronically and in a format and manner specified by the Commission, defines the term ''business day,'' and establishes the relevant time zone for any stated time, unless otherwise specified by the Commission. The Commission has specified that U.S. Central time will apply with respect to the daily reports that must be filed by exempt DCOs pursuant to proposed § 39.6(c)(2)(i).

[45] *See* 17 CFR 39.19(c)(1)(i)(A) and (c)(1)(i)(B). *See also* Exemption From Derivatives Clearing Organization Registration, 83 FR at 39927 (discussing similar reporting requirements for exempt DCOs).

[46] The Commission notes that, given the time-sensitive nature of the data in these reports, the reports would need to be provided directly from the DCO, as is the case with existing registered and exempt DCOs.

[47] *See* Exemption From Derivatives Clearing Organization Registration, 83 FR at 39927–39928.

[48] *See id.* at 39928.

[49] These provisions are also substantially similar to paragraphs (c)(2)(vii) and (c)(2)(viii) of proposed § 39.6, which would apply to exempt DCOs. *See* Exemption From Derivatives Clearing Organization Registration, 83 FR at 39928.

d. Modification of Registration Upon Commission Initiative

Proposed § 39.51(d) would permit the Commission to modify the terms and conditions of an order of registration, in its discretion and upon its own initiative, based on changes to or omissions in facts or circumstances pursuant to which the order was issued, or if any of the terms and conditions of the order have not been met.[50] For example, the Commission could modify the terms of a registration order upon a determination that compliance with the DCO's home country regulatory regime does not satisfy the DCO Core Principles, the DCO is not in good regulatory standing in its home country, or the DCO poses substantial risk to the U.S. financial system.

Proposed §§ 39.51(d)(2), (d)(3), and (d)(4) would set forth the process for modification of registration upon the Commission's initiative. Proposed § 39.51(d)(2) would require the Commission to first provide written notification to a DCO that the Commission is considering modifying the DCO's registration order and the basis for that consideration.

Proposed § 39.51(d)(3) would provide up to 30 days for a DCO to respond to the Commission's notification in writing following receipt of the notification, or at such later time as the Commission may permit in writing. The Commission believes that a minimum 30-day timeframe would allow the Commission to take timely action to protect its regulatory interests while providing the DCO with sufficient time to develop its response. In its response, the DCO may provide potential mitigating factors for the Commission to consider where, for example, the DCO faces a potential finding of substantial risk to the U.S. financial system.

Proposed § 39.51(d)(4) would provide that, following receipt of a response from the DCO, or after expiration of the time permitted for a response, the Commission may either: (i) Issue an order requiring the DCO to comply with all requirements applicable to DCOs registered through the process described in § 39.3(a)(2),[51] effective as of a date to be specified in the order, which is intended to provide the DCO with a reasonable amount of time to come into compliance with the CEA and Commission regulations or request a vacation of registration in accordance with § 39.3(f); (ii) issue an amended order of registration that modifies the terms and conditions of the order; or (iii) provide written notification to the DCO that the registration order will remain in effect without modification to its terms and conditions.

III. Proposed Amendments to Part 140—Organization, Functions, and Procedures of the Commission

The Commission is proposing amendments to § 140.94(c) in order to delegate authority to the Director of the Division of Clearing and Risk for all functions reserved to the Commission in proposed § 39.51, except for the authority to grant registration to a DCO, prescribe conditions to alternative compliance of a DCO, and modify a DCO's registration order. The Commission is proposing to adopt § 140.94(c)(15) to reflect this delegation. The Commission notes that the authority being delegated in this regard is ministerial in nature; significant functions are still being reserved to the Commission.

IV. Request for Comments

In addition to the specific requests for comment noted elsewhere, the Commission generally requests comments on all aspects of the proposed rules. The Commission also requests comments on the following specific issues:

1. Does the proposed alternative compliance regime, including both the application process and the ongoing requirements, strike the right balance between the Commission's regulatory interests and the regulatory interests of non-U.S. DCOs' home country regulators?

2. Are there additional regulatory requirements under the CEA or Commission regulations that should not apply to non-U.S. DCOs with alternative compliance in the interest of deference and allowing such DCOs to satisfy the DCO Core Principles through compliance with their home country regulatory regimes while still protecting the Commission's regulatory interests?

3. Should the Commission take into account regulations in Part 39, in addition to the DCO Core Principles, in determining whether alternative compliance is appropriate for a non-U.S. clearing organization?

4. Should the Commission require additional, or less, information from an applicant for alternative compliance as part of its application under proposed § 39.3(a)(3)?

5. Is the proposed test for ''substantial risk to the U.S. financial system'' the best measure of such risk? If not, please explain why, and if there is a better measure/metric that the Commission should use, please provide a rationale and supporting data, if available.

6. What is the frequency with which the Commission should reassess a DCO's ''risk to the U.S. financial system'' for purposes of the test, and across what time period, after it is registered under the alternative compliance regime?

7. Does the proposed exemption from self-certification of rules in § 39.4(c) meet the standards for exemptive relief set out in section 4(c) of the CEA?

a. In addition to rules that relate to the DCO's compliance with the requirements of section 4d(f) of the CEA, parts 1, 22, or 45 of the Commission's regulations, or § 39.15, should the Commission require other rules to be filed pursuant to section 5c(c) of the CEA? If so, should the Commission retain discretion in determining which other rules must be filed based on, for example, the particular facts and circumstances? Or should the Commission enumerate the types of rules that must be filed (*e.g.,* rules related to certain products cleared by the DCO)?

8. Should non-U.S. DCOs with alternative compliance be excused from reporting any particular data streams in order to limit duplicative reporting obligations in the cross-border context without jeopardizing U.S. customer protections, particularly given the existence of an MOU between the Commission and the DCO's home country regulator as a requirement for eligibility for alternative compliance?

V. Related Matters

A. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) requires that agencies consider whether the regulations they propose will have a significant economic impact on a substantial number of small entities and, if so, provide a regulatory flexibility analysis on the impact.[52] The regulations proposed by the Commission will affect only clearing organizations. The Commission has previously established certain definitions of ''small entities'' to be used by the Commission in evaluating the impact of its regulations on small entities in accordance with the RFA.[53] The Commission has previously determined that clearing organizations

[50] The Commission notes that it has authority to suspend or revoke a DCO's registration under the CEA. *See* 7 U.S.C. 7b.

[51] Regulation 39.3(a)(2) provides that any entity seeking to register as a DCO shall submit to the Commission a completed Form DCO, which shall include a cover sheet, all applicable exhibits, and any supplemental materials, as provided in Appendix A to Part 39.

[52] 5 U.S.C. 601 *et seq.*

[53] 47 FR 18618 (Apr. 30, 1982).

are not small entities for the purpose of the RFA.[54] Accordingly, the Chairman, on behalf of the Commission, hereby certifies pursuant to 5 U.S.C. 605(b) that the proposed regulations will not have a significant economic impact on a substantial number of small entities.

B. Paperwork Reduction Act

The Paperwork Reduction Act (PRA)[55] provides that Federal agencies, including the Commission, may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid control number from the Office of Management and Budget (OMB). This proposed rulemaking contains reporting requirements that are collections of information within the meaning of the PRA. The Commission is proposing to revise Information Collection 3038–0076, which contains the requirements for DCO registration and compliance, to include the collection of information in proposed §§ 39.3(a)(3) and 39.51, as well as changes to the existing information collection requirements for registered DCOs as a result of this proposal. The responses to the collection of information would be necessary to obtain DCO registration under the proposed alternative compliance process.

1. Alternative DCO Application Process Under Proposed § 39.3(a)(3)

Regulation 39.3(a)(2) sets forth the requirements for filing an application for registration as a DCO. The Commission is proposing new § 39.3(a)(3), which would establish the application procedures for DCOs that wish to be subject to alternative compliance. Currently, Information Collection 3038–0076 reflects that each application for DCO registration takes 421 hours to complete, including all exhibits. Because the alternative application procedures would require substantially fewer documents and exhibits, the Commission is estimating that each such application would require 100 hours to complete.

DCO application for alternative compliance, including all exhibits, supplements and amendments:

Estimated number of respondents: 1.

Estimated number of reports per respondent: 1.

Average number of hours per report: 100.

Estimated gross annual reporting burden: 100.

2. Ongoing Reporting Requirements for DCOs Subject to Alternative Compliance in Accordance With Proposed § 39.51

Proposed § 39.51 would include reporting requirements for DCOs subject to alternative compliance that are substantially similar to those proposed for exempt DCOs.[56] The estimated number of respondents is based on approximately three existing registered DCOs that may choose to convert to alternative compliance and one new registrant per year.

Daily Reporting

Estimated number of respondents: 6.

Estimated number of reports per respondent: 250.

Average number of hours per report: 0.1.

Estimated gross annual reporting burden: 150.

Quarterly Reporting

Estimated number of respondents: 6.

Estimated number of reports per respondent: 4.

Average number of hours per report: 1.

Estimated gross annual reporting burden: 24.

Event-Specific Reporting

Estimated number of respondents: 6.

Estimated number of reports per respondent: 1.

Average number of hours per report: 0.5.

Estimated gross annual reporting burden: 3.

Annual Certification of Good Regulatory Standing

Estimated number of respondents: 6.

Estimated number of reports per respondent: 1.

Average number of hours per report: 1.

Estimated gross annual reporting burden: 6.

As proposed under § 39.4(c), DCOs subject to alternative compliance would not be required to comply with § 40.6 regarding certification of rules, other than rules relating to customer protection. Although this change could potentially reduce the burden related to rule submissions by registered entities, which is covered in Information Collection 3038–0093, the Commission is not proposing any changes to that information collection burden because its current estimate of 50 responses annually per respondent covers a broad range of the number of annual submissions by registered entities. Therefore, no adjustment to Information Collection 3038–0093 is necessary.

3. Adjustment to Part 39 Reporting and Recordkeeping Requirements

As noted above, the Commission anticipates that approximately three currently registered DCOs may seek registration under the alternative compliance process; accordingly, the information collection burden applicable to DCO applicants and registered DCOs will be reduced. Currently, collection 3038–0076 reflects that there are 2 applicants for DCO registration annually and that it takes each applicant 421 hours to complete and submit the form, including all exhibits. The Commission is reducing the number of applicants for full DCO registration from two to one based on the expectation that one of the annual DCO applicants will seek registration subject to alternative compliance.

Form DCO—§ 39.3(a)(2)

Estimated number of respondents: 1.

Estimated number of reports per respondent: 1.

Average number of hours per report: 421.

Estimated gross annual reporting burden: 421.

The information collection burden for registered DCOs, based on the Commission's proposed alternative compliance regime, is estimated to be reduced by three, from 16 to 13. The reduction in the number of respondents is the sole change in the burden estimates previously stated for registered DCOs. The revised burden estimates are as follows:

CCO Annual Report

Estimated number of respondents: 13.

Estimated number of reports per respondent: 1.

Average number of hours per report: 73.

Estimated gross annual reporting burden: 949.

Annual Financial Reports

Estimated number of respondents: 13.

Estimated number of reports per respondent: 1.

Average number of hours per report: 2,640.

Estimated gross annual reporting burden: 34,320.

Quarterly Financial Reports

Estimated number of respondents: 13.

Estimated number of reports per respondent: 4.

Average number of hours per report: 8.

[54] *See* 66 FR 45604, 45609 (Aug. 29, 2001).

[55] 44 U.S.C. 3501 *et seq.*

[56] *See* Exemption From Derivatives Clearing Organization Registration, 83 FR 39923 (Aug. 13, 2018).

Estimated gross annual reporting burden: 416.

Daily Reporting

Estimated number of respondents: 13.
Estimated number of reports per respondent: 250.
Average number of hours per report: 0.5.
Estimated gross annual reporting burden: 1,625.

Event-Specific Reporting

Estimated number of respondents: 13.
Estimated number of reports per respondent: 20.
Average number of hours per report: 0.5.
Estimated gross annual reporting burden: 130.

Public Information

Estimated number of respondents: 13.
Estimated number of reports per respondent: 4.
Average number of hours per report: 2.
Estimated gross annual reporting burden: 104.

Governance Disclosures

Estimated number of respondents: 13.
Estimated number of reports per respondent: 6.
Average number of hours per report: 3.
Estimated gross annual reporting burden: 234.

Registered DCOs—Recordkeeping

Estimated number of respondents: 13.
Estimated number of reports per respondent: 1.
Average number of hours per report: 150.
Estimated number of respondents-request to vacate: 1.
Estimated number of reports per respondent-request to vacate: 0.33.
Average number of hours per report-request to vacate: 1.
Estimated gross annual recordkeeping burden: 1951.[57]

Proposed § 39.4(c) would exempt DCOs subject to alternative compliance from self-certifying rules unless the rule relates to the requirements under section 4d(f) of the CEA, parts 1, 22, or 45 of the Commission's regulations, or § 39.15. While this proposed change is likely to reduce the number of rule certification submissions that would otherwise be required for DCOs subject to alternative compliance, the Commission is not expecting that this will affect the overall burden for rule certification filings by all registered entities, covered in Information Collection 3038–0093. The number of rule submissions in that information collection is intended to represent an average number of submissions per registered entity. Because the average number of submissions covers a wide range of variability in the actual numbers of rule certification submissions by registered entities, the Commission believes that the small number of DCOs subject to alternative compliance which would not be required to certify all rules would be covered by the existing burden estimate in Information Collection 3038–0093.

4. Request for Comments

The Commission invites the public and other Federal agencies to comment on any aspect of the proposed information collection requirements discussed above. The Commission will consider public comments on this proposed collection of information in:

(1) Evaluating whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information will have a practical use;

(2) Evaluating the accuracy of the estimated burden of the proposed collection of information, including the degree to which the methodology and the assumptions that the Commission employed were valid;

(3) Enhancing the quality, utility, and clarity of the information proposed to be collected; and

(4) Minimizing the burden of the proposed information collection requirements on registered entities, including through the use of appropriate automated, electronic, mechanical, or other technological information collection techniques, *e.g.,* permitting electronic submission of responses.

Copies of the submission from the Commission to OMB are available from the CFTC Clearance Officer, 1155 21st Street NW, Washington, DC 20581, (202) 418–5160 or from *http://RegInfo.gov.* Organizations and individuals desiring to submit comments on the proposed information collection requirements should send those comments to:

- The Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10235, New Executive Office Building, Washington, DC 20503, Attn: Desk Officer of the Commodity Futures Trading Commission;
- (202) 395–6566 (fax); or
- *OIRAsubmissions@omb.eop.gov* (email).

Please provide the Commission with a copy of submitted comments so that all comments can be summarized and addressed in the final rulemaking, and please refer to the **ADDRESSES** section of this rulemaking for instructions on submitting comments to the Commission. OMB is required to make a decision concerning the proposed information collection requirements between 30 and 60 days after publication of this Release in the **Federal Register**. Therefore, a comment to OMB is best assured of receiving full consideration if OMB receives it within 30 calendar days of publication of this Release. Nothing in the foregoing affects the deadline enumerated above for public comment to the Commission on the proposed rules.

C. Cost-Benefit Considerations

1. Introduction

Section 15(a) of the CEA requires the Commission to consider the costs and benefits of its actions before promulgating a regulation under the CEA or issuing certain orders.[58] Section 15(a) further specifies that the costs and benefits shall be evaluated in light of five broad areas of market and public concern: (1) Protection of market participants and the public; (2) efficiency, competitiveness, and financial integrity of futures markets; (3) price discovery; (4) sound risk management practices; and (5) other public interest considerations. The Commission considers the costs and benefits resulting from its discretionary determinations with respect to the section 15(a) factors.

The baseline for the Commission's consideration of the costs and benefits of this proposed rulemaking are: (1) The DCO Core Principles; (2) the general provisions applicable to DCOs under subparts A and B of Part 39; (3) Form DCO in Appendix A to Part 39; (4) Parts 1, 22, and 40 of the Commission's regulations; and (5) § 140.94.

The Commission notes that this consideration is based on its understanding that the swaps market functions internationally with (i) transactions that involve U.S. firms occurring across different international jurisdictions; (ii) some entities organized outside of the United States that are prospective Commission registrants; and (iii) some entities that typically operate both within and outside the United States and that

[57] The total annual recordkeeping burden estimate reflects the combined figures for 13 registered DCOs with an annual burden of one response and 150 hours per response ($13 \times 1 \times 150 = 1950$), and one vacated DCO registration every three years with an annual burden of one hour, which is not affected by this proposal.

[58] 7 U.S.C. 19(a).

follow substantially similar business practices wherever located. Where the Commission does not specifically refer to matters of location, the discussion of costs and benefits below refers to the effects of the proposed regulations on all relevant swaps activity, whether based on their actual occurrence in the United States or on their connection with, or effect on U.S. commerce pursuant to, section 2(i) of the CEA.[59]

The Commission recognizes that the proposed rules may impose costs. The Commission has endeavored to assess the expected costs and benefits of the proposed rulemaking in quantitative terms, including PRA-related costs, where possible. In situations where the Commission is unable to quantify the costs and benefits, the Commission identifies and considers the costs and benefits of the applicable proposed rules in qualitative terms. The lack of data and information to estimate those costs is attributable in part to the nature of the proposed rules. Additionally, the initial and recurring compliance costs for any particular DCO will depend on the size, existing infrastructure, level of clearing activity, practices, and cost structure of the DCO.

2. Proposed Amendments to Part 39

a. Summary

Section 5b(a) of the CEA requires a clearing organization that clears swaps to be registered with the Commission as a DCO. Once registered, a DCO is required to comply with the CEA and all Commission regulations applicable to DCOs, regardless of whether the DCO is subject to other regulation and oversight, as non-U.S. DCOs typically are. The proposed regulations would allow a non-U.S. DCO that the Commission determines does not pose substantial risk to the U.S. financial system to be subject to an alternative compliance regime that relies in part on the DCO's home country regulatory regime and would result in reduced regulatory obligations as compared to the existing registration requirements. Specifically, the DCO would comply with the DCO Core Principles in the CEA by complying with its home country's legal requirements rather than the requirements of subpart B of Part 39 (with the exception of § 39.15). The DCO still would be subject to subpart A of Part 39 and the Commission's customer protection and swap data reporting requirements, as well as reporting and other conditions in its registration order. Lastly, the Commission is proposing in § 39.4(c) to exempt DCOs that are subject to alternative compliance from self-certifying rules pursuant to § 40.6, unless the rule relates to the Commission's customer protection or swap data reporting requirements.

b. Benefits

There are currently 16 DCOs registered with the Commission, six of which are organized outside of the United States and have comparable registration status in their respective home countries. These non-U.S. DCOs are regulated both by the Commission and their home country regulators.

The proposed regulations would allow the Commission to register a non-U.S. DCO through the alternative compliance procedures if the Commission has determined that, among other things, compliance with the DCO's home country regulatory regime satisfies the DCO Core Principles. Therefore, to the extent that the DCO's home country laws and regulations impose obligations similar to those imposed by the CEA, the proposal would significantly reduce duplicative regulatory requirements for the DCO.

The Commission is mindful that legal and regulatory compliance is not costless. Compliance with two different regulatory regimes, even if they are similar, requires legal and compliance staff capable of understanding, interpreting, and applying both regimes, which potentially requires hiring additional personnel or retaining additional outside advisors. Compliance with two regimes also requires a DCO to spend additional time and resources. Moreover, the specific requirements of each regime may differ even if both regimes satisfy the DCO Core Principles. For example, different legal regimes may impose different requirements regarding acceptable accounting standards, the methods by which clearing members may be held accountable for violating a DCO's rules, the forms and locations in which records must be kept, and the type and manner of making information available to the public. Complying with both sets of requirements—that achieve effectively the same regulatory outcomes—may be costly, operationally difficult, or otherwise impractical. Because the proposal would substantially reduce an eligible DCO's expenditures for duplicative compliance activities, it would significantly decrease the overall ongoing legal and compliance costs incurred by DCOs subject to alternative compliance.

In addition, the proposed exemption in § 39.4(c) from self-certifying certain rules to the Commission would significantly reduce the ongoing compliance costs of DCOs subject to alternative compliance, as they would be required to self-certify only rules that relate to the Commission's customer protection or swap data reporting requirements. Because § 40.6 requires a DCO to include certain information in its rule submissions, the proposed exemption would save such DCOs the time and expense of preparing self-certifications for rules that pertain to other matters.

Moreover, the alternative application procedures included in proposed § 39.3(a)(3) are significantly simplified compared to the existing DCO application procedures under § 39.3(a)(2). The existing procedures require submission of a complete Form DCO, which includes over three dozen exhibits. Commission staff carefully reviews each such application and typically asks numerous questions and, when necessary, requests amended exhibits and supplementary documents to evaluate and promote compliance with the CEA and Commission regulations. In contrast, the proposed alternative application procedures would require the submission of relatively few sections of Form DCO, mostly drawn from Exhibits A and F thereto. Preparing the sections of Form DCO that would be required under the proposed alternative application procedures should therefore be significantly less time-consuming and expensive than preparing the entire Form DCO under the existing application procedures. Moreover, with far fewer items for the Commission to review, the applicant is likely to receive significantly fewer questions from Commission staff and will require substantially less time and expense to respond to staff questions and prepare new or amended documents in response to staff requests. It is also likely that, as a result, the Commission may be able to make a final determination on an application under the proposed alternative application procedures in less time than is typically required under the existing procedures.

Given the lower initial application and ongoing compliance costs, the Commission anticipates that some non-U.S. clearing organizations that are not currently registered as DCOs, including,

[59] Pursuant to section 2(i) of the CEA, activities outside of the United States are not subject to the swap provisions of the CEA, including any rules prescribed or regulations promulgated thereunder, unless those activities either ''have a direct and significant connection with activities in, or effect on, commerce of the United States;'' or contravene any rule or regulation established to prevent evasion of a CEA provision enacted under the Dodd-Frank Act, Public Law 111–203, 124 Stat. 1376. 7 U.S.C. 2(i).

but not limited to, exempt DCOs, would pursue registration with alternative compliance. Because of the significantly reduced requirements under alternative compliance, the Commission believes it would be considerably easier for non-U.S. clearing organizations to comply with those requirements while still fully complying with their home country regime. As a result, the Commission believes that this proposal may increase the number of registered DCOs over time. Because exempt DCOs are currently not permitted to offer customer clearing, customers would have more clearing options if exempt DCOs were to become registered DCOs. If clearing organizations that are neither registered nor exempt from registration were to register, both customers and clearing members would have more clearing options. Access to more clearing organizations may encourage more clearing of swaps, while reducing the concentration risk among DCOs.

Moreover, given the reduced costs expected to be borne by DCOs subject to alternative compliance and the greater competition resulting from the likely increase in the number of registered DCOs, it is possible that some registered DCOs may pass some of their cost savings to their clearing members and customers. In addition to their direct benefits, such cost reductions may have the indirect benefit of encouraging greater use of clearing, thereby increasing the safety and stability of the broader financial system.

Finally, the proposed regulations would promote and perhaps encourage international comity by showing deference to non-U.S. regulators in the oversight of non-U.S. DCOs that do not pose substantial risk to the U.S. financial system. If regulators in other countries deferred to U.S. oversight of U.S. DCOs active in overseas markets, the reduced registration and compliance burdens on such DCOs would be an additional benefit of the proposed regulation.

c. Costs

A non-U.S. clearing organization applying under the proposed alternative application procedures would incur costs in preparing the application. This would include preparing and submitting certain parts of the Form DCO, including the requirement to provide in Exhibit A–1 the citation and full text of each applicable legal requirement in its home country that corresponds with each core principle and an explanation of how the applicant satisfies those requirements. If a clearing organization were required instead to apply under the existing application process, however, it would need to prepare and submit a complete Form DCO, which is a significantly more costly and burdensome process. Thus, although an applicant would incur costs in preparing the application under proposed § 39.3(a)(3), the proposed alternative application procedures would represent a substantial cost savings relative to the existing procedures.

DCOs registered under the existing procedures, including non-U.S. DCOs that are ineligible for alternative compliance, may face a competitive disadvantage as a result of this proposal. A DCO subject to full Commission regulation and oversight may have higher ongoing compliance costs than a DCO subject to alternative compliance. This competitive disadvantage is mitigated by the fact that DCOs subject to alternative compliance would, as a precondition of such registration, be required to be overseen by a home country regulator that is likely to impose costs similar to those associated with Commission regulation. Such non-U.S. DCOs, then, may have compliance costs in their home countries that a U.S.-based DCO might not.

The Commission does not anticipate that the proposal would impose costs on clearing members or customers. The proposal would likely increase the number of registered DCOs and permit some DCOs to register under a new procedure that may allow them to pass on cost savings to clearing members and customers. Therefore, the Commission believes that clearing members and customers may face reduced costs as a result of this proposal. To the extent that DCOs subject to alternative compliance do not save costs relative to traditionally registered DCOs, or do not pass cost savings to their clearing members or customers, the Commission notes that, to the extent products are available for clearing through more than one DCO, clearing members and customers may be able to simply continue clearing through traditionally registered DCOs, likely without any change in costs.

Furthermore, the Commission does not believe that the proposal would materially increase the risk to the U.S. financial system. DCOs that pose substantial risk to the U.S. financial system would not be eligible to register under the proposed alternative process.[60] Furthermore, a DCO cannot avail itself of this process unless the Commission determines that a DCO's compliance with its home country regulatory regime would satisfy the DCO Core Principles, meaning that the DCO would be subject to regulation comparable to that imposed on DCOs registered under the existing procedure. An MOU or similar arrangement must be in effect between the Commission and the DCO's home country regulator, allowing the Commission to receive information from the home country regulator to help monitor the DCO's continuing compliance with its legal and regulatory obligations. In addition, DCOs that register under the proposed alternative process would remain subject to the Commission's customer protection requirements set forth in section 4d(f) of the CEA, parts 1 and 22 of the Commission's regulations, and § 39.15. The Commission also notes that foreign regulators have a strong incentive to ensure the safety and soundness of the clearing organizations that they regulate, and their oversight, combined with the alternative compliance regime, will enable the Commission to more efficiently allocate its own resources in the oversight of traditionally registered DCOs. Finally, the proposal would not increase the risks posed by exempt DCOs or by clearing organizations that are neither registered nor exempt from registration.

Lastly, the Commission does not anticipate any costs to DCOs associated with the exemption in proposed § 39.4(c).

3. Section 15(a) Factors

a. Protection of Market Participants and the Public

The proposed regulations would not materially reduce the protections available to market participants and the public because they would require, among other things, that a DCO subject to alternative compliance: (i) Must demonstrate to the Commission that compliance with the applicable legal requirements in its home country would constitute compliance with the DCO Core Principles; (ii) must be licensed, registered, or otherwise authorized to act as a clearing organization in its home country and be in good regulatory standing; and (iii) must not pose

[60] It may also be possible that the Commission's proposed test for ''substantial risk to the U.S. financial system'' may not be properly calibrated, allowing certain non-U.S. DCOs to register under the alternative registration regime when they may pose sufficient risk to the U.S. financial system to warrant greater oversight by the Commission. However, the Commission believes that even if these non-U.S. DCOs are permitted to register under the alternative registration regime, this risk will be mitigated by the Commission's determination that compliance with the foreign jurisdiction's legal regime would satisfy the DCO Core Principles, as discussed above, and the Commission's access to daily and periodic reports regarding the DCO and its risks.

substantial risk to the U.S. financial system. The regulations would also protect market participants and the public by ensuring that FCM customers clearing through a DCO subject to alternative compliance would continue to receive the full benefits of the customer protection regime established in the CEA and Commission regulations. Although the Commission acknowledges the possibility that some foreign regulatory regimes may ultimately prove to be less effective than that of the United States, the Commission believes that this risk is mitigated for the reasons discussed above.

b. Efficiency, Competitiveness, and Financial Integrity

The proposed regulations would promote efficiency in the operations of DCOs subject to alternative compliance by reducing duplicative regulatory requirements. This reduction in duplicative requirements would likely result in most DCOs being subject largely to only their home country regulatory regimes, which could promote competitiveness among DCOs. Furthermore, adopting the proposed regulations might prompt other regulators to adopt similar rules that would defer to the Commission in the regulation of U.S. DCOs operating outside the United States, which could increase competitiveness by reducing the regulatory burdens on such DCOs.

The proposed regulations would be expected to maintain the financial integrity of swap transactions cleared by DCOs because DCOs subject to alternative compliance would be required to comply with a home country regulatory regime that satisfies the DCO Core Principles and because they would be required to satisfy the Commission's regulations regarding customer protection. In addition, the proposed regulations may contribute to the financial integrity of the broader financial system by spreading the potential risk of particular swaps among a greater number of DCOs, thus reducing concentration risk.

c. Price Discovery

Price discovery is the process of determining the price level for an asset through the interaction of buyers and sellers and based on supply and demand conditions. The Commission has not identified any impact that the proposed regulations would have on price discovery. This is because price discovery occurs before a transaction is submitted for clearing through the interaction of bids and offers on a trading system or platform, or in the over-the-counter market. The proposed rule would not impact requirements under the CEA or Commission regulations regarding price discovery.

d. Sound Risk Management Practices

The proposed regulations would continue to encourage sound risk management practices because a DCO would be eligible for alternative compliance only if it is held to risk management requirements in its home country that satisfy the DCO Core Principles and are comparable to the Commission's risk management requirements.

e. Other Public Interest Considerations

The Commission notes the public interest in access to clearing organizations outside of the United States in light of the international nature of many swap transactions. The proposed regulations might encourage international comity by deferring, under certain conditions, to the regulators of other countries in the oversight of home country clearing organizations. The Commission expects that such regulators will defer to the Commission in the supervision and regulation of DCOs domiciled in the United States, thereby reducing the regulatory and compliance burdens to which such DCOs are subject.

D. Antitrust Considerations

Section 15(b) of the CEA requires the Commission to take into consideration the public interest to be protected by the antitrust laws and endeavor to take the least anticompetitive means of achieving the purposes of the CEA, in issuing any order or adopting any Commission rule or regulation.[61]

The Commission believes that the public interest to be protected by the antitrust laws is the promotion of competition. The Commission requests comment on whether the proposed rulemaking implicates any other specific public interest to be protected by the antitrust laws. The Commission has considered the proposed rulemaking to determine whether it is anticompetitive. The Commission believes that the proposed rulemaking may promote greater competition in swap clearing because it would reduce the regulatory burden for non-U.S. clearing organizations, which might encourage them to register to clear the same types of swaps for U.S. persons that are currently cleared by registered DCOs. Unlike non-U.S. DCOs subject to this alternative compliance, U.S. DCOs, and non-U.S. DCOs that pose substantial risk to the U.S. financial system, would be held to the requirements of the CEA and Commission regulations and subject to the direct oversight of the Commission. This may appear to create a competitive disadvantage for these DCOs; however, non-U.S. DCOs subject to alternative compliance would be meeting similar requirements through compliance with their home country regulatory regimes and would be subject to the direct oversight of their home country regulators. Further, to the extent that the U.S. clearing activity of a non-U.S. DCO subject to alternative compliance grows to the point that the DCO poses substantial risk to the U.S. financial system, and therefore, a threat to competition, it would be required to comply with all requirements applicable to DCOs and be subject to the Commission's direct oversight.

The Commission has not identified any less anticompetitive means of achieving the purposes of the CEA. The Commission requests comment on whether there are less anticompetitive means of achieving the relevant purposes of the CEA that would otherwise be served by adopting the proposed rules.

List of Subjects

17 CFR Part 39

Clearing, Customer protection, Derivatives clearing organization, Procedures, Registration, Swaps.

17 CFR Part 140

Authority delegations (Government agencies), Organization and functions (Government agencies).

For the reasons stated in the preamble, the Commodity Futures Trading Commission proposes to amend 17 CFR chapter I as follows:

PART 39—DERIVATIVES CLEARING ORGANIZATIONS

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

Authority: 7 U.S.C. 2, 7a–1, and 12a(5); 12 U.S.C. 5464; 15 U.S.C. 8325; Section 752 of the Dodd-Frank Wall Street Reform and Consumer Protection Act, Pub. L. 111–203, title VII, sec. 752, July 21, 2010, 124 Stat. 1749.

■ 2. In § 39.2, add the definitions of ''Good regulatory standing'' and ''substantial risk'' in alphabetical order to read as follows:

§ 39.2 Definitions.

* * * * *

Good regulatory standing means, with respect to a derivatives clearing organization that is organized outside of the United States, and is licensed,

[61] 7 U.S.C. 19(b).

registered, or otherwise authorized to act as a clearing organization in its home country, that:

(1) In the case of an exempt derivatives clearing organization, either there has been no finding by the home country regulator of material non-observance of the Principles for Financial Market Infrastructures or other relevant home country legal requirements, or there has been a finding by the home country regulator of material non-observance of the Principles for Financial Market Infrastructures or other relevant home country legal requirements but any such finding has been or is being resolved to the satisfaction of the home country regulator by means of corrective action taken by the derivatives clearing organization; or

(2) In the case of a derivatives clearing organization registered through the process described in § 39.3(a)(3), either there has been no finding by the home country regulator of material non-observance of the relevant home country legal requirements, or there has been a finding by the home country regulator of material non-observance of the relevant home country legal requirements but any such finding has been or is being resolved to the satisfaction of the home country regulator by means of corrective action taken by the derivatives clearing organization.

* * * * *

Substantial risk to the U.S. financial system means, with respect to a derivatives clearing organization organized outside of the United States, that—

(1) The derivatives clearing organization holds 20% or more of the required initial margin of U.S. clearing members for swaps across all registered and exempt derivatives clearing organizations; and

(2) 20% or more of the initial margin requirements for swaps at that derivatives clearing organization is attributable to U.S. clearing members; *provided, however,* where one or both of these thresholds are close to 20%, the Commission may exercise discretion in determining whether the derivatives clearing organization poses substantial risk to the U.S. financial system. For purposes of this definition and §§ 39.6 and 39.51, *U.S. clearing member* means a clearing member organized in the United States, a clearing member whose ultimate parent company is organized in the United States, or a futures commission merchant.

* * * * *

■ 3. In § 39.3, revise paragraphs (a)(3), (a)(4), and (a)(5) and add paragraphs (a)(6) and (a)(7) to read as follows:

§ 39.3 Procedures for registration.

(a) * * *

(3) *Alternative application procedures.* An entity that is organized outside of the United States, is seeking to register as a derivatives clearing organization for the clearing of swaps, and does not pose substantial risk to the U.S. financial system may apply for registration in accordance with the terms of this paragraph in lieu of filing the application described in paragraph (a)(2) of this section. If the application is approved by the Commission, the derivatives clearing organization's compliance with its home country's regulatory regime would satisfy the core principles set forth in section 5b(c)(2) of the Act, subject to the requirements of subpart D of this part. The applicant shall submit to the Commission the following sections of Form DCO, as provided in the appendix to this part: cover sheet, Exhibit A–1 (regulatory compliance chart), Exhibit A–2 (proposed rulebook), Exhibit A–3 (narrative summary of proposed clearing activities), Exhibit A–4 (detailed business plan), Exhibit A–7 (documents setting forth the applicant's corporate organizational structure), Exhibit A–8 (documents establishing the applicant's legal status and certificate(s) of good standing or its equivalent), Exhibit A–9 (description of pending legal proceedings or governmental investigations), Exhibit A–10 (agreements with outside service providers with respect to the treatment of customer funds), Exhibits F–1 through F–3 (documents that demonstrate compliance with the treatment of funds requirements with respect to customers of futures commission merchants), and Exhibit R (ring-fencing memorandum). For purposes of this paragraph, the applicant must demonstrate to the Commission, in Exhibit A–1, the extent to which compliance with the applicable legal requirements in its home country would constitute compliance with the core principles set forth in section 5b(c)(2) of the Act. To satisfy this requirement, the applicant shall provide in Exhibit A–1 the citation and full text of each applicable legal requirement in its home country that corresponds with each core principle and an explanation of how the applicant satisfies those requirements.

(4) *Submission of supplemental information.* The filing of a completed application is a minimum requirement and does not create a presumption that the application is materially complete or that supplemental information will not be required. At any time during the application review process, the Commission may request that the applicant provide supplemental information in order for the Commission to process the application. The applicant shall provide supplemental information in the format and manner specified by the Commission.

(5) *Application amendments.* An applicant shall promptly amend its application if it discovers a material omission or error, or if there is a material change in the information provided to the Commission in the application or other information provided in connection with the application. An applicant is only required to submit exhibits and other information that are relevant to the application amendment.

(6) *Public information.* The following sections of an application for registration as a derivatives clearing organization will be public: First page of the Form DCO cover sheet (up to and including the General Information section), Exhibit A–1 (regulatory compliance chart), Exhibit A–2 (proposed rulebook), Exhibit A–3 (narrative summary of proposed clearing activities), Exhibit A–7 (documents setting forth the applicant's corporate organizational structure), Exhibit A–8 (documents establishing the applicant's legal status and certificate(s) of good standing or its equivalent), and any other part of the application not covered by a request for confidential treatment, subject to § 145.9 of this chapter.

(7) *Extension of time for review.* The Commission may further extend the review period in paragraph (a)(1) of this section for any period of time to which the applicant agrees in writing.

* * * * *

■ 4. In § 39.4, redesignate paragraphs (c) through (e) as paragraphs (d) through (f) and add new paragraph (c) to read as follows:

§ 39.4 Procedures for implementing derivatives clearing organization rules and clearing new products.

* * * * *

(c) *Exemption from self-certification of rules.* Notwithstanding the rule certification requirements of section 5c(c)(1) of the Act and § 40.6 of this chapter, a derivatives clearing organization that is registered through the process described in § 39.3(a)(3) is not required to certify a rule unless the rule relates to the requirements under section 4d(f) of the Act, parts 1, 22, or 45 of this chapter, or § 39.15.

* * * * *

■ 5. Revise § 39.9 to read as follows:

§ 39.9 Scope.

Except as otherwise provided by Commission order, the provisions of this subpart B apply to any derivatives clearing organization, as defined under section 1a(15) of the Act and § 1.3 of this chapter, that is registered with the Commission as a derivatives clearing organization pursuant to section 5b of the Act. The provisions of this subpart B do not apply to any exempt derivatives clearing organization, as defined under § 39.2.

■ 6. Add and reserve §§ 39.43 through 39.49.

■ 7. Add subpart D, consisting of §§ 39.50 and 39.51, to read as follows:

Subpart D—Provisions Applicable to Derivatives Clearing Organizations Subject to Alternative Compliance

Sec.
39.50 Scope.
39.51 Alternative compliance.

§ 39.50 Scope.

The provisions of this subpart D apply to any derivatives clearing organization that is registered through the process described in § 39.3(a)(3).

§ 39.51 Alternative compliance.

(a) *Eligibility for alternative compliance.* (1) The Commission may register, subject to any terms and conditions as the Commission determines to be appropriate, a derivatives clearing organization for the clearing of swaps for U.S. persons if:

(i) The Commission determines that compliance by the derivatives clearing organization with its home country regulatory regime constitutes compliance with the core principles set forth in section 5b(c)(2) of the Act;

(ii) The derivatives clearing organization is in good regulatory standing in its home country;

(iii) The Commission determines the derivatives clearing organization does not pose substantial risk to the U.S. financial system; and

(iv) A memorandum of understanding or similar arrangement satisfactory to the Commission is in effect between the Commission and the derivatives clearing organization's home country regulator, pursuant to which, among other things, the home country regulator agrees to provide to the Commission any information that the Commission deems appropriate to evaluate the initial and continued eligibility of the derivatives clearing organization for alternative registration or to review its compliance with any conditions of such registration.

(2) To the extent that the derivatives clearing organization's home country regulatory regime lacks legal requirements that correspond to those core principles less related to risk, the Commission may, in its discretion, grant registration subject to conditions that would address the relevant core principles.

(b) *Conditions of alternative compliance.* A derivatives clearing organization subject to alternative compliance shall be subject to any conditions the Commission may prescribe including, but not limited to:

(1) *Applicable requirements under the Act and Commission regulations.* The derivatives clearing organization shall comply with: The core principles set forth in section 5b(c)(2) of the Act through its compliance with applicable legal requirements in its home country; and other requirements applicable to derivatives clearing organizations as specified in the derivatives clearing organization's registration order including, but not limited to, section 4d(f) of the Act, parts 1, 22, and 45 of this chapter, and subpart A and § 39.15 of this part.

(2) *Open access.* The derivatives clearing organization shall have rules with respect to swaps to which one or more of the counterparties is a U.S. person that:

(i) Provide that all swaps with the same terms and conditions, as defined by product specifications established under the derivatives clearing organization's rules, submitted to the derivatives clearing organization for clearing are economically equivalent within the derivatives clearing organization and may be offset with each other within the derivatives clearing organization, to the extent offsetting is permitted by the derivatives clearing organization's rules; and

(ii) Provide that there shall be non-discriminatory clearing of a swap executed bilaterally or on or subject to the rules of an unaffiliated electronic matching platform or trade execution facility.

(3) *Consent to jurisdiction; designation of agent for service of process.* The derivatives clearing organization shall:

(i) Consent to jurisdiction in the United States;

(ii) Designate, authorize, and identify to the Commission, an agent in the United States who shall accept any notice or service of process, pleadings, or other documents, including any summons, complaint, order, subpoena, request for information, or any other written or electronic documentation or correspondence issued by or on behalf of the Commission or the United States Department of Justice to the derivatives clearing organization, in connection with any actions or proceedings brought against, or investigations relating to, the derivatives clearing organization or any of its U.S. clearing members; and

(iii) Promptly inform the Commission of any change in its designated and authorized agent.

(4) *Compliance.* The derivatives clearing organization shall comply, and shall demonstrate compliance as requested by the Commission, with any condition of its registration.

(5) *Inspection of books and records.* The derivatives clearing organization shall make all documents, books, records, reports, and other information related to its operation as a derivatives clearing organization open to inspection and copying by any representative of the Commission; and in response to a request by any representative of the Commission, the derivatives clearing organization shall, promptly and in the form specified, make the requested books and records available and provide them directly to Commission representatives.

(6) *Representation of good regulatory standing.* On an annual basis, within 60 days following the end of its fiscal year, a derivatives clearing organization shall request and the Commission must receive from a home country regulator a written representation that the derivatives clearing organization is in good regulatory standing.

(7) *Other conditions.* The Commission may condition alternative compliance on any other facts and circumstances it deems relevant.

(c) *General reporting requirements.* (1) A derivatives clearing organization shall provide to the Commission the information specified in this paragraph and any other information that the Commission deems necessary, including, but not limited to, information for the purpose of the Commission evaluating the continued eligibility of the derivatives clearing organization for alternative compliance, reviewing compliance by the derivatives clearing organization with any conditions of its registration, or conducting oversight of U.S. clearing members, and the swaps that are cleared by such persons through the derivatives clearing organization. Information provided to the Commission under this paragraph shall be submitted in accordance with § 39.19(b).

(2) Each derivatives clearing organization shall provide to the Commission the following information:

(i) A report compiled as of the end of each trading day and submitted to the Commission by 10:00 a.m. U.S. Central

time on the following business day, containing with respect to swaps:

(A) Total initial margin requirements for all clearing members;

(B) Initial margin requirements and initial margin on deposit for each U.S. clearing member, by house origin and by each customer origin, and by each individual customer account; and

(C) Daily variation margin, separately listing the mark-to-market amount collected from or paid to each U.S. clearing member, by house origin and by each customer origin, and by each individual customer account.

(ii) A report compiled as of the last day of each fiscal quarter of the derivatives clearing organization and submitted to the Commission no later than 17 business days after the end of the derivatives clearing organization's fiscal quarter, containing a list of U.S. clearing members, with respect to the clearing of swaps, as of the last day of the fiscal quarter.

(iii) Prompt notice regarding any change in the home country regulatory regime;

(iv) As available to the derivatives clearing organization, any examination report or examination findings by a home country regulator, and notify the Commission within five business days after it becomes aware of the commencement of any enforcement or disciplinary action or investigation by a home country regulator;

(v) Immediate notice of any change with respect to the derivatives clearing organization's licensure, registration, or other authorization to act as a derivatives clearing organization in its home country;

(vi) In the event of a default by a clearing member clearing swaps, with such event of default determined in accordance with the rules of the derivatives clearing organization, immediate notice of the default including the amount of the clearing member's financial obligation; *provided, however,* if the defaulting clearing member is a U.S. clearing member, the notice shall also include the name of the U.S. clearing member and a list of the positions held by the U.S. clearing member; and

(vii) Notice of action taken against a U.S. clearing member by a derivatives clearing organization, no later than two business days after the derivatives clearing organization takes such action against a U.S. clearing member.

(d) *Modification of registration upon Commission initiative.* (1) The Commission may, in its discretion and upon its own initiative, modify the terms and conditions of an order of registration granted through the process described in § 39.3(a)(3) if the Commission determines that there are changes to or omissions in facts or circumstances pursuant to which the order was issued, or that any of the terms and conditions of its order have not been met, including, but not limited to, the requirement that:

(i) Compliance with the derivatives clearing organization's home country regulatory regime satisfies the core principles set forth in section 5b(c)(2) of the Act;

(ii) The derivatives clearing organization is in good regulatory standing in its home country; or

(iii) The derivatives clearing organization does not pose substantial risk to the U.S. financial system.

(2) The Commission shall provide written notification to a derivatives clearing organization that it is considering whether to modify an order of registration pursuant to this paragraph and the basis for that consideration.

(3) The derivatives clearing organization may respond to the notification in writing no later than 30 business days following receipt of the notification, or at such later time as the Commission permits in writing.

(4) Following receipt of a response from the derivatives clearing organization, or after expiration of the time permitted for a response, the Commission may:

(i) Issue an order requiring the derivatives clearing organization to comply with all requirements applicable to derivatives clearing organizations registered through the process described in § 39.3(a)(2), effective as of a date to be specified therein. The specified date shall be intended to provide the derivatives clearing organization with a reasonable amount of time to come into compliance with the Act and Commission regulations or request a vacation of registration in accordance with § 39.3(f);

(ii) Issue an amended order of registration that modifies the terms and conditions of the order; or

(iii) Provide written notification to the derivatives clearing organization that the order of registration will remain in effect without modification to its terms and conditions.

PART 140—ORGANIZATION, FUNCTIONS, AND PROCEDURES OF THE COMMISSION

■ 8. The authority citation for part 140 continues to read as follows:

Authority: 7 U.S.C. 2(a)(12), 12a, 13(c), 13(d), 13(e), and 16(b).

■ 9. Amend § 140.94 by revising paragraph (c) introductory text and paragraph (c)(1) and adding paragraph (c)(15) to read as follows:

§ 140.94 Delegation of authority to the Director of the Division of Swap Dealer and Intermediary Oversight and the Director of the Division of Clearing and Risk.

* * * * *

(c) The Commission hereby delegates, until such time as the Commission orders otherwise, the following functions to the Director of the Division of Clearing and Risk and to such members of the Commission's staff acting under his or her direction as he or she may designate from time to time:

(1) The authority to review applications for registration as a derivatives clearing organization filed with the Commission under § 39.3(a)(1) of this chapter, to determine that an application is materially complete pursuant to § 39.3(a)(2) of this chapter, to request additional information in support of an application pursuant to § 39.3(a)(4) of this chapter, to extend the review period for an application pursuant to § 39.3(a)(7) of this chapter, to stay the running of the 180-day review period if an application is incomplete pursuant to § 39.3(b)(1) of this chapter, to review requests for amendments to orders of registration filed with the Commission under § 39.3(d)(1) of this chapter, to request additional information in support of a request for an amendment to an order of registration pursuant to § 39.3(d)(2) of this chapter, and to request additional information in support of a rule submission pursuant to § 39.3(g)(3) of this chapter;

* * * * *

(15) All functions reserved to the Commission in § 39.51 of this chapter, except for the authority to:

(i) Grant registration under § 39.51(a) of this chapter;

(ii) Prescribe conditions to registration under § 39.51(b) of this chapter; and

(iii) Modify registration under § 39.51(d)(4) of this chapter.

* * * * *

Issued in Washington, DC, on July 12, 2019, by the Commission.

Christopher Kirkpatrick,

Secretary of the Commission.

Note: The following appendices will not appear in the Code of Federal Regulations.

Appendices to Registration With Alternative Compliance for Non-U.S. Derivatives Clearing Organizations—Commission Voting Summary, Chairman's Statement, and Commissioners' Statements

Appendix 1—Commission Voting Summary

On this matter, Chairman Giancarlo and Commissioners Quintenz, Behnam, Stump, and Berkovitz voted in the affirmative. No Commissioner voted in the negative.

Appendix 2—Statement of Chairman J. Christopher Giancarlo

This proposal addresses the registration of non-U.S. DCOs that clear swaps for U.S. persons. The CFTC has almost two decades of experience overseeing non-U.S. DCOs engaging in activity in U.S. derivatives markets. LCH Ltd was the first non-U.S. DCO to register with the CFTC 18 years ago. Other CCPs became registered after the enactment of the Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010 (Dodd-Frank Act).[1] Through its supervisory powers, the CFTC has informally calibrated its day-to-day oversight of these registered DCOs based on the principle of deference to the oversight of primary regulators, while taking into account the specific circumstances of a particular non-U.S. DCO.

The main purpose of this rulemaking is to address the current informality of the CFTC's approach and, in doing so, introduce significant additional areas where the CFTC can defer, appropriately and consistent with its risk oversight responsibilities, to non-U.S. DCOs' home country supervisors. Among other things, this proposal sets forth a framework under which non-U.S. DCOs that do not pose a substantial risk to the U.S. financial system would have the option of being fully registered with the CFTC as a DCO but meet their registration requirements through compliance with their home country requirements.

These DCOs that are ''fully registered with alternative compliance'' would still be able to offer customer clearing through futures commission merchants (FCMs), just like other fully registered DCOs. Consistent with the commitment to apply supervisory deference under Title VII of the Dodd-Frank Act where appropriate, the home country regulator would have supervisory primacy over these DCOs with the CFTC much more narrowly focused than is currently the case, from both a legal and practical perspective, on U.S. customer funds protection at these DCOs. This narrow focus on customer funds protection is appropriate to help ensure the legal requirements relating to segregation at both the FCM and DCO level are met, and that, if necessary, the bankruptcy protections afforded to customers under the CFTC's FCM model work as intended.

In determining whether a non-U.S. CCP potentially poses ''substantial risk to the U.S. financial system,'' the proposal would use objective criteria and provide transparency about such criteria. The proposed definition of substantial risk to the U.S. financial system consists of two 20 percent tests. The first focuses on the percentage of initial margin from a ''U.S. origin'' (*i.e.,* initial margin posted by U.S.-domiciled clearing members and clearing members ultimately owned by U.S.-domiciled holding companies, regardless of the domicile of the clearing member) at a specific non-U.S. DCO. The second focuses on the ''U.S. origin'' business of the non-U.S. DCO as a percentage of the overall U.S. cleared swaps market. Where both of these ''20/20'' thresholds are close to 20 percent, the Commission would be able to exercise discretion in determining whether the DCO poses substantial risk to the U.S. financial system.

I believe that objective and transparent criteria, such as the ones set forth in the proposal, are what all regulators around the world should strive for to provide appropriate predictability and stability to the markets.

I thank CFTC staff for their fine work that resulted in today's proposal. I look forward to reviewing comments from the public.

Appendix 3—Supporting Statement of Commissioner Brian Quintenz

This proposed rule would reduce the degree to which CFTC-registered foreign derivatives clearing organizations (DCO) are subject to duplicative regulation by the CFTC and their home country regulator. The proposal would permit a foreign DCO that does not pose ''substantial risk to the U.S. financial system'' to comply with its home country authorities' regulations instead of most CFTC regulations. To satisfy CFTC regulations, the foreign DCO would only need to comply with certain of our customer protection and swap data reporting requirements.

The proposal recognizes that foreign regulators have a substantial interest and expertise in supervising DCOs located in their home jurisdictions. Deference to their oversight is appropriate when compliance with the home country regulatory regime would achieve compliance with DCO core principles. This proposal is consistent with, and in many ways an expansion of, the CFTC's 2016 Equivalence Agreement with the European Commission, pursuant to which the CFTC granted substituted compliance to dually-registered DCOs based in the European Union.[1]

I also strongly support the proposal's transparent, fact-based procedure for determining when a foreign DCO poses ''substantial risk to the U.S. financial system.'' The proposal defines ''substantial risk'' to mean two simple criteria: (i) The foreign DCO holds 20 percent or more of the required initial margin of U.S. clearing members for swaps across all registered and exempt DCOs; and (ii) 20 percent or more of the initial margin requirements for swaps at that foreign DCO is attributable to U.S. clearing members. I think this two-prong test correctly assesses the DCO's focus on U.S. firms and impact on the U.S. marketplace.

Today's proposal contrasts starkly with the European Securities and Markets Authority's (ESMA) recent proposal to determine the systemic importance of a foreign DCO to the European Union and thereby apply the European Market Infrastructure Regulation (EMIR) and ESMA oversight. Unlike today's CFTC proposal, ESMA has not proposed *any* quantitative thresholds for assessing systemic importance. Instead, ESMA proposed 14 ''indicators'' for determining systemic importance that would grant it considerable discretion and raise serious questions about the judgement and consistency of the indicators' application. I hope that, through its consultative process, ESMA decides to revise its criteria and ultimately adopts a predictable, transparent, and appropriately calibrated threshold regime for such an important and extraterritorial regulatory determination.

I welcome comments and suggestions from market participants and foreign jurisdictions about all aspects of the Commission's proposed alternative compliance regime for non-U.S. DCOs. It is also my hope that incoming Chairman Tarbert will prioritize finalizing a version of this proposal. Lastly, I look forward to discussing this proposal, and advocating for its deference-based approach, with our regulatory colleagues around the globe.

Appendix 4—Statement of Commissioner Dawn D. Stump

Overview

In responding to the financial crisis, both the Group of 20 Nations (G–20) and the U.S. Congress recognized that the derivatives markets are global and in doing so provided for international coordination and a practical application of regulatory deference. I want to commend the Chairman for his leadership in reminding us of the global commitments made in 2009 and the subsequent efforts Congress made to encourage global regulatory harmonization. Specifically, the G–20 leaders stated the clear responsibility we have ''to take action at the national and international level to raise standards together so that our national authorities implement global standards consistently in a way that ensures a level playing field and avoids fragmentation of markets, protectionism, and regulatory arbitrage.'' [1] More directly related to the subjects before us today, Congress, in the Dodd-Frank Act, amended the Commodity Exchange Act to provide: ''The Commission may exempt, conditionally or unconditionally, a derivatives clearing organization from registration . . . for the clearing of swaps if the Commission determines that the derivatives clearing organization is subject to comparable, comprehensive supervision and regulation by. . . the appropriate government

[1] Dodd-Frank Wall Street Reform and Consumer Protection Act, Public Law 111–203, 124 Stat. 1376 (2010), *available at: https://www.cftc.gov/sites/default/files/idc/groups/public/@swaps/documents/file/hr4173_enrolledbill.pdf.*

[1] Comparability Determination for the European Union: Dually-Registered Derivatives Clearing Organizations and Central Counterparties, 81 FR 15260 (March 22, 2016).

[1] Leaders' Statement from the 2009 G–20 Summit in Pittsburgh, Pa. 7 (Sept. 24–25, 2009), *http://www.treasury.gov/resource-center/international/g7-g20/Documents/pittsburgh_summit_leaders_statement_250909.pdf.*

authorities in the home country of the organization.'' [2]

I believe deference to comparable regulatory regimes is essential. Historically, such deference has been the guiding principle of the CFTC's approach to regulating cross-border derivatives. We cannot effectively supervise central counterparties (CCPs) in every corner of the world. We can, however, evaluate the regulatory requirements in a CCP's home country to determine if they are sufficiently commensurate to our own. We will never have the exact same rules around the globe. We should rather strive to minimize the frequency and impact of duplicative regulatory oversight while also demanding high comparable standards, just as Congress intended.

Had we previously established a more comprehensive structure for those comparably-regulated, foreign CCPs seeking to offer swaps clearing to U.S. customers, then CCPs wishing to seek an exemption would have been able to do so under a regime that Congress provided for in the Dodd-Frank Act. Alternatively, those that wanted to register as a DCO would have done so voluntarily in response to a business rationale demanded by their clearing members and customers. However, by not having previously established an exemption process, the CFTC left only one path for customer clearing on non-U.S. DCOs, which resulted in compelling several non-U.S. CCPs to become dually registered with both their home country regulator and the CFTC.

As a result, relationships with our global regulatory counterparts became strained, and there have been many unfortunate consequences such that now we must provide new ground rules. So today, we are advancing an overdue conversation on applying international regulatory deference through the establishment of a test to identify non-U.S. CCPs that pose substantial risk to the U.S. financial system. To be clear, neither of the proposals we are considering today would be available to DCOs that pose such risk. I fear that this point may be lost or confused by the fact that we are presenting these as two separate rulemakings. While I would have preferred a single rulemaking to alleviate any confusion, I want to make clear that we are simply proposing two regulatory options, each of which is only available to those DCOs that do NOT pose substantial risk to the U.S. financial system under the proposed test. I encourage commenters to provide input on the proposals as if they are a single package, particularly where the request for comments in one proposal may be relevant or more applicable to consideration of the other proposal.

These proposals are a step towards achieving the goals established in 2009—an effort I wholeheartedly support. However, I have concerns that these proposals may be a bit too rigid to pragmatically facilitate increased swaps clearing by U.S. customers, as we are committed to do by the original G–20 and Congressional directives. Under the Alternative Compliance proposal, non-U.S. DCOs can permit customer access only if a futures commission merchant (FCM) is directly facilitating the clearing while the other available option—provided for in the Exempt DCO proposal—completely disallows the FCM from being involved in customer clearing. While I recognize that the blunt nature of these bright line distinctions makes it easier to regulate, I worry that it may not be workable in practice. I support putting these proposals out for public comment in hopes that those who participate in these markets and who are expected to apply the new swap clearing mandates will be able to lend their voices to the discussion. However, I anticipate that the elements left unaddressed in these proposals, which are detailed in the requests for comments, may require a re-proposal at some future date. Nonetheless, if that is to occur we will be well served to have that discussion with the benefit of public comments.

Registration With Alternative Compliance for Non-U.S. DCOs

This proposal is designed to more clearly spell out how we would provide regulatory oversight for those clearinghouses that do not pose substantial risk to the U.S. financial system and that may obtain Alternative Compliance by demonstrating fulfillment of statutorily-established core principles.

Unfortunately, the proposal fails to address, and in my opinion may even worsen, a challenge of great concern to this Commission—the increased strain on our registered FCMs. Under the Alternative Compliance proposal, any non-U.S. DCO seeking to apply the regime would be required to do so ONLY through clearing members that are FCMs, and may not do so through an affiliate of the FCM in the home country that is already acting as a clearing member of the DCO. This is the status quo, and frankly it often makes very little economic sense for both the FCM and its affiliate to be capitalizing a clearinghouse simultaneously. Consideration should be given to the efficiency of utilizing an affiliated entity, which would allow this to be a business decision between FCMs and their customers, rather than a regulatory impediment to sustaining FCMs that play a critical role in cleared derivatives markets.

It is costly for an FCM to join any clearinghouse and may be especially uneconomic if the FCM only has a few customers who wish to access a particular non-U.S. DCO. It may make more sense to structure the arrangement with the assistance of a non-U.S. affiliate, already actively participating as a member of the DCO. To do otherwise limits U.S. customer choice and access to clearing of the product in a foreign jurisdiction, which seems at odds with the reform agenda of encouraging clearing—mandated or not.

To be clear, two affiliated entities may each be subjected to risk mutualization obligations at the same CCP, and unfortunately, this proposal does not discuss how we might address this duplicative burden. Rather, we are requesting comment in the separate Exempt DCO proposal about how this problem might be addressed through an affiliate guarantee arrangement such that an FCM could potentially participate as a ''special'' member whose obligations to the DCO could be guaranteed by its non-FCM affiliate acting as a ''traditional'' member of the DCO. I hope commenters will consider and discuss this concept in the context of the proposed Alternative Compliance regime where it is more applicable to CFTC-registered FCMs at non-U.S., CFTC-registered DCOs. I hope that commenters will also provide other potential solutions to help alleviate undue burdens on FCMs and their customers in the context of the Alternative Compliance proposal.

As a Commission, I believe we are all concerned about the consolidation these clearing service providers are already experiencing and the constraint on the availability of clearing services for market participants. I hope we will be able to avoid policies that unnecessarily challenge the economics of, or otherwise impede, operating as an FCM. Otherwise, we might find that our mandate to increase swaps clearing is futile: Simply put, the clearinghouses don't work without clearing members and so we must seek to preserve both.

Closing

At the beginning of this year I penned an opinion piece in the Financial Times [3] in which I attempted to appeal to our international regulatory partners to recommit to a coordinated approach, ensuring that our alliance remains strong rather than fractured. Regulatory conflicts are at odds with our shared mission and do a disservice to global market participants. I am committed to advancing a coordinated approach, and I believe the proposals we are putting forward today are a first step in that process. There is, however, more work to be done both in the way of the CFTC extending deference to other jurisdictions and vice versa. I hope our international regulatory partners will also take the opportunity to reset and recognize that our shared interest of advancing derivatives clearing is best achieved by respecting each jurisdiction's successful implementation of the principles agreed to ten years ago. Otherwise, it might unfortunately become challenging to advance the concept of deference under consideration today to the next stage of the process.

Appendix 5—Supporting Statement of Commissioner Dan M. Berkovitz

I support issuing for public comment the proposed rulemaking (''Proposal'') to permit registration with alternative compliance for non-U.S. derivatives clearing organizations (''non-U.S. DCOs'').

Under the Proposal, a non-U.S. DCO that does not pose ''substantial risk to the U.S. financial system'' would be permitted to elect to comply with certain Commodity Exchange Act (''CEA'') core principles for DCOs through compliance with its home country regulatory regime.[1] The non-U.S. DCO still would be required to comply with the CFTC's customer protection and swap data reporting requirements. This registration

[2] 7 U.S.C. 7a–1(h) (2012).

[3] Dawn DeBerry Stump, Opinion, *We Must Rethink Our Clearinghouse Rules,* Fin. Times (Jan. 24, 2019).

[1] Proposal, section I.A.

alternative would permit U.S. persons to access foreign swap markets while benefitting from customer protections under the U.S. Bankruptcy Code and CFTC regulations without introducing significant new risks into the financial system.

The alternative compliance framework seeks to satisfy both the CFTC interest in protecting U.S. customers accessing a non-U.S. DCO and the interests of the home regulator in overseeing the activities of the non-U.S. DCO within its jurisdiction. It maintains key U.S. customer protection requirements and U.S. Bankruptcy Code treatment for U.S. customer funds held by CFTC-registered futures commission merchants (''FCMs'').[2] At the same time, this framework recognizes the interests of the non-U.S. DCO's home country regulator by relying on its oversight of other DCO activities. I look forward to comments on whether the Proposal maintains for the Commission an appropriate level of regulatory oversight for non-U.S. DCOs operating within this framework.

The effective regulation of central clearinghouses for derivatives is critical to managing risk throughout global financial markets. Under the CEA, the Commission may exempt a non-U.S. DCO from the registration requirement if the Commission determines that the non-U.S. DCO is subject to ''comparable, comprehensive supervision and regulation'' by its home regulator.[3] The Exempt DCO Proposal, which the Commission also is considering today, would set forth, for the first time, objective standards for determining whether a particular non-U.S. DCO is eligible for such an exemption.[4] The threshold for permitting non-U.S. DCOs under the Exempt DCO Proposal to be eligible to elect exemption from registration—that the DCO not pose a ''substantial risk to the U.S. financial system''—is the same standard for permitting a non-U.S. DCO to be eligible to register with alternative compliance under this Proposal. Thus, under the set of proposals the Commission is considering today, a non-U.S. DCO that does not pose substantial risk to the U.S. financial system could apply, at its election, either for an exemption from DCO registration, or for registration with alternative compliance. Of course, it could apply for full DCO registration as well.

I support the Commission's movement towards objective standards and defined processes for establishing registration alternatives for non-U.S. DCOs. Non-U.S. DCOs that conduct a substantial amount of U.S. customer-related activity will remain subject to full CFTC registration and regulation and U.S. customers on such DCOs are generally protected under the U.S. Bankruptcy Code and CFTC customer protection regulations.

For a non-U.S. DCO that is below that ''substantial risk'' threshold, this Proposal creates an ''alternative compliance mechanism'' that would permit the non-U.S. DCO to register with the Commission and provide clearing for U.S. customers, but also to comply with certain DCO core principles by complying with its home country requirements. Under this alternative, the non-U.S. DCO would still be subject to some CFTC customer protection regulations and U.S. customers would continue to receive protections under the U.S. Bankruptcy Code for funds held at the FCMs that must be used as intermediaries.[5]

''Substantial Risk'' Threshold Issues

As noted above, only those non-U.S. DCOs that do not pose a ''substantial risk to the U.S. financial system'' would be permitted to register with alternative compliance. A non-U.S. DCO would be deemed to present a ''substantial risk to the U.S. financial system'' if: (1) It holds 20% or more of the required initial margin of U.S. members for swaps aggregated across all registered and exempt DCOs; and (2) 20% or more of the initial margin for swaps required at the DCO is attributable to U.S. members. The 20/20 criteria would not be a bright line test. If either of the conditions is present, or close to present, the Commission may nonetheless determine that the non-U.S. DCO presents substantial risk to the U.S. financial system and therefore must fully register.

Although I support issuance of this Proposal, I have significant concerns about adopting the 20/20 criteria as a ''risk-based'' standard. Although the 20/20 criteria are characterized as a risk-based standard (*i.e.,* ''substantial risk to the U.S. financial system''), the criteria would more accurately be described as establishing an activity-based test. The proposed 20/20 criteria directly measure the level of initial margin deposited at the non-U.S. DCO rather than risk presented to the U.S. financial system. The Proposal is devoid of reasoned analysis as to the basis for the 20/20 criteria in terms of actual risk presented to the U.S. financial system. It is not difficult to envision scenarios in which a lesser amount of initial margin at a non-U.S. DCO by U.S. participants may actually represent increased risk to the U.S. financial system, and a greater amount of margin may represent lesser risk. In the Proposal, the Commission concedes that ''a test based solely on initial margin requirements may not fully capture the risk of a given DCO.''[6]

In my view, an activity-related test is, in fact, the more appropriate standard for determining registration requirements. In effect, the Proposal gets the result right, but for the wrong reasons. ''Substantial risk to the U.S. financial system'' is difficult—if not impossible—to measure in a straightforward, objective formula, especially as markets change over time. The activity-based thresholds in the Dodd-Frank Act for the regulation of swaps markets and entities were adopted largely due to the spectacular failure of the risk-based approach prior to the financial crisis. Other registration thresholds and registration exemptions in the CEA and the Commission's regulations, for example for swap dealers, FCMs, commodity pool operators, and commodity trading advisors, are based on activity rather than risk. Importantly, the standard in CEA Section 2(i) for the application of the swaps provisions to activities outside the U.S. (''direct and significant connection with activities in, or effect on, commerce of the United States'') is activity-based and not risk-based. The threshold for exemption from registration for non-U.S. DCOs should be activity-based as well.

It is not apparent from the information provided in the Proposal why the 20/20 test should be the appropriate standard for determining whether a non-U.S. DCO need not fully register with the CFTC. Do the proposed criteria accurately measure the appropriate level of clearing activity? Are additional or different metrics more appropriate for measuring when clearing activity for U.S. customers becomes substantial and full registration becomes appropriate? I look forward to reviewing comments addressing these and the other issues regarding the 20/20 test.

No Substituted Compliance Review

I also am concerned that the Proposal may not establish sufficiently clear or adequate standards for the review of a non-U.S. DCO's application for alternative compliance. In contrast to the standard and proposed process for granting a request for exemption from DCO registration,[7] the Proposal would not require the CFTC to make any determination that the home jurisdiction's requirements for the DCO are comparable to, and as comprehensive as, the core principles for which alternative compliance is being sought.[8] It is not clear why a vaguer standard should apply to DCOs seeking registration with alternative compliance. The Proposal establishes what, in essence, appears to be a regime similar to substituted compliance for certain DCO core principles, yet it does not follow the process the CEA requires and the CFTC has implemented in other circumstances for establishing a substituted compliance regime.[9] Further, the Proposal

[2] The Proposal would require each applicant for registration with alternative compliance to: (a) Address compliance with certain Commission customer protection and reporting rules in its application; (b) submit DCO rules that relate to protection of customer funds and swap reporting to the Commission; and (c) comply with the Commission's customer protection rules and reporting requirements largely through the required use of registered FCMs.

[3] *See* Commodity Exchange Act sec. 5b(h), 7 U.S.C. 7a–1(h).

[4] Although I support the development of objective standards for this purpose, I cannot support the Exempt DCO Proposal because, among other things, it fails to maintain appropriate protections for U.S. customers. Please see my dissenting statement for further detail on the failures of the Exempt DCO Proposal.

[5] The ability of non-U.S. DCOs that are registered with alternative compliance to provide clearing services to U.S. customers with the customer protections provided under U.S. law obviates the need for the Commission's contortions found in the Exempt DCO Proposal to allow exempt DCOs to provide customer clearing but without any U.S. customer protections established by the CFTC.

[6] Proposal, section II.A.2.

[7] *See* Commodity Exchange Act sec. 5b(h), 7 U.S.C. 7a–1(h).

[8] *See* Exemption from Derivatives Clearing Organization Registration, section I (July 11, 2019).

[9] *See* Commodity Exchange Act secs. 5b(h), 5h(g), 4(b)(1)(A) (7 U.S.C. 7a–1(h), 7b–3(g), 6(b)(1)(A)) (establishing a ''comparable, comprehensive supervision and regulation'' standard for exempt DCOs, exempt swap execution facilities, and foreign

Continued

does not require that the non-U.S. DCO observe the Principles for Financial Market Infrastructure. I look forward to comments on, and further clarification of, these issues.

Reciprocity

In this rulemaking the Commission proposes to recognize the interests of other jurisdictions in the regulation of non-U.S. DCOs. To the extent that non-U.S. jurisdictions adopt similar approaches that recognize the interests of the U.S. in the regulation of DCOs located in the U.S., the global marketplace as a whole will benefit. However, to the extent that another jurisdiction does not appropriately recognize the interests of the U.S. in regulating U.S. DCOs, then U.S. DCOs could be fully regulated by both the U.S. and the other non-U.S. jurisdiction, subjecting the U.S. DCOs to unnecessary additional costs and potentially conflicting requirements.[10] Prior to granting any applications for alternative compliance for a non-U.S. DCO, the Commission should determine that the home jurisdiction of the non-U.S. DCO has adopted a comparable approach to the regulation (including exemption from regulation) of U.S. DCOs.[11] I invite comment on whether reciprocity or a similar mechanism should be incorporated into the regulation.

I thank the staff of the Division of Clearing and Risk for their work on this Proposal and appreciate their professional engagement with my office to address many of our comments.

[FR Doc. 2019–15262 Filed 7–18–19; 8:45 am]

BILLING CODE 6351–01–P

boards of trade, respectively); 78 FR 45,292, 45,342–45 (July 22, 2013) (establishing the ''comparable and comprehensive'' standard for substituted compliance determinations by the Commission for swap dealer regulations in foreign jurisdictions).

[10] This situation presents a classic ''prisoner's dilemma,'' in which the overall welfare of the two parties is maximized by the parties acting cooperatively (in this case, mutual recognition of regulatory interests), whereas individual welfare may be maximized by defection (no recognition of the other party's interests) when the other party cooperates (recognition of the other party's interests). The most rational and effective strategy for a party in a prisoner's dilemma where parties repeatedly interact with one another and one party seeks cooperation but the other party may defect is for the cooperating party to respond to any defection with tit-for-tat. *See* Robert Axelrod, The Evolution of Cooperation (Basic Books, 2006).

[11] The Restatement (Third) of Foreign Relations Law of the United States recognizes that, in the exercise of international comity, reciprocity is an appropriate consideration in determining whether to exercise jurisdiction extraterritorially. Restatement (Third) of Foreign Relations Law of the United States sec. 403 (Am. Law Inst. 2018).

POSTAL REGULATORY COMMISSION

39 CFR Part 3050

[Docket No. RM2019–10; Order No. 5153]

Periodic Reporting

AGENCY: Postal Regulatory Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Commission is acknowledging a recent filing requesting the Commission initiate a rulemaking proceeding to consider changes to analytical principles relating to periodic reports (Proposal Five). This document informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* August 26, 2019.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov.* Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

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I. Introduction

On July 12, 2019, the Postal Service filed a petition pursuant to 39 CFR 3050.11 requesting that the Commission initiate a rulemaking proceeding to consider changes to analytical principles relating to the Postal Service's periodic reports.[1] The Petition identifies the proposed analytical changes filed in this docket as Proposal Five.

II. Proposal Five

Background. Proposal Five relates to the methodology used to calculate indemnity costs for both Domestic and International Indemnities. Petition, Proposal Five at 1–2.

The Postal Service previously submitted a proposal to change the treatment of International Indemnities in response to the Commission's FY 2017 Annual Compliance Determination (ACD).[2] In the FY 2018 ACD, the Commission found that, despite the change in the treatment of International Indemnities, Outbound International Insurance costs exceeded revenue during FY 2018.[3] The Commission noted that ''[w]hen additional insurance is purchased for a mailpiece, all of the associated indemnity is assigned to the Outbound International Insurance product, rather than the amount of the indemnity greater than the value of the built-in insurance.'' FY 2018 ACD at 108. The Commission also found that ''the data the Postal Service provided concerning Outbound International Insurance raises concerns about the accuracy of the revenue data, as discrepancies exist between published rates and reported revenue per piece.'' *Id.* Accordingly, the Commission directed the Postal Service to investigate the discrepancies between ''published rates and reported revenue per piece[ ]'' and file a report within 120 days of issuance of the ACD ''on the results of this investigation and on the feasibility of disaggregating indemnities between insurance included in the product and additional insurance purchased for the mailpiece.'' *Id.*

In response, the Postal Service indicates that it has ''investigated the feasibility of disaggregating indemnities between insurance included in the product and additional insurance purchased for the mailpiece, and has developed the methodology presented in this proposal'' for both Domestic and International Indemnities. Petition, Proposal Five at 2.

Proposal. The Postal Service's proposal seeks to revise the methodology used to calculate costs for both Domestic and International Indemnities ''to more accurately account for indemnity coverage that is included in the base price of a product, versus indemnity coverage that is purchased in addition to the base price.'' *Id.* at 1. The proposal would modify the decision rule that currently ''ignores the insurance included with the product when the indemnity exceeds the predetermined amount ($50, $100, or $200, depending on the product).'' *Id.* at 2. Under the existing methodology, ''any additional insurance purchased beyond that included with the product was responsible for the incurrence of the entire insurance indemnity.'' *Id.* The proposal would revise the costing of indemnities by attributing the portion of an indemnity up to the predetermined base amount to the product. *Id.*

[1] Petition of the United States Postal Service for the Initiation of a Proceeding to Consider Proposed Changes in Analytical Principles (Proposal Five), July 12, 2019 (Petition). The Postal Service also filed a notice of filing non-public material relating to Proposal Five. Notice of Filing of USPS–RM2019–10/NP1 and Application for Nonpublic Treatment, July 12, 2019.

[2] *Id.; see* Docket No. RM2018–9, Petition of the United States Postal Service for the Initiation of a Proceeding to Consider Proposed Changes in Analytical Principles (Proposal Six), June 26, 2018; Docket No. RM2018–9, Order on Analytical Principles Used in Periodic Reporting (Proposal Six), August 28, 2018 (Order No. 4798).

[3] Docket No. ACD2018, Annual Compliance Determination, April 12, 2019, at 108 (FY 2018 ACD).

Rationale and impact. As a result of its investigation of the available data, the Postal Service states that ''it is possible to distinguish between the product portion of the indemnity and the insurance portion of the indemnity for indemnities over the included amount.'' *Id.* The Postal Service concludes that Proposal Five will ''more properly align indemnity costs with the parent product and the insurance service.'' *Id.* at 3.

The Postal Service states that Proposal Five would change Indemnity costs in Cost Segment 20 of the Cost and Revenue Analysis and the International Cost and Revenue Analysis. *Id.* The Postal Service reports that the domestic impact on every mail class would be less than 1 percent and the ''biggest impact is to shift 26 percent of Indemnities costs from Insurance to the other products and mail classes.'' *Id.* The Postal Service states that only two domestic competitive product-types (Priority Mail Express and Priority Mail) would have received ''additional indemnity costs in FY 2018'' under Proposal Five. *Id.* at 3–4. The Postal Service states that the ''most extreme possible impacts of the proposal would be immaterial changes affecting either the non-[negotiated service agreement] NSA portion or the NSA portion of these product types.'' *Id.* at 4.

The Postal Service reports that the international impact of Proposal Five ''shifts costs from Outbound Insurance to Priority Mail International, Global Express Guaranteed and Priority Mail Express International.'' *Id.* at 5. The Postal Service claims that ''Outbound insurance would have had positive contribution in FY 2018'' under Proposal Five and that ''contribution from each of the three affected international mail categories would have remained positive.'' *Id.*

III. Notice and Comment

The Commission establishes Docket No. RM2019–10 for consideration of matters raised by the Petition. More information on the Petition may be accessed via the Commission's website at *http://www.prc.gov.* Interested persons may submit comments on the Petition and Proposal Five no later than August 26, 2019. Pursuant to 39 U.S.C. 505, the Commission designates Natalie R. Ward as an officer of the Commission (Public Representative) to represent the interests of the general public in this proceeding.

IV. Ordering Paragraphs

It is ordered:

1. The Commission establishes Docket No. RM2019–10 for consideration of the matters raised by the Petition of the United States Postal Service for the Initiation of a Proceeding to Consider Proposed Changes in Analytical Principles (Proposal Five), filed July 12, 2019.

2. Comments by interested persons in this proceeding are due no later than August 26, 2019.

3. Pursuant to 39 U.S.C. 505, the Commission appoints Natalie R. Ward to serve as an officer of the Commission (Public Representative) to represent the interests of the general public in this docket.

4. The Secretary shall arrange for publication of this order in the **Federal Register**.

By the Commission.

Ruth Ann Abrams,

Acting Secretary.

[FR Doc. 2019–15333 Filed 7–18–19; 8:45 am]

BILLING CODE 7710–FW–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[EPA–HQ–SFUND–1986–0005; FRL–9996–90–Region 8]

National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List: Partial Deletion of the Idaho Pole Company Superfund Site

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule; notice of intent.

SUMMARY: The Environmental Protection Agency (EPA) Region 8 is issuing a Notice of Intent to Delete the surface and unsaturated subsurface soils outside of the 4.5 acre Treated Soils Area of the Idaho Pole Company Superfund Site (Site) located in Bozeman, Gallatin County, Montana, from the NPL, promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as amended, is an appendix of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP). The EPA and the State of Montana, through the Montana Department of Environmental Quality (MDEQ), have determined that all appropriate response actions at these identified media under CERCLA, other than operation and maintenance, monitoring and five-year reviews have been completed. However, this deletion does not preclude future actions under Superfund.

This partial deletion pertains to the surface and unsaturated subsurface soils remedy component outside of the 4.5 acre Treated Soils Area of the Idaho Pole Company Superfund Site. The 4.5 acre Treated Soils Area is identified on the survey map in the docket and is the location where all treated soils were placed after on-site treatment. The groundwater and saturated subsurface soils within the historic groundwater table, and the Site's sediments are not being considered for deletion as part of this action.

DATES: Comments must be received by August 19, 2019.

ADDRESSES: Submit your comments, identified by Docket ID no. EPA–HQ–SFUND–1986–0005, by one of the following methods:

- *https://www.regulations.gov.* Follow on-line instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov.* The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.* on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *https://www.epa2.gov/dockets/commenting-epa-dockets.*
- *Email: hoogerheide.roger@epa.gov.*
- *Mail:* Roger Hoogerheide, Remedial Project Manager; U.S. EPA Montana Office; Federal Building, Suite 3200; 10 West 15th Street; Helena, MT 59626.
- *Hand delivery:* U.S. EPA Montana Office; Federal Building, Suite 3200; 10 West 15th Street; Helena, MT 59626. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information by calling 406–457–5046.

Instructions: Direct your comments to Docket ID no. EPA–HQ–SFUND–1986–0005. The EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *http://www.regulations.gov,* including any personal information provided, unless the comment includes information

claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *http://www.regulations.gov* or email. The *http://www.regulations.gov* website is an ''anonymous access'' system, which means the EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to the EPA without going through *http://www.regulations.gov,* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the internet. If you submit an electronic comment, the EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If the EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, the EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

Docket: All documents in the docket are listed in the *http://www.regulations.gov* index. Although listed in the index, some information is not publicly available, *e.g.,* CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in the hard copy. Publicly available docket materials are available either electronically in *http://www.regulations.gov* or are available electronically or in hard copy at: U.S. EPA Montana Office, Federal Building, Suite 3200, 10 West 15th Street, Helena, MT 59626, (406) 457–5046, Hours: Mon.–Fri. 8 a.m. to 5 p.m.; and the Bozeman Public Library, 626 East Main Street, Bozeman, MT 59715, (406) 582–2400, Hours: (Library hours vary).

FOR FURTHER INFORMATION CONTACT:

Roger Hoogerheide, Remedial Project Manager, 8SEM–RBS, U.S. EPA, Region 8—Montana Office, 10 W 15th St., Suite 3200, Helena, Montana 59626, (406) 457–5031 or 1–866–457–2690, extension 5031, *hoogerheide.roger@epa.gov.*

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I. Introduction

The EPA announces its intent to delete the surface and unsaturated subsurface soils of the Idaho Pole Company Superfund Site (Site) outside of the 4.5 acre Treated Soils Area, from the National Priorities List (NPL) and request public comment on this proposed action. The NPL constitutes Appendix B of 40 CFR part 300 which is the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), which the EPA promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) of 1980, as amended. The EPA maintains the NPL as those sites that appear to present a significant risk to public health, welfare, or the environment. Sites on the NPL may be the subject of remedial actions financed by the Hazardous Substance Superfund (Fund). The EPA proposed the facility for listing on the NPL in 1984, 29 FR 40320 (Oct. 15, 1984). The listing was final in 1986, 51 FR 21054 (June 10, 1986).

This partial deletion of the surface and unsaturated subsurface soils totaling approximately 82 acres at the Idaho Pole Company Superfund Site is proposed in accordance with 40 CFR 300.425(e) and is consistent with the Notice of Policy Change: Partial Deletion of Sites Listed on the National Priorities List. 60 FR 55466 (Nov. 1, 1995). As described in 300.425(e)(3) of the NCP, a portion of a site deleted from the NPL remains eligible for Fund-financed remedial action if future conditions warrant such actions. Any remaining contaminated saturated soils, sediments and groundwater at the Idaho Pole Company Superfund site as well as the 4.5 acres within the Treated Soils Area will remain on the NPL and are not subject to this partial deletion action.

The EPA will accept comments on the proposal to partially delete this site for thirty (30) days after publication of this document in the **Federal Register**.

Section II of this document explains the criteria for deleting sites from the NPL. Section III discusses procedures that the EPA is using for this action. Section IV discusses the response actions that have addressed the surface and unsaturated subsurface soils of the Idaho Pole Company Superfund Site and demonstrates how it meets the deletion criteria.

II. NPL Deletion Criteria

The NCP establishes the criteria that the EPA uses to delete sites from the NPL. In accordance with 40 CFR 300.425(e), sites may be deleted from the NPL where no further response is appropriate. In making such a determination pursuant to 40 CFR 300.425(e), the EPA will consider, in consultation with the State, whether any of the following criteria have been met:

i. Responsible parties or other persons have implemented all appropriate response actions required;

ii. All appropriate Fund-financed response under CERCLA has been implemented, and no further response action by responsible parties is appropriate; or

iii. The remedial investigation has shown that the release poses no significant threat to public health or the environment and, therefore, the taking of remedial measures is not appropriate.

Pursuant to CERCLA section 121(c) and the NCP, the EPA conducts five-year reviews to ensure the continued protectiveness of remedial actions where hazardous substances, pollutants, or contaminants remain at a site above levels that allow for unlimited use and unrestricted exposure. The EPA conducts such five-year reviews even if a site is deleted from the NPL. The EPA may initiate further action to ensure continued protectiveness at a deleted site if new information becomes available that indicates it is appropriate. Whenever there is a significant release from a site deleted from the NPL, the deleted site may be restored to the NPL without application of the hazard ranking system.

III. Deletion Procedures

The following procedures apply to deletion of the surface and unsaturated subsurface soils of the Site:

(1) The EPA consulted with the State before developing this Notice of Intent for Partial Deletion.

(2) The EPA has provided the state 30 working days for review of this notice prior to publication of it today.

(3) In accordance with the criteria discussed above, the EPA has determined that no further response is appropriate.

(4) The State of Montana, through the MDEQ, has concurred with the deletion of the surface and unsaturated subsurface soils of the Idaho Pole Company Superfund Site, from the NPL.

(5) Concurrently, with the publication of this Notice of Intent for Partial Deletion in the **Federal Register**, a notice is being published in The Bozeman Daily Chronicle. The newspaper notice announces the 30-day public comment period concerning the Notice of Intent for Partial Deletion of the Site from the NPL.

(6) The EPA placed copies of documents supporting the proposed partial deletion in the deletion docket, made these items available for public inspection, and copying at the Site information repositories identified above.

If comments are received within the 30-day comment period on this document, the EPA will evaluate and respond accordingly to the comments before making a final decision to delete the surface and unsaturated subsurface soils outside of the 4.5 acre Treated Soils Area. If necessary, the EPA will prepare a Responsiveness Summary to address any significant public comments received. After the public comment period, if the EPA determines it is still appropriate to delete the surface and unsaturated subsurface soils of the Idaho Pole Company Superfund Site outside of the 4.5 acre Treated Soils Area, the Regional Administrator will publish a final Notice of Partial Deletion in the **Federal Register**. Public notices, public submissions and copies of the Responsiveness Summary, if prepared, will be made available to interested parties and included in the Site information repositories listed above.

Deletion of a portion of a site from the NPL does not itself create, alter, or revoke any individual's rights or obligations. Deletion of a portion of a site from the NPL does not in any way alter the EPA's right to take enforcement actions, as appropriate. The NPL is designed primarily for informational purposes and to assist EPA management. Section 300.425(e)(3) of the NCP states that the deletion of a site from the NPL does not preclude eligibility for future response actions, should future conditions warrant such actions.

IV. Basis for Intended Partial Site Deletion

The following information provides the EPA's rationale for deleting the surface and unsaturated subsurface soils outside of the 4.5 acre Treated Soils Area of the Idaho Pole Company Superfund Site from the NPL.

Site Background and History

The Idaho Pole Company Superfund Site, CERCLIS ID MTD00623276, is located near the northern limits of Bozeman, Gallatin County, Montana. The Site occupies approximately 87 acres in the east half of Section 6 and the west half of Section 5, Township 2S, Range 6E of Gallatin County. The Site is bounded by the Montana Rail Link (MRL) railroad tracks to the south, L Street to the west and Rocky Creek to the east and north of the Site. Interstate Highway 90 (I–90), Bohart Lane and Cedar Street traverse the Site in an east-west direction.

The four parcels south of I–90, north of the MRL railroad tracks and east of L Street are part of this partial deletion. The four parcels are owned by the Idaho Pole Company (IPC) and total approximately 40 acres. These parcels contain the groundwater recovery system building and associated extraction and injection galleries, a log cabin structure that was historically used by the site manager but is currently unoccupied, and an office building. The remaining area is an open field. The four parcels are within Bozeman's city limits and are currently zoned for commercial/industrial use. Cedar Street transects this section of the Site. A portion of two of these parcels contains the 4.5 acre Treated Soils Area. This is where treated soils that do not allow for unlimited use and unrestricted exposure have been placed and a Notice of Institutional Controls has been filed on the deed with Gallatin County Clerk and Recorder restricting excavation and construction in this area without specific approval from the State of Montana and the EPA.

The Idaho Pole Company also owns the parcel immediately north of Bohart Lane and east of L Street which is part of this partial deletion. This parcel is currently fenced to restrict access since there was an interceptor trench that was used to historically recover wood treating fluids. Product that accumulated in the trench was removed from the trench using absorbent pads, as needed. Operation of the trench ceased in October 2015 after several years where no product was recovered, and the trench was closed per the EPA approved Trench Closure Work Plan. The fence is not needed for the remedy and can be taken down to facilitate redevelopment of the property. There are no structures on this property. This approximately seven-acre parcel is identified as the Pasture Area in site documents and is within Bozeman city limits. The property is zoned for commercial/industrial use and there is a potential to place commercial structures on this property in the future.

Approximately eighteen additional acres on three parcels owned by IPC north of Bohart Lane, south of Rocky Creek and east and west of L Street are also part of this partial deletion. There are currently no structures on these properties and these parcels are occasionally used by nearby residents as pasture. These parcels are outside of Bozeman city limits in unincorporated Gallatin County and are zoned rural residential.

In addition to property owned by IPC, approximately seven acres is owned by Northwestern Energy (formerly Montana Power Company) including the East Gallatin Substation. This parcel is immediately north of Bohart Lane and east of the Pasture Area parcel. The East Gallatin Substation was constructed in the mid-1970's and serves the northeast side of Bozeman.

Another approximately fifteen acres includes the portions of I–90, Cedar Street, and Bohart Lane that transect the Site as well as the right away associated with these roads. Privately-owned land north and east of Rocky Creek and west of L Street are only included in the groundwater portion of the Site and are not part of this partial deletion. Interstate Highway 90 was constructed through the property north of the facility from 1967 to 1969. Historically, the land now occupied by 1–90 and the area northeast of 1–90 to Rocky Creek was predominantly used for residential and ranch purposes.

Between the late 1800s and early 1940s, the Northern Pacific Railroad Company operated a five-stall roundhouse south of Cedar Street and east of L Street that was used for light maintenance and to house helper engines that were used to pull and push trains up and down Bozeman Pass. Modifications to the roundhouse were periodically completed to accommodate larger helper engines that came into service. The roundhouse was considered obsolete with the development of diesel engines in the 1930s that had sufficient power to traverse Bozeman Pass without helper engines and the roundhouse was abandoned in the early 1940s.

The IPC wood treating facility began operations in 1945 using creosote to preserve wood. The creosote was mixed with a petroleum distillate and heated in vats prior to treatment. Creosote contains several larger hydrocarbon molecules (polynuclear aromatic hydrocarbons (PAHs)) which are identified as contaminants of concern at the Site.

Lodgepole pine and cedar (white wood) poles were brought to the Site by rail and truck and stored until treated. White wood was stored near the former roundhouse area as well as between the treatment facilities and the MRL railroad tracks awaiting treatment. The wood treatment process was initiated via a customer order. Prior to treatment, the bark was removed from the poles and excess bark was stored in piles on-site at the east side of the property on both the north and south sides of Cedar Street.

In the early days of Site operations, treatment consisted of immersion of the end of the poles into a butt vat of heated creosote solution. This was later extended to full length pole treatment with the installation of a full-length vat in 1952. There was also a drying area on-site where treated poles were stored temporarily prior to shipment off-site. Since most orders were custom orders, treated poles only stayed on-site for a few days before transport to the customer.

In 1952, IPC switched to pentachlorophenol (PCP) for wood treatment. Initially, any remaining creosote was cycled in with PCP rather than disposed on-site since there were few customer concerns about the color of the treated wood. Pentachlorophenol continued to be used until wood treatment operations ceased in 1997. Pentachlorophenol is a known carcinogen and is also identified as a contaminant of concern at the Site.

The PCP was brought to the Site in bulk as a solid and was diluted as a 5% solution in a carrier oil and heated in vats prior to wood treatment. Commercial grade PCP usually contains about 86% PCP purity and 14% other impurities such as chlorophenols and dioxins/furans. The other chlorophenols include compounds such as tetrachlorophenol, trichlorophenol, and dichlorophenol. Dioxins/furans produced during the manufacturing of PCP are the result of improper combustion.

In 1975, a pressurized heated retort was added for treating full length poles and placed in the Pressure Plant. The full-length vat used to treat full-length poles that was installed in 1952 was taken out of service in 1979 and demolished in 1981. Wood treating operations continued with the pressurized heated retort and the butt vat until 1997 when wood-treating operations ceased.

The full-length vat that was decommissioned in 1979 had corroded on the bottom and the vat leaked an unknown amount of wood treating fluid into the underlying soil and groundwater for an undetermined amount of time resulting in the majority of releases observed at the Site. System operations also resulted in the occasional spilling of heated wood treating fluids on nearby soils around treatment facilities. All treatment operations described above occurred around the 4.5 acre Treated Soils Area located south of I–90.

In 1978, the Montana Department of Fish, Wildlife and Parks notified the Montana Department of Health & Environment (MDHES) of a suspected release of oily wood treating fluid from the plant. MDHES found evidence of a release in ditches near the facility and near Rocky Creek. Consequently, MDHES issued a compliance order on September 29, 1978, notifying IPC of statutory violations and directing the company to stop uncontrolled releases and to clean up spilled treating fluid. Between 1978 and 1980, IPC installed an interceptor trench and drain that ran parallel to I–90 to collect non-aqueous phase liquid (NAPL) on the groundwater surface. In 1984, IPC hired a consultant to investigate soil, sediment, surface water, and groundwater contamination. The results of the investigation, which was conducted without MDHES or EPA oversight, are presented in a 1985 report. The EPA proposed the facility for listing on the NPL in 1984, 29 FR 40320 (Oct. 15, 1984). The listing was final in 1986, 51 FR 21054 (June 10, 1986).

Remedial Investigation and Feasibility Study (RI/FS)

In March 1989, MDHES requested and received the lead agency role for a fund-financed RI/FS for the Site. The RI defined the nature and extent of contamination and provided data to complete the baseline Human Health and Ecological Risk Assessments. Contaminated surface soils were identified around the treatment facilities, north and south of Cedar Street, near the former roundhouse and in the Pasture Area. Contamination of the groundwater saturated subsurface soils occurred within the bounds of the 6.7-acre wood treating NAPL contamination area identified in Figure 5–3 of the RI Report. This subsurface NAPL resulted in the smearing of oily wood treating fluid in the subsurface during the seasonally fluctuating groundwater table. At high water table conditions, the oily wood treating fluid expressed near the ground surface in the Pasture Area north of I–90, resulting in isolated pockets of wood treating fluid in the subsurface soils.

Upon completion of the RI Report, the Feasibility Study (FS) commenced. The primary objective of the FS was to provide sufficient information to support an informed risk management decision to select the most appropriate cleanup remedy for the IPC Site. The soil component of the remedy identified excavation and on-site treatment of accessible soils as the most appropriate remedy. Inaccessible soils (saturated subsurface soils, soils under I–90 and active facility operations) would be addressed as part of the groundwater remedy.

For human health protection, the remedial action objectives identified in the FS for soil are to:

- Prevent excess incidence of cancer risks from exceeding 1 in 10,000 following lifetime direct contact with, and ingestion of, soils contaminated with carcinogenic contaminants of concern (CoCs);
- Prevent ingestion of/direct contact with soils having noncarcinogens at levels which exceed the reference doses; and
- Prevent excess incidence of cancer risks from exceeding 1 in 10,000 following inhalation of carcinogenic CoCs at a lifetime of exposure.

For environmental protection, the remedial action objective for soil is to:

- Prevent migration of contaminated leachate that would result in groundwater contamination in excess of the proposed maximum contaminant levels (MCLs). (Proposed MCLs are To Be Considered as Applicable Relevant and Appropriate Requirements).

Selected Remedy

Following issuance of a Proposed Plan, the EPA released a Record of Decision (ROD) in 1992. A remedial alternative for soil and groundwater that is protective of human health and the environment was selected. The COCs identified in the ROD are PCP, PAHs, polychlorinated dibenzo-p-dioxins and polychlorinated dibenzofurans (dioxins/furans) which are reported as a toxicity equivalent value of 2,3,7,8-tetrachlorodibenzo-p-dioxin (TCDD TEQ)). One Operable Unit (OU01) was established for the Site and included the soil and groundwater component. The EPA's remedy selection was based on the assumption that IPC would continue its commercial operations, limiting access to soils underlying operating structures.

The major components of the selected remedy that addressed contaminated surface and unsaturated subsurface soils include:

- Excavation and surface land biological treatment on-site of accessible contaminated soils from the Pasture Area and the area between Cedar Street and I–90 including ditch sediments or bottoms, and the former roundhouse area;
- Hot water and steam flushing of inaccessible soils underlying the active pole plant facility and I–90 in order to recover hazardous substances;
- Separation and disposal of oily wood treating fluid extracted from soils; and
- Implement land use and deed restrictions (Institutional Controls) to preserve the integrity of the remedy.

The ROD established performance standards deemed protective of human health and the environment for both soils and groundwater. Site specific soil performance standards of known or suspected carcinogenic contaminants (PCP, TCDDs, and Total class B2 PAHs) were developed based on a cancer risk of 1.0×10^{-6}. Noncancer contaminant (Total class D PAHs) soil performance standards were developed based on a noncancer health hazard quotient of 0.1. Soil performance standards also assumed future commercial/industrial use for the properties south and immediately north of I–90. The soil performance standards established in the ROD are:

- PCP <48 milligrams/kilogram (mg/kg)
- Total class B2 PAHs (carcinogen or suspected carcinogen) <15 mg/kg
- Total class D PAHs (non-carcinogen) <145 mg/kg
- TCDD TEQ (dioxin toxicity equivalent) $<1.0 \times 10^{-3}$ mg/kg (1.0 μg/kg)

The NAPL contaminated area was also revised in the ROD to cover 7.4 acres and assumed 39,304 cubic yards of contaminated soil exceeded soil performance standards. The ROD also assumed that the soil component and the groundwater component of the selected remedy would operate simultaneously to eliminate the PAHs, PCP and TCDDs that may continue to migrate downward from the unsaturated soils to the saturated subsurface soils and groundwater, and to remove as much of the contamination that is already present in the saturated subsurface soils and groundwater to the extent practicable.

The EPA initiated negotiations with the potentially responsible parties (PRPs) for implementation of the remedy after issuance of the ROD. The PRPs identified were the Idaho Pole Company and Burlington Northern Santa Fe Railway Company (BNSF), as successor to the Northern Pacific Railway Company. The negotiations were unsuccessful and consequently the EPA issued a Unilateral Administrative Order for Remedial Design/Remedial Action (EPA Docket No. CERCLA VIII–93–26) with an effective date of August 26, 1993. Remedial Design commenced on February 23, 1994 with EPA approval of the Remedial Design Work Plan.

The findings of additional studies conducted during the Remedial Design included modifications to the soil remedy design which were not included in the 1992 ROD. These modifications were made through an Explanation of Significant Difference (ESD) in 1996 and are listed below.

- Based on the subsurface conditions under I–90 and the Pressure Plant, the EPA and MDEQ, formerly MDHES, determined that the hot water/steam flushing system called for in the ROD could not be implemented. These subsurface conditions included the Site geology, obstructions under the Pressure Plant foundation, and less oily wood-treating fluid than originally anticipated in the ROD. The EPA and MDEQ approved an alternative plan that increased the area within which soils were excavated by adding the accessible plant area soils and Cedar Street soils that exceeded the PCP performance standard of 48 mg/kg for soils. Soil flushing with ambient temperature water mixed with nutrients underneath the plant structures and I–90 would be designed as part of the groundwater remedy.
- Closer evaluation of the existing and additional data collected post-ROD indicated that the ROD cleanup levels were not exceeded in the East Gallatin Substation ditch. Therefore, no ditch sediments needed to be excavated.
- A Land Treatment Unit (LTU) was to be constructed in the southeast corner of the pole storage yard and the excavated soil from all targeted areas of the Site were to be screened to remove rocks and placed directly on the LTU. The total soil depth on the LTU was to be less than two feet. The LTU would operate to treat the soils to approximately one foot in depth and the soils would be removed when ROD performance standards were met.
- The treated soils may be used for fill material on excavated areas of the Site. If the soil contains other contaminants (*e.g.,* dioxins/furans) that exceed the ROD performance standards after treatment, the treated soil will be isolated from groundwater; will be covered with a minimum of twelve inches at the surface to prevent direct contact and Institutional Controls on future land use will be required. A detailed closure plan for the LTU will be developed when soil monitoring results indicate that the cleanup levels for PCP and PAHs have been achieved. The closure plan will identify the areas to be backfilled with the treated soil and will specify separation from groundwater and the depth of cover required. The plan will also identify the specific Institutional Controls to be implemented on the Site.

In the fall of 1997, IPC announced that it would terminate wood treatment operations. This had the potential to change the scope of the remedial action which required another ESD. The significant difference between the remedy described in the 1992 ROD and in the 1998 ESD was that the existing plant structures, including concrete pads, piping, vaults, etc., preventing access to contaminated soil, were to be demolished and disposed of in accordance with State of Montana and EPA requirements. Contaminated soils underlying these areas were to be excavated and treated in the LTU like the accessible soils elsewhere at the facility had been treated to date.

Response Actions

The soil remedy identified in EPA's ROD and supplemented in the subsequent ESDs was implemented between July 1995 and October 2002. The remedy included construction of a lined LTU and a retention pond to collect any runoff from the LTU; excavation of soils in the accessible areas of the Site, as well as de-rocking and transportation of excavated soils to the LTU. The LTU was constructed per EPA approved plans and specifications. The soils were treated in the LTU until ROD performance standards for PCPs and PAHs were met at which time they were placed in the excavated areas on-site above historic high groundwater levels and clean soil placed on top. The ROD contemplated pre-treatment of the excavated soils to remove NAPL prior to placement in the LTU. However, this step was determined to not be necessary because there was insufficient NAPL in the excavated soil to remove.

Approximately 14,000 cubic yards of contaminated soil were placed in the LTU in 1995. The soils were excavated from six areas at the Site: The Pressure Plant Area, beneath Cedar Street, the Barkfill Area, the Roundhouse Area, the Cedar Street Ditch and the Pasture Area. The majority of soils in the Barkfill and Pasture Areas were contaminated by NAPL smearing of the saturated subsurface soils. Clean overburden above the saturated soils was stripped off in these locations and stockpiled for use as backfill. The exposed NAPL impacted silty clay layer located just below and above the water table was then excavated and placed in the LTU. Excavated soils were treated in the LTU by tilling, irrigation and nutrient addition with a retention pond collecting any excess water, which was subsequently treated in the groundwater recovery system. Prior to placement of contaminated soils into the LTU, the excavated soils were de-rocked, the rock cleaned and stockpiled for later use. The clean overburden acquired during the excavation of the Barkfill and Pasture Areas was used as fill in the Pasture Area, the Roundhouse, Cedar Street and

Cedar Street ditch excavations so that there were no open excavated areas filled with groundwater during soil treatment in the LTU except near the facilities.

The first phase of soils excavated in 1995 were treated in two 10-inch-thick lifts. The first lift included approximately 4,900 cubic yards which met ROD performance standards for PCP and PAH by 1998. A workplan to remove the upper lift from the LTU was approved by the EPA on March 2, 1999. Removal and placement of these treated soils in the Barkfill and Pressure Plant Areas was completed by June 1999. Prior to placement of treated soils in the Barkfill and Pressure Plant Areas, the stockpiled clean rock was used as backfill for the excavation. Imported clean borrow was also placed on top of the rock and compacted prior to placement of treated soils in the excavated pits since the majority of clean overburden was used to backfill several unsecured excavation areas in 1995.

After the first lift was removed, an additional 5,000 cubic yards of impacted soil under the Pressure Plant was excavated. These soils were loaded on the LTU for treatment in 1999 after the remaining buildings and infrastructure associated with wood treatment operations were demolished and properly disposed off-site. Soils were managed in the LTU for a few more years before ROD performance standards were achieved.

An LTU Closure Work Plan was submitted to the EPA in February 2002 and was approved in July 2002. The LTU closure activities were conducted in accordance with the approved LTU Closure Work Plan. Closure activities were based on the September 2000 excavated soil analytical results being below the ROD soil treatment goals for PCP and PAHs. Dioxin/furan levels calculated as TCDD TEQ remained above the ROD performance standards in the treated soils. Sample results ranged from 1.0 to 5.0 microgram/kilogram (µg/kg) expressed as TCDD TEQ. The 1996 ESD specified that the treated soils may be used for fill material on excavated areas of the Site. If the soil contains other contaminants (*e.g.,* dioxins/furans) that exceed the ROD performance standards after treatment, the treated soil would be isolated from groundwater and covered with a minimum of twelve inches at the surface to prevent direct contact. Institutional Controls on future land use would also be implemented.

The LTU was subsequently decommissioned and closed in accordance with the EPA-approved closure plan. The construction, operation and closure of the LTU is documented in the LTU Closure Completion Report. The LTU liner was taken out, rinsed and disposed of off-site. The clean soils that were excavated to construct the berm around the LTU and retention pond were used to close the LTU. These soils were graded flat upon removal of the LTU leachate collection system, filter fabric and liner. Fifteen thousand cubic yards of soil used in the construction of the LTU were placed across the LTU area and re-contoured for drainage control, and future reuse of the location.

The majority of the approximately 41 acres south of I–90 was used to store whitewood prior to treatment. Therefore, a location south of the former Pressure Plant that was determined to be clean during the remedial investigation was identified as a suitable location to place the remaining treated soils from the LTU (plus an additional 5,240 cubic yards of drainage sand that was placed at the bottom of the LTU to facilitate drainage).

Two pits were excavated in an area south of the former Pressure Plant for placement of the treated soils and drainage sand. Treated soils were placed in these excavated areas above historic groundwater levels. After treated soil was placed in the pits, sand and filter fabric were placed in the Pit Area and compacted. A twelve to fifteen-inch cover of clean fill material was then placed over the Pit Area. Approximately 4,440 cys of clean fill material excavated originally from the Pit Area were placed as the final soil cover. The soil cover was placed to prevent direct contact risk with the treated soil as described in the Remedial Action Objectives. Cap thickness was verified with a pre and post excavation survey of the Pit Area.

While no samples were taken to confirm the concentrations in the soils used to cover the treated soils, the area south of the former pressure plant was used for whitewood storage and samples collected during the remedial investigation at surface and depth from test pits in the area showed these areas to be clean. As there is no record in the site file showing that samples of this overburden were analyzed for dioxins/furans, five-point composite surface soil samples were collected from the soil cover from four locations on-site in June 2018 and analyzed for dioxins/furans. The TCDD TEQs calculated for the four surface soil sample results ranged from 0.012 µg/kg to 0.570 µg/kg—below the ROD performance standard of 1.0 µg/kg.

While the ROD performance standards for PCP and PAHs were achieved through biological treatment, performance standards for dioxins/furans expressed as TCDD TEQs (dioxin toxicity equivalents) were not. Even though the TCDD TEQ concentrations in the treated soils exceed the soil performance standards established in the 1992 ROD, the soils remedy is protective of human health and the environment because no exposure pathways exist since the treated soils have been placed above historic groundwater levels; have clean soil on top as a cover; and Institutional Controls (ICs) discussed later are in place that restricts land use in the 4.5 acre Treated Soils Area.

Operation and Maintenance

No further or ongoing surface and unsaturated subsurface soil operation and maintenance activities are required other than maintaining ICs and ensuring that a protective cover remains over areas where treated soils have been placed. It is the responsibility of McFarland Cascade, the parent company of IPC, their successors and assigns to ensure that the integrity of the soil component of the remedial action is maintained as long as the treated soils at the Site do not allow for unlimited use and unrestricted exposure. Five composite samples were collected at depth from the treated soils area in October 2017 to determine if the treated soils met ROD performance standards for TCDDs. Samples collected at four of the five sample locations exceeded the ROD performance standards of 1.0 µg/kg. Values ranged from 0.69 µg/kg to 2.9 µg/kg. These results support the need to continue to have Institutional Controls and a protective cover in place to ensure that soil remedy remains protective of human health and the environment.

Institutional Controls

A Notice of Institutional Control was filed with the Gallatin County Clerk and Recorder in 2010 that applies covenants, conditions and restrictions that run with the land and are binding on IPC, their successors and assigns, and any subsequent interest owner of the property. These include restrictions on new construction and excavation on the 4.5-acre area where treated soils were placed. Restrictions on use of groundwater on all IPC property were also included as a restriction. These restrictions ensure protection of the integrity of the remedial actions. This notice and corresponding attachments are included with the property deed records and fulfills the land use restrictions specified in the 1992 ROD and 1996 ESD.

A Controlled Groundwater Use Area was created in 2001 under State law that

includes the IPC Site and the nearby residential properties north of I–90, east and west of L Street and south and north of Rocky Creek. The purpose of the Controlled Groundwater Use Area designation is to prevent construction of new wells, where the consumption of groundwater may pose a threat to human health, and to protect the groundwater remedy.

Five-Year Reviews

The first five-year review of the remedial action was completed in September 2000. The results of this review noted that the remedies for soil were protective of human health and the environment because all accessible soils exceeding ROD performance standards had been excavated and placed in the LTU. At the time of the first review, the LTU had also successfully treated one lift, and the treatment of all of the contaminated soils was predicted to be complete within two years.

The second five-year review was completed in August 2005. The results of this review indicated that the soil remedy continues to be protective of human health and the environment. The soil component of the remedy achieved the performance standards for PCP and PAHs as specified in the 1992 ROD, and the LTU was dismantled and closed. Dioxin/furan levels expressed as TCDD TEQs (dioxin toxicity equivalent) remained above the ROD performance standards, but these soils were placed above the historic groundwater table and covered with a minimum of twelve inches of soil per the 1996 ESD. A deed notification was also filed was filed with Gallatin County in 2004 that placed use restrictions on those areas where waste was left in place above levels that allow for unlimited use and unrestricted exposure.

The third five-year review was completed in September 2010. The results of this review indicated that the remedies for soil continue to be protective of human health and the environment in the short-term. The remedy at the soils component currently protects human health and the environment because soils have been treated to ROD standards and placed back on-site with a protective cover of clean soil placed over these treated soils. However, in order for the remedy to be protective in the long-term, an enforceable Institutional Control needed to be placed on the property. Although a deed notification had been in place since 2004, it was determined to not be protective of the remedy. A Notice of Institutional Controls was filed with Gallatin County in September 2010 that follows Montana Code Annotated 76–7–201, and addressed the deficiencies identified in the previous deed notification.

The fourth five-year review was completed in August 2015. While a site-wide protectiveness determination could not be made due to insufficient data available to evaluate the groundwater remedy, there were no issues or recommendations in the five-year review related to the soil remedy. The additional data have since been collected and reviewed and an addendum to the five-year review was issued on March 11, 2019 that determined the remedy is protective of human health and the environment.

The next five-year review is scheduled to be completed in September 2020.

Community Involvement

Prior public participation requirements have been satisfied as set forth in CERCLA Section 113(k), 42 U.S.C. 9613(k), and CERCLA Section 117, 42 U.S.C. 9617. Major community involvement activities at the Site included establishing a local presence by meeting with property owners and concerned citizens. Outreach efforts included community interviews, fact sheets, public meetings, neighborhood meetings, public comment periods and website updates. The most recent fact sheet was sent out in November 2017 and the last public meeting was held in December 2017. The City and County Commissioners were briefed in December 2017 and the Gallatin City-County Board of Health was briefed in February 2018. The partial deletion of the surface and unsaturated subsurface soils component of the IPC Site was discussed at these meetings and presented in EPA's fact sheet.

Documents in the partial deletion docket that the EPA relied on for recommending the partial deletion from the NPL are available to the public in the information repositories, and a notice of availability of the Notice of Intent for Partial Deletion has been published in the Bozeman Daily Chronicle to satisfy public participation procedures required by 40 CFR 300.425(e)(4).

Determination That the Site Meets the Criteria for Deletion

The implemented soil remedy achieves the Remedial Action Objectives specified in EPA's 1992 ROD and the subsequent ESDs for all soil pathways of exposure. No further Superfund responses are needed to protect human health and the environment at the Site.

The NCP (40 CFR 300.425(e)) states that a portion of a site may be deleted from the NPL when no further response action is appropriate. The EPA, in consultation with the State of Montana, has determined that all required response actions have been implemented for the soil component of the remedy and no further response action by responsible parties is appropriate.

List of Subjects in 40 CFR Part 300

Environmental protection, Air pollution control, Chemicals, Hazardous waste, Hazardous substances, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Superfund, Water pollution control, Water supply.

Authority: 33 U.S.C. 1321(d), 42 U.S.C. 9601–9657; E.O. 13626, 77 FR 56749, 3 CFR 2013 Comp., p. 306; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; E.O. 12580, 52 FR 2923, 3 CFR, 1987 Comp., p. 193.

Dated: July 1, 2019.

Gregory E. Sopkin,

Regional Administrator, Region 8.

[FR Doc. 2019–15305 Filed 7–18–19; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 190423389–9389–01]

RIN 0648–BI95

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Red Grouper Management Measures

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

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS proposes to implement management measures described in a framework action to the Fishery Management Plan (FMP) for the Reef Fish Resources of the Gulf of Mexico (Gulf), as prepared by the Gulf of Mexico Fishery Management Council (Council). The framework action is titled ''Modification of Gulf of Mexico Red Grouper Annual Catch Limits and Annual Catch Targets.'' This proposed rule would reduce the red grouper commercial and recreational annual catch limits (ACLs) and annual catch targets (ACTs). The purpose of this rule

is to continue the Gulf red grouper commercial and recreational ACL and ACT reductions implemented through emergency rulemaking in 2019 to protect the stock and to continue to achieve optimum yield (OY).

DATES: Written comments must be received by August 19, 2019.

ADDRESSES: You may submit comments on the proposed rule identified by ''NOAA–NMFS–2019–0061'' by either of the following methods:

• *Electronic Submission:* Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to *www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2019-0061,* click the ''Comment Now!'' icon, complete the required fields, and enter or attach your comments.

• *Mail:* Submit all written comments to Peter Hood, NMFS Southeast Regional Office, 263 13th Avenue South, St. Petersburg, FL 33701.

Instructions: Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NMFS. All comments received are a part of the public record and will generally be posted for public viewing on *www.regulations.gov* without change. All personal identifying information (*e.g.,* name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter ''N/A'' in the required fields if you wish to remain anonymous).

Electronic copies of the framework action, which includes an environmental assessment, a regulatory impact review, and a Regulatory Flexibility Act (RFA) analysis may be obtained from the Southeast Regional Office website at *https://www.fisheries.noaa.gov/action/framework-action-modification-gulf-mexico-red-grouper-annual-catch-limits-and-annual-catch.*

FOR FURTHER INFORMATION CONTACT: Peter Hood, NMFS Southeast Regional Office, telephone: 727–824–5305, email: *peter.hood@noaa.gov.*

SUPPLEMENTARY INFORMATION: NMFS and the Council manage the Gulf reef fish fishery under the FMP. The FMP, which includes red grouper, was prepared by the Council and is implemented by NMFS through regulations at 50 CFR part 622 under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) (16 U.S.C. 1801 *et seq.*).

The Magnuson-Stevens Act requires NMFS and regional fishery management councils to prevent overfishing and achieve, on a continuing basis, the OY from federally managed fish stocks. These mandates are intended to ensure fishery resources are managed for the greatest overall benefit to the nation, particularly with respect to providing food production and recreational opportunities, and protecting marine ecosystems.

All weights described in this proposed rule are in gutted weight.

Background

The stock status of Gulf red grouper was last evaluated in 2015 through the Southeast Data Assessment Review (SEDAR) 42 stock assessment. The Council's Scientific and Statistical Committee (SSC) reviewed the assessment results and agreed with the assessment's determination that red grouper were not overfished or experiencing overfishing. At that time, the SSC recommended increases in the overfishing limit and the acceptable biological catch (ABC), which were the basis for the commercial and recreational ACLs and ACTs in place prior to the 2019 emergency rule.

Based on this assessment, the red grouper commercial and recreational ACLs and ACTs were implemented through a framework action to the FMP in 2016 (81 FR 70365, October 12, 2016). These values were based on a red grouper stock ACL equal to 10.70 million lb (4.85 million kg). The current sector allocation for red grouper is 76 percent commercial and 24 percent recreational, and the commercial and recreational ACTs reduce the sector-specific ACLs by 95 percent and 92 percent, respectively. Prior to the 2019 emergency rule, as of 2018, the red grouper commercial ACL in effect was 8,190,000 lb (3,714,922 kg) and the commercial ACT (commercial quota) was 7,780,000 lb (3,528,949 kg); while the red grouper recreational ACL in effect was 2,580,000 lb (1,170,268 kg) and the recreational ACT was 2,370,000 lb (1,075,014 kg).

At the October 2018 meeting, the Council requested that NMFS implement an emergency or interim rule to reduce the Gulf red grouper stock ACL for the 2019 fishing year to 4.60 million lb (2.09 million kg), or equal to the 2017 total red grouper landings level, whichever is less. The Council also began work on this red grouper framework action to reduce the red grouper catch limits beyond 2019. The Council took these actions based on recent information regarding the health of the stock. Since 2014, combined commercial and recreational Gulf red grouper landings have trended downwards from over 7.26 million lb (3.29 million kg) in 2014 to approximately 4.16 million lb (1.89 million kg) in 2017, an indication that the stock may be in decline. The most recent red grouper stock assessment, SEDAR 61, will not be completed until later in 2019. Therefore, the NMFS Southeast Fisheries Science Center (SEFSC) conducted an interim red grouper stock analysis to assist the SSC in developing harvest advice for 2019. This analysis suggested that the stock may be declining and supported recommending that the Council reduce the 2019 Gulf red grouper total ACL to 4.60 million lb (2.09 million kg). The Council received this advice at its meeting in October 2018.

In addition to the SSC's advice based on the interim analysis, the Council heard public testimony at the October 2018 meeting primarily from commercial fishermen. These fishermen expressed concern about the status of the red grouper stock, noting that red grouper are harder to catch than in previous years and that there appears to be a scarcity of legal-size and larger fish throughout the species' range on the west Florida shelf.

The Council also discussed the severe red tide conditions that occurred off the Florida west coast in the summer and fall of 2018, which may have adversely affected the red grouper stock. Although the impacts of this recent red tide are unknown, the 2009 SEDAR 12 update assessment indicated that a similar red tide event in 2005 reduced the red grouper spawning stock biomass.

The 2017 combined red grouper commercial and recreational landings (approximately 4.16 million lb (1.89 million kg)) are less than the SSC recommended combined ACL of 4.60 million lb (2.09 million kg). Therefore, NMFS implemented an emergency rule (84 FR 22389, May 17, 2019) to reduce the red grouper commercial and recreational ACLs and ACTs consistent with a stock ACL of 4.16 million lb (1.89 million kg). The emergency rule was effective on May 17, 2019, for 180 days (November 13, 2019), although NMFS may extend the emergency rule's effectiveness for a maximum of an additional 186 days. This allows for sufficient time for the Council and NMFS to develop and implement this rule to manage the red grouper stock for the 2020 fishing year and beyond. Without the measures in this current framework action being implemented to supersede the emergency rule's management measures, the sector ACLs and ACTs will increase and revert back

to their values in place in 2018, thereby jeopardizing the red grouper stock health.

Accountability Measures

The commercial sector is managed under an individual fishing quota (IFQ) program. The commercial red grouper quota equals the commercial ACT, and is allocated to red grouper shareholders each year. The commercial IFQ program also serves as the accountability measure (AM) for the commercial sector.

The current recreational AMs specify that if the recreational ACL is reached or projected to be reached, red grouper fishing will be closed to the recreational sector for the remainder of the fishing year. If the ACL is exceeded in the following fishing year, the level of harvest will be set at the prior year's recreational ACT and the length of the recreational red grouper fishing season will be adjusted based on the amount necessary to ensure red grouper recreational landings do not exceed the recreational ACT. If the stock is overfished and an overage occurs, NMFS will reduce the recreational ACL by the amount of the ACL overage in the prior fishing year. The overage adjustment will also apply to the following year's recreational ACT.

Management Measures Contained in This Proposed Rule

For red grouper, this proposed rule would continue the red grouper ACLs and ACTs implemented by the emergency rule for the 2019 fishing year. Based on the framework action, the stock ACL would be 4.16 million lb (1.89 million kg), which is equal to the combined red grouper commercial and recreational landings. Applying the commercial allocation of 76 percent to the stock ACL of 4.16 million lb (1.89 million kg) would continue the commercial ACL of 3.16 million lb (1.43 million kg) that was set in the emergency rule. The commercial ACT would be set at 95 percent of the commercial ACL, or 3.00 million lb (1.36 million kg).

For the recreational sector, 24 percent of the 4.16 million lb (1.89 million kg) proposed total stock ACL results in a recreational ACL of 1.00 million lb (0.45 million kg). The recreational ACT would be set at 92 percent of the recreational ACL, or 0.92 million lb (0.42 million kg).

The continuation of the ACLs and ACTs implemented through the emergency action and proposed in this rule are expected to benefit the stock. As described in the framework action, indicators suggest the stock may be in decline and that harvest levels need to be lowered. The actual stock condition is currently being evaluated through SEDAR 61 and the Council's SSC is expected to subsequently make an ABC recommendation. The reductions in ACLs and ACTs by this proposed rule are expected by the Council to lessen the impact of any possible future reductions in the ACLs and ACTs in response to the information and management advice (ABC) derived from SEDAR 61.

Classification

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

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

NMFS prepared an Initial Regulatory Flexibility Analysis (IRFA), as required by section 603 of the RFA, for this proposed rule. The IRFA describes the economic impact this proposed rule, if adopted, would have on small entities. A description of the action, why it is being considered, the objectives of, and legal basis for this action are contained at the beginning of this section in the preamble and in the **SUMMARY** section of the preamble. A copy of the full analysis is available from NMFS (see **ADDRESSES**). A summary of the IRFA follows.

The Magnuson-Stevens Act provides the statutory basis for this proposed rule. No duplicative, overlapping, or conflicting Federal rules have been identified. A description of this proposed rule and its purpose and need are contained in the **SUMMARY** section of the preamble.

The rule concerns recreational and commercial fishing for red grouper in Federal waters of the Gulf. It directly affects both anglers (recreational fishers) and commercial fishing businesses that harvest red grouper in the Gulf exclusive economic zone (EEZ) and IFQ shareholders of the commercial red grouper annual quota.

Anglers are not considered small entities as that term is defined in 5 U.S.C. 601(6), whether fishing from for-hire fishing, private or leased vessels. Therefore, neither estimates of the number of anglers nor the impacts on them are required or provided in this analysis.

Any business that operates a commercial fishing vessel that harvests red grouper in the Gulf EEZ must have a valid Gulf reef fish permit attached to that vessel and the vessel permit must be linked to an IFQ account.

From 2013 through 2017, an annual average of 376 permitted vessels had IFQ landings of red grouper. An estimated 330 businesses own those vessels that land red grouper annually. All of these businesses operate in the commercial fishing industry (NAICS code 11411), but some also in related industries, such as fish and seafood merchant wholesalers (NAICS code 424460) and fish and seafood (retail) markets (NAICS code 445220). However, all are expected to operate primarily in the commercial fishing industry.

For RFA purposes, NMFS has established a small business size standard for businesses, including their affiliates, whose primary industry is commercial fishing (see 50 CFR 200.2). A business primarily involved in commercial fishing (NAICS 11411) is classified as a small business if it is independently owned and operated, is not dominant in its field of operation (including its affiliates), and its combined annual receipts are not in excess of $11 million for all of its affiliated operations worldwide. A preliminary examination of annual dockside revenues of vessels owned by the above businesses indicates the total annual revenue of each business to be less than $11 million. Consequently, all of the businesses directly affected by the proposed action are identified as small.

An emergency rule reduced both the red grouper commercial ACL and commercial ACT in 2019. This rule would reduce both the red grouper commercial ACL and commercial ACT beyond 2019: The ACL from 8.19 million lb (3.71 million kg) to 3.16 million lb (1.43 million kg), and the ACT (quota) from 7.78 million lb (3.53 million kg) to 3.00 million lb (1.36 million kg). That is a quota reduction of 4.78 million lb (2.17 million kg), which is a 61.44 percent decrease.

The maximum loss of commercial landings would be 4.78 million lb (2.17 million kg). At an average dockside price of $4.11 per lb, the maximum annual loss of total revenue would be approximately $19.65 million (2018 $). However, annual commercial landings of red grouper have been less than the quota and declining.

From 2013 through 2017, average annual landings totaled 4.56 million lb (2.07 million kg). If future annual landings are consistent with that average, this rule would reduce commercial landings by 1,564,953 lb (709,851 kg) and associated dockside revenue by approximately $6.43

million, a 34.3 percent decrease. The average loss for each of the 330 small businesses would be $19,491 (2018 $), and for each of the 376 vessels, $17,106. However, not all vessels or small businesses are the same. From 2013 through 2017, vessels that used bottom longline gear had 65.5 percent of the red grouper landings, those with bandit gear had 21.5 percent, hand hook-and-line 11.0 percent, and other gears 2.0 percent. If those percentages apply in the future, the average vessel would experience a loss of total annual revenue ranging from 7.3 percent to 28.0 percent, depending on the gear used. Those percentages presume the average dockside price of red grouper stays at the 2018 level of $4.11; however, the decrease in supply is expected to raise that price, which would reduce the adverse economic impact.

Nonetheless, NMFS concludes that this rule would have a significant economic impact on the average annual 330 commercial fishing businesses and their combined 376 federally permitted fishing vessels that harvest red grouper from the Gulf of Mexico.

Two alternatives were considered but not selected by the Council. The first alternative, the status quo, would keep the commercial quota at its current level and would have no impact on small businesses. However, it would be expected to have the greatest adverse long-term impact. The second alternative would have a smaller adverse economic impact than the selected action because the reduction of the quota is less: 3.32 million lb (1.51 million kg) versus 3.16 million lb (1.43 million kg). However, that second non-selected alternative could generate a smaller long-term benefit than the selected alternative.

List of Subjects in 50 CFR Part 622

Commercial, Fisheries, Fishing, Gulf, Recreational, Red grouper.

Dated: July 15, 2019.

Samuel D. Rauch III,

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

For the reasons set out in the preamble, 50 CFR part 622 is proposed to be amended as follows:

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

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

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

■ 2. Amend § 622.39 by:
■ a. Lifting the suspension on paragraph (a)(1)(iii)(C);
■ b. Revising paragraph (a)(1)(iii)(C); and
■ c. Removing paragraph (a)(1)(iii)(D).
The revision reads as follows:

§ 622.39 Quotas.

* * * * *

(a) * * *
(1) * * *
(iii) * * *
(C) *Red grouper*—3.00 million lb (1.36 million kg)

* * * * *

■ 3. Amend § 622.41 by:
■ a. Lifting the suspension on paragraph (e);
■ b. Revising paragraph (e); and
■ c. Removing paragraph (r).
The revision reads as follows:

§ 622.41 Annual catch limits (ACLs), annual catch targets (ACTs), and accountability measures (AMs).

* * * * *

(e) *Red grouper*—(1) *Commercial sector.* The IFQ program for groupers and tilefishes in the Gulf of Mexico serves as the accountability measure for commercial red grouper. The commercial ACT for red grouper is equal to the applicable quota specified in § 622.39(a)(1)(iii)(C). The applicable commercial ACL for red grouper, in gutted weight, is 3.16 million lb (1.43 million kg).

(2) *Recreational sector.* (i) Without regard to overfished status, if red grouper recreational landings, as estimated by the SRD, reach or are projected to reach the applicable ACL specified in paragraph (e)(2)(iv) of this section, the AA will file a notification with the Office of the Federal Register, to close the recreational sector for the remainder of the fishing year. On and after the effective date of such a notification, the bag and possession limit of red grouper in or from the Gulf EEZ is zero. This bag and possession limit applies in the Gulf on board a vessel for which a valid Federal charter vessel/headboat permit for Gulf reef fish has been issued, without regard to where such species were harvested, *i.e.* in state or Federal waters.

(ii) Without regard to overfished status, and in addition to the measures specified in paragraph (e)(2)(i) of this section, if red grouper recreational landings, as estimated by the SRD, exceed the applicable ACL specified in paragraph (e)(2)(iv) of this section, the AA will file a notification with the Office of the Federal Register to maintain the red grouper ACT, specified in paragraph (e)(2)(iv) of this section, for that following fishing year at the level of the prior year's ACT, unless the best scientific information available determines that maintaining the prior year's ACT is unnecessary. In addition, the notification will reduce the length of the recreational red grouper fishing season the following fishing year by the amount necessary to ensure red grouper recreational landings do not exceed the recreational ACT in the following fishing year.

(iii) If red grouper are overfished, based on the most recent Status of U.S. Fisheries Report to Congress, and red grouper recreational landings, as estimated by the SRD, exceed the applicable ACL specified in paragraph (e)(2)(iv) of this section, the following measures will apply. In addition to the measures specified in paragraphs (e)(2)(i) and (ii) of this section, the AA will file a notification with the Office of the Federal Register, at or near the beginning of the following fishing year to reduce the ACL for that following year by the amount of the ACL overage in the prior fishing year, and reduce the ACT, as determined in paragraph (e)(2)(ii) of this section, by the amount of the ACL overage in the prior fishing year, unless the best scientific information available determines that a greater, lesser, or no overage adjustment is necessary.

(iv) The recreational ACL for red grouper, in gutted weight, is 1.00 million lb (0.45 million kg). The recreational ACT for red grouper, in gutted weight, is 0.92 million lb (0.42 million kg)

* * * * *

[FR Doc. 2019–15329 Filed 7–18–19; 8:45 am]

BILLING CODE 3510–22–P

Notices

Federal Register
Vol. 84, No. 139
Friday, July 19, 2019

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

July 16, 2019.

The Department of Agriculture will submit the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13 on or after the date of publication of this notice. 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 should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), New Executive Office Building, Washington, DC; New Executive Office Building, 725—17th Street NW, Washington, DC 20503. 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.

Comments regarding these information collections are best assured of having their full effect if received by August 19, 2019. 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.

National Agricultural Statistics Service

Title: Census of Horticultural Specialties.

OMB Control Number: 0535–0236.

Summary of Collection: The census of horticultural specialties is one of a series of census special studies for the census of agriculture which provides more detailed statistics relating to a specific subject. The census of horticultural specialties is an integral part of the 2017 Census of Agriculture and is conducted under the authority of the Census of Agriculture Act of 1997 (Pub. L. 105–113). The law requires that the Secretary of Agriculture conduct a census of agriculture in 1998 and every fifth year following 1998. The Census of Horticultural Specialties has been conducted periodically since 1898 to show how the industry has changed over time. Since 1950 it has been conducted approximately every 10 years. Growing data needs to make policy decisions concerning the horticulture industry have prompted a request from the Secretary of Agriculture and Congress to conduct this survey every 5 years beginning with the 2014 survey as a follow-on to the Census of Agriculture. It is the only source of detailed and consistent data on horticultural crop production and sales by type of plant at both State and national levels. The horticultural specialties census includes operations growing and selling $10,000 or more of horticultural specialty crops. The sampling of small operations with sales between $1,000 and $10,000 is used as an indicator of how many small operations have increased their sales since the 2017 Census of Agriculture was conducted.

Need and Use of the Information: The primary objective of the horticultural specialties census is to obtain a comprehensive and detailed picture of the horticultural sector of the economy. It is the only source of detailed production and sales data at the national level. The continuation of this census will allow for bench marking of changes to the industry. The census of horticultural specialties will include statistics on number and value of plants grown and sold, the value of land, buildings, machinery and equipment, selected production expenses, marketing channels, hired labor, area used for production, and type of structure. Without the census of horticultural specialties, government policy makers and planners would lack valuable information needed to accomplish their missions. Instead, they would have to rely on assumptions and guess work to determine policy.

This is a reinstatement with change, of the Census of Horticultural Specialties survey to be conducted as a follow-on survey to the 2012 Census of Agriculture.

Description of Respondents: Farms; Business or other for-profit.

Number of Respondents: 41,000.

Frequency of Responses: Reporting: One time.

Total Burden Hours: 52,456.

Kimble Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 2019–15392 Filed 7–18–19; 8:45 am]

BILLING CODE 3410–20–P

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

Agency Information Collection Activities: Proposed Collection; Comment Request WIC Nutrition Assessment and Tailoring Study

AGENCY: Food and Nutrition Service (FNS), USDA.

ACTION: 60-Day notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice invites the general public and other public agencies to comment on this proposed information collection for the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) Nutrition Assessment and Tailoring Study. This new information collection will provide the U.S. Department of Agriculture, Food and Nutrition Service (FNS) with a comprehensive, detailed description of the WIC nutrition risk assessment

process and the ways in which WIC clinics tailor participant benefits to address the results of the assessment. This collection will also identify specific practices or features of the nutrition services process associated with high levels of participant and staff satisfaction, reduced staff burden, and improved Program efficiency.

DATES: Written comments must be received on or before September 17, 2019.

ADDRESSES: Comments may be sent to: Courtney Paolicelli, Office of Policy Support, Food and Nutrition Service, USDA, 3101 Park Center Drive, Room 1014, Alexandria, VA 22302. Comments may also be submitted via fax to the attention of Courtney Paolicelli at 703–305–2576 or via email to *Courtney.Paolicelli@usda.gov.* Comments will also be accepted through the Federal eRulemaking Portal. Go to *http://www.regulations.gov* and follow the online instructions for submitting comments electronically.

All responses to this notice will be summarized and included in the request for Office of Management and Budget approval. All comments will be a matter of public record.

FOR FURTHER INFORMATION CONTACT: Requests for additional information on or copies of this information collection should be directed to Courtney Paolicelli at *Courtney.Paolicelli@usda.gov.*

SUPPLEMENTARY INFORMATION: 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 on the proposed collection of information, including the validity of the methodology and assumptions that were used; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Title: WIC Nutrition Assessment and Tailoring Study.

Form Number: Not applicable.

OMB Number: Not Yet Assigned.

Expiration Date: Not Yet Determined.

Type of Request: New collection.

Abstract: The Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) provides supplemental foods, nutrition education and breastfeeding support, and referrals to health care and other social services to safeguard the health of low-income women, infants, and children up to 5 years of age who are at nutritional risk. As part of the certification and recertification process, WIC staff perform a comprehensive nutrition risk assessment with each participant to screen for certain nutrition risks and collect other relevant dietary and health information. Based on the nutrition risk assessment, WIC staff can individualize the food package benefits, nutrition education, and referrals the participant and child receive to meet their unique nutritional needs. While guidelines for conducting a quality nutrition risk assessment are described in the Value Enhanced Nutrition Assessment (VENA) guidance,[1] there is flexibility in how WIC staff conduct the nutrition risk assessment, and specifics of the process may vary by WIC State Agency (SA) and by WIC Local Agency (LA). Through this study, FNS seeks to better understand the nutrition services process as it transpires at WIC clinics, and WIC staff and participants' satisfaction with the process. The findings from this study will be used to develop guidance for WIC staff to enhance service delivery to improve program satisfaction, retention, and participant health and nutrition outcomes.

The four study objectives are: (1) Provide in-depth descriptive information on how a large, diverse sample of local WIC agencies performs the WIC nutrition risk assessment; (2) Systematically describe how a national sample of diverse local WIC agencies uses the collection of nutrition risk assessment information to tailor program benefits, including food packages, nutrition education, breastfeeding promotion and support, and referrals to health and social services; (3) Investigate relationships between WIC nutrition risk services processes (to include the nutrition risk assessment and the associated tailoring of program benefits), and the clinic experience, participant and staff perceptions, and overall clinic flow and efficiency; and (4) Identify specific practices or features of nutrition risk service processes that facilitate the use of nutrition assessment information for providing tailored program benefits, and that are associated with participant and staff satisfaction.

A tiered study design that yields a diverse, national sample of SAs, LAs, WIC clinic sites, and WIC participants will be used to address the four study objectives. SAs will be selected using FNS administrative data, including data from the WIC Participant and Program Characteristics Study (OMB# 0584–0609, expiration 8/31/2019). All LAs within the selected SAs will be asked to provide additional data about their LA via a web survey. WIC Clinics will be selected for site visits based on characteristics of the LA.[2] WIC participants will be selected during site visits. Quantitative and qualitative data will be collected from SAs, LAs, WIC Clinics and WIC participants.

Affected Public: Respondent groups identified include: (1) State, local, and tribal governments (WIC State agencies, local agencies, and clinics); (2) Businesses/Non-Profits; (WIC local agencies and clinic sites); and (3) Individuals (adults who participate in WIC or who have children that participate in WIC).

Estimated Number of Respondents: The total estimated number of respondents is 1,454 (885 respondents and 569 non-respondents). The total includes 13 State agencies, 378 local agencies (262 government and 116 business), 39 clinics (22 government and 17 business), and 1,024 individuals.

Estimated Frequency of Response: The estimated frequency of response is 6.17 annually for respondents and 3.54 annually for non-respondents.

Estimated Total Annual Responses: The estimated total number of annual responses is 7,473. This includes 5,458 for respondents and 2,015 for non-respondents.

Estimated Time per Response: The estimated average response time is 0.12 hours for all respondents (0.15 hours for responsive participants and 0.02 hours for nonresponsive participants). The estimated time of response varies from one minute (0.02 hours) to approximately four hours (3.68 hours) depending on the respondent group and activity, as shown in table 1. The average estimated time per response across all respondents is 0.12 hours (equal to 869.33 (total annual burden hours for both respondents and non-respondents) divided by 7,473 (total responses for both respondents and non-respondents), as shown in table 1.

Estimated Total Annual Burden on Respondents: The total public reporting burden for this collection of information

[1] U.S. Department of Agriculture Food and Nutrition Service. *VENA Value Enhanced Nutrition Assessment.* Available at: *https://wicworks.fns.usda.gov/resources/value-enhanced-nutrition-assessment-vena-guidance.*

[2] A subset of LAs will be selected within each SA based on sociodemographic and nutrition education characteristics; one WIC Clinic will be selected per LA in the subset.

is estimated at 869.33 hours (annually). See Table 1 (Total Public Burden Hours) for estimated total annual burden for each type of respondent.

Dated: July 12, 2019.

Brandon Lipps,

Administrator, Food and Nutrition Service.

BILLING CODE 3410–30–P

Table 1. Total Public Burden Hours

				Responsive					Non-responsive					
Respondent Category	Type of respondents	Instruments	Sample Size	Number of respondents	Frequency of response (annual)	Total Annual responses	Hours per response	Total Annual Burden (hours)	Number of Non-respondents	Frequency of response (annual)	Total Annual responses	Hours per response	Total Annual Burden (hours)	Grand Total Burden Estimate (hours)
	WIC State Agency (SA)	**SA CALL:** Study Brochure	13	10	2	20	0.03	0.67	3	2	6	0.02	0.10	0.77
		SA CALL: Two Informational Emails from FNS to SA (includes Letter from RO SNP to SA)	13	10	2	20	0.07	1.34	3	2	6	0.02	0.10	1.44
		SA CALL: Invitation Email to SA Director with Request to Schedule Telephone Call	13	5	1	5	0.03	0.17	8	1	8	0.02	0.13	0.30
		SA CALL: Reminder Email to SA to Schedule Call	8	3	1	3	0.02	0.05	5	1	5	0.02	0.08	0.13
		SA CALL: Reminder Phone Call to SA to Schedule Call	5	2	1	2	0.08	0.17	3	1	3	0.02	0.05	0.22
		SA CALL: Call with SA to explain study and request assistance with recruitment and data collection	10	10	1	10	0.50	5.00	0	1	0	0.02	0.00	5.00
		SA CALL: SA to Submit WIC Nutrition Risk materials	10	10	1	10	0.50	5.00	0	1	0	0.02	0.00	5.00
		SA CALL: SA to Submit MIS data extract	10	10	2	20	2.00	40.00	0	2	0	0.02	0.00	40.00
		SA CALL: MOU for SA	10	10	1	10	0.08	0.84	0	1	0	0.02	0.00	0.84
		SA CALL: Email from SA to all LAs	10	10	37	370	0.03	12.36	0	37	0	0.02	0.00	12.36
		LA DIRECTOR SURVEY: Email from FNS contractor to SA with LAs Selected for Site Visit	10	10	1	10	0.03	0.33	0	1	0	0.02	0.00	0.33
		LA DIRECTOR SURVEY: Notification email from SA to Selected LA	10	10	1	10	0.03	0.33	0	3	0	0.02	0.00	0.33
		LA DIRECTOR SURVEY: Thank You Email Following LA Recruitment	10	10	1	10	0.02	0.17	0	1	0	0.02	0.00	0.17

		LA DIRECTOR SURVEY: Frequently Asked Questions	10	10	1	10	0.08	0.84	0	1	0	0.02	0.00	0.84
SUBTOTAL OF SA			**13**	**10**	**51.0**	**510**	**0.13**	**67.25**	**3**	**9.33**	**28**	**0.02**	**0.47**	**67.72**
	WIC Local Agency (LA)	**PRETEST**	3	3	1	3	1.49	4.47	0	1	0	0.10	0.00	4.47
		LA DIRECTOR SURVEY: Notification Email from SA to LA	259	238	1	238	0.03	7.95	21	1	21	0.02	0.35	8.30
		LA DIRECTOR SURVEY: Study Brochure	259	238	1	238	0.03	7.95	21	1	21	0.02	0.35	8.30
		LA DIRECTOR SURVEY: Email from FNS contractor to LA with LA Director Survey Link	259	155	1	155	0.03	5.18	104	1	104	0.02	1.74	6.91
		LA DIRECTOR SURVEY: 1st Reminder Email to Complete LA Director Survey	104	62	1	62	0.02	1.04	42	1	42	0.02	0.70	1.74
		LA DIRECTOR SURVEY: 2nd Reminder Email to Complete LA Director Survey	42	21	1	21	0.02	0.35	21	1	21	0.02	0.35	0.70
		LA DIRECTOR SURVEY: Local Agency Director Survey	259	238	1	238	0.50	119.00	21	1	21	0.02	0.35	119.35
		LA DIRECTOR SURVEY: Thank You Email Following Survey Completion	238	238	1	238	0.02	3.97	0	1	0	0.02	0.00	3.97
		LA PHONE INTERVIEW: Notification Email from SA to Selected LA	21	21	1	21	0.03	0.70	0	1	0	0.02	0.00	0.70
		LA PHONE INTERVIEW: Email from FNS contractor to LA to Schedule Phone Interview	21	13	1	13	0.03	0.43	8	1	8	0.02	0.13	0.57
		LA PHONE INTERVIEW: Reminder Email to LA to Schedule Phone Interview	8	6	1	6	0.02	0.10	2	1	2	0.02	0.03	0.13
		LA PHONE INTERVIEW: Reminder Call to LA to Schedule Phone Interview	2	2	1	2	0.08	0.17	0	1	0	0.02	0.00	0.17
		LA PHONE INTERVIEW: Clinic Site Information Form (completed by LA in conjunction with Phone Interview)	21	21	1	21	1.00	21.00	0	1	0	0.02	0.00	21.00
		LA PHONE INTERVIEW: Phone interview with LA	21	21	1	21	1.00	21.00	0	1	0	0.02	0.00	21.00
		LA PHONE INTERVIEW: LA to Submit Nutrition Risk Assessment Documents (completed in conjunction with phone interview)	21	13	1	13	0.50	6.50	8	1	8	0.02	0.13	6.63
		LA PHONE INTERVIEW: Reminder Email to Submit Nutrition Risk Assessment Documents	8	8	1	8	0.50	4.00	0	1	0	0.02	0.00	4.00

		WIC CLINIC SITE DIRECTOR INTERVIEW: Email to LA with Selected Site Name	21	21	1	21	0.03	0.70	0	1	0	0.02	0.00	0.70
		WIC CLINIC SITE DIRECTOR INTERVIEW: Notification Email from LA to WIC Clinic	21	21	1	21	0.05	1.05	0	1	0	0.02	0.00	1.05
		WIC CLINIC SITE DIRECTOR INTERVIEW: Thank You from FNS contractor to LA Following WIC Clinic Recruitment	21	21	1	21	0.02	0.35	0	1	0	0.02	0.00	0.35
SUBTOTAL OF WIC LA			**262**	**241**	**5.6**	**1361**	**0.15**	**205.91**	**21**	**11.81**	**248**	**0.02**	**4.14**	**210.05**
	WIC Clinic	**PRETEST**	1	1	1	1	3.68	3.68	0	1	0	0.23	0.00	3.68
		WIC CLINIC SITE DIRECTOR INTERVIEW: Notification Email from LA to WIC Clinic	21	21	1	21	0.03	0.70	0	1	0	0.02	0.00	0.70
		WIC CLINIC SITE DIRECTOR INTERVIEW: Email from FNS contractor to WIC Clinic to Schedule Call	21	13	1	13	0.08	1.09	8	1	8	0.02	0.13	1.22
		WIC CLINIC SITE DIRECTOR INTERVIEW: Reminder Email to WIC Clinic to Schedule Call	8	6	1	6	0.02	0.10	2	1	2	0.02	0.03	0.13
		WIC CLINIC SITE DIRECTOR INTERVIEW: Reminder Call with WIC Clinic to Schedule Call	4	4	1	4	0.08	0.33	0	1	0	0.02	0.00	0.33
		WIC CLINIC SITE DIRECTOR INTERVIEW: Telephone Call with WIC Clinic	21	21	1	21	1.00	21.00	0	1	0	0.02	0.00	21.00
		WIC CLINIC SITE DIRECTOR INTERVIEW: Reminder Email to WIC Clinic for Site Visit	21	21	1	21	0.02	0.35	0	1	0	0.02	0.00	0.35
		WIC CLINIC SITE DIRECTOR INTERVIEW: Reminder Call with WIC Clinic for Site Visit	21	21	1	21	0.08	1.75	0	1	0	0.02	0.00	1.75
		WIC CLINIC SITE DIRECTOR INTERVIEW: Informed Consent for Site Director Interview	21	19	1	19	0.08	1.59	2	1	2	0.02	0.03	1.62
		WIC CLINIC SITE DIRECTOR INTERVIEW: WIC Clinic Site Director Interview	19	19	1	19	0.75	14.25	0	1	0	0.02	0.00	14.25
		WIC NUTRITION SERVICES VISIT AND STAFF INTERVIEW: Finalize Plans with WIC Clinic on Day of Site Visit	21	21	1	21	0.25	5.25	0	1	0	0.02	0.00	5.25
		WIC NUTRITION SERVICES VISIT AND STAFF INTERVIEW: Informed Consent for Observation and Staff Interview	21	21	6	126	0.08	10.52	0	6	0	0.02	0.00	10.52

		WIC NUTRITION SERVICES VISIT AND STAFF INTERVIEW: Identified Risks Data Collection Form	21	21	6	126	0.08	10.52	0	6	0	0.02	0.00	10.52
		WIC NUTRITION SERVICES VISIT AND STAFF INTERVIEW: Staff Interview	21	21	5	105	1.00	105.00	0	5	0	0.02	0.00	105.00
		WIC NUTRITION SERVICES VISIT AND STAFF INTERVIEW: Post-site Visit Thank You	21	21	1	21	0.02	0.35	0	1	0	0.02	0.00	0.35
	SUBTOTAL OF WIC CLINIC		**22**	**21**	**26**	**545**	**0.32**	**176.48**	**1**	**12**	**12**	**0.02**	**0.20**	**176.68**
TOTAL STATE AND LOCAL AGENCY			**297**	**272**	**8.88**	**2416**	**0.19**	**449.65**	**25**	**11.52**	**288**	**0.02**	**4.81**	**454.46**
	WIC Local Agency (LA)	**PRETEST**	5	2	1	2	1.49	2.98	3	1	3	0.10	0.30	3.28
		LA DIRECTOR SURVEY: Notification Email from SA to LA	111	89	1	89	0.03	2.97	22	1	22	0.02	0.37	3.34
		LA DIRECTOR SURVEY: Study Brochure	111	89	1	89	0.03	2.97	22	1	22	0.02	0.37	3.34
		LA DIRECTOR SURVEY: Email from FNS contractor to LA with LA Director Survey Link	111	56	1	56	0.03	1.87	55	1	55	0.02	0.92	2.79
		LA DIRECTOR SURVEY: 1st Reminder Email to Complete LA Director Survey	55	28	1	28	0.02	0.47	27	1	27	0.02	0.45	0.92
		LA DIRECTOR SURVEY: 2nd Reminder Email to Complete LA Director Survey	27	5	1	5	0.02	0.08	22	1	22	0.02	0.37	0.45
		LA DIRECTOR SURVEY: Local Agency Director Survey	111	89	1	89	0.50	44.50	22	1	22	0.02	0.37	44.87
		LA DIRECTOR SURVEY: Thank You Email Following Survey Completion	89	89	1	89	0.02	1.49	0	1	0	0.02	0.00	1.49
		LA PHONE INTERVIEW: Notification Email from SA to Selected LA	15	9	1	9	0.03	0.30	6	1	6	0.02	0.10	0.40
		LA PHONE INTERVIEW: Email from FNS contractor to LA to Schedule Phone Interview	15	6	1	6	0.03	0.20	9	1	9	0.02	0.15	0.35
		LA PHONE INTERVIEW: Reminder Email to LA to Schedule Phone Interview	9	2	1	2	0.02	0.03	7	1	7	0.02	0.12	0.15
		LA PHONE INTERVIEW: Reminder Call to LA to Schedule Phone Interview	7	1	1	1	0.08	0.08	6	1	6	0.02	0.10	0.18
		LA PHONE INTERVIEW: Clinic Site Information Form (completed by LA in conjunction with Phone Interview)	9	9	1	9	1.00	9.00	0	1	0	0.02	0.00	9.00
		LA PHONE INTERVIEW: Phone interview with LA	9	9	1	9	1.00	9.00	0	1	0	0.02	0.00	9.00

		LA PHONE INTERVIEW: LA to Submit Nutrition Risk Assessment Documents (completed in conjunction with phone interview)	9	5	1	5	0.50	2.50	4	1	4	0.02	0.07	2.57
		LA PHONE INTERVIEW: Reminder Email to Submit Nutrition Risk Assessment Documents	4	4	1	4	0.02	0.07	0	1	0	0.02	0.00	0.07
		WIC CLINIC SITE DIRECTOR INTERVIEW: Email to LA with Selected Site Name	9	9	2	18	0.03	0.60	0	2	0	0.02	0.00	0.60
		WIC CLINIC SITE DIRECTOR INTERVIEW: Notification Email from LA to WIC Clinic	9	9	2	18	0.05	0.90	0	2	0	0.02	0.00	0.90
		WIC CLINIC SITE DIRECTOR INTERVIEW: Thank You from FNS contractor to LA Following WIC Clinic Recruitment	9	9	1	9	0.02	0.15	0	1	0	0.02	0.00	0.15
SUBTOTAL OF WIC LA			**116**	**91**	**5.9**	**537**	**0.15**	**80.17**	**25**	**8.20**	**205**	**0.02**	**3.67**	**83.84**
	WIC Clinic	**PRETEST**	2	1	1	1	3.68	3.68	1	1	1	0.23	0.23	3.91
		WIC CLINIC SITE DIRECTOR INTERVIEW: Notification Email from LA to WIC Clinic	15	9	1	9	0.03	0.30	6	1	6	0.02	0.10	0.40
		WIC CLINIC SITE DIRECTOR INTERVIEW: Email from FNS contractor to WIC Clinic to Schedule Call	15	6	1	6	0.08	0.50	9	1	9	0.02	0.15	0.65
		WIC CLINIC SITE DIRECTOR INTERVIEW: Reminder Email to WIC Clinic to Schedule Call	9	2	1	2	0.02	0.03	7	1	7	0.02	0.12	0.15
		WIC CLINIC SITE DIRECTOR INTERVIEW: Reminder Call with WIC Clinic to Schedule Call	7	1	1	1	0.08	0.08	6	1	6	0.02	0.10	0.18
		WIC CLINIC SITE DIRECTOR INTERVIEW: Telephone Call with WIC Clinic	9	9	1	9	1.00	9.00	0	1	0	0.02	0.00	9.00
		WIC CLINIC SITE DIRECTOR INTERVIEW: Reminder Email to WIC Clinic for Site Visit	9	9	1	9	0.02	0.15	0	1	0	0.02	0.00	0.15
		WIC CLINIC SITE DIRECTOR INTERVIEW: Reminder Call with WIC Clinic for Site Visit	9	9	1	9	0.08	0.75	0	1	0	0.02	0.00	0.75
		WIC CLINIC SITE DIRECTOR INTERVIEW: Informed Consent for Site Director Interview	9	9	1	9	0.08	0.75	0	1	0	0.02	0.00	0.75

		WIC CLINIC SITE DIRECTOR INTERVIEW: WIC Clinic Site Director Interview	9	9	1	9	0.75	6.75	0	1	0	0.02	0.00	6.75
		WIC NUTRITION SERVICES VISIT AND STAFF INTERVIEW: Finalize Plans with WIC Clinic on Day of Site Visit	9	9	1	9	0.25	2.25	0	1	0	0.02	0.00	2.25
		WIC NUTRITION SERVICES VISIT AND STAFF INTERVIEW: Informed Consent for Observation and Staff Interview	9	9	6	54	0.08	4.51	0	6	0	0.02	0.00	4.51
		WIC NUTRITION SERVICES VISIT AND STAFF INTERVIEW: Identified Risks Data Collection Form	9	9	5	45	0.08	3.76	0	5	0	0.02	0.00	3.76
		WIC NUTRITION SERVICES VISIT AND STAFF INTERVIEW: Staff Interview	9	9	5	45	1.00	45.00	0	5	0	0.02	0.00	45.00
		WIC NUTRITION SERVICES VISIT AND STAFF INTERVIEW: Post-site Visit Thank You	9	9	1	9	0.02	0.15	0	1	0	0.02	0.00	0.15
	SUBTOTAL OF WIC CLINIC		**17**	**10**	**22.6**	**226**	**0.34**	**77.67**	**7**	**4.1**	**29**	**0.02**	**0.70**	**78.37**
TOTAL PROFIT/NON-PROFIT BUSINESS			**133**	**101**	**7.55**	**763**	**0.21**	**157.84**	**32**	**7.31**	**234**	**0.02**	**4.37**	**162.21**
Individuals and Households	**WIC Participants**	**PRETEST**	4	2	1	2	0.96	1.92	2	1	2	0.12	0.24	2.16
		PARTICIPANT OBSERVATION: Study Brochure for WIC Participant	1020	510	1	510	0.03	17.03	510	1	510	0.02	8.52	25.55
		PARTICIPANT OBSERVATION: WIC Participant Screener	1020	510	1	510	0.02	8.52	510	1	510	0.02	8.52	17.03
		PARTICIPANT OBSERVATION: Informed Consent for Observation and WIC Participant Interview	510	510	1	510	0.08	42.59	0	1	0	0.02	0.00	42.59
		INTERVIEW: Reminder Text for WIC Participant Interview to be Conducted Over the Phone	255	102	1	102	0.02	1.70	153	1	153	0.02	2.56	4.26
		INTERVIEW: Reminder Call for WIC Participant Interview to be Conducted Over the Phone	153	45	1	45	0.02	0.75	108	1	108	0.02	1.80	2.56
		INTERVIEW: WIC Participant Interview (In-Person and Phone)	510	300	1	300	0.50	150.00	210	1	210	0.02	3.51	153.51
		INTERVIEW: Post-interview Thank You to WIC Participant	300	300	1	300	0.02	5.01	0	1	0	0.02	0.00	5.01
TOTAL OF WIC PARTICIPANTS			**1024**	**512**	**4.45**	**2279**	**0.10**	**227.52**	**512**	**2.9**	**1493**	**0.02**	**25.14**	**252.66**
GRAND TOTAL			**1454**	**885**	**6.17**	**5458**	**0.15**	**835.01**	**569**	**3.54**	**2015**	**0.02**	**34.32**	**869.33**

[FR Doc. 2019–15401 Filed 7–18–19; 8:45 am]
BILLING CODE 3410–30–C

DEPARTMENT OF COMMERCE

International Trade Administration

[A–557–809]

Stainless Steel Butt-Weld Pipe Fittings From Malaysia: Rescission of Antidumping Duty Administrative Review; 2018–2019

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) is rescinding the administrative review of the antidumping duty order on stainless steel butt-weld pipe fittings from Malaysia for the period February 1, 2018, through January 31, 2019, based on the timely withdrawal of the requests for review.

DATES: Applicable July 19, 2019.

FOR FURTHER INFORMATION CONTACT: Joshua A. DeMoss, AD/CVD Operations, Office VI, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–3362.

SUPPLEMENTARY INFORMATION:

Background

On February 8, 2019, Commerce published in the **Federal Register** a notice of opportunity to request an administrative review of the antidumping duty order on stainless steel butt-weld pipe fittings from Malaysia for the period February 1, 2018, through January 31, 2019.[1] On February 28, 2019, Core Pipe Products, Inc., Shaw Alloy Piping Products, LLC, and Taylor Forge Stainless Inc. (the petitioners), domestic producers of stainless steel butt-weld pipe fittings, and Pantech Stainless & Alloy Industries Sdn. Bhd. (Pantech), an exporter of stainless steel butt-weld pipe fittings, filed a timely request for review, in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.213(b).[2] Pursuant to these requests and in accordance with section 751(a) of the Act and 19 CFR 351.221(c)(1)(i), we initiated an administrative review of three companies.[3] On May 6, 2019, the petitioners filed a timely withdrawal of request for the administrative review with respect to Pantech.[4] On May 9, 2019, Pantech also filed a timely withdrawal of its request for the administrative review.[5] On June 14, 2019, the petitioners filed a timely withdrawal of request for the administrative review with respect to the remaining companies subject to the administrative review.[6]

Rescission of Review

Pursuant to 19 CFR 351.213(d)(1), the Secretary will rescind an administrative review, in whole or in part, if the party that requested the review withdraws the request within 90 days of the date of publication of the notice of initiation of the requested review. As noted above, the petitioners and Pantech, the only parties to file a request for review, withdrew their requests by the 90-day deadline. Accordingly, we are rescinding antidumping duty review on stainless steel butt-weld pipe fittings from Malaysia for the period February 1, 2018, through January 31, 2019, in its entirety.

Assessment

Commerce will instruct U.S. Customs and Border Protection (CBP) to assess antidumping duties on all appropriate entries of stainless steel butt-weld pipe fittings from Malaysia. Antidumping duties shall be assessed at rates equal to the cash deposit of estimated antidumping duties required at the time of entry, or withdrawal from warehouse, for consumption, in accordance with 19 CFR 351.212(c)(1)(i). Commerce intends to issue appropriate assessment instructions to CBP 15 days after the date of publication of this notice in the **Federal Register**.

Notification to Importers

This notice serves as a reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of doubled antidumping duties.

Notification Regarding Administrative Protective Orders

This notice also serves as a reminder to all parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305. Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

This notice is issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.213(d)(4).

Dated: July 15, 2019.

James Maeder,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2019–15403 Filed 7–18–19; 8:45 am]
BILLING CODE 3510–DS–P

[1] *See Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity to Request Administrative Review,* 84 FR 2816 (February 8, 2019).

[2] *See* Letter from the petitioners, ''Stainless Steel Butt-Weld Pipe Fittings from Malaysia: Petitioners' Request for 2018/2019 Administrative Review,'' dated February 28, 2019; *see also* See Letter from Pantech, ''Pantech Request for Administrative Review of the Antidumping Duty Order on Stainless Steel Butt-Weld Pipe Fittings from Malaysia,'' dated February 28, 2019.

[3] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 84 FR 18777 (May 2, 2019).

[4] *See* Letter from the petitioners, ''Stainless Steel Butt-Weld Pipe Fittings from Malaysia: Partial Withdrawal of Request for Administrative Review,'' dated May 6, 2019.

[5] Letter from Pantech, ''Withdrawal of Administrative Review & Request for Rescission of Administrative Review: Administrative Review of the Antidumping Duty Order on Stainless Steel Butt-Weld Pipe Fittings from Malaysia,'' dated May 9, 2019.

[6] *See* Letter from the petitioners, ''Stainless Steel Butt-Weld Pipe Fittings from Malaysia: Withdrawal of Request for Administrative Review,'' dated June 14, 2019.

DEPARTMENT OF COMMERCE

International Trade Administration

[A–455–805]

Emulsion Styrene-Butadiene Rubber From Poland: Preliminary Results of Antidumping Duty Administrative Review; 2017–2018

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) preliminarily determines that sales of emulsion styrene-butadiene rubber (ESB rubber) from Poland were made at less than normal value during the period of review (POR) February 24, 2017 through August 31, 2018. We invite interested parties comment on these preliminary results.

DATES: Applicable July 19, 2019.

FOR FURTHER INFORMATION CONTACT: Stephen Bailey, AD/CVD Operations, Office IV, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–0193.

SUPPLEMENTARY INFORMATION:

Background

On September 11, 2018, Commerce notified interested parties of the opportunity to request an administrative review of orders, findings, or suspended investigations with anniversaries in September 2018, including the antidumping duty (AD) order on ESB rubber from Poland.[1] Commerce received a request from Lion Elastomers LLC (the petitioner) to conduct an administrative review of Synthos Dwory.[2]

On November 15, 2018, Commerce published a notice initiating an AD administrative review of ESB rubber from Poland covering one company, Synthos Dwory, for the POR.[3] On November 15, 2018, we issued the AD questionnaire to Synthos Dwory.[4] On December 17, 2018, Synthos Dwory informed Commerce that it would not participate as a mandatory respondent in this administrative review.[5] Commerce exercised its discretion to toll all deadlines affected by the partial federal government closure from December 22, 2018 through the resumption of operations on January 29, 2019.[6] If the new deadline falls on a non-business day, in accordance with Commerce's practice, the deadline will become the next business day. Accordingly, the revised deadline for the preliminary results of this administrative review is July 12, 2019.

Scope of the Order

The merchandise subject to the order is cold-polymerized emulsion styrene-butadiene rubber (ESB rubber).[7] The products subject to this order are currently classifiable under subheadings 4002.19.0015 and 4002.19.0019 of the Harmonized Tariff Schedule of the United States (HTSUS). ESB rubber is described by Chemical Abstract Services (CAS) Registry No. 9003–55–8. This CAS number also refers to other types of styrene butadiene rubber. Although the HTSUS subheadings and CAS registry number are provided for convenience and customs purposes, the written description of the scope of this order is dispositive.

Methodology

Commerce has conducted this review in accordance with section 751(a)(1)(B) and (2) of the Tariff Act of 1930, as amended (the Act). In conducting our preliminary results, we have relied on facts available and, because the respondent withdrew from participation in the administrative review and failed to respond to Commerce's questionnaire, we have preliminarily applied an adverse inference to this respondent (*i.e.,* Synthos Dwory), in accordance with sections 776(a) and (b) of the Act and 19 CFR 351.308. For a full discussion of the rationale underlying our preliminary results, *see* the Preliminary Decision Memorandum.

A list of topics included in the Preliminary Decision Memorandum is included as an Appendix to this notice. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *http://access.trade.gov* and to all parties in the Central Records Unit, Room B8024 of the main Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly on the internet at *http://enforcement.trade.gov/frn/*. The signed and electronic versions of the Preliminary Decision Memorandum are identical in content.

Preliminary Results of the Review

As a result of this review, we preliminarily find that the following dumping margin exists for Synthos Dwory for the period February 24, 2017 through August 31, 2018:

Exporter/producer	Weighted-average dumping margin (percent)
Synthos Dwory 7 Spolka z Ograniczona Odpowiedzialnoscia Spolka Jawna (SP.ZO.O.S.J.)	44.54

Public Comment

Normally, Commerce discloses to interested parties the calculations performed in connection with the preliminary results within five days of the date of publication of the notice of preliminary results in the **Federal Register**, in accordance with 19 CFR 351.224(b). However, because Commerce preliminarily applied AFA to Synthos Dwory, the only individually examined company in this administrative review, in accordance with section 776 of the Act, there are no calculations to disclose.

Interested parties may submit case briefs to Commerce no later than 30 days after the date of publication of this notice.[8] Rebuttal briefs, limited to issues raised in the case briefs, may be filed no later than five days after the deadline for filing case briefs.[9] Parties who submit case briefs or rebuttal briefs in this proceeding are encouraged to submit with each argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.[10] Case and rebuttal briefs should be filed electronically using ACCESS.[11]

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Enforcement and Compliance, filed electronically via ACCESS. The electronically-filed document must be received successfully in its entirety by ACCESS by 5:00 p.m. Eastern Time within 30 days after the date of publication of this notice.[12] Hearing requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; and (3) a list of issues to be discussed. Issues raised in the hearing will be

[1] *See Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity to Request Administrative Review,* 83 FR 45888 (September 11, 2018).

[2] *See* Petitioner's Letter, ''Antidumping Duty Order on Emulsion Styrene Butadiene Rubber from Poland (A–455–805): Request for First Administrative Review,'' dated September 28, 2018.

[3] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 83 FR 57411, 57413 (November 15, 2018) (*Initiation Notice*). The *Initiation Notice* inadvertently lists the company as ''Synthos Dwory 7 Spolka z Orgraniczona Odpowiedzialnoscia Spolka Jawna (SP.ZO.O.S.J.)'', but in the company name there should not be an ''r'' between ''O'' and ''g'' in the word ''Orgraniczona''. This error was corrected in the initiation notice published on December 11, 2018. *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 83 FR 63615, 63617–18 (December 11, 2018).

[4] *See* Commerce's Letter, ''Request for Information Antidumping Duty Administrative Review,'' dated November 15, 2018.

[5] *See* Synthos Dwory's Letter, ''Emulsion Styrene-Butadiene Rubber from Poland: Notification of Inability to Participate as Mandatory Respondent,'' dated December 17, 2018.

[6] *See* Memorandum to the Record from Gary Taverman, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance, ''Deadlines Affected by the Partial Shutdown of the Federal Government,'' dated January 28, 2019. All deadlines in this segment of the proceeding have been extended by 40 days.

[7] For a complete description of the scope of the order, *see* Memorandum, ''Decision Memorandum for Preliminary Results of the 2017–2018 Antidumping Duty Administrative Review of Emulsion Styrene-Butadiene Rubber from Poland'', dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

[8] *See* 19 CFR 351.309(c).

[9] *See* 19 CFR 351.309(d).

[10] *See* 19 CFR 351.309(c)(2) and (d)(2); *see also* 19 CFR 351.303 (for general filing requirements).

[11] *See* 19 CFR 351.303.

[12] *See* 19 CFR 351.310(c).

limited to issues raised in the briefs. If a request for a hearing is made, Commerce intends to notify parties of the time and date and for the hearing to be held at the U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230, at a time and date to be determined.[13] Parties should confirm by telephone the date, time, and location of the hearing two days before the scheduled date.

All submissions, with limited exceptions, must be filed electronically using ACCESS.[14] An electronically filed document must be received successfully in its entirety by ACCESS by 5:00 p.m. Eastern Time, on the due dates established above (or, where applicable, to be established by Commerce at a later date). Documents excepted from the electronic submission requirements must be filed manually, (*i.e.,* in paper form) with the APO/Dockets Unit in Room 18022 and stamped with the date and time of receipt by on the due date.[15]

Unless extended, Commerce intends to issue the final results of this administrative review, including the results of its analysis raised in any written briefs, not later than 120 days after the publication date of this notice.[16]

Assessment Rates

Upon issuance of the final results, Commerce shall determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries. Commerce intends to issue assessment instructions to CBP 15 days after the publication of the final results of this review. Where assessments are based upon facts available, including adverse facts available, we intend to instruct CBP to assess duties at the adverse facts available margin rate. If these preliminary results are unchanged in the final results, then Commerce intends to instruct CBP to assess antidumping duties on POR entries of the subject merchandise produced or exported by Synthos Dwory at the rate of 44.54 percent of the entered value. The final results of this review shall be the basis for the assessment of antidumping duties on entries of merchandise covered by the final results of this review and for future deposits of estimated duties, where applicable.

Cash Deposit Requirements

The following cash deposit requirements will be effective for all shipments of ESB rubber from Poland entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(2) of the Act: (1) The cash deposit rate for Synthos Dwory will be the rate established in the final results of this administrative review; (2) for previously reviewed or investigated companies not participating in this review but covered in a prior segment of the proceeding, the cash deposit rate will continue to be the company-specific rate published for the most recently completed segment of this proceeding in which the company participated; (3) if the exporter is not a firm covered in this review or the original less-than-fair-value investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recently completed segment of this proceeding for the manufacturer of the merchandise; and (4) the cash deposit rate for all other producers or exporters will continue to be 25.43 percent, the all-others rate established in the less-than-fair value investigation.[17] These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

Notification to Interested Parties

We are issuing and publishing these results in accordance with sections 751(a)(1) and 777(i)(1) of the Act and section 19 CFR 351.221(b)(4).

Dated: July 12, 2019.

Jeffrey I. Kessler,

Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Preliminary Decision Memorandum

I. Summary
II. Background
III. Scope of the Order
IV. Application of Facts Available and Adverse Inferences
V. Recommendation

[FR Doc. 2019–15408 Filed 7–18–19; 8:45 am]

BILLING CODE 3510–DS–P

[13] *See* 19 CFR 351.310(c).

[14] *See* 19 CFR 351.303.

[15] *Id.*

[16] *See* section 751(a)(3)(A) of the Act; and 19 CFR 351.213(h).

[17] *See Emulsion Styrene-Butadiene Rubber from Poland: Final Affirmative Determination of Sales at Less Than Fair Value,* 82 FR 33061 (July 19, 2017); *see also Emulsion Styrene-Butadiene Rubber from Brazil, the Republic of Korea, Mexico, and Poland: Antidumping Duty Orders,* 82 FR 42790 (September 12, 2017).

DEPARTMENT OF COMMERCE

International Trade Administration

[A–583–848]

Certain Stilbenic Optical Brightening Agents From Taiwan: Final Results of Antidumping Duty Administrative Review; 2017–2018

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) determines that Teh Fong Min International Co., Ltd. (TFM), the sole producer and/or exporter of certain stilbenic optical brightening agents (OBAs) subject to this administrative review, has made sales of subject merchandise at less than normal value during the period of review (POR) May 1, 2017 to April 30, 2018.

DATES: Applicable July 19, 2019.

FOR FURTHER INFORMATION CONTACT: Andre Gziryan or Minoo Hatten, AD/CVD Operations, Office I, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–2201, and (202) 482–1690, respectively.

SUPPLEMENTARY INFORMATION:

Background

On March 14, 2019, Commerce published the *Preliminary Results* of the administrative review.[1] We invited interested parties to comment on the *Preliminary Results* and received case and rebuttal briefs from interested parties.[2] Commerce exercised its

[1] *See Certain Stilbenic Optical Brightening Agents from Taiwan: Preliminary Results of Antidumping Duty Administrative Review; 2017–2018,* 84 FR 9292 (March 14, 2019) (*Preliminary Results*).

[2] *See* TFM's Letter, ''RE: Certain Stilbenic Optical Brightening Agents from Taiwan,'' dated April 15, 2019; and Petitioner's Letter, ''Rebuttal Brief by Archroma U.S., Inc.; Certain Stilbenic Optical

discretion to toll all deadlines affected by the partial federal government closure from December 22, 2018 through the resumption of operations on January 29, 2019.[3] The revised deadline for the final results is now July 12, 2019. Based on an analysis of the comments received, we have made changes to the weighted-average dumping margin determined for TFM. The weighted-average dumping margin is listed in the ''Final Results of Review'' section, below. Commerce conducted this review in accordance with section 751(a)(1)(B) and (2) of the Tariff Act of 1930, as amended (the Act).

Scope of the Order

The merchandise subject to the *Order*[4] is OBAs and is currently classifiable under subheadings 3204.20.8000, 2933.69.6050, 2921.59.4000 and 2921.59.8090 of the Harmonized Tariff Schedule of the United States (HTSUS). While the HTSUS numbers are provided for convenience and customs purposes, the written product description is dispositive. A full description of the scope of the *Order* is contained in the Issues and Decision Memorandum.[5]

Analysis of Comments Received

All issues raised in the case and rebuttal briefs filed by parties in this review are addressed in the Issues and Decision Memorandum. The issues are identified in the Appendix to this notice. The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov* and is available to all parties in the Central Records Unit, Room B8024 of the main Commerce building. In addition, a complete version of the Issues and Decision Memorandum can be accessed on the internet at *http://enforcement.trade.gov/frn/index.html.*

Changes Since the Preliminary Results

Based on our analysis of comments received, we made certain changes to the margin calculations for TFM. For a discussion of these changes, *see* the ''Margin Calculations'' section of the Issues and Decision Memorandum.

Final Results of the Administrative Review

As a result of this review, we determine that the following weighted-average dumping margin exists for TFM for the period May 1, 2017 through April 30, 2018:

Producer/exporter	Weighted-average dumping margin (percent)
Teh Fong Min International Co., Ltd	7.14

Disclosure

We intend to disclose the calculations performed for these final results of review within five days after public announcement of the final results in accordance with 19 CFR 351.224(b).

Assessment Rates

Pursuant to section 751(a)(2)(A) of the Act and 19 CFR 351.212(b)(1), Commerce shall determine and U.S. Customs and Border Protection (CBP) shall assess antidumping duties on all appropriate entries covered by this review. For TFM, we calculated importer-specific assessment rates on the basis of the ratio of the total amount of antidumping duties calculated for each importer's examined sales and the total entered value of the sales in accordance with 19 CFR 351.212(b)(1).[6]

For entries of subject merchandise during the POR produced by TFM for which it did not know its merchandise was destined for the United States, we will instruct CBP to liquidate unreviewed entries at the all-others rate if there is no rate for the intermediate company(ies) involved in the transaction. We intend to issue instructions to CBP 15 days after publication of the final results of this review.

Cash Deposit Requirements

The following cash deposit requirements will be effective for all shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided for by section 751(a)(2)(C) of the Act: (1) The cash deposit rate for TFM will be equal to the weighted-average dumping margin listed in the final results of this administrative review; (2) for merchandise exported by producers or exporters not covered in this review but covered in a prior segment of the proceeding, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the original investigation but the producer is, the cash deposit rate will be the rate established for the most recent segment for the producer of the merchandise; (4) the cash deposit rate for all other producers or exporters will continue to be 6.19 percent.[7] These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

Administrative Protective Order

This notice also serves as a final reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3), which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

Brightening Agents from Taiwan: Preliminary Results of Administrative Review; 2017–2018,'' dated April 30, 2019.

[3] *See* Memorandum to the Record from Gary Taverman, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance, ''Deadlines Affected by the Partial Shutdown of the Federal Government,'' dated January 28, 2019. All deadlines in this segment of the proceeding have been extended by 40 days.

[4] *See Certain Stilbenic Optical Brightening Agents from Taiwan: Amended Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order,* 77 FR 27419 (May 10, 2012) (*Order*).

[5] *See* Memorandum, ''Certain Stilbenic Optical Brightening Agents from Taiwan: Issues and Decision Memorandum for Final Results of Antidumping Duty Administrative Review; 2017–2018,'' dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

[6] In these final results, Commerce applied the assessment rate calculation method adopted in *Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Duty Proceedings; Final Modification,* 77 FR 8101 (February 14, 2012).

[7] *See Certain Stilbenic Optical Brighening Agents from Taiwan: Final Determination of Sales at Less Than Fair Value,* 77 FR 17027 (March 23, 2012); *see also Order,* 77 FR at 27420.

Notification to Interested Parties

We are issuing and publishing this notice in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.221(b)(5).

Dated: June 12, 2019.

Jeffrey I. Kessler,

Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Issues and Decision Memorandum

I. Summary
II. Background
III. Scope of the Order
IV. Margin Calculations
V. Discussion of the Issues
  Comment 1: Certain U.S. Sales Incorrectly Excluded from Margin Calculation
  Comment 2: Correction of Clerical Error
  Comment 3: Commerce Should Not Use the Tetra Control Number (CONNUM) as a Surrogate for the Hexa CONNUM
  Comment 4: Commerce Should Deduct Indirect Selling Expenses Incurred in the Comparison Market
VI. Recommendation

[FR Doc. 2019–15300 Filed 7–18–19; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

Applications for Corporation for Travel Promotion Board of Directors

AGENCY: International Trade Administration, U.S. Department of Commerce.

ACTION: Notice of an opportunity for travel and tourism industry leaders to apply for membership on the Board of Directors of the Corporation for Travel Promotion.

SUMMARY: The Department of Commerce is currently seeking applications from travel and tourism leaders from specific industries for membership on the Board of Directors (Board) of the Corporation for Travel Promotion (doing business as Brand USA). The purpose of the Board is to guide the Corporation for Travel Promotion on matters relating to the promotion of the United States as a travel destination and communication of travel facilitation issues, among other tasks.

DATES: All applications must be received by the National Travel and Tourism Office by close of business on Friday, August 16, 2019.

ADDRESSES: Please submit application information by email to *CTPBoard@trade.gov.*

FOR FURTHER INFORMATION CONTACT: Julie Heizer, National Travel and Tourism Office, U.S. Department of Commerce, 1401 Constitution Avenue NW, MS10003, Washington, DC 20230; telephone: 202–482–0140; email: *CTPBoard@trade.gov.*

SUPPLEMENTARY INFORMATION: The Travel Promotion Act of 2009 (TPA) was signed into law on March 4, 2010, and was amended in July 2010 and December 2014. The TPA established the Corporation for Travel Promotion (the Corporation), as a non-profit corporation charged with the development and execution of a plan to (A) provide useful information to those interested in traveling to the United States; (B) identify and address perceptions regarding U.S. entry policies; (C) maximize economic and diplomatic benefits of travel to the United States through the use of various promotional tools; (D) ensure that international travel benefits all States and the District of Columbia, and (E) identify opportunities to promote tourism to rural and urban areas equally, including areas not traditionally visited by international travelers.

The Corporation is governed by a Board of Directors, consisting of 11 members with knowledge of international travel promotion or marketing, broadly representing various regions of the United States. The TPA directs the Secretary of Commerce (after consultation with the Secretary of Homeland Security and the Secretary of State) to appoint the Board of Directors for the Corporation.

At this time, the Department will be selecting four individuals with the appropriate expertise and experience from specific sectors of the travel and tourism industry to serve on the Board as follows:

(A) 1 shall have appropriate expertise and experience in the attractions or recreation sector;

(B) 1 shall have appropriate expertise and experience in the immigration policy/law sector;

(C) 1 shall have appropriate expertise and experience in the land or sea passenger transportation sector; and

(D) 1 shall have appropriate expertise and experience in the passenger air sector.

To be eligible for Board membership, individuals must have international travel and tourism marketing experience, be a current or former chief executive officer, chief financial officer, or chief marketing officer or have held an equivalent management position. Additional consideration will be given to individuals who have experience working in U.S. multinational entities with marketing budgets, and/or who are audit committee financial experts as defined by the Securities and Exchange Commission (in accordance with 15 U.S.C. 7265). Individuals must be U.S. citizens, and in addition, cannot be federally registered lobbyists or registered as a foreign agent under the Foreign Agents Registration Act of 1938, as amended.

Those selected for the Board must be able to meet the time and effort commitments of the Board.

Board members serve at the discretion of the Secretary of Commerce (who may remove any member of the Board for good cause). The terms of office of each member of the Board appointed by the Secretary shall be three (3) years. Board members can serve a maximum of two consecutive full three-year terms. Board members are not considered Federal government employees by virtue of their service as a member of the Board and will receive no compensation from the Federal government for their participation in Board activities. Members participating in Board meetings and events may be paid actual travel expenses and per diem by the Corporation when away from their usual places of residence.

Individuals who want to be considered for appointment to the Board should submit the following information by the Friday, August 16, 2019 deadline to the address listed in the **ADDRESSES** section above:

1. Name, title, and personal resume of the individual requesting consideration, including address, email address and phone number.

2. A brief statement of why the person should be considered for appointment to the Board. This statement should also address the individual's relevant international travel and tourism marketing experience and audit committee financial expertise, if any, and indicate clearly the sector or sectors enumerated above in which the individual has the requisite expertise and experience. Individuals who have the requisite expertise and experience in more than one sector can be appointed for only one of those sectors. Appointments of members to the Board will be made by the Secretary of Commerce.

3. An affirmative statement that the applicant is a U.S. citizen, is not a federally-registered lobbyist and further, is not required to register as a foreign agent under the Foreign Agents Registration Act of 1938, as amended.

4. If applicable, a statement acknowledging that the applicant is an audit committee financial expert as defined by the Securities and Exchange

Commission (in accordance with 15 U.S.C. 7265).

Dated: July 12, 2019.

Julie Heizer,

Deputy Director, National Travel and Tourism Office.

[FR Doc. 2019–15361 Filed 7–18–19; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–489–824]

Heavy Walled Rectangular Welded Carbon Steel Pipes and Tubes From the Republic of Turkey: Preliminary Results of Antidumping Duty Administrative Review and Preliminary Determination of No Shipments; 2017–2018

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) is conducting an administrative review of heavy walled rectangular welded carbon steel pipes and tubes (HWR pipes and tubes) from the Republic of Turkey (Turkey) for the period of review (POR) September 1, 2017 through August 31, 2018. We preliminarily determine that Noksel Celik Boru Sanayi A.S., a producer and/or exporter subject to this administrative review, made sales of subject merchandise at less than normal value during the POR. We also preliminarily determine that Cinar Boru Profil San Ve Tic A.S. had no shipments during the POR. If these preliminary results are adopted in the final results, Commerce will instruct U.S. Customs and Border Protection (CBP) to assess antidumping (AD) duties on all appropriate entries of subject merchandise. Interested parties are invited to comment on these preliminary results.

DATES: Applicable July 19, 2019.

FOR FURTHER INFORMATION CONTACT: William Horn or Alexis Cherry, AD/CVD Operations, Office VIII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–4868 or (202) 482–0607, respectively.

SUPPLEMENTARY INFORMATION:

Background

On November 15, 2018, Commerce published a notice of initiation of an administrative review of the AD order [1] on HWR pipes and tubes from Turkey.[2] The *Initiation Notice* covered the following producers/exporters of the subject merchandise: (1) Agir Haddecilik A.S.; (2) Cinar Boru Profil San Ve Tic A.S. (Cinar Boru); [3] (3) MTS Lojistik ve Tasimacilik Hizmetleri TIC A.S. Istanbul; (4) Noksel Celik Boru Sanayi A.S. (Noksel); and (5) Ozdemir Boru Profil San. ve Tic. Ltd. Sti (Ozdemir).[4] On December 17, 2018, we selected Noksel as the mandatory respondent in this review; [5] however, Noksel notified Commerce that it did not intend to participate.[6] On February 22, 2019, we selected Cinar Boru as the new mandatory respondent.[7] On March 14, 2019, Cinar Boru notified Commerce that it did not ship any subject merchandise to the United States during the POR.[8]

Commerce exercised its discretion to toll all deadlines affected by the partial federal government closure from December 22, 2018 through the resumption of operations on January 29, 2019.[9] The revised deadline for the preliminary results is July 12, 2019.

For a complete description of the events in this proceeding, *see* the Preliminary Decision Memorandum.[10] A list of topics included in the Preliminary Decision Memorandum is included as an appendix to this notice. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *http://access.trade.gov* and in the Central Records Unit, Room B8024 of the main Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly on the internet at *http://enforcement.trade.gov/frn/*. The signed Preliminary Decision Memorandum and the electronic version of the Preliminary Decision Memorandum are identical in content.

Scope of the *Order*

The products covered by the order are HWR pipes and tubes from Turkey. The subject merchandise is currently classifiable under Harmonized Tariff Schedule of the United States (HTSUS) subheading 7306.61.1000. Subject merchandise may also enter under HTSUS 7306.61.3000. While the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of this proceeding is dispositive. A full description of the scope of the order is contained in the Preliminary Decision Memorandum.

Preliminary Determination of No Shipments

We preliminarily determine that Cinar Boru made no shipments of subject merchandise during the POR. Moreover, consistent with our practice, we are not preliminarily rescinding the review with respect to Cinar Boru, but, rather, we will complete the review with respect to the company and issue appropriate instructions to CBP based on the final results of this review.[11] For

[1] *See Heavy Walled Rectangular Welded Carbon Steel Pipes and Tubes from the Republic of Korea, Mexico, and the Republic of Turkey: Antidumping Duty Orders,* 81 FR 62865 (September 13, 2016) (*Order*).

[2] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 83 FR 57411 (November 15, 2018) (*Initiation Notice*).

[3] In the *Initiation Notice,* Commerce initiated a review of Cinar Boru Profil San Ve Tic Stl. However, the company has identified itself as Cinar Boru Profil San Ve Tic A.S. in its letters to Commerce. *See, e.g.,* Cinar Boru's Letter, ''Heavy Walled Rectangular Welded Carbon Steel Pipes and Tubes from Turkey (A–489–824),'' dated March 14, 2019 (Cinar Boru's No Shipment Letter). Commerce is hereby using Cinar Boru's spelling of its name.

[4] In the *Initiation Notice,* we failed to clarify that HWR pipes and tubes that are produced and exported by Ozdemir are excluded from the *Order. See Order,* 81 FR at 62866. Thus, Ozdemir's inclusion in this administrative review is limited to entries for which Ozdemir was not both the exporter and producer of the subject merchandise.

[5] *See* Memorandum, ''2017–2018 Administrative Review of Heavy Walled Rectangular Welded Carbon Steel Pipes and Tubes from the Republic of Turkey: Respondent Selection,'' dated December 17, 2018 (Respondent Selection Memorandum).

[6] *See* Noksel's Letter, ''Heavy Walled Rectangular Welded Carbon Steel Pipes and Tubes from Turkey (A–489–824),'' dated February 4, 2019.

[7] *See* Memorandum, ''2017–2018 Administrative Review of Heavy Walled Rectangular Welded Carbon and Steel Pipes and Tubes from the Republic of Turkey: Second Respondent Selection,'' dated February 22, 2019 (Second Respondent Selection Memorandum).

[8] *See* Cinar Boru's No Shipment Letter.

[9] *See* Memorandum to the Record from Gary Taverman, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance, ''Deadlines Affected by the Partial Shutdown of the Federal Government,'' dated January 28, 2019. All deadlines in this segment of the proceeding have been extended by 40 days.

[10] *See* Memorandum, ''Decision Memorandum for the Preliminary Results in the Antidumping Duty Administrative Review: Heavy Walled Rectangular Welded Carbon Steel Pipes and Tubes from the Republic of Turkey; 2017–2018'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

[11] *See, e.g., Certain Frozen Warmwater Shrimp from Thailand; Preliminary Results of Antidumping Duty Administrative Review, Partial Rescission of Review, Preliminary Determination of No Shipments; 2012–2013,* 79 FR 15951, 15952 (March 24, 2014), unchanged in *Certain Frozen Warmwater Shrimp from Thailand: Final Results of Antidumping Duty Administrative Review, Final Determination of No Shipments, and Partial*

Continued

further discussion, *see* the Preliminary Decision Memorandum.

Methodology

Commerce is conducting this review in accordance with section 751(a)(1)(B) and (2) of the Tariff Act of 1930, as amended (Act). Pursuant to section 776(a) and (b) of the Act, Commerce has preliminarily relied upon facts otherwise available with adverse inferences (AFA) for Noksel. For a full description of the methodology underlying the preliminary determination, *see* the Preliminary Decision Memorandum.

Preliminary Results of the Review

As a result of this review, we preliminarily determine the following weighted-average dumping margins exist for the period September 1, 2017 through August 31, 2018:

Exporter/producer	Weighted-average dumping margin (percent)
Agir Haddecilik A.S.	35.66
MTS Lojistik ve Tasimacilik Hizmetleri TIC A.S. Istanbul	35.66
Noksel Celik Boru Sanayi A.S.	35.66
Ozdemir Boru Profil San. ve Tic. Ltd. Sti.[12]	35.66

Rate for AFA and Non-Selected Companies

In this review, we assigned to Noksel as AFA the highest rate on the record of this proceeding. In accordance with the U.S. Court of Appeals for the Federal Circuit's decision in *Albemarle Corp.* v. *United States*,[13] we are applying to the non-selected companies the dumping margin that we are preliminarily applying to Noksel in this administrative review.[14] This is the only rate determined in this review for an individual respondent and, thus, it is applicable to the non-selected companies under section 735(c)(5)(B) of the Act. For a detailed discussion, *see* the Preliminary Decision Memorandum.

Assessment Rates

Upon completion of the administrative review, Commerce shall determine, and CBP shall assess, AD duties on appropriate entries covered by this review.[15] If the preliminary results are unchanged for the final results, Commerce will instruct CBP to apply the rate of 35.66 percent to suspended entries of the subject merchandise from Noksel and the non-selected companies. Consistent with Commerce's assessment practice, if we continue to find in the final results that Cinar Boru had no shipments of subject merchandise during the POR, we will instruct CBP to liquidate any suspended entries under Cinar Boru's case number at the all-others rate (*i.e.,* 17.73 percent) if there is no rate for the intermediate companies involved in the transaction.[16] We intend to issue instructions to CBP 15 days after publication of the final results of this review.

Cash Deposit Requirements

The following deposit requirements will be effective upon publication of the notice of final results of administrative review for all shipments of HWR pipes and tubes from Turkey entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this administrative review, as provided by section 751(a)(2) of the Act: (1) The cash deposit rates for each specific company listed above will be the weighted-average dumping margins established in the final results of this administrative review except if the rates are *de minimis* within the meaning of 19 CFR 351.106(c)(1), in which case the cash deposit rates will be zero; (2) for merchandise exported by manufacturers or exporters not covered in this review but covered in a prior segment of the proceeding, the cash deposit rate will continue to be the company-specific rate published for the most recently completed segment of this proceeding in which the manufacturer or exporter participated; (3) if the exporter is not a firm covered in this review, a prior review, or the original less-than-fair-value (LTFV) investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recently completed segment of the proceeding for the manufacturer of the merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will continue to be 17.73 percent *ad valorem,* the all-others rate established in the LTFV investigation.[17] These cash deposit requirements, when imposed, shall remain in effect until further notice.

Disclosure

Normally, Commerce discloses to interested parties the calculations performed in connection with the preliminary results of review within five days of any public announcement or, if there is no public announcement, within five days of the date of publication of the notice of preliminary determination in the **Federal Register**, in accordance with 19 CFR 351.224(b). However, because Commerce preliminarily applied AFA to the mandatory respondent Noksel in this administrative review, in accordance with section 776 of the Act, and preliminarily made a no-shipment determination with respect to the mandatory respondent Cinar Boru, there are no calculations to disclose.

Public Comment

Pursuant to 19 CFR 351.309(c), interested parties may submit case briefs no later than 30 days after the date of publication of this notice. Rebuttal briefs, limited to issues raised in the case briefs, may be filed no later than five days after the date for filing case briefs.[18] Parties who submit case briefs or rebuttal briefs in this proceeding are encouraged to submit with each argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.[19] Case and rebuttal briefs should be filed using ACCESS.[20]

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce, filed electronically via ACCESS. An electronically filed document must be received successfully in its entirety by ACCESS by 5:00 p.m. Eastern Time within 30 days after the date of publication of this notice.[21] Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; and (3) a list of issues to be discussed. Issues raised in the hearing will be limited to those raised in the respective case briefs. If a request for a hearing is made, parties will be notified of the date and

Rescission of Review; 2012–2013, 79 FR 51306 (August 28, 2014).

[12] This rate only applies to subject merchandise that was not both exported and produced by Ozdemir.

[13] *See Albemarle Corp.* v. *United States,* 821 F.3d 1345 (Fed. Cir. 2016).

[14] *See, e.g., Diamond Sawblades and Parts Thereof from the People's Republic of China: Final Results of Antidumping Duty Administrative Review; 2015–2016,* 83 FR 17527 (April 20, 2018), and accompanying Issues and Decision Memorandum at Comment 4.

[15] *See* 19 CFR 351.212(b).

[16] For a full discussion of this practice, *see Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties,* 68 FR 23954 (May 6, 2003).

[17] *See Heavy Walled Rectangular Welded Carbon Steel Pipes and Tubes from the Republic of Turkey: Final Determination of Sales at Less Than Fair Value,* 81 FR 47355 (July 21, 2016).

[18] *See* 19 CFR 351.309(d).

[19] *See* 19 CFR 351.309(c)(2) and (d)(2).

[20] *See* 19 CFR 351.303.

[21] *See* 19 CFR 351.310(c).

time of the hearing to be held at the U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230.

Unless the deadline is extended pursuant to section 751(a)(3)(A) of the Act and 19 CFR 351.213(h)(2), Commerce intends to issue the final results of this administrative review, including the results of its analysis of the issues raised in all written case briefs, within 120 days after the publication of this notice in the **Federal Register**.

Notification to Importers

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

Notification to Interested Parties

We are issuing and publishing these preliminary results in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.213(h)(1).

Dated: July 12, 2019.

Jeffrey I. Kessler,

Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Preliminary Decision Memorandum

I. Summary
II. Background
III. Scope of the Order
IV. Preliminary Determination of No Shipments
V. Use of Facts Available and Adverse Inferences
VI. Recommendation

[FR Doc. 2019–15301 Filed 7–18–19; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–588–874]

Certain Hot-Rolled Steel Flat Products From Japan: Notice of Initiation and Preliminary Results of Antidumping Duty Changed Circumstances Review

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: In response to a request from Nippon Steel Corporation (NSC), the Department of Commerce (Commerce) is initiating a changed-circumstances review (CCR) of the antidumping duty (AD) order on certain hot-rolled steel flat products (hot-rolled steel) from Japan and preliminarily finds that NSC is the successor-in-interest to Nippon Steel & Sumitomo Metal Corporation (NSSMC) and is assigning to NSC the same AD cash deposit rate that Commerce has assigned to NSSMC in this proceeding.

DATES: Applicable July 19, 2019.

FOR FURTHER INFORMATION CONTACT: Leo Ayala or Jun Jack Zhao, AD/CVD Operations, Office VII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–3945 or (202) 482–1396, respectively.

SUPPLEMENTARY INFORMATION:

Background

On October 3, 2016, Commerce published in the **Federal Register**, the AD *Order* on certain hot-rolled steel from Japan.[1]

On April 1, 2019, NSC requested that Commerce conduct a CCR pursuant to 751(b) of the Tariff Act of 1930, as amended (the Act), and section 351.216 (b) of Commerce's regulations.[2] NSC provided information in its request indicating that it is the successor-in-interest to NSSMC. NSC also provided information indicating that two affiliated entities that Commerce had previously treated as a single entity with NSSMC, Nisshin Steel Co., Ltd. (Nisshin Steel), and Nippon Steel & Sumikin Bussan Corporation (NSSBC),[3] had changed their trade names to Nippon Steel Nisshin Co., Ltd. (Nippon Nisshin) and Nippon Steel Trading Corporation (NSTC),[4] respectively.[5] NSC maintains that Nippon Nisshin and NSTC are currently part of the same business entity as NSC. NSC, therefore, requested that Commerce conduct a CCR to determine that NSC, Nippon Nisshin, and NSTC are affiliated companies that should be treated as a single entity and treated as the successor-in-interest to NSSMC. No parties commented on this CCR request.

Scope of the Order

The products covered by this order are hot-rolled steel flat products from Japan. For a full description of the scope of the order, *see* the ''Scope of the Order,'' at the Appendix to this notice.

Initiation and Preliminary Results

Pursuant to section 751(b)(1) of the Act, Commerce will conduct a CCR upon receipt of information concerning, or a request from, an interested party for a review of, an AD order which shows changed circumstances sufficient to warrant a review of the order. As indicated in the Background section, we have received information indicating that NSSMC has changed its name to NSC, and that certain affiliated companies should be treated as a single entity and the successor-in-interest to NSSMC. These constitute changed circumstances warranting a review of the AD Order. Therefore, in accordance with section 751(b)(1) of the Act, we are initiating a CCR based upon the information contained in NSC's submissions.

Section 351.221(c)(3)(ii) of the regulations permits Commerce to combine the notice of initiation of a CCR and the notice of preliminary results if Commerce concludes that expedited action is warranted. In this instance, because we have on the record the information necessary to make a preliminary finding, we find that expedited action is warranted and have combined the notice of initiation and the notice of preliminary results.

In making successor-in-interest determinations, Commerce examines several factors including, but not limited to, changes in: (1) Management;

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[1] *See Certain Hot-Rolled Steel Flat Products from Australia, Brazil, Japan, the Republic of Korea, the Netherlands, the Republic of Turkey, and the United Kingdom: Amended Final Affirmative Antidumping Determinations for Australia, the Republic of Korea, and the Republic of Turkey and Antidumping Duty Orders,* 81 FR 67962 (October 3, 2016) (*Order*).

[2] *See* NSC's Letter, ''Certain Hot-Rolled Steel Flat Products from Japan: NSC's Request for Changed Circumstances Review,'' dated April 1, 2019 (NSC's CCR Request).

[3] *See Certain Hot-Rolled Steel Flat Products from Japan: Preliminary Determination of Sales at Less than Fair Value and Postponement of Final Determinations,* 81 FR 15222 (March 22, 2016), and accompanying Preliminary Decision Memorandum (PDM) at 7–8 (finding that NSSMC and NSSBC should be treated as an affiliated single entity), unchanged in the *Certain Hot-Rolled Steel Flat Products from Japan: Final Determination of Sales at Less than Fair Value and Final Affirmative Determination of Critical Circumstances,* 81 FR 53409 (August 12, 2016); *see also Certain Hot-Rolled Steel Flat Products from Japan: Preliminary Results of Antidumping Duty Administrative Review and Preliminary Determination of No Shipments; 2016–2017,* 83 FR 56813 (November 14, 2018) and accompanying PDM at 9 (finding that NSSMC and Nisshin Steel should be treated as an affiliated single entity), unchanged in *Certain Hot-Rolled Steel Flat Products from Japan: Final Results of Antidumping Duty Administrative Review and Final Determination of No Shipments; 2016–2017,* 84 FR 125 (June 28, 2019) and accompanying Issues and Decision Memorandum (IDM) at 20.

[4] *See* NSC's CCR Request. at Exhibit 3.

[5] *Id.* at 2, Exhibit 1, and Exhibit 3.

(2) production facilities; (3) supplier relationships; and (4) customer base.[6] While no single factor, or combination of factors, will necessarily prove dispositive, Commerce will generally consider the new company to be the successor to its predecessor company if the resulting operations are essentially the same as the predecessor company.[7] Thus, if the evidence demonstrates that, with respect to the production and sale of the subject merchandise, the new company operates as the same business entity as its predecessor, Commerce will assign the new company the cash deposit rate of its predecessor.

In its April 1, 2019, submission, NSC stated that it merely changed its name to NSC from NSSMC, and that NSSMC is the identical company to NSC. In addition, NSC maintains that Nippon Nisshin and NSTC are currently part of the same business entity as NSC. As such, NSC states that its entity's management, production facilities, supplier relationships, and customer relationships have not changed. To support its claims, NSC submitted numerous documents, including: (1) A copy of a letter to shareholders amending the name of NSSMC to NSC and amending the name of Nisshin Steel, a NSSMC subsidiary, to Nippon Nisshin;[8] (2) a copy of the Notice of Resolution of the 41st Annual General Meeting of Shareholders of NSSMC adopting the modification of NSC's corporate name;[9] (3) a copy of the Notice of Resolution of the 94th General Meeting of Shareholders of NSSBC adopting the modification of NSTC's corporate name;[10] (4) an outline of NSSMC/NSC's production facilities indicating no changes were made to these production facilities as a result of the name change;[11] (5) an outline of Nisshin Steel/Nippon Nisshin's production facilities indicating no changes were made to these production facilities as a result of the name change;[12] (6) a list of Board Directors and Audit & Supervisory Board Members of NSSMC/NSC, Nisshin Steel/Nippon Nisshin and NSSBC/NSC, before and after the effective date of each company's name change, indicating no changes of members;[13] and (7) a list of the top 10 shareholders of NSSMC/NSC, Nisshin Steel/Nippon Nisshin, and NSSBC/NSTC, before and after the effective date of each company's name change, indicating no significant changes in shareholder ratios.[14] Further, the respondent provided NSSMC/NSC's, Nisshin Steel/Nippon Nisshin's and NSSBC/NSTC's customer base[15] and a list of each company's respective supplier relationships,[16] confirming that each company's customer base and supply sources are unchanged from those of its predecessor.

Our analysis indicates that NSC's management, major shareholders, production facilities, supplier relationships, and customer base have not changed as a result of its name change. Similarly, our analysis indicates that Nippon Nisshin's management, major shareholders, production facilities, supplier relationships, and customer base have not changed, as a result of its name change. Finally, our analysis indicates that NSTC has not made changes to its management, major shareholders, supplier relationships, and customer base as a result of its name change. Thus, we preliminarily find that: (1) NSC is the successor in interest to NSSMC; (2) Nippon Nisshin is the successor in interest to Nisshin Steel; and (3) NSTC is the successor in interest to NSSBC.

As noted above Commerce has previously determined that NSSMC, Nisshin Steel and NSSBC should be treated as a single entity.[17] On this basis, we preliminarily find that NSC, including Nippon Nisshin and NSTC, should receive the same AD cash deposit rate (*i.e.,* 4.99 percent)[18] with respect to the subject merchandise as NSSMC, its predecessor company.

If these preliminary results are adopted in the final results of this CCR, we will instruct Customs and Border Protection to continue to suspend shipments of subject merchandise made by NSC at NSSMC's cash deposit rate.

Public Comment

Any interested party may request a hearing within 30 days of publication of this notice.[19] Any hearing, if requested, will be held 44 days after the date of publication of this notice, or the first working day thereafter. Interested parties may submit case briefs and/or written comments not later than 30 days after the date of publication of this notice. Rebuttal briefs and rebuttals to written comments, which must be limited to issues raised in such briefs or comments, may be filed not later than 37 days after the date of publication of this notice. Parties who submit arguments are requested to submit with the argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities. Consistent with section 351.216(e) of Commerce's regulations, we will issue the final results of this changed circumstances review no later than 270 days after the date on which this review was initiated, or within 45 days if all parties agree to our preliminary finding. We are issuing and publishing this finding and notice in accordance with sections 751(b)(1) and 777(i)(1) of the Act and section 351.216 of Commerce's regulations.

Administrative Protection Order

This notice is the only reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with section 351.305(a)(3) of Commerce's regulations. Timely written notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a sanctionable violation.

Notification to Interested Parties

Commerce is issuing and publishing these results in accordance with sections 751(b)(1) and (4) and 777(i) of

[6] *See, e.g., Polychloroprene Rubber from Japan: Final Results of Changed Circumstances Review,* 67 FR 58 (January 2, 2002), citing *Brass Sheet and Strip from Canada: Notice of Final Results of Antidumping Duty Administrative Review,* 57 FR 20460 (May 13, 1992).

[7] *Id.,* citing *Industrial Phosphoric Acid from Israel: Final Results of Changed Circumstances Review,* 59 FR 6944, 6945 (February 14, 1994).

[8] *See* NSC's CCR Request at Exhibit 1.

[9] *Id.* at Exhibit 2.

[10] *Id.* at Exhibit 3.

[11] *Id.* at Exhibit 4.

[12] *Id.* at Exhibit 5. Further, we note that NSSBC/NSTC is a trading company with no production facilities.

[13] *Id.* at Exhibit 6.

[14] *Id.* at Exhibit 7.

[15] *Id.* at Exhibit 8.

[16] *Id.* at Exhibit 9.

[17] We collapsed Nippon Steel & Sumikin Bussan Corporation with Nippon Steel & Sumitomo Metal Corporation in the underlying investigation. *See Certain Hot-Rolled Steel Flat Products from Japan: Preliminary Determination of Sales at Less than Fair Value and Postponement of Final Determination,* 81 FR 15222 (March 22, 2016) and accompanying PDM at 7–8, unchanged in the *Certain Hot-Rolled Steel Flat Products from Japan: Final Determination of Sales at Less than Fair Value and Final Affirmative Determination of Critical Circumstances,* 81 FR 53409 (August 12, 2016) (*Final Determination*), and accompanying IDM. We also collapsed Nisshin Steel with NSSMC as of March 13, 2017. *See Certain Hot-Rolled Steel Flat Products from Japan: Preliminary Results of Antidumping Duty Administrative Review and Preliminary Determination of No Shipments; 2016–2017,* 83 FR 56813 (November 14, 2018), and accompanying PDM at 9, unchanged in *Certain Hot-Rolled Steel Flat Products from Japan: Final Results of Antidumping Duty Administrative Review and Final Determination of No Shipments; 2016–2017,* 84 FR 31025 (June 28, 2019) and accompanying IDM at 20.

[18] S*ee Final Determination* IDM at 5.

[19] *See* 19 CFR 351.310(c).

the Act, and sections 19 CFR 351.216 and 351.221(c)(3)(i).

Dated: July 15, 2019.

Jeffrey I. Kessler,

Assistant Secretary for Enforcement and Compliance.

Appendix

Scope of the Order

The products covered by the scope are certain hot-rolled, flat-rolled steel products, with or without patterns in relief, and whether or not annealed, painted, varnished, or coated with plastics or other non-metallic substances. The products covered do not include those that are clad, plated, or coated with metal. The products covered include coils that have a width or other lateral measurement (''width'') of 12.7 mm or greater, regardless of thickness, and regardless of form of coil (*e.g.,* in successively superimposed layers, spirally oscillating, *etc.*). The products covered also include products not in coils (*e.g.,* in straight lengths) of a thickness of less than 4.75 mm and a width that is 12.7 mm or greater and that measures at least 10 times the thickness. The products described above may be rectangular, square, circular, or other shape and include products of either rectangular or non-rectangular cross-section where such cross-section is achieved subsequent to the rolling process, *i.e.,* products which have been ''worked after rolling'' (*e.g.,* products which have been beveled or rounded at the edges). For purposes of the width and thickness requirements referenced above:

(1) Where the nominal and actual measurements vary, a product is within the scope if application of either the nominal or actual measurement would place it within the scope based on the definitions set forth above unless the resulting measurement makes the product covered by the existing antidumping [20] or countervailing duty [21] orders on Certain Cut-To-Length Carbon-Quality Steel Plate Products From the Republic of Korea (A–580–836; C–580–837), and

(2) where the width and thickness vary for a specific product (*e.g.,* the thickness of certain products with non-rectangular cross-section, the width of certain products with non-rectangular shape, *etc.*), the measurement at its greatest width or thickness applies.

Steel products included in the scope are products in which: (1) Iron predominates, by weight, over each of the other contained elements; (2) the carbon content is 2 percent or less, by weight; and (3) none of the elements listed below exceeds the quantity, by weight, respectively indicated:

- 2.50 percent of manganese, or
- 3.30 percent of silicon, or
- 1.50 percent of copper, or
- 1.50 percent of aluminum, or
- 1.25 percent of chromium, or
- 0.30 percent of cobalt, or
- 0.40 percent of lead, or
- 2.00 percent of nickel, or
- 0.30 percent of tungsten, or
- 0.80 percent of molybdenum, or
- 0.10 percent of niobium, or
- 0.30 percent of vanadium, or
- 0.30 percent of zirconium.

Unless specifically excluded, products are included in this scope regardless of levels of boron and titanium.

For example, specifically included in this scope are vacuum degassed, fully stabilized (commonly referred to as interstitial-free (IF)) steels, high strength low alloy (HSLA) steels, the substrate for motor lamination steels, Advanced High Strength Steels (AHSS), and Ultra High Strength Steels (UHSS). IF steels are recognized as low carbon steels with micro-alloying levels of elements such as titanium and/or niobium added to stabilize carbon and nitrogen elements. HSLA steels are recognized as steels with micro-alloying levels of elements such as chromium, copper, niobium, titanium, vanadium, and molybdenum. The substrate for motor lamination steels contains micro-alloying levels of elements such as silicon and aluminum. AHSS and UHSS are considered high tensile strength and high elongation steels, although AHSS and UHSS are covered whether or not they are high tensile strength or high elongation steels.

Subject merchandise includes hot-rolled steel that has been further processed in a third country, including but not limited to pickling, oiling, levelling, annealing, tempering, temper rolling, skin passing, painting, varnishing, trimming, cutting, punching, and/or slitting, or any other processing that would not otherwise remove the merchandise from the scope if performed in the country of manufacture of the hot-rolled steel.

All products that meet the written physical description, and in which the chemistry quantities do not exceed any one of the noted element levels listed above, are within the scope unless specifically excluded. The following products are outside of and/or specifically excluded from the scope:

- Universal mill plates (*i.e.,* hot-rolled, flat-rolled products not in coils that have been rolled on four faces or in a closed box pass, of a width exceeding 150 mm but not exceeding 1250 mm, of a thickness not less than 4.0 mm, and without patterns in relief);
- Products that have been cold-rolled (cold-reduced) after hot-rolling; [22]
- Ball bearing steels; [23]
- Tool steels; [24] and
- Silico-manganese steels; [25]

The products subject to the scope are currently classified in the Harmonized Tariff Schedule of the United States (HTSUS) under item numbers: 7208.10.1500, 7208.10.3000, 7208.10.6000, 7208.25.3000, 7208.25.6000, 7208.26.0030, 7208.26.0060, 7208.27.0030, 7208.27.0060, 7208.36.0030, 7208.36.0060, 7208.37.0030, 7208.37.0060, 7208.38.0015, 7208.38.0030, 7208.38.0090, 7208.39.0015, 7208.39.0030, 7208.39.0090, 7208.40.6030, 7208.40.6060, 7208.53.0000, 7208.54.0000, 7208.90.0000, 7210.70.3000, 7211.14.0030, 7211.14.0090, 7211.19.1500, 7211.19.2000, 7211.19.3000, 7211.19.4500, 7211.19.6000, 7211.19.7530, 7211.19.7560, 7211.19.7590, 7225.11.0000, 7225.19.0000, 7225.30.3050, 7225.30.7000, 7225.40.7000, 7225.99.0090, 7226.11.1000, 7226.11.9030, 7226.11.9060, 7226.19.1000, 7226.19.9000, 7226.91.5000, 7226.91.7000, and 7226.91.8000. The products subject to the scope may also enter under the following HTSUS numbers: 7210.90.9000, 7211.90.0000, 7212.40.1000, 7212.40.5000, 7212.50.0000, 7214.91.0015, 7214.91.0060, 7214.91.0090, 7214.99.0060, 7214.99.0075, 7214.99.0090, 7215.90.5000, 7226.99.0180, and 7228.60.6000.

The HTSUS subheadings above are provided for convenience and U.S. Customs and Border Protection (CBP) purposes only. The written description of the scope is dispositive.

[FR Doc. 2019–15405 Filed 7–18–19; 8:45 am]

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[20] *See Notice of Amendment of Final Determinations of Sales at Less Than Fair Value and Antidumping Duty Orders: Certain Cut-To-Length Carbon-Quality Steel Plate Products from France, India, Indonesia, Italy, Japan and the Republic of Korea,* 65 FR 6585 (February 10, 2000).

[21] *See Notice of Amended Final Determinations: Certain Cut-to-Length Carbon-Quality Steel Plate from India and the Republic of Korea; and Notice of Countervailing Duty Orders: Certain Cut-To-Length Carbon-Quality Steel Plate from France, India, Indonesia, Italy, and the Republic of Korea,* 65 FR 6587 (February 10, 2000).

[22] For purposes of this scope exclusion, rolling operations such as a skin pass, levelling, temper rolling or other minor rolling operations after the hot-rolling process for purposes of surface finish, flatness, shape control, or gauge control do not constitute cold-rolling sufficient to meet this exclusion.

[23] Ball bearing steels are defined as steels which contain, in addition to iron, each of the following elements by weight in the amount specified: (i) Not less than 0.95 nor more than 1.13 percent of carbon; (ii) not less than 0.22 nor more than 0.48 percent of manganese; (iii) none, or not more than 0.03 percent of sulfur; (iv) none, or not more than 0.03 percent of phosphorus; (v) not less than 0.18 nor more than 0.37 percent of silicon; (vi) not less than 1.25 nor more than 1.65 percent of chromium; (vii) none, or not more than 0.28 percent of nickel; (viii) none, or not more than 0.38 percent of copper; and (ix) none, or not more than 0.09 percent of molybdenum.

[24] Tool steels are defined as steels which contain the following combinations of elements in the quantity by weight respectively indicated: (i) More than 1.2 percent carbon and more than 10.5 percent chromium; or (ii) not less than 0.3 percent carbon and 1.25 percent or more but less than 10.5 percent chromium; or (iii) not less than 0.85 percent carbon and 1 percent to 1.8 percent, inclusive, manganese; or (iv) 0.9 percent to 1.2 percent, inclusive, chromium and 0.9 percent to 1.4 percent, inclusive, molybdenum; or (v) not less than 0.5 percent carbon and not less than 3.5 percent molybdenum; or (vi) not less than 0.5 percent carbon and not less than 5.5 percent tungsten.

[25] Silico-manganese steel is defined as steels containing by weight: (i) Not more than 0.7 percent of carbon; (ii) 0.5 percent or more but not more than 1.9 percent of manganese, and (iii) 0.6 percent or more but not more than 2.3 percent of silicon.

DEPARTMENT OF COMMERCE

International Trade Administration

[A–412–824]

Certain Cold-Rolled Steel Flat Products From the United Kingdom: Preliminary Results of Antidumping Duty Administrative Review; 2017–2018

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) preliminarily determines that the producer/exporter subject to this review made sales of subject merchandise at less than normal value during the period of review (POR) September 1, 2017 through August 31, 2018. We invite interested parties to comment on these preliminary results.

DATES: Applicable July 19, 2019.

FOR FURTHER INFORMATION CONTACT: Thomas Schauer, AD/CVD Operations, Office I, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–0410.

SUPPLEMENTARY INFORMATION:

Background

On September 20, 2016, we published in the **Federal Register** an antidumping duty (AD) order on cold-rolled steel from the United Kingdom.[1] On September 11, 2018, we published in the **Federal Register** a notice of opportunity to request an administrative review of the *Order*.[2] On November 15, 2018, based on timely requests for an administrative review, we initiated an administrative review of one company,[3] Caparo Precision Strip, Ltd./Liberty Performance Steels Ltd. (Liberty).[4]

On January 28, 2019, Commerce exercised its discretion to toll all deadlines affected by the partial federal government closure from December 22, 2018 through the resumption of operations on January 29, 2019.[5] The revised deadline for the preliminary results of this review is now July 12, 2019.

Scope of the Order

The products covered by the antidumping duty *Order* are certain cold-rolled (cold-reduced), flat-rolled steel products, whether or not annealed, painted, varnished, or coated with plastics or other non-metallic substances. The products subject to this review are currently classified in the Harmonized Tariff Schedule of the United States (HTSUS) under item numbers: 7209.15.0000, 7209.16.0030, 7209.16.0060, 7209.16.0070, 7209.16.0091, 7209.17.0030, 7209.17.0060, 7209.17.0070, 7209.17.0091, 7209.18.1530, 7209.18.1560, 7209.18.2510, 7209.18.2520, 7209.18.2580, 7209.18.6020, 7209.18.6090, 7209.25.0000, 7209.26.0000, 7209.27.0000, 7209.28.0000, 7209.90.0000, 7210.70.3000, 7211.23.1500, 7211.23.2000, 7211.23.3000, 7211.23.4500, 7211.23.6030, 7211.23.6060, 7211.23.6090, 7211.29.2030, 7211.29.2090, 7211.29.4500, 7211.29.6030, 7211.29.6080, 7211.90.0000, 7212.40.1000, 7212.40.5000, 7225.50.6000, 7225.50.8080, 7225.99.0090, 7226.92.5000, 7226.92.7050, and 7226.92.8050. The products subject to the *Order* may also enter under the following HTSUS numbers: 7210.90.9000, 7212.50.0000, 7215.10.0010, 7215.10.0080, 7215.50.0016, 7215.50.0018, 7215.50.0020, 7215.50.0061, 7215.50.0063, 7215.50.0065, 7215.50.0090, 7215.90.5000, 7217.10.1000, 7217.10.2000, 7217.10.3000, 7217.10.7000, 7217.90.1000, 7217.90.5030, 7217.90.5060, 7217.90.5090, 7225.19.0000, 7226.19.1000, 7226.19.9000, 7226.99.0180, 7228.50.5015, 7228.50.5040, 7228.50.5070, 7228.60.8000, and 7229.90.1000. While the HTSUS subheadings are provided for convenience and customs purposes, the written description is dispositive. A full description of the scope of the *Order* is contained in the Preliminary Decision Memorandum.[6]

Methodology

Commerce conducted this review in accordance with section 751 of the Tariff Act of 1930, as amended (the Act). Constructed export price is calculated in accordance with section 772 of the Act. Normal value is calculated in accordance with section 773 of the Act.

For a full description of the methodology underlying our conclusions, *see* the Preliminary Decision Memorandum. The Preliminary Decision Memorandum is a public document and is made available to the public via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *http://access.trade.gov* and to all parties in Commerce's Central Records Unit, located at Room B8024 of the main Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be found at *http://enforcement.trade.gov/frn/index.html.* he signed Preliminary Decision Memorandum and the electronic version of the Preliminary Decision Memorandum are identical in content.

Preliminary Results of the Administrative Review

We preliminarily determine that the following weighted-average dumping margin exists for Liberty Performance Steels Ltd. (Liberty) for the period September 1, 2017 through August 31, 2018:

Producer/exporter	Weighted-average dumping margin (percent)
Liberty Performance Steels Ltd	31.22

Disclosure and Public Comment

We intend to disclose the calculations performed for these preliminary results to the parties within five days after public announcement of the preliminary results in accordance with 19 CFR 351.224(b). Interested parties may submit case briefs no later than 30 days after the date of publication of these preliminary results of review.[7] Rebuttal briefs may be filed no later than five

[1] *See Certain Cold-Rolled Steel Flat Products from Brazil, India, the Republic of Korea, and the United Kingdom: Amended Final Affirmative Antidumping Determinations for Brazil and the United Kingdom and Antidumping Duty Orders,* 81 FR 64432 (September 20, 2016) (*Order*).

[2] *See Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity To Request Administrative Review,* 83 FR 45888 (September 11, 2018).

[3] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 83 FR 57411 (November 15, 2018) (*Initiation Notice*).

[4] In the *Initiation Notice,* we initiated a review of ''Caparo Precision Strip, Ltd./Liberty Performance Steels, Ltd.'' *See Initiation Notice,* 83 FR at 57411. We have previously determined that Liberty Performance Steels Ltd. is the successor-in-interest to Caparo Precision Strip, Ltd.

[5] *See* Memorandum to the Record from Gary Taverman, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance, ''Deadlines Affected by the Partial Shutdown of the Federal Government,'' dated January 28, 2019. All deadlines in this segment of the proceeding affected by the partial federal government closure have been extended by 40 days.

[6] *See* Memorandum, ''Certain Cold-Rolled Steel Flat Products from the United Kingdom: Decision Memorandum for Preliminary Results of Antidumping Duty Administrative Review; 2017–2018,'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

[7] *See* 19 CFR 351.309(c)(ii).

days after case briefs are due and may respond only to arguments raised in the case briefs.[8] Parties who submit case briefs or rebuttal briefs in this proceeding are encouraged to submit with each argument: (1) A statement of the issue, (2) a brief summary of the argument, and (3) a table of authorities.[9]

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, must submit a written request to the Assistant Secretary for Enforcement and Compliance, filed electronically via ACCESS. An electronically filed document must be received successfully in its entirety by Commerce's electronic records system, ACCESS, by 5:00 p.m. Eastern Time within 30 days after the date of publication of this notice.[10] Requests should contain: (1) The party's name, address and telephone number; (2) the number of participants; and (3) a list of issues to be discussed. Issues raised in the hearing will be limited to those raised in the respective case briefs.

Unless otherwise extended, Commerce intends to issue the final results of this administrative review, which will include the results of its analysis of issues raised in any briefs, within 120 days of publication of these preliminary results of review, pursuant to section 751(a)(3)(A) of the Act.

Assessment Rate

Upon issuing the final results, Commerce will determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries covered by this review.[11] If the respondent's weighted-average dumping margin is above *de minimis* (*i.e.,* 0.50 percent) in the final results of this review, we intend to calculate an importer-specific assessment rate on the basis of the ratio of the total amount of antidumping duties calculated for the importer's examined sales and the total entered value of the sales in accordance with 19 CFR 351.212(b)(1).[12] If the respondent's weighted-average dumping margin is zero or *de minimis* in the final results, we will instruct CBP not to assess duties on any of its entries in accordance with the *Final Modification for Reviews.*[13] The final results of this administrative review shall be the basis for the assessment of antidumping duties on entries of merchandise under review and for future deposits of estimated duties, where applicable.

For entries of subject merchandise during the POR produced by Liberty for which it did not know its merchandise was destined for the United States, we will instruct CBP to liquidate unreviewed entries at the all-others rate if there is no rate for the intermediate company(ies) involved in the transaction.

We intend to issue liquidation instructions to CBP 15 days after publication of the final results of this review.

Cash Deposit Requirements

The following deposit requirements for estimated antidumping duties will be effective upon publication of the notice of final results of this review for all shipments of cold-rolled steel from the United Kingdom entered, or withdrawn from warehouse, for consumption on or after the date of publication as provided by section 751(a)(2) of the Act: (1) The cash deposit rate for Liberty, subject to this review, will be the rate established in the final results of the review; (2) for merchandise exported by producers or exporters not covered in this review but covered in a prior segment of the proceeding, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the original investigation but the producer is, the cash deposit rate will be the rate established for the most recent period for the producer of the merchandise; (4) the cash deposit rate for all other producers or exporters will continue to be 22.58 percent,[14] the all-others rate established in the less-than-fair-value investigation.

These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this POR. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

Administrative Protective Orders

This notice also serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

Notification to Interested Parties

Commerce is issuing and publishing these results in accordance with sections 751(a)(1) and 777(i) of the Act and 19 CFR 351.221(b)(4).

Dated: July 12, 2019.

Jeffrey I. Kessler,

Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Preliminary Decision Memorandum

I. Summary
II. Background
III. Scope of the Order
IV. Discussion of the Methodology
V. Currency Conversion
VI. Recommendation

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[8] *See* 19 CFR 351.309(d).

[9] *See* 19 CFR 351.309(c)(2) and (d)(2).

[10] *See* 19 CFR 351.310(c).

[11] *See* 19 CFR 351.212(b)(1).

[12] In these preliminary results, Commerce applied the assessment rate calculation method adopted in *Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Duty Proceedings; Final Modification,* 77 FR 8101 (February 14, 2012) (*Final Modification for Reviews*).

[13] *Id.,* 77 FR at 8102.

[14] *See Order,* 81 FR at 64434.

DEPARTMENT OF COMMERCE

International Trade Administration

[A–583–844]

Narrow Woven Ribbons With Woven Selvedge From Taiwan: Preliminary Determination of No Shipments and Rescission, in Part, of Antidumping Duty Administrative Review; 2017–2018

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) preliminarily finds that Banduoo Ltd. (Banduoo), Fujian Rongshu Industry Co., Ltd. (Fujian Rongshu), Roung Shu Industry Corporation (Roung Shu), and Xiamen Yi-He Textile Co., Ltd. (Xiamen Yi-He) made no shipments of subject merchandise during the period of review (POR) of September 1, 2017 through August 31, 2018. Further, we are rescinding the review with respect to Maple Ribbon Co., Ltd. (Maple

Ribbon). Interested parties are invited to comment on these preliminary results.

DATES: Applicable July 19, 2019.

FOR FURTHER INFORMATION CONTACT: David Crespo, AD/CVD Operations, Office II, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–3693.

SUPPLEMENTARY INFORMATION:

Background

On September 11, 2018, Commerce published in the **Federal Register** a notice of opportunity to request an administrative review of the antidumping duty order on narrow woven ribbons with woven selvedge (NWR) from Taiwan for the period September 1, 2017 through August 31, 2018. On October 1, 2018, Commerce received a timely request, in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act), from Berwick Offray LLC and its wholly-owned subsidiary Lion Ribbon Company, LLC (the petitioner) to conduct an administrative review of the antidumping duty order on NWR from Taiwan manufactured and/or exported by Banduoo, Fujian Rongshu, Maple Ribbon, Roung Shu, and Xiamen Yi-He.[1]

In November 2018, Commerce published in the **Federal Register** a notice of initiation of an administrative review of the antidumping duty order on NWR from Taiwan with respect to these five companies [2] for the period September 1, 2017 through August 31, 2018. Also in November 2018, we received timely submissions from Banduoo, Fujian Rongshu, Roung Shu, and Xiamen Yi-He notifying Commerce that they did not export or sell subject merchandise to the United States during the POR.[3] In December 2018 and February 2019, we received additional information from Roung Shu related to its no shipment claim.[4]

In March 2019, we confirmed Banduoo's, Fujian Roung Shu's, and Xiamen Yi-He's no shipment claims with U.S. Customs and Border Protection (CBP). Also in March 2019, we selected Maple Ribbon as a mandatory respondent in this review and issued an AD questionnaire to it.[5] However, in the same month, the petitioner timely withdrew its request for an administrative review with respect to Maple Ribbon.[6]

Commerce exercised its discretion to toll all deadlines affected by the partial federal government closure from December 22, 2018 through the resumption of operations on January 29, 2019.[7] The revised deadline for the preliminary results of this review is now July 12, 2019.

Scope of the Order

The scope of this order covers narrow woven ribbons with woven selvedge, in any length, but with a width (measured at the narrowest span of the ribbon) less than or equal to 12 centimeters, composed of, in whole or in part, man-made fibers (whether artificial or synthetic, including but not limited to nylon, polyester, rayon, polypropylene, and polyethylene teraphthalate), metal threads and/or metalized yarns, or any combination thereof. Narrow woven ribbons subject to the order may:

- Also include natural or other non-man-made fibers;
- be of any color, style, pattern, or weave construction, including but not limited to single faced satin, double-faced satin, grosgrain, sheer, taffeta, twill, jacquard, or a combination of two or more colors, styles, patterns, and/or weave constructions;
- have been subjected to, or composed of materials that have been subjected to, various treatments, including but not limited to dyeing, printing, foil stamping, embossing, flocking, coating, and/or sizing;
- have embellishments, including but not limited to appliqué, fringes, embroidery, buttons, glitter, sequins, laminates, and/or adhesive backing;
- have wire and/or monofilament in, on, or along the longitudinal edges of the ribbon;
- have ends of any shape or dimension, including but not limited to straight ends that are perpendicular to the longitudinal edges of the ribbon, tapered ends, flared ends or shaped ends, and the ends of such woven ribbons may or may not be hemmed;
- have longitudinal edges that are straight or of any shape, and the longitudinal edges of such woven ribbon may or may not be parallel to each other;
- consist of such ribbons affixed to like ribbon and/or cut-edge woven ribbon, a configuration also known as an ''ornamental trimming;''
- be wound on spools; attached to a card; hanked (*i.e.,* coiled or bundled); packaged in boxes, trays or bags; or configured as skeins, balls, bateaus or folds; and/or
- be included within a kit or set such as when packaged with other products, including but not limited to gift bags, gift boxes and/or other types of ribbon.

Narrow woven ribbons subject to the order include all narrow woven fabrics, tapes, and labels that fall within this written description of the scope of this antidumping duty order.

Excluded from the scope of the order are the following:

(1) Formed bows composed of narrow woven ribbons with woven selvedge;

(2) ''pull-bows'' (*i.e.,* an assemblage of ribbons connected to one another, folded flat and equipped with a means to form such ribbons into the shape of a bow by pulling on a length of material affixed to such assemblage) composed of narrow woven ribbons;

(3) narrow woven ribbons comprised at least 20 percent by weight of elastomeric yarn (*i.e.,* filament yarn, including monofilament, of synthetic textile material, other than textured yarn, which does not break on being extended to three times its original length and which returns, after being extended to twice its original length, within a period of five minutes, to a length not greater than one and a half times its original length as defined in

[1] *See* Petitioner's Letter, ''Narrow Woven Ribbons With Woven Selvedge From Taiwan/Petitioner's Request for Administrative Review,'' dated October 1, 2018.

[2] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 83 FR 57411 (November 15, 2018) (*Initiation Notice*).

[3] *See* Banduoo's Letter, ''Narrow Woven Ribbons with Woven Selvedge from Taiwan: No Shipment Letter,'' dated November 21, 2018 (Banduoo No Shipment Letter); Fujian Rongshu's Letter, ''Narrow Woven Ribbons with Woven Selvedge from Taiwan: No Shipment Letter,'' dated November 21, 2018 (Fujian Rongshu No Shipment Letter); Roung Shu's Letter, ''Narrow Woven Ribbons with Woven Selvedge from Taiwan: No Shipment Letter,'' dated November 21, 2018; and Xiamen Yi-He's Letter, ''Narrow Woven Ribbons with Woven Selvedge from Taiwan: No Shipment Letter,'' dated November 21, 2018 (Xiamen Yi-He No Shipment Letter).

[4] *See* Roung Shu's Letter, ''Narrow Woven Ribbons with Woven Selvedge from Taiwan: Respondent Selection Comments,'' dated December 21, 2018 (Roung Shu No Shipment Comments); and Roung Shu's Letter, ''Narrow Woven Ribbons with Woven Selvedge from Taiwan: Additional Materials Related to No Shipments Letter,'' dated February 22, 2019 (Roung Shu Additional No Shipment Comments).

[5] *See* Memorandum, ''Respondent Selection,'' dated March 13, 2019; and Commerce's Letter, ''Antidumping Duty Questionnaire,'' dated March 13, 2019.

[6] *See* Petitioner's Letter, ''Narrow Woven Ribbons With Woven Selvedge From Taiwan/Petitioner's Withdrawal Of Request For Administrative Review Of Maple Ribbon,'' dated March 21, 2019 (Petitioner Withdrawal Request). We note that the petitioner's withdrawal of this request was submitted within the tolled 90-day period and, thus, is timely.

[7] *See* Memorandum to the Record from Gary Taverman, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance, ''Deadlines Affected by the Partial Shutdown of the Federal Government,'' dated January 28, 2019 (Tolling Memo). All deadlines in this segment of the proceeding have been extended by 40 days.

the Harmonized Tariff Schedule of the United States (HTSUS), Section XI, Note 13) or rubber thread;

(4) narrow woven ribbons of a kind used for the manufacture of typewriter or printer ribbons;

(5) narrow woven labels and apparel tapes, cut-to-length or cut-to-shape, having a length (when measured across the longest edge-to-edge span) not exceeding eight centimeters;

(6) narrow woven ribbons with woven selvedge attached to and forming the handle of a gift bag;

(7) cut-edge narrow woven ribbons formed by cutting broad woven fabric into strips of ribbon, with or without treatments to prevent the longitudinal edges of the ribbon from fraying (such as by merrowing, lamination, sono-bonding, fusing, gumming or waxing), and with or without wire running lengthwise along the longitudinal edges of the ribbon;

(8) narrow woven ribbons comprised at least 85 percent by weight of threads having a denier of 225 or higher;

(9) narrow woven ribbons constructed from pile fabrics (*i.e.,* fabrics with a surface effect formed by tufts or loops of yarn that stand up from the body of the fabric);

(10) narrow woven ribbon affixed (including by tying) as a decorative detail to non-subject merchandise, such as a gift bag, gift box, gift tin, greeting card or plush toy, or affixed (including by tying) as a decorative detail to packaging containing non-subject merchandise;

(11) narrow woven ribbon that is (a) affixed to non-subject merchandise as a working component of such non-subject merchandise, such as where narrow woven ribbon comprises an apparel trimming, book marker, bag cinch, or part of an identity card holder, or (b) affixed (including by tying) to non-subject merchandise as a working component that holds or packages such non-subject merchandise or attaches packaging or labeling to such non-subject merchandise, such as a ''belly band'' around a pair of pajamas, a pair of socks or a blanket;

(12) narrow woven ribbon(s) comprising a belt attached to and imported with an item of wearing apparel, whether or not such belt is removable from such item of wearing apparel; and

(13) narrow woven ribbon(s) included with non-subject merchandise in kits, such as a holiday ornament craft kit or a scrapbook kit, in which the individual lengths of narrow woven ribbon(s) included in the kit are each no greater than eight inches, the aggregate amount of narrow woven ribbon(s) included in the kit does not exceed 48 linear inches, none of the narrow woven ribbon(s) included in the kit is on a spool, and the narrow woven ribbon(s) is only one of multiple items included in the kit.

The merchandise subject to this order is classifiable under the HTSUS statistical categories 5806.32.1020; 5806.32.1030; 5806.32.1050; and 5806.32.1060. Subject merchandise also may enter under subheadings 5806.31.00; 5806.32.20; 5806.39.20; 5806.39.30; 5808.90.00; 5810.91.00; 5810.99.90; 5903.90.10; 5903.90.25; 5907.00.60; and 5907.00.80 and under statistical categories 5806.32.1080; 5810.92.9080; 5903.90.3090; and 6307.90.9889. The HTSUS statistical categories and subheadings are provided for convenience and customs purposes; however, the written description of the merchandise covered by this order is dispositive.

Preliminary Determination of No Shipments

On November 21, 2018, Banduoo, Fujian Rongshu, Roung Shu, and Xiamen Yi-He timely filed statements reporting that they made no shipments of subject merchandise to the United States during the POR.[8] We confirmed the claims from Banduoo, Fujian Rongshu, and Xiamen Yi-He with CBP. Based on this information, we preliminarily determine that Banduoo, Fujian Rongshu, and Xiamen Yi-He had no shipments during the POR.

With respect to Roung Shu, we noted that the CBP data placed on the record of this review contained entries from Roung Shu which were classified as subject merchandise. Roung Shu submitted comments regarding the CBP data, in which it explained that its customers had erroneously categorized the entries as subject merchandise.[9] To support its statements, Roung Shu submitted factual information related to the entries which demonstrated that the products contained in the shipments were not subject to the review, and it provided documentation filed by the importer with CBP to correct the entry type.[10] After reviewing the additional information provided by Roung Shu, we preliminarily determine that Roung Shu also had no shipments during the POR.

Consistent with our practice, we are not preliminarily rescinding the review with respect to Banduoo, Fujian Rongshu, Roung Shu, and Xiamen Yi-He but, rather, we will complete the review with respect to these companies and issue appropriate instructions to CBP based on the final results of this review.[11]

Rescission of Review, in Part

Pursuant to 19 CFR 351.213(d)(1), Commerce will rescind an administrative review, in whole or in part, if a party that requested the review withdraws the request within 90 days of the date of publication of notice of initiation of the requested review. The petitioner's withdrawal of its request with respect to Maple Ribbon was submitted within the 90-day period and, thus, is timely.[12] Because the petitioner's withdrawal of its request with respect to Maple Ribbon for an antidumping duty administrative review is timely, and because no other party requested a review of this company, in accordance with 19 CFR 351.213(d)(1), we are rescinding this administrative review, in part, with respect to Maple Ribbon.

Public Comment

Case briefs or other written comments may be submitted to the Assistant Secretary for Enforcement and Compliance no later than 30 days after the date of publication of this notice.[13] Rebuttal briefs, limited to issues raised in the case briefs, may be submitted no later than five days after the deadline date for case briefs.[14] Pursuant to 19 CFR 351.309(c)(2) and (d)(2), parties who submit case briefs or rebuttal briefs in this investigation are encouraged to submit with each argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities. Case and rebuttal briefs should be filed electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS) and must be received successfully in its entirety by 5:00 p.m. Eastern Time by ACCESS.[15] ACCESS is available to registered users at *https://access.trade.gov,* and to all parties in the

[8] *See* Banduoo No Shipment Letter; Fujian Rongshu No Shipment Letter; and Xiamen Yi-He No Shipment Letter.

[9] *See* Roung Shu No Shipment Comments; and Roung Shu Additional No Shipment Comments.

[10] *See* Roung Shu No Shipment Comments; and Roung Shu Additional No Shipment Comments.

[11] *See, e.g., Certain Frozen Warmwater Shrimp from Thailand; Preliminary Results of Antidumping Duty Administrative Review, Partial Rescission of Review, Preliminary Determination of No Shipments; 2012–2013,* 79 FR 15951, 15952 (March 24, 2014), unchanged in *Certain Frozen Warmwater Shrimp from Thailand: Final Results of Antidumping Duty Administrative Review, Final Determination of No Shipments, and Partial Rescission of Review; 2012–2013,* 79 FR at 51306 (August 28, 2014).

[12] *See* Petitioner Withdrawal Request; *see also* Tolling Memo.

[13] *See* 19 CFR 351.309(c).

[14] *See* 19 CFR 351.309(d).

[15] *See* 19 CFR 351.303.

Central Records Unit, Room B8024 of the main Commerce building.

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, limited to issues raised in the case and rebuttal briefs, must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce, within 30 days after the date of publication of this notice. Requests should contain the party's name, address, and telephone number, the number of participants, whether any participant is a foreign national, and a list of the issues to be discussed. If a request for a hearing is made, Commerce intends to hold the hearing at the U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230, at a time and date to be determined. Parties should confirm by telephone the date, time, and location of the hearing two days before the scheduled date.

Commerce intends to issue the final results of this administrative review, including the results of its analysis raised in any written briefs, not later than 120 days after the publication date of this notice, pursuant to section 751(a)(3)(A) of the Act, unless extended.[16]

Assessment Rates

With respect to Maple Ribbon, Commerce will instruct CBP to assess antidumping duties at the cash deposit rate in effect on the date of entry for entries during the period September 1, 2017 through August 31, 2018, in accordance with 19 CFR 351.212(c)(1)(i). We intend to issue liquidation instructions to CBP 15 days after publication of this notice.

With respect to the remaining companies covered by the review, upon issuance of the final results, Commerce shall determine, and CBP shall assess, antidumping duties on all appropriate entries covered by this review.[17] The final results of this review shall be the basis for the assessment of antidumping duties on entries of merchandise covered by the final results of this review.[18]

Further, if we continue to find in the final results that Banduoo, Fujian Rongshu, Roung Shu, and Xiamen Yi-He had no shipments of subject merchandise during the POR, we will instruct CBP to liquidate any suspended entries that entered under their antidumping duty case numbers (*i.e.,* at that exporter's rate) at the all-others rate if there is no rate for the intermediate company(ies) involved in the transaction. We intend to issue liquidation instructions for Banduoo, Fujian Rongshu, Roung Shu, and Xiamen Yi-He to CBP 15 days after publication of the final results of this review.

Cash Deposit Requirements

The following deposit requirements will be effective upon publication of the notice of final results of administrative review for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication as provided by section 751(a)(2)(C) of the Act: (1) For merchandise exported by manufacturers or exporters not covered in this review but covered in a prior segment of the proceeding, the cash deposit rate will continue to be the company-specific rate published from the most recently completed segment; (2) if the exporter is not a firm covered in this review, or the original investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recently completed segment for the manufacturer of the merchandise; and (3) the cash deposit rate for all other manufacturers or exporters will continue to be 4.37 percent, the all-others rate determined in the less-than-fair-value investigation.[19] These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this POR. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of doubled antidumping duties.

Notification Regarding Administrative Protective Order

This notice serves as a preliminary reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a sanctionable violation.

Notification to Interested Parties

We are issuing and publishing these results in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.221(b)(4).

Dated: July 12, 2019.

Jeffrey I. Kessler,

Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2019–15409 Filed 7–18–19; 8:45 am]

BILLING CODE 3510–DS–P

[16] *See* section 751(a)(2)(B)(iv) of the Act; and 19 CFR 351.213(h)(2).

[17] *See* 19 CFR 351.212(b)(1).

[18] *See* section 751(a)(2)(C) of the Act.

[19] *See Narrow Woven Ribbons With Woven Selvedge from Taiwan and the People's Republic of China: Amended Antidumping Duty Orders,* 75 FR 56982, 56985 (September 17, 2010).

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

Open Meeting of the Information Security and Privacy Advisory Board

AGENCY: National Institute of Standards and Technology, Department of Commerce.

ACTION: Notice.

SUMMARY: The Information Security and Privacy Advisory Board (ISPAB) will meet Wednesday, August 7, 2019 from 9:00 a.m. until 5:00 p.m., Eastern Time, and Thursday, August 8, 2019 from 9:00 a.m. until 4:30 p.m., Eastern Time. All sessions will be open to the public.

DATES: The meeting will be held on Wednesday, August 7, 2019, from 9:00 a.m. until 5:00 p.m., Eastern Time, and Thursday, August 8, 2019, from 9:00 a.m. until 4:30 p.m., Eastern Time.

ADDRESSES: The meeting will be held at American Institute of Architects, 1735 New York Ave. NW, Washington, DC 20006.

FOR FURTHER INFORMATION CONTACT: Jeff Brewer, Information Technology Laboratory, NIST, 100 Bureau Drive, Stop 8930, Gaithersburg, MD 20899–8930, Telephone: (301) 975–2489, email address: *jeffrey.brewer@nist.gov.*

SUPPLEMENTARY INFORMATION: Pursuant to the Federal Advisory Committee Act, as amended, 5 U.S.C. App., notice is hereby given that the ISPAB will meet Wednesday, August 7, 2019, from 9:00 a.m. until 5:00 p.m., Eastern Time, and Thursday, August 8, 2019 from 9:00 a.m. until 4:30 p.m. Eastern Time. All sessions will be open to the public. The ISPAB is authorized by 15 U.S.C. 278g–4, as amended, and advises the National Institute of Standards and Technology (NIST), the Secretary of Homeland

Security, and the Director of the Office of Management and Budget (OMB) on information security and privacy issues pertaining to Federal government information systems, including thorough review of proposed standards and guidelines developed by NIST. Details regarding the ISPAB's activities are available at *https://csrc.nist.gov/projects/ispab.*

The agenda is expected to include the following items:

—Briefing from NIST on The Cybersecurity Workforce Executive Order,
—Briefing from NIST on Supply Chain Risk Management,
—Briefing from DHS on Critical Infrastructure National Critical Functions,
—Briefing from GAO on reports on cybersecurity acquisitions,
—Briefing from Industry on Network Threats,
—Discussion by the Board on the NSTAC Moonshot Report,
—Discussions by the Board on IOT security.

Note that agenda items may change without notice. The final agenda will be posted on the website indicated above. Seating will be available for the public and media. Pre-registration is not required to attend this meeting.

Public Participation: The ISPAB agenda will include a period, not to exceed thirty minutes, for oral comments from the public (Wednesday, August 7, 2019, between 4:30 p.m. and 5:00 p.m.). Speakers will be selected on a first-come, first-served basis. Each speaker will be limited to five minutes. Questions from the public will not be considered during this period. Members of the public who are interested in speaking are requested to contact Jeff Brewer at the contact information indicated in the **FOR FURTHER INFORMATION CONTACT** section of this notice.

Speakers who wish to expand upon their oral statements, those who had wished to speak but could not be accommodated on the agenda, and those who were unable to attend in person are invited to submit written statements. In addition, written statements are invited and may be submitted to the ISPAB at any time. All written statements should be directed to the ISPAB Secretariat, Information Technology Laboratory, 100 Bureau Drive, Stop 8930, National Institute of Standards and Technology, Gaithersburg, MD 20899–8930.

Kevin A. Kimball,

Chief of Staff.

[FR Doc. 2019–15402 Filed 7–18–19; 8:45 am]

BILLING CODE 3510–13–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XH103

Mid-Atlantic Fishery Management Council (MAFMC); Public Meetings

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

ACTION: Notice of public meetings.

SUMMARY: The Mid-Atlantic Fishery Management Council (Council) will hold public meetings of the Council and its Committees.

DATES: The meetings will be held Tuesday, August 13, 2019, from 9 a.m. to 5 p.m.; Wednesday, August 14, 2019, from 9 a.m. to 5:30 p.m.; and Thursday, August 15, 2019, from 9 a.m. to 1 p.m. For agenda details, see **SUPPLEMENTARY INFORMATION**.

ADDRESSES: The meeting will be held at the Courtyard Philadelphia Downtown, 21 N Juniper St., Philadelphia, PA 19107; telephone: (215) 496–3200.

Council address: Mid-Atlantic Fishery Management Council, 800 N State St., Suite 201, Dover, DE 19901; telephone: (302) 674–2331.

FOR FURTHER INFORMATION CONTACT: Christopher M. Moore, Ph.D. Executive Director, Mid-Atlantic Fishery Management Council; telephone: (302) 526–5255. The Council's website, *www.mafmc.org* also has details on the meeting location, proposed agenda, webinar listen-in access, and briefing materials.

SUPPLEMENTARY INFORMATION: The following items are on the agenda, though agenda items may be addressed out of order (changes will be noted on the Council's website when possible.)

Tuesday, August 13, 2019

Research Steering Committee Meeting

Address the November Committee meeting requests; discuss role of the Research Steering Committee; discuss the NEFMC Research Set-Aside (RSA) review; discuss next steps for RSA.

Swearing in of New and Reappointed Council Members and Election of Officers Joint Meeting of the Council and the Scientific and Statistical Committee (SSC) 2020–24 Strategic Plan

Review draft framework.

Council Policies

Review Council policies on public comments, webinars, and Fishery Management Action Teams.

Wednesday, August 14, 2019

Hab in the Mab: Characterizing Black Sea Bass Habitat in the Mid-Atlantic Bight

Presentation on final report.

Offshore Wind Update

Update on recent activities and developments regarding offshore wind in the mid-Atlantic.

Summer Flounder Recreational MSE Project

Presentation on final report.

Council Risk Policy—Framework Meeting 1

Review and approve draft alternatives.

Black Sea Bass Commercial and Recreational Issues

Update on ASMFC discussions regarding state-by-state commercial quota allocations; update on and discussion of recreational management reform initiative; and, discuss next steps.

River Herring & Shad Update and Cap Review

Review and discuss potential action for 2020 River Herring/Shad Cap.

Allocation Review Criteria for All FMPs

Review NMFS Policy Directive for allocation review criteria and adopt allocation review criteria for MAFMC FMPs.

Thursday, August 15, 2019

Business Session

Committee Reports (SSC, Research Steering Committee, Atlantic Coast Fish Habitat Partnership MOU); Executive Director's Report (Initiation of a Monkfish Framework and Review and approve modifications to SOPPs); Organization Reports; and, Liaison Reports.

Continuing and New Business

Although non-emergency issues not contained in this agenda may come before this group for discussion, in accordance with the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), those issues may not be the subject of formal action during these meetings. Actions will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under Section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's

intent to take final action to address the emergency.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aid should be directed to M. Jan Saunders, (302) 526–5251, at least 5 days prior to the meeting date.

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

Dated: July 15, 2019.

Tracey L. Thompson,

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

[FR Doc. 2019–15351 Filed 7–18–19; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XH100

Western Pacific Fishery Management Council; Public Meetings

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

ACTION: Notice of public meetings.

SUMMARY: The Western Pacific Fishery Management Council (Council) will hold its 179th Council meeting by web conference to take actions on fishery management issues in the Western Pacific Region. The Council will also hold meetings of the Hawaii Archipelago Fishery Ecosystem Plan (FEP) Advisory Panel (AP) and the Scientific and Statistical Committee (SSC) by web conference.

DATES: The Hawaii Archipelago FEP AP meeting and the 133rd SSC meeting will be held on August 7, 2019, and the 179th Council meeting will be held on August 8, 2019. For specific times and agendas, see **SUPPLEMENTARY INFORMATION**.

ADDRESSES: The meetings will be held by web conference. Audio and visual portions of the web conference can be accessed at: *https://wprfmc.webex.com/join/info.wpcouncilnoaa.gov.* Web conference access information will also be posted on the Council's website at *www.wpcouncil.org.* For assistance with the web conference connection, contact the Council office at (808) 522–8220.

The host site for the Hawaii Archipelago FEP AP meeting and the 133rd SSC meeting web conference will be the Council Conference Room, 1164 Bishop St., Suite 1400, Honolulu, HI. The following venues will be the host sites for the 179th Council Meeting web conference: Council Conference Room, 1164 Bishop St., Suite 1400, Honolulu, HI; NOAA Pacific Islands Regional Office, American Samoa Field Office, Pago Plaza, Suite 202, Pago Pago Village, AS; Guam Hilton Resort and Spa, 202 Hilton Rd., Tumon Bay, GU; Department of Lands and Natural Resources Conference Room, Lower Base Dr., Saipan, MP.

FOR FURTHER INFORMATION CONTACT: Kitty M. Simonds, Executive Director, Western Pacific Fishery Management Council; phone: (808) 522–8220 (voice) or (808) 522–8226 (fax).

SUPPLEMENTARY INFORMATION: The Hawaii Archipelago FEP AP meeting will be held on August 7, 2019, from 9 a.m. to 11 a.m. (Hawaii Standard Time (HST)). The 133rd SSC meeting will be held on August 7, 2019, from noon to 3 p.m. HST. The 179th Council Meeting will be held on August 8, 2019, from 1 p.m. to 4 p.m. HST (noon to 3 p.m. (Samoa Standard Time (SST)); August 9, 2019, from 9 a.m. to noon (Chamorro Standard Time (ChST)). Agenda item noted as ''Final Action Item'' refers to an action that may result in Council transmittal of a proposed fishery management plan, proposed plan amendment, or proposed regulations to the U.S. Secretary of Commerce, under Sections 304 or 305 of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). Opportunities to present oral public comment will be provided throughout the agendas. The order of the agenda may change, and will be announced in advance at the meetings. The meetings may run past the scheduled times noted above to complete scheduled business.

Background documents for the 179th Council meeting will be available at *www.wpcouncil.org.* Written public comments for the 179th Council meeting should be received at the Council office by 5 p.m. HST, August 5, 2019, and should be sent to Kitty M. Simonds, Executive Director; Western Pacific Fishery Management Council, 1164 Bishop Street, Suite 1400, Honolulu, HI 96813; fax: (808) 522–8226; or email: *info.wpcouncil@noaa.gov.*

Agenda for the Hawaii Archipelago FEP AP Meeting

Wednesday, August 7, 2019, 9 a.m. to 11 a.m. (HST)

1. Welcome and Introductions
2. Approval of Draft Agenda
3. Managing Loggerhead and Leatherback Sea Turtle Interactions in the Hawaii-based Shallow-set Longline Fishery (Action Item)
4. Public Comments
5. Discussion and Recommendations
6. Other Business

Agenda for the 133rd SSC Meeting

Wednesday, August 7, 2019, Noon to 3 p.m. (HST)

1. Introductions
2. Approval of Draft Agenda and Assignment of Rapporteurs
3. Managing Loggerhead and Leatherback Sea Turtle Interactions in the Hawaii-based Shallow-set Longline Fishery (Action Item)
4. Report of the SSC Working Group
5. Public Comment
6. SSC Discussion and Recommendations
7. Other Business

Agenda for 179th Council Meeting

Thursday, August 8, 2019, 1 p.m. to 4 p.m. (HST) (Thursday, August 8, 2019, Noon to 3 p.m. (SST); Friday, August 9, 2019, 9 a.m. to Noon (ChST))

1. Welcome and Introductions
2. Approval of the 179th Agenda
3. Managing Loggerhead and Leatherback Sea Turtle Interactions in the Hawaii-based Shallow-set Longline Fishery (Final Action Item)
4. Advisory Group Report and Recommendations
   A. Hawaii Archipelago FEP AP
   B. SSC
5. Public Comments
6. Council Discussion and Recommendations
7. Other Business

Non-emergency issues not contained in this agenda may come before the Council for discussion and formal Council action during the 179th meeting. However, Council action on regulatory issues will be restricted to those issues specifically listed in this document and any regulatory issue arising after publication of this document that requires emergency action under section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take action to address the emergency.

Special Accommodations

These meetings are accessible to people with disabilities. Please direct requests for sign language interpretation or other auxiliary aids to Kitty M. Simonds (see **FOR FURTHER INFORMATION CONTACT** section above) at least 5 days prior to the meeting date.

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

Dated: July 15, 2019.

Tracey L. Thompson,

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

[FR Doc. 2019–15319 Filed 7–18–19; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XH104

Mid-Atlantic Fishery Management Council (MAFMC); Public Meeting

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

ACTION: Notice; public meeting.

SUMMARY: The Mid-Atlantic Fishery Management Council's Bluefish Fishery Management Action Team (FMAT) will hold a public meeting.

DATES: The meeting will be held on Monday, August 12, 2019, from 9 a.m. to 11:30 a.m.

ADDRESSES: The meeting will be held via webinar with an audio-only connection option. Details on the proposed agenda, connection information, and briefing materials will be posted at the MAFMC's website: *www.mafmc.org.*

Council address: Mid-Atlantic Fishery Management Council, 800 N State Street, Suite 201, Dover, DE 19901; telephone: (302) 674–2331; *www.mafmc.org.*

FOR FURTHER INFORMATION CONTACT: Christopher M. Moore, Ph.D., Executive Director, Mid-Atlantic Fishery Management Council, telephone: (302) 526–5255.

SUPPLEMENTARY INFORMATION: The purpose of the meeting is for the FMAT to discuss draft alternatives based on the scoping comments and recreational/commercial data for sector-based allocations, commercial allocations to the states, the transfer processes, and the Fishery Management Plan goals and objectives. An agenda and background documents will be posted to the Council's website (*www.mafmc.org*) prior to the meeting.

Special Accommodations

The meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aid should be directed to M. Jan Saunders, (302) 526–5251, at least 5 days prior to the meeting date.

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

Dated: July 16, 2019.

Tracey L. Thompson,

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

[FR Doc. 2019–15422 Filed 7–18–19; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XH097

New England Fishery Management Council; Public Meeting

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

ACTION: Notice; public meeting.

SUMMARY: The New England Fishery Management Council (Council) is scheduling a public meeting of its Joint Groundfish Committee and Advisory Panel to consider actions affecting New England fisheries in the exclusive economic zone (EEZ). Recommendations from this group will be brought to the full Council for formal consideration and action, if appropriate.

DATES: This meeting will be held on Tuesday, August 6, 2019 at 9 a.m.

ADDRESSES:

Meeting address: The meeting will be held at the Hilton Garden Inn, 100 Boardman Street, Boston, MA 02129; phone: (617) 561–0798.

Council address: New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950.

FOR FURTHER INFORMATION CONTACT: Thomas A. Nies, Executive Director, New England Fishery Management Council; telephone: (978) 465–0492.

SUPPLEMENTARY INFORMATION:

Agenda

The Joint Groundfish Committee and Advisory Panel will be discussing Amendment 23/Groundfish Monitoring—(1) receive an overview of electronic monitoring projects, (2) discuss draft alternatives for revisions to management uncertainty buffers, (3) receive an overview on the Enforcement Committee's recommendations on the draft alternatives, (4) receive a progress report from the Plan Development Team. They will also receive an update on development of Framework Adjustment 59/Specifications. Other business will be discussed as necessary.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during these meetings. Action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Thomas A. Nies, Executive Director, at (978) 465–0492, at least 5 days prior to the meeting date. This meeting will be recorded. Consistent with 16 U.S.C. 1852, a copy of the recording is available upon request.

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

Dated: July 15, 2019.

Tracey L. Thompson,

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

[FR Doc. 2019–15318 Filed 7–18–19; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XH101

Fisheries of the South Atlantic, Gulf of Mexico, and Caribbean; Southeast Data, Assessment, and Review (SEDAR); Public Meeting

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

ACTION: Meeting of the SEDAR Steering Committee.

SUMMARY: The SEDAR Steering Committee will meet via webinar to discuss the NOAA Fisheries Southeast Fishery Science Center (SEFSC) Gulf of Mexico Surveys Marine Recreational Information Program white paper. See **SUPPLEMENTARY INFORMATION**.

DATES: The SEDAR Steering Committee webinar will be held August 26, 2019, from 10 a.m. to 11 a.m., Eastern Time.

ADDRESSES: The meeting will be held via webinar. The webinar is open to members of the public. Those interested in participating should contact John Carmichael (see **FOR FURTHER INFORMATION CONTACT**) to request an invitation providing webinar access information. Please request webinar

invitations at least 24 hours in advance of each webinar.

SEDAR address: 4055 Faber Place Drive, Suite 201, North Charleston, SC 29405; *www.sedarweb.org.*

FOR FURTHER INFORMATION CONTACT: John Carmichael, Deputy Executive Director, South Atlantic Fishery Management Council (SAFMC), 4055 Faber Place Drive, Suite 201, North Charleston, SC 29405; phone: (843) 571–4366 or toll free (866) SAFMC–10; fax: (843) 769–4520; email: *john.carmichael@safmc.net.*

SUPPLEMENTARY INFORMATION: The SEDAR Steering Committee provides guidance and oversight of the SEDAR program and manages assessment scheduling. The items of discussion for this meeting are as follows:

SEDAR Steering Committee Webinar, Monday, August 26, 2019, 10 a.m.–11 a.m.

SEFSC Gulf Surveys MRIP White Paper

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically identified 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 intent to take final action to address the emergency.

Special Accommodations

This meeting is accessible to people with disabilities. Requests for auxiliary aids should be directed to the SAFMC office (see **ADDRESSES**) at least 5 business days prior to the meeting.

Note: The times and sequence specified in this agenda are subject to change.

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

Dated: July 15, 2019.

Tracey L. Thompson,

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

[FR Doc. 2019–15320 Filed 7–18–19; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XH102

Caribbean Fishery Management Council; Public Meeting

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

ACTION: Notice of a public meeting.

SUMMARY: The Caribbean Fishery Management Council's (Council) Scientific and Statistical Committee (SSC) will hold a 3-day meeting in August to discuss the items contained in the agenda in the **SUPPLEMENTARY INFORMATION.**

DATES: The meetings will be held from August 13, 2019 to August 15, 2019, starting on Tuesday August 13 at 9 a.m., through Thursday August 15 at 5 p.m.

ADDRESSES: The meetings will be held at the Courtyard Marriott Isla Verde Resort, 7012 Boca de Cangrejos, Avenida Isla Verde, Carolina, Puerto Rico 00979.

FOR FURTHER INFORMATION CONTACT: Caribbean Fishery Management Council, 270 Muñoz Rivera Avenue, Suite 401, San Juan, Puerto Rico 00918–1903, telephone: (787) 766–5926.

SUPPLEMENTARY INFORMATION:

—Call to Order
—Adoption of the Agenda
—SSC Development of Puerto Rico Ecosystem Conceptual Model
  —Determination of direction and strengths of the boxes representing ecosystem components (*e.g.,* ecological, economic, social)
  —Determination of Critical Links that can serve as Indicators
—SSC Development of St. Thomas/St. John Ecosystem Conceptual Model
  —Determination of direction and strengths of the boxes representing ecosystem components (*e.g.,* ecological, economic, social)
  —Determination of Critical Links that can serve as Indicators
—SSC Development of St. Croix Ecosystem Conceptual Model
  —Determination of direction and strengths of the boxes representing ecosystem components (*e.g.,* ecological, economic, social)
  —Determination of Critical Links that can serve as Indicators
—Other Business
—Adjourn

The order of business may be adjusted as necessary to accommodate the completion of agenda items. The meeting will begin on August 13, 2019 at 9:00 a.m. Other than the start time, interested parties should be aware that discussions may start earlier or later than indicated. In addition, the meeting may be extended from, or completed prior to the date established in this notice.

Special Accommodations

These meetings are physically accessible to people with disabilities. For more information or request for sign language interpretation and other auxiliary aids, please contact Mr. Miguel A. Rolón, Executive Director, Caribbean Fishery Management Council, 270 Muñoz Rivera Avenue, Suite 401, San Juan, Puerto Rico 00918–1903, telephone: (787) 766–5926, at least 5 days prior to the meeting date.

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

Dated: July 16, 2019.

Tracey L. Thompson,

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

[FR Doc. 2019–15421 Filed 7–18–19; 8:45 am]

BILLING CODE 3510–22–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Additions and Deletions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Additions to and deletions from the Procurement List.

SUMMARY: This action adds products and services to the Procurement List that will be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities, and deletes services from the Procurement List previously furnished by such agencies.

DATES: *Date added to and deleted from the Procurement List:* August 18, 2019.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, 1401 S Clark Street, Suite 715, Arlington, Virginia 22202–4149.

FOR FURTHER INFORMATION CONTACT: Michael R. Jurkowski, Telephone: (703) 603–2117, Fax: (703) 603–0655, or email *CMTEFedReg@AbilityOne.gov.*

SUPPLEMENTARY INFORMATION:

Additions

On 5/31/2019, 6/7/2019 and 6/14/2019, the Committee for Purchase From People Who Are Blind or Severely

Disabled published notice of proposed additions to the Procurement List.

After consideration of the material presented to it concerning capability of qualified nonprofit agencies to provide the products and services and impact of the additions on the current or most recent contractors, the Committee has determined that the products and services listed below are suitable for procurement by the Federal Government under 41 U.S.C. 8501–8506 and 41 CFR 51–2.4.

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the products and services to the Government.

2. The action will result in authorizing small entities to furnish the products and services to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 8501–8506) in connection with the products and services proposed for addition to the Procurement List.

End of Certification

Accordingly, the following products and services are added to the Procurement List:

Products

NSNs—Product Names:
7920–00–NIB–0717—Squeegee, Floor, 24″
7920–00–NIB–0718—Squeegee, Floor, 24″, With Handle
7920–00–NIB–0719—Deck Brush, Rough Surface, 10″
7920–00–NIB–0720—Deck Brush, Rough Surface, 10″, With Handle
7920–00–NIB–0725—Handle, Steel, with Connector
Mandatory Source of Supply: Industries for the Blind and Visually Impaired, Inc., West Allis, WI
Mandatory for: Total Government Requirement
Contracting Activity: FEDERAL ACQUISITION SERVICE, GSA/FSS GREATER SOUTHWEST ACQUISITI

Services

Service Type: Base Supply Center
Mandatory for: U.S. Navy, Naval Research Laboratory, Washington, DC
Mandatory Source of Supply: Blind Industries & Services of Maryland, Baltimore, MD
Contracting Activity: DEPT OF THE NAVY, NAVAL RESEARCH LABORATORY

Service Type: Meal provision
Mandatory for: U.S. Customs and Border Protection, Area Port of Calexico, Calexico, CA
Mandatory Source of Supply: ARC-Imperial Valley, El Centro, CA
Contracting Activity: U.S. CUSTOMS AND BORDER PROTECTION, BORDER ENFORCEMENT CTR DIV

Deletions

On 6/14/2019, the Committee for Purchase From People Who Are Blind or Severely Disabled published notice of proposed deletions from the Procurement List.

After consideration of the relevant matter presented, the Committee has determined that the services listed below are no longer suitable for procurement by the Federal Government under 41 U.S.C. 8501–8506 and 41 CFR 51–2.4.

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in additional reporting, recordkeeping or other compliance requirements for small entities.

2. The action may result in authorizing small entities to furnish the services to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 8501–8506) in connection with the services deleted from the Procurement List.

End of Certification

Accordingly, the following services are deleted from the Procurement List:

Services

Service Type: Publications Distribution
Mandatory for: Beale Air Force Base, CA
Contracting Activity: DEPT OF THE AIR FORCE, FA7014 AFDW PK

Service Type: Janitorial/Grounds Maintenance
Mandatory for: Border Patrol Station, Pecos, TX
Mandatory for: Border Patrol Station, Van Horn, TX
Mandatory Source of Supply: Professional Contract Services, Inc., Austin, TX
Contracting Activity: U.S. CUSTOMS AND BORDER PROTECTION, BORDER ENFORCEMENT CTR DIV

Service Type: Janitorial/Custodial
Mandatory for: Veterans Affairs Connecticut Healthcare System: Newington Campus, Newington, CT
Mandatory Source of Supply: CW Resources, Inc., New Britain, CT
Contracting Activity: VETERANS AFFAIRS, DEPARTMENT OF, NAC

Service Type: Secure Document Destruction
Mandatory for: Blanchfield Army Community Hospital, Fort Campbell, KY
Mandatory Source of Supply: Goodwill Industries of Kentucky, Inc., Louisville, KY
Contracting Activity: DEPT OF THE ARMY, W40M SOUTH RGNL CONTR OFC EAST

Service Type: Janitorial Service
Mandatory for: USDA, Forest Service, Dubois Ranger District Office, Caribou-Targhee National Forest, Dubois, ID
Mandatory Source of Supply: Development Workshop, Inc., Idaho Falls, ID
Contracting Activity: FOREST SERVICE, CARIBOU–TARGHEE NATIONAL FOREST

Patricia Briscoe,

Deputy Director, Business Operations (Pricing and Information Management).

[FR Doc. 2019–15390 Filed 7–18–19; 8:45 am]

BILLING CODE 6353–01–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Proposed deletions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Proposed deletions from the Procurement List.

SUMMARY: The Committee is proposing to delete products and services to the Procurement List that were furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

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

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, 1401 S Clark Street, Suite 715, Arlington, Virginia 22202–4149.

FOR FURTHER INFORMATION CONTACT: For further information or to submit comments contact: Michael R. Jurkowski, Telephone: (703) 603–2117, Fax: (703) 603–0655, or email *CMTEFedReg@AbilityOne.gov.*

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 8503(a)(2) and 41 CFR 51–2.3. Its purpose is to provide interested persons an opportunity to submit comments on the proposed actions.

Deletions

The following products and services are proposed for deletion from the Procurement List:

Products

NSNs—Product Names:
7510–01–670–3776—Toner, Remanufactured, LaserJet, Standard Yield, HP 4700/N/DN/DTN/PH Compatible, Black
7510–01–670–3781—Toner, Remanufactured, LaserJet, Standard Yield, HP 4700/N/DN/DTN/PH Compatible, Cyan
7510–01–670–3778—Toner, Remanufactured, LaserJet, Standard Yield, HP 4700/N/DN/DTN/PH Compatible, Yellow
7510–01–670–9250—Toner, Remanufactured, LaserJet, Standard Yield, HP 4700/N/DN/DTN/PH Compatible, Magenta
Mandatory Source of Supply: Alabama Industries for the Blind, Talladega, AL
Contracting Activity: GSA/FAS ADMIN SVCS ACQUISITION BR(2, NEW YORK, NY

NSN—Product Name:
MR 10735—Crust Cutter, Licensed, Includes Shipper 20735
Mandatory Source of Supply: Winston-Salem Industries for the Blind, Inc., Winston-Salem, NC
Contracting Activity: Military Resale-Defense Commissary Agency

Services

Service Type: Litter Pickup
Mandatory for: Andrews Air Force Base, Andrews AFB, MD
Mandatory Source of Supply: The Chimes, Inc., Baltimore, MD
Contracting Activity: DEPT OF THE AIR FORCE, FA4416 316 CONS LGC

Service Type: Janitorial/Custodial
Mandatory for: Forest Supervisor's Office and Warehouse, 3815 Schreiber Way, Coeur d'Alene, ID
Mandatory Source of Supply: Skils'kin, Spokane, WA
Contracting Activity: FOREST SERVICE, IMAT ACQUISITION TEAM

Service Type: Janitorial/Guard Service
Mandatory for: VA Outpatient Clinic, Brighton, NY
Mandatory Source of Supply: Rochester Rehabilitation Center, Rochester, NY
Contracting Activity: VETERANS AFFAIRS, DEPARTMENT OF, NAC

Service Type: Food Service Attendant
Mandatory for: Veterans Affairs Medical Center: 7305 N Military Trail, West Palm Beach, FL
Mandatory Source of Supply: Gulfstream Goodwill Industries, Inc., West Palm Beach, FL

Service Type: Parking Facility Attendant
Mandatory for: Department of Veterans Affairs Medical Center: 4646 John R Street, Detroit, MI
Mandatory Source of Supply: Jewish Vocational Service and Community Workshop, Southfield, MI
Contracting Activity: VETERANS AFFAIRS, DEPARTMENT OF, NAC

Service Type: Switchboard Operation
Mandatory for: Veterans Affairs Medical Center: 4300 West 7th Street, North Little Rock, AR
Mandatory Source of Supply: Pathfinder, Inc., Jacksonville, AR
Contracting Activity: VETERANS AFFAIRS, DEPARTMENT OF, DEPARTMENT OF VETERANS AFFAIRS

Patricia Briscoe,

Deputy Director, Business Operations (Pricing and Information Management).

[FR Doc. 2019–15391 Filed 7–18–19; 8:45 am]

BILLING CODE 6353–01–P

DEPARTMENT OF EDUCATION

Notice of Investigation and Record Requests

AGENCY: Office of the General Counsel, Department of Education.

ACTION: Notice.

SUMMARY: The Department publishes letters, dated July 3, 2019, notifying Cornell University and Rutgers University of investigations related to the universities' reports of defined gifts and contracts, including restricted and conditional gifts or contracts, from or with a statutorily defined foreign source.

FOR FURTHER INFORMATION CONTACT: Patrick Shaheen, U.S. Department of Education, Office of the General Counsel, 400 Maryland Ave. SW, Room 6E300, Washington, DC 20202. Telephone: (202) 453–6339. Email: *Patrick.Shaheen@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: The Department publishes letters, dated July 3, 2019, notifying Cornell University and Rutgers University of investigations related to the universities' reports of defined gifts and contracts, including restricted and conditional gifts or contracts, from or with a statutorily defined foreign source. The letter to Cornell University is in Appendix A of this notice. The letter to Rutgers University is in Appendix B of this notice.

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 person listed under **FOR FURTHER INFORMATION CONTACT**.

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register**. You may access the official edition of the **Federal Register** and the Code of Federal Regulations at *www.govinfo.gov*. At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at *www.federalregister.gov*. Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Program Authority: 20 U.S.C. 1011f.

Reed D. Rubinstein,

Acting General Counsel.

Appendix A—Letter to Cornell University

Martha E. Pollack, President
300 Day Hall
Cornell University
Ithaca, NY 14853

Re: Notice of 20 U.S.C. § 1011f Investigation and Record Request/ Cornell University

Dear President:

Section 117 of the Higher Education Act of 1965, 20 U.S.C. § 1011f, requires certain institutions, including Cornell University, to report statutorily defined gifts and contracts, including restricted and conditional gifts or contracts, from or with a statutorily defined foreign source, to the U.S. Department of Education. These reports are posted at *https://studentaid.ed.gov/sa/about/data-center/school/foreign-gifts*.

The Department believes Cornell University's reporting may not fully capture all gifts, contracts, and/or restricted and conditional gifts or contracts from or with all foreign sources to all of Cornell University's campuses and/or affiliated foundations and non-profit organizations—whether or not organized under the laws of the United States—that operate substantially for the benefit for or under the auspices of Cornell University (*e.g.*, the Cornell University Foundation and the Cornell University Foundation (UK), Ltd.).

Section 117(f), 20 U.S.C. § 1011f(f), provides that whenever it appears an institution has failed to comply with the law, the Secretary of Education may request the Attorney General commence an enforcement action to compel compliance and to recover the full costs to the United States of obtaining compliance, including all associated costs of investigation and enforcement. To meet our statutory duty, the Department has opened an administrative investigation of your

institution and requests production of these records within thirty days:

1. All records of gifts, contracts, and/or restricted or conditional gifts or contracts from or with a foreign source. The time frame for this request is January 1, 2014, to the present.
2. All records of, regarding, or referencing gifts, contracts, and/or restricted or conditional gifts or contracts from or with (a) the government of the People's Republic of China, its agencies, and agents, including but not limited to those persons known as Huawei Technologies Co. Ltd., Huawei Technologies USA, Inc., and ZTE Corp, their employees, subsidiaries, agents, and affiliates; and (b) the government of Qatar, its agencies, and agents, including but not limited to the Qatar Foundation for Education, Science and Community Development *aka* Qatar Foundation *aka* Qatar National Research Fund. The time frame for this request is January 1, 2012, to the present.
3. All records of, regarding, or referencing gifts, contracts, or restricted or conditional gifts or contracts from or with a foreign source to, with, or for the benefit of the Cornell Laboratory for Accelerator-Based Sciences and Education. The time frame for this request is January 1, 2010 to the present.
4. All records of, regarding, or referencing activities taken by Cornell University to comply with 20 U.S.C. §§ 1011f(a), (b), (c), and (e). The time frame for this request is January 1, 2014, to the present.
5. All records of, regarding, or referencing activities taken by or required of Cornell University to confirm each foreign source of a gift, contract, and/or restricted or conditional gift or contract (a) does not engage in, or provide material support to any person who engages in, activities prohibited by 18 U.S.C. §§ 2339, 2339A, 2339B, 2339C, and 2339D; and (b)(i) is not owned or controlled by, (ii) does not act for or on behalf of, assist, sponsor, or provide financial, material, or technological support or other services to, or in support of, and (iii) is not otherwise associated with, any person who is a ''Specially Designated Global Terrorist'' under Executive Order 13224. The time frame for this request is January 1, 2010, to the present.
6. All IRS Form 990s and schedules, including Schedules F and R, for tax years 2014, 2015, 2016, 2017, and 2018, for Cornell University, the Cornell University Foundation, and the Cornell University Foundation (UK), Ltd.

As used in this Notice of Investigation and Information Request:

''Agent'' means any person, including a subsidiary or affiliate of a foreign or domestic legal entity, who acts for or in place of another.

''Contract'' has the meaning given at 20 U.S.C. § 1011f(h)(1).

''Foreign source'' has the meaning given at 20 U.S.C. § 1011f(h)(2).

''Gift'' has the meaning given at 20 U.S.C. § 1011f(h)(3).

''Institution'' has the meaning given at 20 U.S.C. § 1011f(h)(4) and includes all affiliated foundations and non-profit organizations that operate substantially for the benefit or under the auspices of Cornell University, such as the Cornell University Foundation and the Cornell University Foundation (UK) Ltd.

''Record'' means all recorded information, regardless of form or characteristics, made or received by you, and including metadata, such as email and other electronic communication, word processing documents, PDF documents, animations (including PowerPoint™ and other similar programs) spreadsheets, databases, calendars, telephone logs, contact manager information, Internet usage files, network access information, writings, drawings, graphs, charts, photographs, sound recordings, images, financial statements, checks, wire transfers, accounts, ledgers, facsimiles, texts, animations, voicemail files, data generated by calendaring, task management and personal information management (PIM) software (such as Microsoft Outlook), data created with the use of personal data assistants (PDAs), data created with the use of document management software, data created with the use of paper and electronic mail logging and routing software, and other data or data compilations, stored in any medium from which information can be obtained either directly or, if necessary, after translation by the responding party into a reasonably usable form. The term ''recorded information'' also includes all traditional forms of records, regardless of physical form or characteristics.

''Restricted or conditional gift or contract'' has the meaning given at 20 U.S.C. § 1011f(h)(5).

If you claim attorney-client or attorney-work product privilege for a given record, then you must prepare and submit a privilege log expressly identifying each such record and describing it so the Department may assess your claim's validity. Please note no other privileges apply here. Your record and data preservation obligations are outlined at Exhibit A.

This investigation will be directed by the Department's Office of General Counsel with support from Federal Student Aid. Your legal counsel should contact:

Reed D. Rubinstein, Acting General Counsel
U.S. Department of Education
400 Maryland Ave., S.W., Room 6E300
Washington, D.C. 20202
Reed.Rubinstein@ed.gov

Sincerely,

Mitchell M. Zais, Ph.D.

Appendix B—Letter to Rutgers University

Robert L. Barchi, President,
Rutgers, The State University of New Jersey,
Winants Hall,
7 College Avenue, 2nd Floor,
New Brunswick, NJ 08901

Re: Notice of 20 U.S.C. § 1011f Investigation and Record Request/ Rutgers University

Dear President:

Section 117 of the Higher Education Act of 1965, 20 U.S.C. § 1011f, requires certain institutions, including Rutgers, The State University of New Jersey (''Rutgers University''), to report statutorily defined gifts and contracts, including restricted and conditional gifts or contracts, from or with a statutorily defined foreign source, to the U.S. Department of Education. These reports are posted at *https://studentaid.ed.gov/sa/about/data-center/school/foreign-gifts*.

The Department believes Rutgers University's reporting may not fully capture all gifts, contracts, and/or restricted and conditional gifts or contracts from or with all foreign sources to all of Rutgers University's campuses and affiliated foundations and non-profit organizations—whether or not organized under the laws of the United States—that operate substantially for the benefit for or under the auspices of Rutgers University (*e.g.*, the Rutgers University Foundation).

Section 117(f), 20 U.S.C. § 1011f(f), provides that whenever it appears an institution has failed to comply with the law, the Secretary of Education may request the Attorney General commence

an enforcement action to compel compliance and to recover the full costs to the United States of obtaining compliance, including all associated costs of investigation and enforcement. To meet our statutory duty, the Department has opened an administrative investigation of your institution and requests production of these records within thirty days:

1. All records of gifts, contracts, and/or restricted or conditional gifts or contracts from or with a foreign source. The time frame for this request is January 1, 2014, to the present.
2. All records of, regarding, or referencing gifts, contracts, and/or restricted or conditional gifts or contracts from or with (a) the government of the People's Republic of China, its agencies, and agents, including but not limited to those persons known as Huawei Technologies Co. Ltd., Huawei Technologies USA, Inc., and ZTE Corp, their employees, subsidiaries, agents, and affiliates; (b) the government of Qatar, its agencies, and agents, including but not limited to those persons known as the Qatar Foundation for Education, Science and Community Development *aka* the Qatar Foundation *aka* the Qatar National Research Fund; and (c) the government of Russia, its agencies, and agents, including but not limited to Kaspersky Lab and Kaspersky Lab US, its agents, and affiliates. The time frame for this request is January 1, 2012, to the present.
3. All records of, regarding, or referencing communications between Prof. John V. Pavlik and the government of Qatar, its agents, subsidiaries, and affiliates, including but not limited to the Qatar National Research Fund. The time frame for this request is January 1, 2010, to the present.
4. All records of, regarding, or referencing ''Hanban'' or the Office of Chinese Language Council International. The time frame for this request is January 1, 2014 to the present.
5. All records of, regarding, or referencing gifts, contracts, and/or restricted or conditional gifts or contracts from or with the Confucius Institute (including the Confucius Institute of Rutgers University), its agents, employees, affiliates, or subsidiaries. The time frame for this request is January 1, 2010 to the present.
6. All gifts, contracts, or restricted or conditional gifts or contracts (*e.g.*, ''General Cooperation Agreements'', ''Abbreviated General Cooperation Agreements'', ''To establish the Joint Research Laboratory for Advanced Electronic Materials and Sensors'', ''Double Degree Programs'', ''Research Collaboration'', and ''Other'') from or with entities identified as ''Partner Institutions'' at *https://internationalpartnerships.gaiacenters.rutgers.edu/* and located in China, Pakistan, Qatar, Russia, or Saudi Arabia. The time frame for this request is January 1, 2014, to the present.
7. All records of, regarding, or referencing activities taken by Rutgers University to comply with 20 U.S.C. §§ 1011f(a), (b), (c), and (e). The time frame for this request is January 1, 2014, to the present.
8. All records of, regarding, or referencing activities taken by Rutgers University to confirm each foreign source of a gift, contract, and/or restricted or conditional gift or contract (a) does not engage in, or provide material support to any person who engages in, activities prohibited by 18 U.S.C. §§ 2339, 2339A, 2339B, 2339C, and 2339D; and (b)(i) is not owned or controlled by, (ii) does not act for or on behalf of, assist, sponsor, or provide financial, material, or technological support or other services to, or in support of, and (iii) is not otherwise associated with, any person who is a ''Specially Designated Global Terrorist'' under Executive Order 13224. The time frame for this request is January 1, 2010, to the present.
9. All IRS Form 990s and schedules, including Schedules F and R, for tax years 2014, 2015, 2016, 2017, and 2018, for Rutgers University and the Rutgers University Foundation.

As used in this Notice of Investigation and Information Request:

''Agent'' means any person, including a subsidiary or affiliate of a foreign or domestic legal entity, who acts for or in place of another.

''Contract'' has the meaning given at 20 U.S.C. § 1011f(h)(1).

''Foreign source'' has the meaning given at 20 U.S.C. § 1011f(h)(2).

''Gift'' has the meaning given at 20 U.S.C. § 1011f(h)(3).

''Institution'' has the meaning given at 20 U.S.C. § 1011f(h)(4) and includes all affiliated foundations and non-profit organizations that operate substantially for the benefit or under the auspices of Rutgers University, such as the Rutgers University Foundation.

''Record'' means all recorded information, regardless of form or characteristics, made or received by you, and including metadata, such as email and other electronic communication, word processing documents, PDF documents, animations (including PowerPoint™ and other similar programs) spreadsheets, databases, calendars, telephone logs, contact manager information, Internet usage files, network access information, writings, drawings, graphs, charts, photographs, sound recordings, images, financial statements, checks, wire transfers, accounts, ledgers, facsimiles, texts, animations, voicemail files, data generated by calendaring, task management and personal information management (PIM) software (such as Microsoft Outlook), data created with the use of personal data assistants (PDAs), data created with the use of document management software, data created with the use of paper and electronic mail logging and routing software, and other data or data compilations, stored in any medium from which information can be obtained either directly or, if necessary, after translation by the responding party into a reasonably usable form. The term ''recorded information'' also includes all traditional forms of records, regardless of physical form or characteristics.

''Restricted or conditional gift or contract'' has the meaning given at 20 U.S.C. § 1011f(h)(5).

If you claim attorney-client or attorney-work product privilege for a given record, then you must prepare and submit a privilege log expressly identifying each such record and describing it so the Department may assess your claim's validity. Please note no other privileges apply here.

Your record and data preservation obligations are outlined at Exhibit A.

This investigation will be directed by the Department's Office of General Counsel with support from Federal Student Aid. Your legal counsel should contact:

Reed D. Rubinstein, Acting General Counsel
U.S. Department of Education
400 Maryland Ave., S.W., Room 6E300
Washington, DC 20202
Reed.Rubinstein@ed.gov.

Sincerely,

Mitchell M. Zais, Ph.D.

[FR Doc. 2019–15425 Filed 7–18–19; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No. ED–2019–ICCD–0063]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Educational Opportunity Centers Program (EOC) Annual Performance Report

AGENCY: Department of Education (ED), Office of Postsecondary Education (OPE).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, ED is proposing an extension of an existing information collection.

DATES: Interested persons are invited to submit comments on or before August 19, 2019.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use *http://www.regulations.gov* by searching the Docket ID number ED–2019–ICCD–0063. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. If the *regulations.gov* site is not available to the public for any reason, ED will temporarily accept comments at *ICDocketMgr@ed.gov.* Please include the docket ID number and the title of the information collection request when requesting documents or submitting comments. *Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 550 12th Street SW, PCP, Room 9086, Washington, DC 20202–0023.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Rachael Wiley, 202–453–6078.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: Educational Opportunity Centers Program (EOC) Annual Performance Report.

OMB Control Number: 1840–0830.

Type of Review: An extension of an existing information collection.

Respondents/Affected Public: State, Local, and Tribal Governments; Private Sector.

Total Estimated Number of Annual Responses: 140.

Total Estimated Number of Annual Burden Hours: 1,120.

Abstract: Educational Opportunity Centers Program (EOC) grantees must submit the report annually. The report provides the Department of Education with information needed to evaluate a grantee's performance and compliance with program requirements and to award prior experience points in accordance with the program regulations. The data collection is also aggregated to provide information on project participants and program outcomes.

Dated: July 15, 2019.

Kate Mullan,

PRA Coordinator, Information Collection Clearance Program, Information Management Branch, Office of the Chief Information Officer.

[FR Doc. 2019–15324 Filed 7–18–19; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER19–2382–000]

Story County Wind, 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 Story County Wind, 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 August 1, 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: July 12, 2019.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2019–15379 Filed 7–18–19; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC19–113–000.
Applicants: Golden State Water Company.
Description: Application for Authorization Under Section 203 of the Federal Power Act, et al. of Golden State Water Company.
Filed Date: 7/12/19.
Accession Number: 20190712–5112.
Comments Due: 5 p.m. ET 8/2/19.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER19–1887–001.
Applicants: Emera Maine.
Description: Compliance filing: Amendment to Order 845 Compliance Filing to be effective 5/20/2019.
Filed Date: 7/15/19.
Accession Number: 20190715–5044.
Comments Due: 5 p.m. ET 8/5/19.

Docket Numbers: ER19–1955–001.
Applicants: Public Service Company of New Mexico.
Description: Compliance filing: Order No. 845 Deficiency Letter Response to be effective 5/22/2019.
Filed Date: 7/12/19.
Accession Number: 20190712–5155.
Comments Due: 5 p.m. ET 8/2/19.

Docket Numbers: ER19–2373–000.
Applicants: Ashtabula Wind I, LLC.
Description: Amendment to July 10, 2019 Ashtabula Wind I, LLC tariff filing.
Filed Date: 7/11/19.
Accession Number: 20190711–5155.
Comments Due: 5 p.m. ET 8/1/19.

Docket Numbers: ER19–2391–000.
Applicants: Duke Energy Florida, LLC.
Description: § 205(d) Rate Filing: DEF–FMPA NITSA (SA No. 148) Amendment to be effective 7/1/2019.
Filed Date: 7/12/19.
Accession Number: 20190712–5103.
Comments Due: 5 p.m. ET 8/2/19.

Docket Numbers: ER19–2392–000.
Applicants: Chief Conemaugh Power II, LLC.
Description: § 205(d) Rate Filing: Reactive Power Tariff Application to be effective 12/31/9998.
Filed Date: 7/12/19.
Accession Number: 20190712–5105.
Comments Due: 5 p.m. ET 8/2/19.

Docket Numbers: ER19–2393–000.
Applicants: Chief Keystone Power II, LLC.
Description: § 205(d) Rate Filing: Reactive Power Tariff Application to be effective 12/31/9998.
Filed Date: 7/12/19.
Accession Number: 20190712–5108.
Comments Due: 5 p.m. ET 8/2/19.

Docket Numbers: ER19–2394–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Amendment to WMPA, SA No. 3915; Queue No. Y2–042/Z2–104 (amend) to be effective 6/19/2015.
Filed Date: 7/12/19.
Accession Number: 20190712–5109.
Comments Due: 5 p.m. ET 8/2/19.

Docket Numbers: ER19–2395–000.
Applicants: AES Integrated Energy, LLC.
Description: § 205(d) Rate Filing: AES Integrated Tariff Amendment to be effective 9/11/2019.
Filed Date: 7/12/19.
Accession Number: 20190712–5147.
Comments Due: 5 p.m. ET 8/2/19.

Docket Numbers: ER19–2396–000.
Applicants: Louisville Gas and Electric Company.
Description: § 205(d) Rate Filing: Filing of Transition Mechanism Agreement to be effective 9/11/2019.
Filed Date: 7/12/19.
Accession Number: 20190712–5149.
Comments Due: 5 p.m. ET 8/2/19.

Docket Numbers: ER19–2397–000.
Applicants: Kentucky Utilities Company.
Description: § 205(d) Rate Filing: Filing of KU Concurrence Transition Mechanism Agmt to be effective 9/11/2019.
Filed Date: 7/12/19.
Accession Number: 20190712–5152.
Comments Due: 5 p.m. ET 8/2/19.

Docket Numbers: ER19–2398–000.
Applicants: Hancock County Wind, LLC.
Description: Baseline eTariff Filing: Hancock County Wind, LLC Application for Market-Based Rate Authority to be effective 9/11/2019.
Filed Date: 7/12/19.
Accession Number: 20190712–5156.
Comments Due: 5 p.m. ET 8/2/19.

Docket Numbers: ER19–2399–000.
Applicants: Caden Energix Hickory LLC.
Description: Baseline eTariff Filing: Market-Based Rate Application to be effective 9/14/2019.
Filed Date: 7/15/19.
Accession Number: 20190715–5000.
Comments Due: 5 p.m. ET 8/5/19.

Docket Numbers: ER19–2400–000.
Applicants: Electric Energy, Inc.
Description: Compliance filing: compliance 3 2019 Attachment M to be effective 5/22/2019.
Filed Date: 7/15/19.
Accession Number: 20190715–5043.
Comments Due: 5 p.m. ET 8/5/19.

Take notice that the Commission received the following public utility holding company filings:

Docket Numbers: PH19–14–000.
Applicants: PGGM Vermogensbeheer B.V.
Description: PGGM Vermogensbeheer B.V. submits FERC 65–B Material Change in Facts of Waiver Notification, et al.
Filed Date: 7/11/19.
Accession Number: 20190711–5165.
Comments Due: 5 p.m. ET 8/1/19.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: July 15, 2019.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2019–15375 Filed 7–18–19; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #2

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC19–88–000.
Applicants: Cinergy Corp., Duke Energy Renewables, Inc., Caprock Solar 1 LLC, Cimarron Windpower II, LLC, Frontier Windpower, LLC, Happy Jack

Windpower, LLC, Ironwood Windpower, LLC, Kit Carson Windpower, LLC, Laurel Hill Wind Energy, LLC, North Allegheny Wind, LLC, Pumpjack Solar I, LLC, Rio Bravo Solar I, LLC, Rio Bravo Solar II, LLC, Shoreham Solar Commons LLC, Seville Solar One LLC, Seville Solar Two LLC, Silver Sage Windpower, LLC, Three Buttes Windpower, LLC, Top of the World Wind Energy LLC, Tallbear Seville LLC, Wildwood Solar I, LLC, Wildwood Solar II, LLC, John Hancock Life Insurance Company (U.S.A.), JH Symphony Renewables, LLC.

Description: Supplement to May 8, 2019 Joint Application for Authorization Under Section 203 of the Federal Power Act of Cinergy Corp., et al.

Filed Date: 6/7/19.

Accession Number: 20190607–5039.

Comments Due: 5 p.m. ET 7/22/19.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER19–1934–002.

Applicants: Tucson Electric Power Company.

Description: Compliance filing: Order No. 845 Deficiency Letter Response to be effective 5/22/2019.

Filed Date: 7/12/19.

Accession Number: 20190712–5085.

Comments Due: 5 p.m. ET 8/2/19.

Docket Numbers: ER19–1935–001.

Applicants: UNS Electric, Inc.

Description: Compliance filing: Order No. 845 Deficiency Letter Response to be effective 5/22/2019.

Filed Date: 7/12/19.

Accession Number: 20190712–5086.

Comments Due: 5 p.m. ET 8/2/19.

Docket Numbers: ER19–2233–001.

Applicants: Smoky Mountain Transmission LLC.

Description: Compliance filing: Amendment to Compliance Filing to be effective 5/22/2019.

Filed Date: 7/12/19.

Accession Number: 20190712–5095.

Comments Due: 5 p.m. ET 8/2/19.

Docket Numbers: ER19–2389–000.

Applicants: Grazing Yak Solar, LLC.

Description: Baseline eTariff Filing: Grazing Yak Solar, LLC Application for Market-Based Rates to be effective 9/11/2019.

Filed Date: 7/12/19.

Accession Number: 20190712–5080.

Comments Due: 5 p.m. ET 8/2/19.

Docket Numbers: ER19–2390–000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Amendment to ISA, SA No. 4872; Queue No. AA2–132 (amend) to be effective 11/21/2017.

Filed Date: 7/12/19.

Accession Number: 20190712–5096.

Comments Due: 5 p.m. ET 8/2/19.

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: July 12, 2019.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2019–15374 Filed 7–18–19; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER19–1507–003.

Applicants: Duke Energy Carolinas, LLC.

Description: Compliance filing: Joint OATT LGIP—Order 845 Deficiency Letter Response to be effective 5/22/2019.

Filed Date: 7/12/19.

Accession Number: 20190712–5046.

Comments Due: 5 p.m. ET 8/2/19.

Docket Numbers: ER19–1869–000; ER19–1870–000; ER19–1871–000; ER19–1866–000; ER19–1865–000; ER19–1868–000; ER19–1867–000; ER19–1872–000.

Applicants: Orrtanna Power, LLC, Blossburg Power, LLC, Hamilton Power, LLC, Hunterstown Power, LLC, Niles Power, LLC, Shawnee Power, LLC, Titus Power, LLC, Tolna Power, LLC.

Description: Supplement to May 15, 2019 Orrtanna Power, LLC, et al. tariff filings, et al.

Filed Date: 7/9/19.

Accession Number: 20190709–5129.

Comments Due: 5 p.m. ET 7/19/19.

Docket Numbers: ER19–2386–000.

Applicants: Delmarva Power & Light Company, PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Delmarva Power submits a Construction Agreement, Service Agreement No. 5424 to be effective 6/5/2019.

Filed Date: 7/11/19.

Accession Number: 20190711–5118.

Comments Due: 5 p.m. ET 8/1/19.

Docket Numbers: ER19–2387–000.

Applicants: New England Power Pool Participants Committee, ISO New England Inc.

Description: § 205(d) Rate Filing: Viridity Energy Termination to be effective 9/10/2019.

Filed Date: 7/11/19.

Accession Number: 20190711–5134.

Comments Due: 5 p.m. ET 8/1/19.

Docket Numbers: ER19–2388–000.

Applicants: Marcus Hook 50, L.P.

Description: Tariff Cancellation: Tariff cancellation to be effective 7/12/2019.

Filed Date: 7/12/19.

Accession Number: 20190712–5027.

Comments Due: 5 p.m. ET 8/2/19.

Take notice that the Commission received the following electric securities filings:

Docket Numbers: ES19–37–000.

Applicants: Montana-Dakota Utilities Co.

Description: Application under Section 204 of the Federal Power Act for Authorization to Issue Securities of Montana-Dakota Utilities Co.

Filed Date: 7/11/19.

Accession Number: 20190711–5164.

Comments Due: 5 p.m. ET 8/1/19.

Take notice that the Commission received the following PURPA 210(m)(3) filings:

Docket Numbers: QM19–3–000.

Applicants: Prairie Power, Inc.

Description: Application of Prairie Power, Inc. to Terminate Mandatory PURPA Purchase Obligation.

Filed Date: 7/11/19.

Accession Number: 20190711–5149.

Comments Due: 5 p.m. ET 8/8/19.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified 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: July 12, 2019.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2019–15377 Filed 7–18–19; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Number: PR19–67–000.
Applicants: Columbia Gas of Ohio, Inc.
Description: Tariff filing per 284.123(b),(e)/: COH Rates effective July 1, 2019 to be effective 7/1/2019 under PR19–67.
Filed Date: 7/11/19.
Accession Number: 201907115046.
Comments/Protests Due: 5 p.m. ET 8/1/19.

Docket Numbers: RP19–1382–000.
Applicants: Northern Natural Gas Company.
Description: § 4(d) Rate Filing: 20190711 Negotiated Rate to be effective 7/12/2019.
Filed Date: 7/11/19.
Accession Number: 20190711–5109.
Comments Due: 5 p.m. ET 7/23/19.

Docket Numbers: RP19–1383–000.
Applicants: Dominion Energy Transmission, Inc.
Description: § 4(d) Rate Filing: DETI—July 11, 2019 Negotiated Rate Agreements to be effective 7/12/2019.
Filed Date: 7/11/19.
Accession Number: 20190711–5133.
Comments Due: 5 p.m. ET 7/23/19.

Docket Numbers: RP19–1384–000.
Applicants: Southwest Energy, L.P.
Description: Joint Petition for Temporary Waiver of Commission Policies, Capacity Release Regulations and Policies of Southwest Energy, L.P., et al. under RP19–1384.
Filed Date: 7/11/19.
Accession Number: 20190711–5151.
Comments Due: 5 p.m. ET 7/23/19.

Docket Numbers: RP19–846–001.
Applicants: Black Hills Shoshone Pipeline, LLC.
Description: Request for Extension of Time to Implement NAESB 3.1 Standards Per Order No. 587–Y of Black Hills Shoshone Pipeline LLC under RP19–846.
Filed Date: 7/11/19.
Accession Number: 20190711–5158.
Comments Due: 5 p.m. ET 7/19/19.

Docket Numbers: RP19–1291–002.
Applicants: Paiute Pipeline Company.
Description: Compliance filing Compliance Filing—RP19–1291 to be effective 7/1/2019.
Filed Date: 7/12/19.
Accession Number: 20190712–5146.
Comments Due: 5 p.m. ET 7/24/19.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: July 15, 2019.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2019–15378 Filed 7–18–19; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP19–484–000]

Kinder Morgan Louisiana Pipeline LLC; Notice of Application

Take notice that on June 28, 2019, Kinder Morgan Louisiana Pipeline LLC (Kinder Morgan), at 1001 Louisiana Street, Houston, Texas 77002, filed an application in the above reference docket an application pursuant to section 7(c) of the Natural Gas Act (NGA) to construct certain facilities. Kinder Morgan proposes to construct, and operate the Acadiana Project (Project). The Project involves the: (1) Installation of three (3) new gas fired compressor units totaling 95,700 International Organization for Standardization (ISO) horsepower at Kinder Morgan's existing Compressor Station No. 760 in Acadia Parish, Louisiana, (2) modifications to meter piping at Kinder Morgan's existing Columbia Gulf Transmission Meter Station in Evangeline Parish, Louisiana, and (3) the installation of auxiliary facilities at both locations, all as more fully set forth in the application which is on file with the Commission and open to public inspection. The filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's website 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 TYY, (202) 502–8659.

Any questions concerning this application may be directed to Bruce H. Newsome, Vice President, Kinder Morgan Louisiana Pipeline LLC, 3250 Lacey Road, 7th Floor, Downers Grove, Illinois 60515–7918, by telephone at (630) 725–3070 or by email at *bruce_newsome@kindermorgan.com.*

Specifically, the Project will allow Kinder Morgan to increase firm north-to-south transportation capacity on its system by 894,000 dekatherms per day (Dth/d) from existing pipeline that interconnects to an existing delivery point with Sabine Pass Liquefaction, LLC (SPL) at SPL's liquefied natural gas export terminal at Sabine Pass in Cameron Parish, Louisiana. The expansion capacity (894,000 Dth/d) will be combined with 145,000 Dth/d of existing system capacity that has been reserved for the Project to enable Kinder Morgan to meet the request of SPL, which has executed a binding precedent agreement with Kinder Morgan for 945,000 Dth/d of transportation capacity for delivery of feedstock gas to the SPL Export Terminal. The estimated cost of the Project is $143,048,567.

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 seven copies of filings made in the proceeding with the Commission and must mail a copy to the applicant and to every other party. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commentors will be placed on the Commission's environmental mailing list, and will be notified of any meetings associated with the Commission's environmental review process. Environmental commentors will not be required to serve copies of filed documents on all other parties. However, the non-party commentors will not receive copies of all documents filed by other parties or issued by the Commission and will not have the right to seek court review of the Commission's final order.

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 7 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 August 2, 2019.

Dated: July 12, 2019.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2019–15373 Filed 7–18–19; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP19–193–000]

Columbia Gulf Transmission, LLC; Notice of Intent To Prepare an Environmental Assessment for the Proposed Mainline 100 and Mainline 200 Replacement Project

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental assessment (EA) that will discuss the environmental impacts of the Mainline 100 and Mainline 200 Replacement Project involving construction and operation of facilities by Columbia Gulf Transmission, LLC (Columbia) in Menifee and Montgomery Counties, Kentucky. The Commission will use this EA in its decision-making process to determine whether the project is in the public convenience and necessity.

This notice announces the opening of the scoping process the Commission will use to gather input from the public and interested agencies about issues regarding the project. The National Environmental Policy Act (NEPA) requires the Commission to take into account the environmental impacts that could result from its action whenever it considers the issuance of a Certificate of Public Convenience and Necessity. NEPA also requires the Commission to discover concerns the public may have about proposals. This process is referred to as ''scoping.'' The main goal of the scoping process is to focus the analysis in the EA on the important environmental issues. By this notice, the Commission requests public comments on the scope of issues to address in the EA. To ensure that your comments are timely and properly recorded, please submit your comments so that the Commission receives them in Washington, DC on or before 5:00 p.m. Eastern Time on August 12, 2019.

You can make a difference by submitting your specific comments or concerns about the project. Your comments should focus on the potential environmental effects, reasonable alternatives, and measures to avoid or lessen environmental impacts. Your input will help the Commission staff determine what issues they need to evaluate in the EA. Commission staff will consider all filed comments during the preparation of the EA.

If you sent comments on this project to the Commission before the opening of this docket on April 22, 2019, you will need to file those comments in Docket No. CP19–193–000 to ensure they are considered as part of this proceeding. This notice is being sent to the Commission's current environmental mailing list for this project. State and local government representatives should notify their constituents of this proposed project and encourage them to comment on their areas of concern.

Columbia provided landowners with a fact sheet prepared by the FERC entitled ''An Interstate Natural Gas Facility On My Land? What Do I Need To Know?'' This fact sheet addresses a number of typically asked questions, including the use of eminent domain and how to participate in the Commission's proceedings. It is also available for viewing on the FERC website (*www.ferc.gov*) at *https://www.ferc.gov/resources/guides/gas/gas.pdf.*

Public Participation

The Commission offers a free service called eSubscription which makes it easy to stay informed of all issuances and submittals regarding the dockets/projects to which you subscribe. These instant email notifications are the fastest way to receive notification and provide a link to the document files which can reduce the amount of time you spend researching proceedings. To sign up go to *www.ferc.gov/docs-filing/esubscription.asp.*

For your convenience, there are three methods you can use to submit your comments to the Commission. The Commission encourages electronic filing of comments and has staff available to assist you at (866) 208–3676 or *FercOnlineSupport@ferc.gov.* Please carefully follow these instructions so that your comments are properly recorded.

(1) You can file your comments electronically using the *eComment* feature, which is located on the

Commission's website (*www.ferc.gov*) under the link to *Documents and Filings.* Using eComment is an easy method for submitting brief, text-only comments on a project;

(2) You can file your comments electronically by using the *eFiling* feature, which is located on the Commission's website (*www.ferc.gov*) under the link to *Documents and Filings.* With eFiling, you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on ''*eRegister.*'' You will be asked to select the type of filing you are making; a comment on a particular project is considered a ''Comment on a Filing''; or

(3) You can file a paper copy of your comments by mailing them to the following address. Be sure to reference the project docket number (CP19–193–000) with your submission: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426.

Summary of the Proposed Project

Columbia proposes replacing the existing Class 2 Mainline 100 and Mainline 200 pipelines with Class 3 pipelines. The replacement of Mainline 100 and Mainline 200 consists of the abandonment and replacement of approximately 2,650 feet of pipeline associated with Mainline 100 and Mainline 200. New pipeline facilities include the construction and operation of two sections of Mainline 100 and two sections of Mainline 200, which represent approximately 0.44 miles of new 30-inch-diameter natural gas transmission pipe, within Montgomery and Menifee Counties, Kentucky.

The general location of the project facilities is shown in appendix 1.

Land Requirements for Construction

The land requirements for the Project include the existing permanent right-of-way, additional temporary construction workspace, and temporary and permanent access roads. These areas are collectively referred to as the construction work area. The construction work area totals 10.6 acres. New permanent right-of-way would not be required for the Project, and Columbia will maintain the existing right-of-way and permanent access roads during operation.

The EA Process

The EA will discuss impacts that could occur as a result of the construction and operation of the proposed project under these general headings:

- Geology and soils;
- water resources and wetlands;
- vegetation and wildlife;
- threatened and endangered species;
- cultural resources;
- land use;
- air quality and noise;
- public safety; and
- cumulative impacts

Commission staff will also evaluate reasonable alternatives to the proposed project or portions of the project, and make recommendations on how to lessen or avoid impacts on the various resource areas.

The EA will present Commission staffs' independent analysis of the issues. The EA will be available in electronic format in the public record through eLibrary [1] and the Commission's website (*https://www.ferc.gov/industries/gas/enviro/eis.asp*). If eSubscribed, you will receive instant email notification when the EA is issued. The EA may be issued for an allotted public comment period. Commission staff will consider all comments on the EA before making recommendations to the Commission.

With this notice, the Commission is asking agencies with jurisdiction by law and/or special expertise with respect to the environmental issues of this project to formally cooperate in the preparation of the EA.[2] Agencies that would like to request cooperating agency status should follow the instructions for filing comments provided under the Public Participation section of this notice.

Consultation Under Section 106 of the National Historic Preservation Act

In accordance with the Advisory Council on Historic Preservation's implementing regulations for section 106 of the National Historic Preservation Act, the Commission is using this notice to initiate consultation with the applicable State Historic Preservation Office, and to solicit their views and those of other government agencies, interested Indian tribes, and the public on the project's potential effects on historic properties.[3] The EA for this project will document findings on the impacts on historic properties and summarize the status of consultations under section 106.

Environmental Mailing List

The environmental mailing list includes federal, state, and local government representatives and agencies; elected officials; environmental and public interest groups; Native American Tribes; other interested parties; and local libraries and newspapers. This list also includes all affected landowners (as defined in the Commission's regulations) who are potential right-of-way grantors, whose property may be used temporarily for project purposes, or who own homes within certain distances of aboveground facilities, and anyone who submits comments on the project. Commission staff will update the environmental mailing list as the analysis proceeds to ensure that Commission notices related to this environmental review are sent to all individuals, organizations, and government entities interested in and/or potentially affected by the proposed project.

Additional Information

Additional information about the project is available from the Commission's Office of External Affairs, at (866) 208–FERC, or on the FERC website at *www.ferc.gov* using the eLibrary link. Click on the eLibrary link, click on ''General Search'' and enter the docket number in the ''Docket Number'' field, excluding the last three digits (*i.e.,* CP19–193. Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at *FercOnlineSupport@ferc.gov* or (866) 208–3676, or for TTY, contact (202) 502–8659. The eLibrary link also provides access to the texts of all formal documents issued by the Commission, such as orders, notices, and rulemakings.

Dated: July 12, 2019.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2019–15372 Filed 7–18–19; 8:45 am]

BILLING CODE 6717–01–P

[1] For instructions on connecting to eLibrary, refer to the last page of this notice.

[2] The Council on Environmental Quality regulations addressing cooperating agency responsibilities are at Title 40, Code of Federal Regulations, Part 1501.6.

[3] The Advisory Council on Historic Preservation's regulations are at Title 36, Code of Federal Regulations, Part 800. Those regulations define historic properties as any prehistoric or historic district, site, building, structure, or object included in or eligible for inclusion in the National Register of Historic Places.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER19–2399–000]

Caden Energix Hickory 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 Caden Energix Hickory 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 August 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: July 15, 2019.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2019–15376 Filed 7–18–19; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. EL19–84–000; QF19–1331–001]

Clean Fuel Dane, LLC; Notice of Request for Limited Waivers and Refund Report

Take notice that on July 11, 2019, pursuant to Rule 207 (a)(5) of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure, 18 CFR 385.207(a)(5) (2019), Clean Fuel Dane, LLC, filed a request for limited waiver of: (i) The FERC Form 556 filing requirement for its qualifying small power production facility for the period beginning March 17, 2011 and ending June 28, 2019 and (ii) any refunds that might otherwise be required, as more fully explained in the petition.

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. Anyone filing a motion to intervene or protest must serve a copy of that document on the Petitioner.

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 August 12, 2019.

Dated: July 12, 2019.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2019–15380 Filed 7–18–19; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OECA–2019–0204; FRL–9996–86–OECA]

Enhancing Effective Partnerships Between the EPA and the States in Civil Enforcement and Compliance Assurance Work

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability.

SUMMARY: The Environmental Protection Agency (EPA) Office of Enforcement and Compliance Assurance (OECA) is issuing a final policy on *Enhancing Effective Partnerships Between the EPA and the States in Civil Enforcement and Compliance Assurance Work.* The final policy is available for review at *https://www.epa.gov/sites/production/files/2019-07/documents/memoenhancingeffectivepartnerships.pdf.*

FOR FURTHER INFORMATION CONTACT: Kathleen H. Johnson, Senior Policy Advisor, *Mail Code:* 2261A, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; *telephone number:* (202) 564–5401; *fax number:* (202) 501–3842; *email address: johnson.kathleen@epa.gov.*

SUPPLEMENTARY INFORMATION: In January 2018, OECA issued an Interim Guidance document to help move the Agency toward a more collaborative partnership between the EPA and states. After more than a year of implementing the Interim Guidance, states and EPA regions gained valuable experience in enhancing planning and communication on compliance work in Federal environmental programs that states are authorized, delegated, or approved to implement. OECA incorporated this experience in drafting a revised policy. On May 13, 2019, OECA solicited public

input on the revised policy through a **Federal Register** notice (84 FR 20882, May 13, 2019) for a thirty-day comment period.

This final policy incorporates additional feedback collected through the public notice and sets out expectations and procedures for enhancing effective partnerships in civil enforcement and compliance assurance work between the EPA and authorized states. Although this policy is focused on the EPA's work with states that are approved to implement Federal programs, the EPA will also strive to follow these planning and communication practices when working with federally-recognized Indian tribes, territories, and local governments that have received approval to implement Federal programs. This is an Agency planning document and would not impose any legally binding requirements on the EPA or any outside parties.

Dated: July 11, 2019.

Susan Parker Bodine,

Assistant Administrator, Office of Enforcement and Compliance Assurance.

[FR Doc. 2019–15309 Filed 7–18–19; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9996–65–OW]

Notice of Availability of the Deepwater Horizon Oil Spill Louisiana Trustee Implementation Group Final Supplemental Restoration Plan and Environmental Assessment for the Lake Charles Science Center and Educational Complex Project Modification and Finding of No Significant Impact

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability.

SUMMARY: In accordance with the Oil Pollution Act of 1990 (OPA) and the National Environmental Policy Act (NEPA), the Federal and State natural resource trustee agencies for the Louisiana Trustee Implementation Group (Louisiana TIG) have prepared the Final Supplemental Restoration Plan and Environmental Assessment for the Lake Charles Science Center and Educational Complex Project Modification (Final Supplemental RP/EA). The Final Supplemental RP/EA describes and, in conjunction with the associated Finding of No Significant Impact (FONSI), selects the modified Lake Charles Science Center and Educational Complex (SCEC) project considered by the Louisiana TIG to compensate for recreational use services lost as a result of the *Deepwater Horizon* oil spill. The Louisiana TIG evaluated project alternatives under criteria set forth in the OPA natural resource damage assessment (NRDA) regulations, and evaluated the environmental consequences of the alternatives in accordance with the NEPA. The selected project is consistent with the restoration alternatives selected in the *Deepwater Horizon* oil spill Final Programmatic Damage Assessment and Restoration Plan/Programmatic Environmental Impact Statement (PDARP/PEIS). The Federal Trustees of the Louisiana TIG have determined that implementation of the Final Supplemental RP/EA is not a major federal action significantly affecting the quality of the human environment within the context of the NEPA. They have concluded a FONSI is appropriate, and, therefore, an Environmental Impact Statement will not be prepared. The purpose of this notice is to inform the public of the approval and availability of the Final Supplemental RP/EA and FONSI.

ADDRESSES: *Obtaining Documents:* You may download the Final Supplemental RP/EA at any of the following sites:

- *http://www.gulfspillrestoration.noaa.gov*
- *http://www.la-dwh.com*

Alternatively, you may request a CD of the Final Supplemental RP/EA (see **FOR FURTHER INFORMATION CONTACT**). You may also view the document at any of the public facilities listed at *http://www.gulfspillrestoration.noaa.gov.*

FOR FURTHER INFORMATION CONTACT:

- Louisiana—Joann Hicks, 225–342–5477
- EPA—Tim Landers, 202–566–2231

SUPPLEMENTARY INFORMATION:

Introduction

On April 20, 2010, the mobile offshore drilling unit *Deepwater Horizon,* which was being used to drill a well for BP Exploration and Production, Inc. (BP), in the Macondo prospect (Mississippi Canyon 252–MC252), experienced a significant explosion, fire, and subsequent sinking in the Gulf of Mexico, resulting in an unprecedented volume of oil and other discharges from the rig and from the wellhead on the seabed. The *Deepwater Horizon* oil spill is the largest off shore oil spill in U.S. history, discharging millions of barrels of oil over a period of 87 days.

The Trustees conducted the natural resource damage assessment for the *Deepwater Horizon* oil spill under the Oil Pollution Act of 1990 (33 United States Code 2701 *et seq.*). Under the OPA, federal and state agencies act as trustees on behalf of the public to assess natural resource injuries and losses, and to determine the actions required to compensate the public for those injuries and losses. The OPA further instructs the designated trustees to develop and implement a plan for the restoration, rehabilitation, replacement, or acquisition of the equivalent of the injured natural resources under their trusteeship, including the loss of use and services from those resources from the time of injury until the time of restoration to baseline (the resource quality and conditions that would exist if the spill had not occurred) is complete.

The *Deepwater Horizon* oil spill Trustees are:

- U.S. Environmental Protection Agency (EPA);
- U.S. Department of the Interior (DOI), as represented by the National Park Service, U.S. Fish and Wildlife Service, and Bureau of Land Management;
- National Oceanic and Atmospheric Administration (NOAA), on behalf of the U.S. Department of Commerce;
- U.S. Department of Agriculture (USDA);
- State of Louisiana Coastal Protection and Restoration Authority (CPRA), Oil Spill Coordinator's Office (LOSCO), Department of Environmental Quality (LDEQ), Department of Wildlife and Fisheries (LDWF), and Department of Natural Resources (LDNR);
- State of Mississippi Department of Environmental Quality;
- State of Alabama Department of Conservation and Natural Resources and Geological Survey of Alabama;
- State of Florida Department of Environmental Protection and Fish and Wildlife Conservation Commission; and
- State of Texas Parks and Wildlife Department, General Land Office, and Commission on Environmental Quality.

On April 4, 2016, the Trustees reached and finalized a settlement of their natural resource damage claims with BP in a Consent Decree approved by the United States District Court for the Eastern District of Louisiana. Pursuant to that Consent Decree, restoration projects in the Louisiana Restoration Area are now chosen and managed by the Louisiana TIG. The Louisiana TIG is composed of the following Trustees: CPRA, LOSCO, LDEQ, LDWF, LDNR, EPA, DOI, NOAA, USDA.

Background

The original scope and design of the Lake Charles SCEC project were evaluated in the *Deepwater Horizon* Oil Spill Louisiana TIG Final Restoration Plan and Environmental Assessment #2: Provide and Enhance Recreational Opportunities (Final RP/EA #2), which was published on July 20, 2018. As described in the Final RP/EA #2, the Lake Charles SCEC project would enhance recreational opportunities by providing indoor and outdoor public visitation and outreach components, including fisheries extension, access, outreach, and education to the public. Following release of the Final RP/EA #2, the City of Lake Charles requested that the Louisiana TIG consider collocating the Lake Charles SCEC with the City's planned Lake Charles Children's Museum (LCCM). The Louisiana TIG prepared a Draft Supplemental Restoration Plan and Environmental Assessment for the Lake Charles SCEC Project Modification (Draft Supplemental RP/EA) to evaluate potential revisions to the Lake Charles SCEC project, to inform the public about potential modifications to the project, and to seek public comment. A Notice of Availability of the Draft Supplemental RP/EA was published in the **Federal Register** on April 19, 2019. The Louisiana TIG hosted a public meeting on May 8, 2019, in Lake Charles, and the public comment period for the Draft Supplemental RP/EA closed on May 20, 2019. The Louisiana TIG considered the public comments received on the Draft Supplemental RP/EA, which informed the Louisiana TIG's analyses and selection of the modified Lake Charles SCEC project in the Final Supplemental RP/EA. A summary of the public comments received and the Trustees' responses to those comments are included in Section 7 of the Final Supplemental RP/EA.

Overview of the Final Supplemental RP/EA

The Final Supplemental RP/EA evaluates modifications to the Lake Charles SCEC project and considers alternatives, consistent with the purpose and need of the original project. Alternatives considered include the collocation of the Lake Charles SCEC and LCCM with variations of indoor and outdoor components to support recreational and educational opportunities, as well as a No Action alternative. In the Final Supplemental RP/EA, the Louisiana TIG selects project Alternative C: Revised Location with Fishing Pier. The selected alternative would collocate the Lake Charles SCEC with the planned LCCM on the north shore of Lake Charles. The modified project would include immersive exhibits, aquaria, touch tanks, outdoor walking trails, and a recreational fishing pier over Lake Charles. In the Final Supplemental RP/EA, the Louisiana TIG presents to the public its plan to continue the process of restoring recreational use services lost in the Louisiana Restoration Area as a result of the *Deepwater Horizon* oil spill. The total estimated cost of the selected project, as modified, is $7 million. Additional restoration planning for the Louisiana Restoration Area will continue.

Administrative Record

The documents comprising the Administrative Record for the Final Supplemental RP/EA can be viewed electronically at *https://www.doi.gov/deepwaterhorizon/adminrecord.*

Authority

The authority for this action is the Oil Pollution Act of 1990 (33 U.S.C. 2701 *et seq.*), its implementing NRDA regulations at 15 CFR part 990, and the NEPA (42 U.S.C. 4321 *et seq.*).

Dated: July 9, 2019.

Benita Best-Wong,

Deputy Assistant Administrator, Office of Water.

[FR Doc. 2019–14992 Filed 7–18–19; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–9045–8]

Environmental Impact Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information 202–564–5632 or *https://www.epa.gov/nepa/.*

Weekly receipt of Environmental Impact Statements
Filed 07/08/2019 Through 07/12/2019
Pursuant to 40 CFR 1506.9.

Notice

Section 309(a) of the Clean Air Act requires that EPA make public its comments on EISs issued by other Federal agencies. EPA's comment letters on EISs are available at: *https://cdxnodengn.epa.gov/cdx-enepa-public/action/eis/search.*

EIS No. 20190161, Draft, BR, CA, Auburn State Recreation Area Preliminary General Plan and Auburn Project Lands Draft Resource Management Plan Draft Environmental Impact Report/Environmental Impact Statement, Comment Period Ends: 09/03/2019, Contact: Bonnie Van Pelt 916–537–7062

EIS No. 20190162, Draft Supplement, BLM, CA, United States Gypsum Company Expansion/Modernization Project, Imperial County, California, Comment Period Ends: 09/03/2019, Contact: Miriam Liberatore 541–618–2400

EIS No. 20190163, Draft Supplement, FAA, CA, Gnoss Field Airport Proposed Extension of Runway 13/31, Comment Period Ends: 09/06/2019, Contact: Doug Pomeroy 650–827–7612

EIS No. 20190164, Final, USFS, OR, Black Mountain Vegetation Management Project, Review Period Ends: 09/03/2019, Contact: Elysia Retzlaff 541–416–6436

EIS No. 20190165, Final, BR, OR, ADOPTION—Swan Lake North Pumped Storage Project, Review Period Ends: 08/19/2019, Contact: Kirk Young 541–880–2589

The Bureau of Reclamation has adopted the Federal Energy Regulatory Commission (FERC) Final EIS No. 20180333, filed 01/25/2019 with the EPA. Reclamation was not a cooperating agency on this project. Therefore, recirculation of the document is necessary under Section 1506.3(b) of the CEQ Regulations.

EIS No. 20190166, Draft, USACE, TX, Gulf Intracoastal Waterway, Brazos River Floodgates and Colorado River Locks, Texas, Comment Period Ends: 08/01/2019, Contact: Daniel Allen 817–886–1821

Under Section 1506.10(d) of the Council on Environmental Quality Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act, the U.S. Environmental Protection Agency has Granted a 32-Day Waiver for the above EIS.

Amended Notice

EIS No. 20180157, Draft, USACE, TX, Matagorda Ship Channel, Port Lavaca, Texas, Comment Period Ends: 08/08/2019, Contact: Harmon Brown 409–766–3837

Under Section 1506.10(d) of the Council on Environmental Quality Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act, the U.S. Environmental Protection Agency has Granted a 25-Day Waiver for the above EIS.

EIS No. 20190107, Draft, NMFS, REG, Draft Regulatory Amendment to

Modify Pelagic Longline Bluefin Tuna Area-Based and Weak Hook Management Measures, Comment Period Ends: 09/30/2019, Contact: Jennifer Cudney 727–824–5399

Revision to FR Notice Published 05/17/2019; Extending the Comment Period from 07/31/2019 to 09/30/2019.

Dated: July 16, 2019.

Robert Tomiak,

Director, Office of Federal Activities.

[FR Doc. 2019–15431 Filed 7–18–19; 8:45 am]

BILLING CODE 6560–50–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 Senior Credit Officer Opinion Survey on Dealer Financing Terms (FR 2034; OMB No. 7100–0325).

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.

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.

A copy of the Paperwork Reduction Act (PRA) OMB submission, including the reporting form and instructions, supporting statement, and other documentation will be placed into OMB's public docket files. These documents also are available on the Board's public website at *https://www.federalreserve.gov/apps/reportforms/review.aspx* or may be requested from the agency clearance officer, whose name appears above.

SUPPLEMENTARY INFORMATION: On June 15, 1984, OMB delegated to the Board authority under the PRA to approve and assign OMB control numbers to collection of information requests and requirements conducted or sponsored by the Board. 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.

Final Approval Under OMB Delegated Authority of the Extension for Three Years, Without Revision, of the Following Information Collection

Report title: Senior Credit Officer Opinion Survey on Dealer Financing Terms.

Agency form number: FR 2034.

OMB control number: 7100–0325.

Frequency: Quarterly.

Respondents: U.S. financial institutions and U.S. branches and agencies of foreign banks.

Estimated number of respondents: 25.

Estimated average hours per response: 5.

Estimated annual burden hours: 500.

General description of report: This survey collects qualitative and limited quantitative information from senior credit officers at responding financial institutions on (1) stringency of credit terms, (2) credit availability and demand across the entire range of securities financing and over-the-counter derivatives transactions, and (3) the evolution of market conditions and conventions applicable to such activities. Given the Board's interest in financial stability, the information this survey collects is critical to the monitoring of credit markets and capital market activity. Information from the survey is also considered by the Federal Open Market Committee (FOMC) as it sets monetary policy. Aggregate survey results are made available to the public on the Board's website.[1] In addition, selected aggregate survey results may be discussed in Governors' speeches and may be published in *Federal Reserve Bulletin* articles and in the semi-annual Monetary Policy Report to the Congress.

Legal authorization and confidentiality: The FR 2034 is authorized pursuant to sections 2A and 12A of the Federal Reserve Act (''FRA''). Section 2A of the FRA requires that the Board and the FOMC 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). Under section 12A of the FRA, the FOMC is required to implement regulations relating to the open market operations conducted by Federal Reserve Banks. Those transactions must be governed with a view to accommodating commerce and business and with regard to their bearing upon the general credit situation of the country (12 U.S.C. 263). The Board and the FOMC use the information obtained from the FR 2034 to help fulfill these obligations. The FR 2034 is voluntary. Information collected on the FR 2034 may be granted confidential treatment under exemption (b)(4) of the Freedom of Information Act, 5 U.S.C. 552(b)(4), which protects from disclosure ''trade secrets and commercial or financial information obtained from a person and privileged or confidential.''

Current actions: On April 17, 2019, the Board published an initial notice in the **Federal Register** (84 FR 16015) requesting public comment for 60 days on the extension, without revision, of the FR 2034. The comment period for this notice expired on June 17, 2019. The Board did not receive any comments.

Board of Governors of the Federal Reserve System, July 15, 2019.

Michele Taylor Fennell,

Assistant Secretary of the Board.

[FR Doc. 2019–15366 Filed 7–18–19; 8:45 am]

BILLING CODE 6210–01–P

[1] See *www.federalreserve.gov/econresdata/releases/scoos.htm.*

FEDERAL RESERVE SYSTEM

Proposed Agency Information Collection Activities; Comment Request

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Notice, request for comment.

SUMMARY: The Board of Governors of the Federal Reserve System (Board) invites comment on a proposal to extend for three years, with revision, the Report of Selected Balance Sheet Items for Discount Window Borrowers (FR 2046; OMB No. 7100–0289).

DATES: Comments must be submitted on or before September 17, 2019.

ADDRESSES: You may submit comments, identified by FR 2046, by any of the following methods:

- *Agency Website: https://www.federalreserve.gov/.* Follow the instructions for submitting comments at *https://www.federalreserve.gov/apps/foia/proposedregs.aspx.*
- *Email: regs.comments@federalreserve.gov.* Include the OMB number in the subject line of the message.
- *FAX:* (202) 452–3819 or (202) 452–3102.
- *Mail:* Ann E. Misback, Secretary, Board of Governors of the Federal

Reserve System, 20th Street and Constitution Avenue NW, Washington, DC 20551.

All public comments are available from the Board's website at *https://www.federalreserve.gov/apps/foia/proposedregs.aspx* as submitted, unless modified for technical reasons or to remove personally identifiable information at the commenter's request. Accordingly, comments will not be edited to remove any identifying or contact information. Public comments may also be viewed electronically or in paper in Room 146, 1709 New York Avenue NW, Washington, DC 20006, between 9:00 a.m. and 5:00 p.m. on weekdays. For security reasons, the Board requires that visitors make an appointment to inspect comments. You may do so by calling (202) 452–3684. Upon arrival, visitors will be required to present valid government-issued photo identification and to submit to security screening in order to inspect and photocopy comments.

Additionally, commenters may send a copy of their comments to the Office of Management and Budget (OMB) Desk Officer—Shagufta Ahmed—Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10235, 725 17th Street NW, Washington, DC 20503, or by fax to (202) 395–6974.

FOR FURTHER INFORMATION CONTACT: A copy of the Paperwork Reduction Act (PRA) OMB submission, including the reporting form and instructions, supporting statement, and other documentation will be placed into OMB's public docket files, if approved. These documents will also be made available on the Board's public website at *https://www.federalreserve.gov/apps/reportforms/review.aspx* or may be requested from the agency clearance officer, whose name appears below.

Federal Reserve Board Clearance Officer—Nuha Elmaghrabi—Office of the Chief Data Officer, Board of Governors of the Federal Reserve System, Washington, DC 20551, (202) 452–3829.

SUPPLEMENTARY INFORMATION: On June 15, 1984, OMB delegated to the Board authority under the PRA to approve and assign OMB control numbers to collections of information conducted or sponsored by the Board. In exercising this delegated authority, the Board is directed to take every reasonable step to solicit comment. In determining whether to approve a collection of information, the Board will consider all comments received from the public and other agencies.

Request for Comment on Information Collection Proposal

The Board invites public comment on the following information collection, which is being reviewed under authority delegated by the OMB under the PRA. Comments are invited on the following:

a. Whether the proposed collection of information is necessary for the proper performance of the Board's functions, including whether the information has practical utility;

b. The accuracy of the Board's estimate of the burden of the proposed information collection, including the validity of the methodology and assumptions used;

c. Ways to enhance the quality, utility, and clarity of the information to be collected;

d. Ways to minimize the burden of information collection on respondents, including through the use of automated collection techniques or other forms of information technology; and

e. Estimates of capital or startup costs and costs of operation, maintenance, and purchase of services to provide information.

At the end of the comment period, the comments and recommendations received will be analyzed to determine the extent to which the Board should modify the proposal.

Proposal Under OMB Delegated Authority To Extend for Three Years, With Revision, the Following Information Collection

Report title: Report of Selected Balance Sheet Items for Discount Window Borrowers.

Agency form number: FR 2046.

OMB control number: 7100–0289.

Frequency: On occasion.

Respondents: Depository institutions.

Estimated number of respondents: Primary and Secondary Credit, 1; Seasonal Credit, 83; Seasonal Credit, borrower in questionable financial condition, 1.

Estimated average hours per response: Primary and Secondary Credit, 0.75 hours; Seasonal Credit, 0.25 hours; Seasonal Credit, borrower in questionable financial condition, 0.75 hours.

Estimated annual burden hours: Primary and Secondary Credit, 1 hour; Seasonal Credit, 375 hours; Seasonal Credit, borrower in questionable financial condition, 1 hour.

General description of report: The balance sheet data collected on the FR 2046 report from certain institutions that borrow from the discount window are used to monitor discount window borrowing. The Board's Regulation A, Extensions of Credit by Federal Reserve Banks (12 CFR 201), requires that Reserve Banks review balance sheet data in determining whether to extend credit and to help ascertain whether undue use is made of such credit. The FR 2046 report is primarily used to assess appropriate use of seasonal credit. Certain depository institutions that borrow from the discount window report on the FR 2046 certain balance sheet data for a period that encompasses the dates of borrowing.

Proposed revisions: The Board proposes to update data element definitions to account for the introduction of the FFIEC 051 reporting form. In addition, the face of the FR 2046 report will be updated to (1) reflect all of the legal statutes that authorize the collection of the report; (2) indicate that the report is ''authorized'' (not ''required'') by law; and (3) clarify that, if the report is requested under the Freedom of Information Act, the report will be treated as confidential unless the borrower's identity has already been disclosed pursuant to the two year lag provided under the Dodd-Frank Wall Street Reform and Consumer Protection Act.[1]

Legal authorization and confidentiality: The FR 2046 report is authorized pursuant to sections 4(8), 10B, and 19(b)(7) of the Federal Reserve Act (''FRA''), 12 U.S.C. 301, 347b, and 461(b)(7), which authorize Federal Reserve Banks to provide discounts or advances to a member bank or other depository institution and to demand notes secured to the satisfaction of each Reserve Bank, and authorize the Board to establish rules and regulations under which a Reserve Bank may extend such credit. Specifically, section 4(8) of the FRA, 12 U.S.C. 301, requires each Reserve Bank to keep itself informed of the general character and amount of the loans and investments of a depository institution ''with a view to ascertaining whether undue use is being made of bank credit,'' and instructs that, ''in determining whether to grant or refuse advances, rediscounts, or other credit accommodations, the Federal Reserve Bank shall give consideration to such information.'' Section 4(8) of the FRA also authorizes the Board to ''prescribe regulations further defining . . . the conditions under which discounts, advancements, and the accommodations may be extended to member banks.'' Section 10B of the FRA, 12 U.S.C. 347b, permits Federal Reserve Banks to make advances to member banks ''under rules and regulations prescribed by the

[1] 12 U.S.C. 248(s).

Board.'' Section 19(b)(7) of the FRA, 12 U.S.C. 461(b)(7), provides that any depository institutions that hold reservable deposits are entitled to the same discount and borrowing privileges as member banks.

Board of Governors of the Federal Reserve System, July 15, 2019.

Michele Taylor Fennell,

Assistant Secretary of the Board.

[FR Doc. 2019–15365 Filed 7–18–19; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The applications will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than August 15, 2019.

A. Federal Reserve Bank of St. Louis (David L. Hubbard, Senior Manager) P.O. Box 442, St. Louis, Missouri 63166–2034. Comments can also be sent electronically to *Comments.applications@stls.frb.org:*

1. *Farmers Bancorp, Inc., of Marion Kentucky, Marion, Kentucky;* to merge with Community Bancorp of Kentucky, Inc., and thereby indirectly acquire First State Bank, Inc., both of Central City, Kentucky.

Board of Governors of the Federal Reserve System, July 16, 2019.

Yao-Chin Chao,

Assistant Secretary of the Board.

[FR Doc. 2019–15397 Filed 7–18–19; 8:45 am]

BILLING CODE 6210–01–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000–0045; Docket No. 2019–0003; Sequence No. 17]

Submission for OMB Review; Bid Guarantees, Performance and Payment Bonds, and Alternative Payment Protections

AGENCY: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice.

SUMMARY: Under the provisions of the Paperwork Reduction Act, the Regulatory Secretariat Division has submitted to the Office of Management and Budget (OMB) a request to review and approve a renewal of a previously approved information collection requirement regarding bid guarantees, performance and payment bonds, and alternative payment protections.

DATES: Submit comments on or before August 19, 2019.

ADDRESSES: Submit comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to: Office of Information and Regulatory Affairs of OMB, Attention: Desk Officer for GSA, Room 10236, NEOB, Washington, DC 20503. Additionally submit a copy to GSA by any of the following methods:

- *Federal eRulemaking Portal:* This website provides the ability to type short comments directly into the comment field or attach a file for lengthier comments. Go to *http://www.regulations.gov* and follow the instructions on the site.
- *Mail:* General Services Administration, Regulatory Secretariat Division (MVCB), 1800 F Street NW, Washington, DC 20405. ATTN: Ms. Mandell/IC 9000–0045, Bid Guarantees, Performance and Payment Bonds, and Alternative Payment Protections.

Instructions: All items submitted must cite Information Collection 9000–0045, Bid Guarantees, Performance and Payment Bonds, and Alternative Payment Protections. Comments received generally will be posted without change to *http://www.regulations.gov,* including any personal and/or business confidential information provided. To confirm receipt of your comment(s), please check *www.regulations.gov,* approximately two-to-three days after submission to verify posting (except allow 30 days for posting of comments submitted by mail).

FOR FURTHER INFORMATION CONTACT: Ms. Mahruba Uddowla, Procurement Analyst, at telephone 703–605–2868, or *mahruba.uddowla@gsa.gov.*

SUPPLEMENTARY INFORMATION:

A. OMB Number, Title, and Any Associated Form(s)

9000–0045, Bid Guarantees, Performance and Payment Bonds, and Alternative Payment Protections—Standard Forms (SF) 24, 25, 25A, 25B, 34, 35, 273, 274, 275, 1416, and 1418.

B. Needs and Uses

FAR Subparts 28.1 and 28.2; FAR clauses at 52.228–1, 52.228–2, 52.228–13, 52.228–14, 52.228–15, 52.228–16; and associated FAR standard forms implement the statutory requirements of the Miller Act (40 U.S.C. 3131 to 3134), which requires performance and payment bonds for any construction contract exceeding $150,000 unless it is impracticable to require bonds for work performed in a foreign country, or it is otherwise authorized by law. In addition, the regulations implement the notice to 40 U.S.C. 3132, entitled ''Alternatives to Payment Bonds Provided by the Federal Acquisition Regulation,'' which requires alternative payment protection for construction contracts that exceed $35,000 but do not exceed $150,000. Although not required by statute, under certain circumstances the FAR permits the Government to require bonds on other than construction contracts.

FAR clause 52.228–1, Bid Guarantee, as prescribed in FAR 28.101–2, requires the bidder to furnish a bid guarantee in the proper form and amount (SF 24, Bid Bond; SF 34, Annual Bid Bond).

FAR clause 52.228–2, Additional Bond Security, as prescribed in FAR 28.106–4(a), requires the Contractor to furnish additional bond security under certain circumstances. This clause is used both for construction and other than construction contracts. (SF 1415, Consent of Surety and Increase of Penalty).

FAR clause 52.228–13, Alternative Payment Protections, as prescribed in

FAR 28.102–3(b), requires the Contractor to submit one of the payment protections listed in the clause by the Contracting Officer, in construction contracts greater than $35,000 but not exceeding $150,000.

FAR clause 52.228–14, Irrevocable Letter of Credit, as prescribed in FAR 28.204–4, requires offerors to provide certain information when they intend to use an irrevocable letter of credit (ILC) in lieu of a required bid bond, or to secure other types of required bonds such as performance and payment bonds. This clause is required in solicitations and contracts when a bid guarantee, or performance bonds, or performance and payment bonds are required.

FAR clause 52.228–15, Performance and Payment Bonds—Construction, as prescribed in FAR 28.102–3(a), requires the contractor to provide performance and payment bonds in construction contracts exceeding $150,000 (SF 25, Performance Bond; SF 25A, Payment Bond; SF 25B, Continuation Sheet (for SF's 24, 25, and 25A); SF 273, Reinsurance Agreement for a Miller Act Performance Bond; SF 274, Reinsurance Agreements for a Miller Act Payment Bond).

FAR clause 52.228–16, Performance and Payment Bonds—Other than Construction, as prescribed by 28.103–4, requires performance and payment bonds for other than construction contracts. This clause is only used in limited circumstances. (SF 35, Annual Performance Bond; SF 1416, Payment Bond for Other Than Construction Contracts; SF 275, Reinsurance Agreement in Favor of the United States; SF 1418, Performance Bond for Other than Construction Contracts).

C. Annual Reporting Burden

Respondents: 803.
Responses per Respondent: 1.
Total Annual Responses: 803.
Hours per Response: 1.
Total Burden Hours: 803.

D. Public Comment

A 60 day notice was published in the **Federal Register** at 84 FR 15224, on April 15, 2019. No comments were received.

Obtaining Copies: Requesters may obtain a copy of the information collection documents from the General Services Administration, Regulatory Secretariat Division (MVCB), 1800 F Street NW, Washington, DC 20405, telephone 202–501–4755. Please cite OMB Control No. 9000–0045, Bid Guarantees, Performance and Payment Bonds, and Alternative Payment Protections, in all correspondence.

Dated: July 16, 2019.

Janet Fry,

Director, Federal Acquisition Policy Division, Office of Governmentwide Acquisition Policy, Office of Acquisition Policy, Office of Governmentwide Policy.

[FR Doc. 2019–15368 Filed 7–18–19; 8:45 am]

BILLING CODE 6820–EP–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000–0058; Docket No. 2019–0003; Sequence No. 19]

Submission for OMB Review; Schedules for Construction Contracts

AGENCY: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice.

SUMMARY: Under the provisions of the Paperwork Reduction Act, the Regulatory Secretariat Division has submitted to the Office of Management and Budget (OMB) a request to review and approve a revision and renewal of a previously approved information collection requirement regarding schedules for construction contracts.

DATES: *Submit comments on or before:* August 19, 2019.

ADDRESSES: Submit comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to: Office of Information and Regulatory Affairs of OMB, Attention: Desk Officer for GSA, Room 10236, NEOB, Washington, DC 20503. Additionally submit a copy to GSA by any of the following methods:

- *Federal eRulemaking Portal:* This website provides the ability to type short comments directly into the comment field or attach a file for lengthier comments. Go to *http://www.regulations.gov* and follow the instructions on the site.
- *Mail:* General Services Administration, Regulatory Secretariat Division (MVCB), 1800 F Street NW, Washington, DC 20405. ATTN: Lois Mandell/IC 9000–0058, Schedules for Construction Contracts.

Instructions: All items submitted must cite Information Collection 9000–0058, Schedules for Construction Contracts. Comments received generally will be posted without change to *http://www.regulations.gov,* including any personal and/or business confidential information provided. To confirm receipt of your comment(s), please check *www.regulations.gov,* approximately two to three days after submission to verify posting (except allow 30 days for posting of comments submitted by mail).

FOR FURTHER INFORMATION CONTACT: Mr. Kevin Funk, Procurement Analyst, at telephone 202–357–5805, or via email at *kevin.funk@gsa.gov.*

SUPPLEMENTARY INFORMATION:

A. OMB Control Number, Title, and Any Associated Form(s)

9000–0058, Schedules for Construction Contracts.

B. Needs and Uses

Federal construction contractors may be required to submit schedules, in the form of a progress chart, showing the order in which the Contractor proposes to perform the work. In accordance with Federal Acquisition Regulation (FAR) 52.236–15, Schedules for Construction Contracts, the Contractor shall, within five days after work commences on the contract or another period of time determined by the contracting officer, prepare and submit to the contracting officer for approval three copies of a practicable schedule showing the order in which the Contractor proposes to perform the work, and the dates on which the Contractor contemplates starting and completing the several salient features of the work (including acquiring materials, plants, and equipment).

This information is used to monitor progress under a Federal construction contract when other management approaches for ensuring adequate progress are not used. If the Contractor fails to submit a schedule within the time prescribed, the Contracting Officer may withhold approval of progress payments until the Contractor submits the required schedule.

C. Annual Reporting Burden

Respondents: 23.
Total Annual Responses: 46.
Total Burden Hours: 184.

D. Public Comments

A 60-day notice was published in the **Federal Register** at 84 FR 18037 on April 29, 2019. No comments were received.

Obtaining Copies: Requesters may obtain a copy of the information collection documents from the General Services Administration, Regulatory Secretariat Division (MVCB), 1800 F Street NW, Washington, DC 20405, at 202–501–4755. Please cite OMB Control

No. 9000–0058, Schedules for Construction Contracts, in all correspondence.

Dated: July 16, 2019.

Janet Fry,

Director, Federal Acquisition Policy Division, Office of Governmentwide Acquisition Policy, Office of Acquisition Policy, Office of Governmentwide Policy.

[FR Doc. 2019–15369 Filed 7–18–19; 8:45 am]

BILLING CODE 6820–EP–P

GENERAL SERVICES ADMINISTRATION

[Notice–MG–2019–04; Docket No. 2019–0002; Sequence No. 21]

Office of Federal High-Performance Buildings; Notification of Extension of Public Comment Period

AGENCY: Office of Government-wide Policy (OGP), General Services Administration (GSA).

ACTION: Notice.

SUMMARY: The comment period for Notice MG–2019–03, published in the **Federal Register** on July 1, 2019, has been extended from Monday, July 15, 2019, to Wednesday, July 31, 2019.

DATES: Comment submissions on GSA's draft recommendations to the Secretary of Energy on high-performance building certification systems are due by Wednesday, July 31st, 2019, at 4:00 p.m., Eastern Time.

FOR FURTHER INFORMATION CONTACT: Mr. Michael Bloom, Office of Federal High-Performance Buildings, OGP, GSA, 1800 F Street NW, Washington, DC 20405, at email address *michael.bloom@gsa.gov,* or telephone number 312–805–6799.

SUPPLEMENTARY INFORMATION:

Background

Notice MG–2019–03, Office of Federal High-Performance Buildings; Public Comment Period, published in the **Federal Register** at 84 FR 31320, on July 1, 2019.

Procedures for Attendance and Public Comment

GSA asks that stakeholders compile comments and questions into a single submission per each organization and send them to *highperformancebuildings@gsa.gov* by Wednesday, July 31, 2019. Please indicate in the subject line the name of your organization and submit your comments either in the body of your email or through a Word or PDF attachment.

Kevin Kampschroer,

Federal Director, Office of Federal High-Performance Buildings, General Services Administration.

[FR Doc. 2019–15328 Filed 7–18–19; 8:45 am]

BILLING CODE 6820–14–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000–0060; Docket No. 2019–0003; Sequence No. 20]

Submission for OMB Review; Accident Prevention Plans

AGENCY: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice.

SUMMARY: Under the provisions of the Paperwork Reduction Act, the Regulatory Secretariat Division has submitted to the Office of Management and Budget (OMB) a request to review and approve a revision and renewal of a previously approved information collection requirement regarding accident prevention plans.

DATES: Submit comments on or before August 19, 2019.

ADDRESSES: Submit comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to: Office of Information and Regulatory Affairs of OMB, Attention: Desk Officer for GSA, Room 10236, NEOB, Washington, DC 20503. Additionally submit a copy to GSA by any of the following methods:

- *Federal eRulemaking Portal:* This website provides the ability to type short comments directly into the comment field or attach a file for lengthier comments. Go to *http://www.regulations.gov* and follow the instructions on the site.
- *Mail:* General Services Administration, Regulatory Secretariat Division (MVCB), 1800 F Street NW, Washington, DC 20405. ATTN: Lois Mandell/IC 9000–0060, Accident Prevention Plans.

Instructions: All items submitted must cite Information Collection 9000–0060, Accident Prevention Plans. Comments received generally will be posted without change to *http://www.regulations.gov,* including any personal and/or business confidential information provided. To confirm receipt of your comment(s), please check *www.regulations.gov,* approximately two-to-three days after submission to verify posting (except allow 30 days for posting of comments submitted by mail).

FOR FURTHER INFORMATION CONTACT: Zenaida Delgado, Procurement Analyst, at telephone 202–969–7207, or *zenaida.delgado@gsa.gov.*

SUPPLEMENTARY INFORMATION:

A. OMB Control Number, Title, and Any Associated Form(s)

9000–0060, Accident Prevention Plans.

B. Needs and Uses

The Federal Acquisition Regulation (FAR) clause at 52.236–13, Accident Prevention, requires Federal construction contractors to provide and maintain work environments and procedures which will safeguard the public and Government personnel, property, materials, supplies, and equipment exposed to contractor operations and activities; avoid interruptions of Government operations and delays in project completion dates; and control costs in the performance of the contract.

For these purposes on contracts for construction or dismantling, demolition, or removal of improvements, the contractor is required to provide appropriate safety barricades, signs, and signal lights; comply with the standards issued by the Secretary of Labor at 29 CFR part 1926 and 29 CFR part 1910; and ensure that any additional measures the contracting officer determines to be reasonably necessary for the purposes are taken.

Whenever the contracting officer becomes aware of any noncompliance with these requirements or any condition which poses a serious or imminent danger to health or safety, the contracting officer shall provide a notice to the contractor and request immediate corrective action. Per FAR 36.513, the contracting officer should inform the Occupational Safety and Health (OSH) Administration (OSHA), or other cognizant Federal, State, or local officials, of instances where the contractor has been notified to take immediate action to correct serious or imminent dangers. With regard to recordkeeping, the OSH Act specifies that ''[e]ach employer shall make, keep and preserve, and make available to the Secretary . . . such records . . . as the Secretary . . . may prescribe by

regulation as necessary or appropriate for the enforcement of this Act . . . .'' (29 U.S.C. 657(c)(1)). Accordingly, OSHA has received the Office of Management and Budget (OMB) clearance for a number of related OMB Control Nos.

When performance is on a Government facility or will involve work of a long duration or hazardous nature, before commencing the work, the contractor must submit a written proposed plan for implementing this clause, as required by alternate I of the clause. The plan shall include an analysis of the significant hazards to life, limb, and property inherent in contract work performance and a plan for controlling those hazards.

C. Annual Burden

Respondents: 362.

Responses per Respondent: 1.

Total Annual Responses: 362.

Hours per Response: 22.

Total Burden Hours: 7,964.

D. Public Comment

A 60-day notice was published in the **Federal Register** at 84 FR 18039, on April 29, 2019. No comments were received.

Obtaining Copies: Requesters may obtain a copy of the information collection documents from the General Services Administration, Regulatory Secretariat Division (MVCB), 1800 F Street NW, Washington, DC 20405, telephone 202–501–4755. Please cite OMB Control No. 9000–0060, Accident Prevention Plans, in all correspondence.

Dated: July 16, 2019.

Janet Fry,

Director, Federal Acquisition Policy Division, Office of Governmentwide Acquisition Policy, Office of Acquisition Policy, Office of Governmentwide Policy.

[FR Doc. 2019–15370 Filed 7–18–19; 8:45 a.m.]

BILLING CODE 6820–EP–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice–MVC–2019–02; Docket No. 2019–0009; Sequence No. 22]

Federal Acquisition Regulation; Prohibition on Contracting With Entities Using Certain Telecommunications and Video Surveillance Services or Equipment (FAR Case 2019–009), Public Meeting

AGENCY: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Update to announcement of public meeting.

SUMMARY: DoD, GSA, and NASA published an announcement of a public meeting on June 3, 2019 to obtain the views of experts and interested parties regarding implementation of section 889 of Title VII of the NDAA for FY 2019, with specific focus on the implementation of paragraph (a)(1)(B). No livestream will be available for this meeting.

DATES: The public meeting will be held on Friday, July 19, 2019, from 9 a.m. to 3 p.m., Eastern Daylight Time (EDT). The meeting will end prior to 3 p.m., EDT, if all speakers have concluded their presentations and there are no further comments from the general public.

ADDRESSES: The meeting will be held in the Department of Interior (DOI) Auditorium at 1849 C St. NW, Washington, DC 20240. In-person attendance without previous registration will be allowed as space permits. Further information for the public meeting may be found under the heading **SUPPLEMENTARY INFORMATION.**

FOR FURTHER INFORMATION CONTACT: Mr. Kevin Funk, Procurement Analyst, 202–357–5805.

SUPPLEMENTARY INFORMATION: Please see the GSA Interact web page at *https://interact.gsa.gov/FY19NDAASection889* for additional information on the public meeting.

The announcement of the meeting was previously published in the **Federal Register** at 84 FR 25545 on June 3, 2019.

William F. Clark,

Director, Office of Governmentwide Acquisition Policy, Office of Acquisition Policy, Office of Governmentwide Policy.

[FR Doc. 2019–15417 Filed 7–16–19; 4:15 pm]

BILLING CODE 6820–EP–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifier CMS–1450 and CMS–10430]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Centers for Medicare & Medicaid Services, HHS.

ACTION: Notice.

SUMMARY: The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (PRA), federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, and to allow a second opportunity for public comment on the notice. Interested persons are invited to send comments regarding the burden estimate or any other aspect of this collection of information, including the necessity and utility of the proposed information collection for the proper performance of the agency's functions, the accuracy of the estimated burden, ways to enhance the quality, utility, and clarity of the information to be collected, and the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

DATES: Comments on the collection(s) of information must be received by the OMB desk officer by *August 19, 2019.*

ADDRESSES: When commenting on the proposed information collections, please reference the document identifier or OMB control number. To be assured consideration, comments and recommendations must be received by the OMB desk officer via one of the following transmissions: OMB, Office of Information and Regulatory Affairs, Attention: CMS Desk Officer, Fax Number: (202) 395–5806 *OR,* Email: *OIRA_submission@omb.eop.gov.*

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, you may make your request using one of following:

1. Access CMS' website address at website address at *https://www.cms.gov/Regulations-and-Guidance/Legislation/PaperworkReductionActof1995/PRA-Listing.html.*

1. Email your request, including your address, phone number, OMB number, and CMS document identifier, to *Paperwork@cms.hhs.gov.*

2. Call the Reports Clearance Office at (410) 786–1326.

FOR FURTHER INFORMATION CONTACT: William Parham at (410) 786–4669.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term ''collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires federal agencies to publish a 30-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice that summarizes the following proposed collection(s) of information for public comment:

1. Type of Information Collection Request: Extension without change of a currently approved collection; *Title of Information Collection:* Medicare Uniform Institutional Provider Bill and Supporting Regulations in 42 CFR 424.5; *Use:* Section 42 CFR 424.5(a)(5) requires providers of services to submit a claim for payment prior to any Medicare reimbursement. Charges billed are coded by revenue codes. The bill specifies diagnoses according to the International Classification of Diseases, Tenth Edition (ICD–10) code. Inpatient procedures are identified by ICD–10 codes, and outpatient procedures are described using the CMS Common Procedure Coding System (HCPCS). These are standard systems of identification for all major health insurance claims payers. Submission of information on the UB–04 CMS–1450 permits Medicare Part A MACs to receive consistent data for proper payment. Medicare receives over 99.97 percent of the claims submitted by institutional providers electronically. CMS only accepts electronic claims in the Accredited Standards Committee (ASC) Health Insurance Portability and Accountability Act (HIPAA) 837 format for institutional providers unless the provider meets CMS requirements to submit paper claims. With the uniform bill, we have been able to achieve a more uniform and a more automated bill processing system for Medicare institutional and providers. The UB–04 CMS–1450 is managed by the National Uniform Billing Committee (NUBC), sponsored by the American Hospital Association. Most payers are represented on this body, and the UB–04 is widely used in the industry. Medicare Part A MACs use the information on the UB–04 CMS–1450 to determine whether to make Medicare payment for the services provided, the payment amount, and whether or not to apply deductibles to the claim. The same method is also used by other payers. CMS is also a secondary user of data. CMS uses the information to develop a database, which is used to update, and revise established payment schedules and other payment rates for covered services. CMS also uses the information to conduct studies and reports. *Form Number:* CMS–1045 (OMB control number: 0938–0997); *Frequency:* Yearly; *Affected Public:* State, Local, or Tribal Governments; *Number of Respondents:*53,111; *Total Annual Responses:* 204,138,881; *Total Annual Hours:* 1,797,958. (For policy questions regarding this collection contact Mohammad B Ullah at 410–786–4143.)

2. *Type of Information Collection Request:* Revision of a currently approved collection; *Title of Information Collection:* Information Collection Requirements for Compliance with Individual and Group Market Reforms under Title XXVII of the Public Health Service Act; *Use:* Sections 2723 and 2761 of the Public Health Service Act (PHS Act) direct the Centers for Medicare and Medicaid Services (CMS) to enforce a provision (or provisions) of title XXVII of the PHS Act (including the implementing regulations in parts 144, 146, 147, and 148 of title 45 of the Code of Federal Regulations) with respect to health insurance issuers when a state has notified CMS that it has not enacted legislation to enforce or that it is not otherwise enforcing a provision (or provisions) of the group and individual market reforms with respect to health insurance issuers, or when CMS has determined that a state is not substantially enforcing one or more of those provisions. Section 2723 of the PHS Act directs CMS to enforce an applicable provision (or applicable provisions) of title XXVII of the PHS Act (including the implementing regulations in parts 146 and 147 of title 45 of the Code of Federal Regulations) with respect to group health plans that are non-Federal governmental plans. This collection of information includes requirements that are necessary for CMS to conduct compliance review activities. *Form Number:* CMS–10430 (OMB control number: 0938–0702); *Frequency:* Annually; *Affected Public:* State Governments, Private Sector, State or local governments; *Number of Respondents:* 780; *Total Annual Responses:* 42,716; *Total Annual Hours:* 1,721. (For policy questions regarding this collection contact Usree Bandyopadhyay at 410–786–6650.)

Dated: *July 16, 2019.*

William N. Parham, III,

Director, Paperwork Reduction Staff, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2019–15424 Filed 7–18–19; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifier CMS–576A]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Centers for Medicare & Medicaid Services, HHS.

ACTION: Notice.

SUMMARY: The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (the PRA), federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information (including each proposed extension or reinstatement of an existing collection of information) and to allow 60 days for public comment on the proposed action. Interested persons are invited to send comments regarding our burden estimates or any other aspect of this collection of information, including the necessity and utility of the proposed information collection for the proper performance of the agency's functions, the accuracy of the estimated burden, ways to enhance the quality, utility, and clarity of the information to be collected, and the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

DATES: Comments must be received by September 17, 2019.

ADDRESSES: When commenting, please reference the document identifier or

OMB control number. To be assured consideration, comments and recommendations must be submitted in any one of the following ways:

1. *Electronically.* You may send your comments electronically to *http://www.regulations.gov.* Follow the instructions for ''Comment or Submission'' or ''More Search Options'' to find the information collection document(s) that are accepting comments.

2. *By regular mail.* You may mail written comments to the following address: CMS, Office of Strategic Operations and Regulatory Affairs, Division of Regulations Development, Attention: Document Identifier/OMB Control Number _____, Room C4–26–05, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, you may make your request using one of following:

1. Access CMS' website address at website address at *https://www.cms.gov/Regulations-and-Guidance/Legislation/PaperworkReductionActof1995/PRA-Listing.html.*

2. Email your request, including your address, phone number, OMB number, and CMS document identifier, to *Paperwork@cms.hhs.gov.*

3. Call the Reports Clearance Office at (410) 786–1326.

FOR FURTHER INFORMATION CONTACT: William N. Parham at (410) 786–4669.

SUPPLEMENTARY INFORMATION:

Contents

This notice sets out a summary of the use and burden associated with the following information collections. More detailed information can be found in each collection's supporting statement and associated materials (see **ADDRESSES**).

CMS–576A Organ Procurement Organization's (OPOs) Health Insurance Benefits Agreement and Supporting Regulations

Under the PRA (44 U.S.C. 3501–3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term ''collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA requires federal agencies to publish a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice.

Information Collection

1. *Type of Information Collection Request:* Revision of a currently approved collection; *Title of Information Collection:* Organ Procurement Organization's (OPOs) Health Insurance Benefits Agreement and Supporting Regulations; *Use:* The Medicare and Medicaid Programs final conditions for coverage for Organ Procurement Organizations (OPOs) require OPOs to sign agreements with the Center for Medicare and Medicaid Services (CMS) in order to be reimbursed and perform their services. The information provided on this form serves as a basis for continuing the agreements with CMS and the OPOs for participation in the Medicare and Medicaid programs for reimbursement of service. *Form Number:* CMS–576A (OMB Control Number: 0938–0512); *Frequency:* Occasionally; *Affected Public:* Private Sector (Business or other for-profit and Not-for-profit institutions); *Number of Respondents:* 58; *Total Annual Responses:* 58; *Total Annual Hours:* 29. (For policy questions regarding this collection contact Melissa Rice at 410–786–3270.)

Dated: July 16, 2019.

William N. Parham, III,

Director, Paperwork Reduction Staff, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2019–15426 Filed 7–18–19; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2018–N–3163]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Physician Interpretation of Information About Prescription Drugs in Scientific Publications Versus Promotional Pieces

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA, Agency, or we) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Fax written comments on the collection of information by August 19, 2019.

ADDRESSES: To ensure that comments on the information collection are received, OMB recommends that written comments be faxed to the Office of Information and Regulatory Affairs, OMB, Attn: FDA Desk Officer, Fax: 202–395–7285, or emailed to *oira_submission@omb.eop.gov.* All comments should be identified with the OMB control number 0910–New and title ''Physician Interpretation of Information About Prescription Drugs in Scientific Publications vs. Promotional Pieces.'' Also include the FDA docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Ila S. Mizrachi, Office of Operations, Food and Drug Administration, Three White Flint North, 10A–12M, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–7726, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Physician Interpretation of Information About Prescription Drugs in Scientific Publications vs. Promotional Pieces

OMB Control Number 0910–New

I. Background

Section 1701(a)(4) of the Public Health Service Act (42 U.S.C. 300u(a)(4)) authorizes FDA to conduct research relating to health information. Section 1003(d)(2)(C) of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. 393(d)(2)(C)) authorizes FDA to conduct research relating to drugs and other FDA-regulated products in carrying out the provisions of the FD&C Act.

The FD&C Act prohibits the dissemination of false or misleading information about medications in consumer-directed and professional prescription drug promotion. As part of its Federal mandate, FDA regulates whether advertising of prescription drug products is truthful, balanced, and accurately communicated (see 21 U.S.C. 352(n)). FDA's regulatory policies are aligned with the principles of free speech and due process in the U.S. Constitution. To inform current and future policies, and to seek to enhance

audience comprehension, FDA's Office of Prescription Drug Promotion (OPDP) conducts research focusing on: (1) Advertising features including content and format, (2) target populations, and (3) research quality. This proposed research focuses on healthcare professionals (HCPs). The proposed collection of information will investigate how physician perception of prescription drug information is influenced by variations in information context (presence of graphical elements and information delivery vehicle—medical journal abstract or sales aid), methodologic rigor of the underlying clinical study (high or low), and time pressure (present versus absent).

A. Ways in Which Information Context and Study Quality May Influence Perceptions

Physicians gain knowledge about medical product uses from a variety of information vehicles including peer-reviewed journal articles, compendia, continuing medical education, and physician-directed promotion by or on behalf of manufacturers. Peer-reviewed scientific publications may report the results of a variety of studies, employing a wide range of methodologies with varying levels of rigor. As a result, information of varying quality is disseminated to the field. Physician detailing sometimes includes information derived from peer-reviewed research that, in this context, serves a dual purpose: To both inform and market a particular product (Ref. 1).

Prior research has examined some impacts of study quality and funding source on physician perception. For example, research by Kesselheim et al. (Ref. 2) on study abstracts examined how methodologic rigor (high, medium, low) and information about the source of funding (industry, National Institutes of Health, none) affected physician perceptions of study quality, prescribing intentions, and interest in reading the full article. Results indicated physician participants were able to distinguish between levels of methodologic rigor. Physicians also used information about the funding source to distinguish materials. They reported less willingness to prescribe the drugs or read the full study from trials funded by industry, regardless of study rigor. Thus, funding source was a contextual factor that impacted physicians' perceptions of the information.

Research has also shown that physician prescribing behavior can be influenced by the context in which the information is delivered. Spurling et al. (Ref. 3) examined the way in which information from a pharmaceutical company was delivered (using conventional promotional techniques such as sales rep visits, journal advertisements, or attendance at pharmaceutical-sponsored meetings versus not using conventional promotional techniques such as participation in company sponsored trials and representatives' visits for nonpromotional purposes) and prescribing outcome across 58 studies. They found conventional promotional techniques were associated with an increase in prescribing and a decrease in prescribing quality. We are proposing to test a different type of contextual factor in this study: Whether the drug information appears in a medical journal abstract or a sales aid.

B. Ways in Which Graphics May Influence Perceptions

Promotional materials about prescription drugs that are directed toward physicians often include a variety of visual elements beyond simple text. In a study of professionally directed prescription drug brochures left for physicians by pharmaceutical representatives, researchers found 95 percent contained a visual graphic (including bar charts, line graphs, pie charts, arrows) accompanying the presentation of data (Ref. 4). An analysis of professionally directed prescription drug print advertisements in medical journals found 80 percent of the ads contained some type of image, and 21 percent contained data-related graphics. A group of two physicians and one pharmacist judged these ads. This group found that of those ads that contained images, 58 percent contained images that minimized the risks of the product and 24 percent of the images in the ads misled about product efficacy (Ref. 5).

C. Ways in Which Time Pressure May Influence Perceptions

We are also interested in how time pressure may impact physician perceptions. Time pressure can impact processing of information (*e.g.,* accuracy and speed) as well as decision making. Physicians are often under pressure to split their work time between myriad duties that may include clinical care, research, mentoring, teaching, and administrative duties (Ref. 6). Individuals under time pressure tend to rely on previously formed attitudes for decision making and have less cognitive capacity to process information (Refs. 7 and 8). This results in different decisions depending on the amount of time available (Ref. 9). Research suggests that in situations with high time pressure or increased ambiguity, experts use intuitive decision-making strategies rather than structured approaches (Refs. 10 and 11). Physicians may therefore tend to rely on intuitive processes rather than evidence-based information under time pressure.

Research has also found that under time pressure, physician adherence to clinical practice guidelines concerning history taking and advice giving can be compromised (Ref. 12). One study that assessed the reading habits of physicians found that with limited time available for critical reading, practitioners relied heavily on abstracts and prescreening of articles by editors (Ref. 13). Thus, time pressure is an element of physicians' practice environment that can impact information gathering and, consequently, decision making, and the quality of health care delivered.

II. Proposed Study

We propose to investigate how physician perception of professional prescription drug communications is influenced by variations in information context, methodologic rigor of the underlying clinical study, and time pressure. We propose to test three different contextual presentations of drug information (medical journal abstract, sales aid without graphic design elements, and sales aid with graphic design elements), and two types of study methodological rigor used by Kesselheim et al. (classified as high or low; Ref. 2). We have chosen to test a mock sales aid presentation and a medical journal abstract to examine the potential differences in perception that may arise by presenting the same information in different vehicles. Mirroring the time constraints of practicing physicians, we will examine the role of time pressure by randomly assigning half of the study participants to a limited amount of available time to read the materials. Table 1 describes the study design.

TABLE 1—STUDY DESIGN

			Information context		
			Medical journal abstract	Sales aid without graphic design elements	Sales aid with graphic design elements [2]
Limited Time to Read	Methodological Rigor [1]	High. Low.			
Unlimited Time to Read.		High. Low.			

[1] As defined by Kesselheim et al. (Ref. 2).
[2] For example, colors and background images.

For this proposed study, voluntary participants will be board-certified internists. To examine differences between experimental conditions, we will conduct inferential statistical tests such as analysis of variance (ANOVA). With the sample size described, we will have sufficient power to detect small-to-medium sized effects in the main study.

We plan to conduct one pretest with 158 voluntary participants and one main study with 566 voluntary participants. The purpose of the pretest is to ensure the manipulations are working as intended, and to examine the effectiveness of question wording. In the pretest, participants will answer questions about the study design and questionnaire. The studies will be conducted online. The pretest and main studies will have the same design and will follow the same procedure. Participants will be randomly assigned to one of 12 test conditions (see table 1). Following exposure to the stimuli, they will be asked to complete a questionnaire that assesses comprehension, perceptions, prescribing intentions, and demographics. We anticipate analyzing the data as a full factorial design (main effects and interactions) with two primary comparisons for the information context independent variable: Journal abstract versus sales aid without graphics and sales aid without graphics versus sales aid with graphics. We will also do an exploratory comparison of journal abstract versus sales aid with graphics.

This study will be conducted as part of the research program of the OPDP. OPDP's mission is to protect the public health by helping to ensure that prescription drug information is truthful, balanced, and accurately communicated, so that patients and health care providers can make informed decisions about treatment options. OPDP's research program supports this mission by providing scientific evidence to help ensure that our policies related to prescription drug promotion will have the greatest benefit to public health. Toward that end, we have consistently conducted research to evaluate the aspects of prescription drug promotion that we believe are most central to our mission, focusing on three main topic areas: Advertising features, including content and format; target populations; and research quality. Through the evaluation of advertising features we assess how elements such as graphics, format, and disease and product characteristics impact the communication and understanding of prescription drug risks and benefits; focusing on target populations allows us to evaluate how understanding of prescription drug risks and benefits may vary as a function of audience; and our focus on research quality aims at maximizing the quality of research data through analytical methodology development and investigation of sampling and response issues. This study falls under the topic of both target populations and advertising features.

In the **Federal Register** of October 17, 2018 (83 FR 52490), FDA published a 60-day notice requesting public comment on the proposed collection of information. FDA received three comments that were PRA related. Within those submissions, FDA received multiple comments that the Agency has addressed.

(Comment) Two comments asked for clarity about the research objectives and hypotheses. One comment asked how FDA will use such knowledge to inform the regulation of prescription drug promotion in the future, particularly the variable of time.

(Response) As described in the 60-day **Federal Register** notice, we propose to investigate how physician perception of professional prescription drug communications is influenced by variations in information context, methodologic rigor of the underlying clinical study, and time pressure. We propose to test three different contextual presentations of drug information (medical journal abstract, sales aid without graphic design elements, sales aid with graphic design elements), and two types of study methodological rigor used by Kesselheim et al. (classified as high or low; Ref. 2). We have chosen to test a mock sales aid presentation and a medical journal abstract to examine the potential differences in perception that may arise by presenting the same information in different vehicles. Mirroring the time constraints of practicing physicians, we will examine the role of time pressure by randomly assigning half of the study participants to a limited amount of available time to read the materials. Our research questions (RQs) are:

RQ 1: Does the information context in which the information appears affect processing of the information?

RQ 2: Does methodological rigor of the study affect processing of the information?

RQ2a: Do physicians correctly interpret the methodological rigor of the study?

RQ3: Does the time available to read the information affect processing of the information?

RQ4: What are the potential interactions between these factors?

Thus, the goal of our study is to understand the ways in which the presentation of information, methodological rigor, and time affect how physicians interpret information about drugs when it comes from different sources. Although we cannot speculate on any future action because of our research studies, the Agency is committed to examining and conducting research that will ensure that any changes are grounded in science and will have the greatest benefit to public health. For this reason, FDA consistently conducts research to evaluate the aspects of prescription drug promotion that we believe are most central to our mission, focusing on three main topic areas: Advertising features, including content and format; target populations; and research quality. Results from studies we conduct are evaluated within the broader context of research and findings from other

sources. The broader body of knowledge is used to inform both policy and regulatory approaches.

(Comment) Six comments focused on various aspects of the study design. Comments asked for: (1) Clarity about the reasoning behind inclusion of the aspects of time pressure; (2) how time pressure reflects the reality of the HCP experience; (3) how time pressure will be operationalized; (4) justification for comparison of a sales aid to an abstract; (5) a suggestion to remove one of the sales aid conditions to simplify the design; and (6) more detail about how methodologic rigor will be defined and represented in a sales aid or an abstract. One comment (7) asserted graphics in promotional materials are tested by pharmaceutical companies through market research to ensure correct interpretation and so the presence or absence of graphics cannot predict how HCPs will interpret information in promotional materials. This comment also asserted the 1992 supporting reference in the 60-day **Federal Register** notice was outdated.

(Response to 1–3) Prior research has found that many physicians have limited time to spend reading drug information (Refs. 6–11). To imitate physicians' real-world experiences in this study, half of the participants will be randomly assigned to a condition in which time pressure is present; the other half will experience no time pressure. Those in the time pressure present condition will receive instructions explaining they will have two minutes to review the study description, which will be reevaluated after pretesting. Those without time pressure will be told they have as much time as they need to review the study description.

(Response to 4–5) As described in the 60-day **Federal Register** notice, we have two primary comparisons for the information context independent variable: Journal abstract versus sales aid without graphics, and sales aid without graphics versus sales aid with graphics. We will also do an exploratory comparison of journal abstract versus sales aid with graphics. As further described in the 60-day **Federal Register** notice, we are examining the potential differences in perception that may arise by presenting the same information in different vehicles. The same information will be presented in the context of an abstract and the context of a sales aid. Described another way, we are controlling the text of the information and varying its ''wrapper'' to explore whether the context in which the information appears influences how the information is perceived. A comparison of abstract to sales aid without graphics, and sales aid without graphics to sales aid with graphics will enable us to examine perceptual differences that may arise from the context in which the information occurs. To control for extraneous effects, we are not presenting any other information in the sales aid.

(Response to 6) In addition to studying the presentation of information in different information vehicles (sales aid versus abstract), we will also examine two different levels of methodological rigor, either high or low quality (Ref. 2). Some key differences between the levels of rigor are: Blinding, representative population, and drug safety reported (Ref. 2). For example, the high rigor study that half of the participants will view was a randomized double-blind study that had a representative patient population, and the drug was reported to be safe (Ref. 2). The low rigor study that the other half of the participants will view was open-label (no blinding), was not representative of the patient population, and there was no report of the safety of the drug (Ref. 2). We used the same criteria to develop our stimuli as did Kesselheim et al. (Ref. 2). For example, variables in the high rigor condition included double-blind, active comparator, and representative patient population. Variables in the low rigor condition included open-label, usual care comparator, and a non-representative patient population.

(Response to 7) It is possible that the presence of graphics affects the impressions of the product, which we are assessing in this study. To address the comment about the date of the referenced research, we conducted an additional search of the literature. In a study by Othman et al. (Ref. 14), 28 percent of claims made in pharmaceutical advertisements were judged clear and not misleading. This suggests that 72 percent were misleading or unclear. We welcome the opportunity to review unpublished market research or other available data to inform this study.

(Comment) One comment questioned the sufficiency of the proposed analysis plan based on the information provided in the notice and asked for clarity about the main dependent variables.

(Response) Our primary dependent variables are: Likelihood to prescribe, confidence in study results, interpret data cautiously, would use data in prescribing, credibility of data, bias of data, and trust in promotion. We will conduct ANOVAs (for continuous variables) and logistic regressions (for dichotomous variables) with interaction terms and planned comparisons to test the research questions. We have outlined our research questions above.

(Comment) Three comments requested FDA disseminate the study stimuli, and one comment requested disseminating the questionnaire prior to requesting comments.

(Response) We have described the purpose of the study, the design, the population of interest, and the estimated burden. The 60-day notice published on October 17, 2018, provided an email address to obtain copies of the questionnaire (83 FR 52490 at 52491, column 3) and we provided the questionnaire to individuals upon request. The content of the stimuli is taken from Kesselheim et al. (Ref. 2). Our full stimuli are under development during the PRA process. We do not make draft stimuli public during this time because of concerns that this may contaminate our participant pool and compromise the research.

(Comment) Two comments questioned limiting the sample to board-certified internists and not including specialists, particularly those who specialize in diabetes treatment and endocrinologists. Relatedly, one comment suggested a sample size of at least 200 physicians.

(Response) Our study is a partial replication of the Kesselheim et al. (Ref. 2) study. In that study, internists were used as the target population and in keeping with the replication, we chose to evaluate internists as well. We encourage future research to expand to other physician specialties. The sample will provide us enough power to detect a medium-sized effect between the study variables.

(Comment) Two comments suggested changing the scale range of the questions so that all of the questions use a consistent scale range.

(Response) We are using several questions that have been validated in previous studies. Therefore, some of the scales have various lengths. We chose to maintain scale range to maintain validation rather than editing scales for consistency.

(Comment) Seven comments suggested changes to the questionnaire. These suggested changes included: (1) Adjusting the wording of the question that asks about the importance of the target study ''to ensure more consistent interpretation by respondents, such as importance of study findings on respondent decision making, etc.''; (2) revising the question about perceptions of bias to avoid the respondent making the assumption that the data presentation is biased; (3) deletion of questions about perceptions of risk; (4) deletion of the question about places

where information about unapproved drugs has been encountered because it appears unrelated to the study goals; (5) addition of a response choice to the question measuring decision to include colleagues as a source of information; (6) addition of screening questions about statistical training; and (7) addition of a question about how much time is typically spent reviewing materials such as this.

(Responses) (1) The study importance question is taken from Kesselheim et al. (Ref. 2) and we did not encounter any issues with this question during cognitive interviews. (2) Perceptions of the amount of potential bias is one of our primary dependent measures. We will change the wording of this question to read ''How unbiased or biased is the study you saw?'' [1 = very unbiased; 5 = very biased]. (3) We acknowledge participants may have a difficult time answering questions about risk. We believe an overall risk-benefit assessment is possible based on the information provided. Thus, we have decided to retain these questions as variables of secondary interest. (4) The question about where participants may encounter information about unapproved drugs is taken from the Healthcare Professional Survey of Professional Prescription Drug Promotion (Docket No. FDA–2018–N–0215). We have included it here so that we may compare results across the two populations in an exploratory manner. (5) We will add a question about seeking information in response to the data participants see in the study that includes a response choice that captures desire to discuss drug information with a colleague prior to prescribing. (6) We will add a question about statistical training to the demographic section of the questionnaire. (7) We will add a question about how long participants typically spend reading materials of this type.

(Comment) One comment suggested moving the non-terminating demographic screener questions to the end of the survey.

(Response) We appreciate this suggestion. We have moved these questions to the end of the survey.

(Comment) One comment asked that the results be broadly and systematically disseminated.

(Response) The Agency anticipates disseminating the results of the study after the final analyses of the data are completed, reviewed, and cleared. The exact timing and nature of any such dissemination has not been determined, but may include presentations at trade and academic conferences, submissions in publications, publishing articles, and internet postings.

FDA estimates the burden of this collection of information as follows:

TABLE 2—ESTIMATED ANNUAL REPORTING BURDEN [1]

Activity	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
Pretest screener	197	1	197	0.03 (2 minutes)	6
Main Study screener	700	1	700	0.03 (2 minutes)	21
Completes, Pretest	158	1	158	0.33 (20 minutes)	53
Completes, Main Study	566	1	566	0.33 (20 minutes)	187
Total	1,621		1,621		267

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

III. References

The following references marked with an asterisk (*) are on display at the Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, and are available for viewing by interested persons between 9 a.m. and 4 p.m., Monday through Friday; they also are available electronically at *https://www.regulations.gov.* References without asterisks are not on public display at *https://www.regulations.gov* because they have copyright restriction. Some may be available at the website address, if listed. References without asterisks are available for viewing only at the Dockets Management Staff. FDA has verified the website addresses, as of the date this document publishes in the **Federal Register**, but websites are subject to change over time.

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Roughead, ''Quality of Pharmaceutical Advertisements in Medical Journals: A Systematic Review,'' *PLoS Medicine,* 4:e6350, *https://doi.org/10.1371/journal.pone.0006350*, 2009.

Dated: July 15, 2019.

Lowell J. Schiller,

Principal Associate Commissioner for Policy.

[FR Doc. 2019–15350 Filed 7–18–19; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2019–N–2870]

Electronic Submission; Data Standards; Support for Geopolitical Entities, Names, and Codes

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing the adoption of the current version of the Geopolitical Entities, Names, and Codes (GENC) Standard on December 17, 2020. The GENC Standard is the U.S. Government profile of International Organization for Standardization (ISO) 3166 ''Codes for the Representation of Names of Countries and Their Subdivisions.'' It specifies an authoritative set of country codes and names for use by the U.S. Government for information exchange, using ISO 3166 names and code elements wherever possible, with modifications only when necessary to comply with U.S. law and U.S. Government recognition policy. Adopting the GENC Standard will enable FDA to be in conformance with U.S. Government naming and recognition policies. You may submit comments at any time regarding the appropriateness or timing of FDA's adoption of the GENC Standard.

ADDRESSES: You may submit either electronic or written comments 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–N–2870 for ''Electronic Submission; Data Standards; Support for Geopolitical Entities, Names, and Codes.'' 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.

FOR FURTHER INFORMATION CONTACT: Chenoa Conley, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 1117, Silver Spring, MD 20993–0002, 301–796–0035, *cderdatastandards@fda.hhs.gov,* 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: On December 17, 2015, FDA began supporting GENC as the FDA standard for representing countries and their principal subdivisions. ISO is an organization that creates standards documents to provide requirements, specifications, and guidelines that can be followed by regulatory agencies and industry (*https://nsgreg.nga.mil/genc/discovery*). Before adopting GENC as its standard, FDA represented countries using ISO 3166–1 alpha-3 and represented countries' principal subdivisions using ISO 3166–2. Before adopting ISO 3166 as its standard, FDA represented countries using Federal Information Processing Standards (FIPS) 10–4 and represented principal subdivisions of the United States using FIPS 5–2 (*https://nsgreg.nga.mil/doc/view?i=2564*). FIPS are publicly announced standards developed by the U.S. Government for use in computer systems by nonmilitary Government Agencies and industry.

Public Law 80–242 (1947) requires the U.S. Government to use geographic names that have been approved by the U.S. Board on Geographic Names (BGN). ISO 3166 contains a small set of country

and principal subdivision names that vary from those approved by the BGN. The geopolitical entities included in ISO 3166 are those that are recognized by the United Nations. Therefore, GENC is the U.S. Government implementation of ISO 3166 that conforms to BGN and U.S. Government recognition policy and will enable FDA to be in conformance with U.S. Government naming and recognition policies. The GENC Standard is specified by the combination of a stable information design document and information content consisting of dynamically managed entries in the GENC Registry. In accordance with OMB Circular A–119 (*https://obamawhitehouse.archives.gov/omb/circulars_a119_a119fr*), Federal Agencies are directed to use voluntary consensus standards in lieu of government-unique standards except when inconsistent with law or otherwise impractical. ISO 3166 is the base standard for the profile that is the GENC Standard. The GENC Standard asserts both restrictions to, and extensions of, the ISO 3166 base standard; it is a Class 2 profile in accordance with the provisions of ISO 19106 (*https://www.iso.org/standard/26011.html*). Information regarding the development of the GENC Standard can be found at *https://nsgreg.nga.mil/geopoliticalCode.jsp.* Frequently asked questions regarding the content and use of the GENC Standard can be found at *https://nsgreg.nga.mil/genc/faq.jsp?register=0.*

The information content of the GENC Standard is specified with respect to ISO 3166 (Parts 1 and 2). Entries of the GENC Standard are based on either direct reuse of ISO 3166 code elements or a type of variation from that standard (Exclusion, Exception, Extension, or Exigent) based on U.S. government requirements. In the case of Exceptions, the *codes do not differ* from ISO 3166. Exceptions are based on differences in naming (some politically significant, others simply stylistic) as approved by the BGN, or differences in how the territorial extent of an entity is understood. GENC Extensions introduce entities not included in ISO 3166. Entries from ISO 3166 that are *excluded* from the GENC Standard may be browsed in the GENC Registry.

Infrequently, ISO 3166–1 code elements for a given country name are revised for reasons that are not related to a change in the country name itself. Consequently, a given country name may be assigned differing code element values over time. To enable information systems to easily recognize these occasions, a file specifying country code element correspondences is maintained in the NSG-unique Standards Register (*https://nsgreg.nga.mil/doc/view?i=2563*).

For those occasions when it may be necessary to reference the names of countries that are not included in the content of the GENC Standard because of the disestablishment of those countries before the initial publication of the GENC, the Codes for Historical Country Names information guidance document specifies applicable codes and their corresponding names for use in ''country coding'' such data (this information can be found at *https://nsgreg.nga.mil/doc/view?i=2565*).

While FDA currently supports the GENC standard, the FDA Data Standards Catalog will be updated to announce an implementation date of December 17, 2020, for GENC. After receiving comments, the Agency may consider further actions regarding the adoption of the GENC standard and/or its planned implementation date.

Dated: July 15, 2019.

Lowell J. Schiller,

Principal Associate Commissioner for Policy.

[FR Doc. 2019–15352 Filed 7–18–19; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Proposed Collection: Public Comment Request Information Collection Request Title: Ryan White HIV/AIDS Program (RWHAP) Parts A and B Unobligated Balances and Rebate Addendum Tables, OMB No. 0906–xxxx–New

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services.

ACTION: Notice.

SUMMARY: In compliance with the requirement for opportunity for public comment on proposed data collection projects of the Paperwork Reduction Act of 1995, HRSA announces plans to submit an Information Collection Request (ICR), described below, to the Office of Management and Budget (OMB). Prior to submitting the ICR to OMB, HRSA seeks comments from the public regarding the burden estimate, below, or any other aspect of the ICR.

DATES: Comments on this ICR should be received no later than September 17, 2019.

ADDRESSES: Submit your comments to *paperwork@hrsa.gov* or mail the HRSA Information Collection Clearance Officer, Room 14N136B, 5600 Fishers Lane, Rockville, Maryland 20857.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the data collection plans and draft instruments, email *paperwork@hrsa.gov* or call Lisa Wright-Solomon, the HRSA Information Collection Clearance Officer at (301) 443–1984.

SUPPLEMENTARY INFORMATION: When submitting comments or requesting information, please include the information request collection title for reference.

Information Collection Request Title: Ryan White HIV/AIDS Program Parts A and B Unobligated Balances and Rebate Addendum Tables, OMB No. 0906–xxxx–New.

Abstract: HRSA's Ryan White HIV/AIDS Program (RWHAP) funds and coordinates with cities, states and territories, and local clinics/community-based organizations to deliver efficient and effective HIV care, treatment, and support to low-income people diagnosed with HIV. Nearly two-thirds of RWHAP clients live at or below 100 percent of the federal poverty level and approximately three-quarters of RWHAP clients are racial and ethnic minorities. Since 1990, RWHAP has developed a comprehensive system of HIV service providers who deliver high quality direct health care and support services to over half a million people diagnosed with HIV (more than 50 percent of all people diagnosed with HIV in the United States).

Grant recipients funded under Parts A, B, C, and D of RWHAP (codified under Title XXVI of the Public Health Service Act) are required to report financial data to HRSA at the beginning (Allocations Report) and at the end of each grant budget period (Expenditures Report) using the HRSA Electronic Handbooks (EHBs).[1] HRSA RWHAP's Parts A and B collect unobligated balances (UOB) of federal funds and rebate addendum information by subprogram from their grant recipients. Parts A and B use the UOB and rebate addendum financial information to determine formula funding as directed by RWHAP statute. These data were collected when grant recipients submitted their annual Federal Financial Report (FFR SF–425) in hard copy only, and submitted to the individual HHS Operating Divisions (OPDIVs). HRSA combined the FFR SF–425 with the UOB and rebate addendum

[1] The Allocations Report and the Expenditures Report were approved by OMB under the 0915–0318 control number.

tables using a suggested format through the HRSA EHBs. This financial information is collected in the same location to streamline the process for the grant recipients. The UOB and rebate addendum data tables will be collected in the HRSA EHBs below the FFR SF–425 control number and the Paperwork Burden Statement.

Need and Proposed Use of the Information: RWHAP Part A and Part B recipients currently complete the UOB and rebate addendum tables in a non-electronic form and upload them as attachments as a part of their FFR SF–425 submission. This new process will decrease administrative burden, increase transparency, and improve the quality of the data submitted to HRSA. UOB and rebate addendum tables are essential for allowing HRSA to ensure that RWHAP recipients are meeting the goal of accountability to Congress, clients, advocacy groups, and the general public. Information provided in the UOB and rebate addendum tables is critical for HRSA, states and territories, local clinics, and individual providers to evaluate the effectiveness of these programs.

Likely Respondents: HRSA RWHAP Parts A and B Recipients.

Burden Statement: Burden in this context means the time expended by persons to generate, maintain, retain, disclose or provide the information requested. This includes the time needed to review instructions; to develop, acquire, install, and utilize technology and systems for the purpose of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information; to search data sources; to complete and review the collection of information; and to transmit or otherwise disclose the information. The total annual burden hours estimated for this ICR are summarized in the table below.

TOTAL ESTIMATED ANNUALIZED BURDEN HOURS

Form name	Number of respondents	Number of responses per respondent	Total responses	Average burden per response (in hours)	Total burden hours
Part A UOB Table	52	1	52	0.5	27.0
Part B UOB Table	59	1	59	0.5	29.5
Total	111		111		56.5

HRSA specifically requests comments on (1) the necessity and utility of the proposed information collection for the proper performance of the agency's functions, (2) the accuracy of the estimated burden, (3) ways to enhance the quality, utility, and clarity of the information to be collected, and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Maria G. Button,

Director, Division of the Executive Secretariat.

[FR Doc. 2019–15367 Filed 7–18–19; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

[Document Identifier: OS–4040–0005]

Agency Information Collection Request. 30-Day Public Comment Request

AGENCY: Office of the Secretary, HHS.

ACTION: Notice.

SUMMARY: In compliance with the requirement of the Paperwork Reduction Act of 1995, the Office of the Secretary (OS), Department of Health and Human Services, is publishing the following summary of a proposed collection for public comment.

DATES: Comments on the ICR must be received on or before August 19, 2019.

ADDRESSES: Submit your comments to *OIRA_submission@omb.eop.gov* or via facsimile to (202) 395–5806.

FOR FURTHER INFORMATION CONTACT: Ed Calimag, *ed.calimag@hhs.gov* or (202) 690–7569. When submitting comments or requesting information, please include the document identifier 4040–0005–30D and project title for reference.

SUPPLEMENTARY INFORMATION: Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Title of the Collections: Application for Federal Assistance—Individual.

Type of Collection: Extension.

OMB No.: 4040–0005.

Abstract: The Application for Federal Assistance—Individual form provides the Federal grant-making agencies an alternative to the Standard Form 424 data set and form. Agencies may use the Application for Federal Assistance—Individual form for grant programs not required to collect all the data that is required on the SF–424 core data set and form. The IC expires on 10/31/2019. We are seeking an extension of this information collection and a three-year clearance.

ESTIMATED ANNUALIZED BURDEN TABLE

Forms	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
Application for Federal Assistance—Individual	0	1	1	0
Total	0			0

Terry Clark,

Office of the Secretary, Paperwork Reduction Act Reports Clearance Officer.

[FR Doc. 2019–15389 Filed 7–18–19; 8:45 am]

BILLING CODE 4151–AE–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

[Document Identifier: OS–0945–0003–60D]

Agency Information Collection Request. 60-Day Public Comment Request

AGENCY: Office of the Secretary, HHS.

ACTION: Notice.

SUMMARY: In compliance with the requirement of the Paperwork Reduction Act of 1995, the Office of the Secretary (OS), Department of Health and Human Services, is publishing the following summary of a proposed collection for public comment.

DATES: Comments on the ICR must be received on or before September 17, 2019.

ADDRESSES: Submit your comments to *Sherrette.Funn@hhs.gov* or by calling (202) 795–7714.

FOR FURTHER INFORMATION CONTACT: When submitting comments or requesting information, please include the document identifier 0945–0003–60D, and project title for reference, to Sherrette Funn, the Reports Clearance Officer, *Sherrette.funn@hhs.gov,* or call 202–795–7714.

SUPPLEMENTARY INFORMATION: Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Title of the Collection: HIPAA Privacy, Security, and Breach Notification Rules, and Supporting Regulations Contained in 45 CFR parts 160 and 164.

Type of Collection: Extension.

OMB No. 0945–0003: Office for Civil Rights (OCR)—Health Information Privacy Division.

Abstract: Office for Civil Rights (OCR) requests approval to extend this existing, approved collection without changing any collecting requirements while OCR obtains public comment through a Notice of Proposed Rulemaking (NPRM) proposing modifications to the HIPAA Rules that will affect the hourly burdens associated with the Rules. When the NPRM is published, we expect to receive robust public comment on existing burdens associated with compliance with the HIPAA Rules and on changes in burden that could result from the modifications proposed in the NPRM. OCR will update this ICR to reflect the input we receive on this notice and through the rulemaking process.

Likely Respondents: HIPAA covered entities, business associates, individuals, and professional and trade associations of covered entities and business associates.

ESTIMATED ANNUALIZED BURDEN HOUR TABLE

Forms (if necessary)	Respondents (if necessary)	Number of respondents	Number of responses per respondents	Average burden per response	Total burden hours
45 CFR 160.204: Process for Requesting Exception Determinations (states or persons).	A state's chief elected official or designee.	1	1	16	16
45 CFR 164.308: Risk Analysis—Documentation.	Covered entities; business associates.	1,700,000	1	10	17,000,000
45 CFR 164.308: Information System Activity Review—Documentation.	Covered entities; business associates.	1,700,000	12	0.75	15,300,000
45 CFR 164.308: Security Reminders—Periodic Updates.	Covered entities; business associates.	1,700,000	12	1	20,400,000
45 CFR 164.308: Security Incidents (other than breaches)—Documentation.	Covered entities; business associates.	1,700,000	52	5	442,000,000
45 CFR 164.308: Contingency Plan—Testing and Revision.	Covered entities; business associates.	1,700,000	1	8	13,600,000
45 CFR 164.308: Contingency Plan—Criticality Analysis.	Covered entities; business associates.	1,700,000	1	4	6,800,000
45 CFR 164.310: Maintenance Records	Covered entities; business associates.	1,700,000	12	6	122,400,000
45 CFR 164.314: Security Incidents—Business Associate reporting of incidents (other than breach) to Covered Entities.	Business associates	1,000,000	12	20	240,000,000
45 CFR 164.316: Documentation—Review and Update.	Covered entities; business associates.	1,700,000	1	6	10,200,000
45 CFR 164.404: Individual Notice—Written and E-mail Notice (drafting).	Covered entities	58,481	1	0.5	29,241
45 CFR 164.404: Individual Notice—Written and E-mail Notice (preparing and documenting notification).	Covered entities	58,481	1	0.5	29,241
45 CFR 164.404: Individual Notice—Written and E-mail Notice (processing and sending).	Covered entities	58,481	353	0.008	165,150
45 CFR 164.404: Individual Notice—Substitute Notice (posting or publishing).	Covered entities	2,746	1	1	2,746
45 CFR 164.404: Individual Notice—Substitute Notice (staffing toll-free number).	Covered entities	2,746	1	5.75	15,790

ESTIMATED ANNUALIZED BURDEN HOUR TABLE—Continued

Forms (if necessary)	Respondents (if necessary)	Number of respondents	Number of responses per respondents	Average burden per response	Total burden hours
45 CFR 164.404: Individual Notice—Substitute Notice (individuals' voluntary burden to call toll-free number for information).	Covered entities	11,326,440	1	0.125	1,415,805
45 CFR 164.406: Media Notice	Covered entities	267	1	1.25	334
45 CFR 164.408: Notice to Secretary (notice for breaches affecting 500 or more individuals).	Covered entities	267	1	1.25	334
45 CFR 164.408: Notice to Secretary (notice for breaches affecting <500 individuals).	Covered entities	58,215	1	1	58,215
45 CFR 164.410: Business associate notice to covered entity—500 or more Affected Individuals.	Business associates	20	1	50	1,000
45 CFR 164.410: Business associate notice to covered entity—Less than 500 Affected Individuals.	Business associates	1,165	1	8	9,320
45 CFR 164.414: 500 or More Affected Individuals (investigating and documenting breach).	Covered entities	267	1	50	13,350
45 CFR 164.414: Less than 500 Affected Individuals (investigating and documenting breach)—affecting 10–499.	Covered entities	2,479	1	8	19,832
45 CFR 164.414: Less than 500 Affected Individuals (investigating and documenting breach)—affecting <10.	Covered entities	55,736	1	4	222,944
45 CFR 164.504: Uses and Disclosures—Organizational Requirements.	Covered entities	700,000	1	0.083333333	58,333
45 CFR 164.508: Uses and Disclosures for Which Individual authorization is required.	Covered entities	700,000	1	1	700,000
45 CFR 164.512: Uses and Disclosures for Research Purposes.	Covered entities	113,524	1	0.083333333	9,460
45 CFR 164.520: Notice of Privacy Practices for Protected Health Information (health plans—periodic distribution of NPPs by paper mail).	Covered entities—health plans.	100,000,000	1	0.004166667	416,667
45 CFR 164.520: Notice of Privacy Practices for Protected Health Information (health plans—periodic distribution of NPPs by electronic mail).	Covered entities—health plans.	100,000,000	1	0.002783333	278,333
45 CFR 164.520: Notice of Privacy Practices for Protected Health Information (health care providers—dissemination and acknowledgement).	Covered entities—health care providers.	613,000,000	1	0.5	30,650,000
45 CFR 164.522: Rights to Request Privacy Protection for Protected Health Information.	Covered entities—health care providers, health plans.	20,000	1	0.5	1,000
45 CFR 164.524: Access of Individuals to Protected Health Information (disclosures).	Covered entities—health care providers, health plans, clearinghouses.	200,000	1	0.5	10,000
45 CFR 164.526: Amendment of Protected Health Information (requests).	Covered entities—health care providers, health plans, clearinghouses.	150,000	1	0.083333333	12,500
45 CFR 164.526: Amendment of Protected Health Information (denials).	Covered entities—health care providers, health plans, clearinghouses.	50,000	1	0.083333333	4,167
45 CFR 164.528: Accounting for Disclosures of Protected Health Information.	Covered entities—health care providers, health plans, clearinghouses.	5,000	1	0.05	250
Total					921,824,027

Terry Clark,

Office of the Secretary, Paperwork Reduction Act Reports Clearance Officer.

[FR Doc. 2019–15323 Filed 7–18–19; 8:45 am]

BILLING CODE 4150–28–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

[Document Identifier: OS–4040–0001]

Agency Information Collection Request. 30-Day Public Comment Request

AGENCY: Office of the Secretary, HHS.

ACTION: Notice.

SUMMARY: In compliance with the requirement of the Paperwork Reduction Act of 1995, the Office of the Secretary (OS), Department of Health and Human Services, is publishing the following summary of a proposed collection for public comment.

DATES: Comments on the ICR must be received on or before August 19, 2019.

ADDRESSES: Submit your comments to *OIRA_submission@omb.eop.gov* or via facsimile to (202) 395–5806.

FOR FURTHER INFORMATION CONTACT: Ed Calimag, *ed.calimag@hhs.gov* or (202) 690–7569. When submitting comments or requesting information, please include the document identifier 4040–0001–30D and project title for reference.

SUPPLEMENTARY INFORMATION: Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Title of the Collections: Application for Federal Assistance SF–424 Research and Related Forms.

Type of Collection: Reinstatement without change.

OMB No. 4040–0002.

Abstract: The SF–424 Research and Related Forms provide the Federal grant-making agencies an alternative to the Standard Form 424 data set and form. Agencies may use the SF–424 Research and Related Forms for grant programs not required to collect all the data that is required on the SF–424 core data set and form. The IC expires on 10/31/2019. We are seeking an extension of this information collection and a three-year clearance.

ESTIMATED ANNUALIZED BURDEN TABLE

Forms	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
SF–424 R&R Multi-Project Cover	1,519	1	1	1,159
SF424 (R&R)	109,455	1	1	109,455
SBIR/STTR Information	6,376	1	1	6,376
RR FedNonFed Budget	0	1	1	0
Research and Related Senior/Key Person Profile (Expanded)	108,543	1	1	108,543
Research And Related Other Project Information	37,603	1	1	37,603
Research & Related Budget	63,909	1	1	63,909
Research & Related Subaward Budget (Total Fed + Non-Fed) Attachment(s) Form	0	1	1	0
Research & Related Subaward Budget (Total Fed + Non-Fed) 5 YR 30 ATT	0	1	1	0
Research & Related Senior/Key Person Profile	695	1	1	695
Research & Related Personal Data	0	1	1	0
Research & Related Multi-Project 10 Year Budget	3,847	1	1	3,847
Research & Related Budget 10YR	0	1	1	0
R&R Subaward Budget Attachment(s) Form 5 YR 30 ATT	59,767	1	1	59,767
R&R Subaward Budget Attachment(s) Form 10 YR 30 ATT	1,023	1	1	1,023
R&R Subaward Budget Attachment(s) Form 10 YR 10 ATT	0	1	1	0
R&R Subaward Budget Attachment(s) Form	271	1	1	271
R&R R Multi-Project Subaward Budget Attachment(s) Form 10 YR 30 ATT	1,023	1	1	1,023
Total	394,031			394,031

Terry Clark,

Office of the Secretary, Paperwork Reduction Act Reports Clearance Officer.

[FR Doc. 2019–15388 Filed 7–18–19; 8:45 am]

BILLING CODE 4151–AE–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

[Document Identifier: OS–4040–0004]

Agency Information Collection Request. 30-Day Public Comment Request

AGENCY: Office of the Secretary, HHS.

ACTION: Notice.

SUMMARY: In compliance with the requirement of the Paperwork Reduction Act of 1995, the Office of the Secretary (OS), Department of Health and Human Services, is publishing the following summary of a proposed collection for public comment.

DATES: Comments on the ICR must be received on or before August 19, 2019.

ADDRESSES: Submit your comments to *OIRA_submission@omb.eop.gov* or via facsimile to (202) 395–5806.

FOR FURTHER INFORMATION CONTACT: Ed Calimag, *ed.calimag@hhs.gov* or (202) 690–7569. When submitting comments or requesting information, please include the document identifier 4040–0004–30D and project title for reference.

SUPPLEMENTARY INFORMATION: Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection

techniques or other forms of information technology to minimize the information collection burden.

Title of the Collections: Application for Federal Assistance (SF–424).

Type of Collection: Extension.

OMB No. 4040–0004.

Abstract: The Application for Federal Assistance (SF–424) form provides the Federal grant-making agencies with a common and standard form for organizations to apply for financial assistance. The IC expires 10/31/2019. We are seeking an extension of this information collection and a three-year clearance.

ESTIMATED ANNUALIZED BURDEN TABLE

Forms	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
Application for Federal Assistance (SF–424)	20,803	1	1	20,803
Total	20,803	1	1	20,803

Terry Clark,

Office of the Secretary, Paperwork Reduction Act Reports Clearance Officer.

[FR Doc. 2019–15387 Filed 7–18–19; 8:45 am]

BILLING CODE 4151–AE–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

[Document Identifier: OS–4040–0012]

Agency Information Collection Request. 30-Day Public Comment Request

AGENCY: Office of the Secretary, HHS.

ACTION: Notice.

SUMMARY: In compliance with the requirement of the Paperwork Reduction Act of 1995, the Office of the Secretary (OS), Department of Health and Human Services, is publishing the following summary of a proposed collection for public comment.

DATES: Comments on the ICR must be received on or before August 19, 2019.

ADDRESSES: Submit your comments to *OIRA_submission@omb.eop.gov* or via facsimile to (202) 395–5806.

FOR FURTHER INFORMATION CONTACT: Ed Calimag, *ed.calimag@hhs.gov* or (202) 690–7569. When submitting comments or requesting information, please include the document identifier 4040–0012–30D and project title for reference.

SUPPLEMENTARY INFORMATION: Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Title of the Collections: SF–270 Request for Advance or Reimbursement.

Type of Collection: Reinstatement and extension without change of a previously approved collection.

OMB No. 4040–0012.

Abstract: SF–270 Request for Advance or Reimbursement form is an OMB-approved collection (4040–0012). This information collection is used by grant awardees to request funds from their grant award. The IC expired on January 31, 2019. We are seeking reinstatement of this information collection and a three-year clearance.

ESTIMATED ANNUALIZED BURDEN TABLE

Forms	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
SF–270 Request for Advance or Reimbursement	100,000	1	1	100,000
Total	100,000	.....	.....	100,000

Terry Clark,

Office of the Secretary, Paperwork Reduction Act Reports Clearance Officer.

[FR Doc. 2019–15394 Filed 7–18–19; 8:45 am]

BILLING CODE 4151–AE–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

[Document Identifier: OS–4040–0010]

Agency Information Collection Request. 30-Day Public Comment Request

AGENCY: Office of the Secretary, HHS.

ACTION: Notice.

SUMMARY: In compliance with the requirement of the Paperwork Reduction Act of 1995, the Office of the Secretary (OS), Department of Health and Human Services, is publishing the following summary of a proposed collection for public comment.

DATES: Comments on the ICR must be received on or before August 19, 2019.

ADDRESSES: Submit your comments to *OIRA_submission@omb.eop.gov* or via facsimile to (202) 395–5806.

FOR FURTHER INFORMATION CONTACT: Ed Calimag, *ed.calimag@hhs.gov* or (202) 690–7569. When submitting comments or requesting information, please include the document identifier 4040–0010–30D and project title for reference.

SUPPLEMENTARY INFORMATION: Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Title of the Collections: Project/Performance Site Location(s), Project Abstract, and Key Contacts.

Type of Collection: Extension.

OMB No.: 4040–0010.

Abstract: The Project/Performance Site Location(s), Project Abstract, and Key Contacts forms provide the Federal grant-making agencies an alternative to the Standard Form 424 data set and form. Agencies may use the Project/Performance Site Location(s), Project Abstract, and Key Contacts forms for grant programs not required to collect all the data that is required on the SF–424 core data set and form. The IC expires 10/31/2019. We are seeking an extension of these information collections and a three-year clearance.

ESTIMATED ANNUALIZED BURDEN TABLE

Forms	Number of respondents	Number of responses per respondent	Average Burden hours per response	Total burden hours
Project/Performance Site Location(s)	127,281	1	1	127,281
Project Abstract	230	1	1	230
Key Contacts	4,566	1	1	4,566
Total	132,077			132,077

Terry Clark,

Office of the Secretary, Paperwork Reduction Act Reports Clearance Officer.

[FR Doc. 2019–15395 Filed 7–18–19; 8:45 am]

BILLING CODE 4151–AE–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

[Document Identifier: OS–4040–0011]

Agency Information Collection Request. 30-Day Public Comment Request

AGENCY: Office of the Secretary, HHS.

ACTION: Notice.

SUMMARY: In compliance with the requirement of the Paperwork Reduction Act of 1995, the Office of the Secretary (OS), Department of Health and Human Services, is publishing the following summary of a proposed collection for public comment.

DATES: Comments on the ICR must be received on or before August 19, 2019.

ADDRESSES: Submit your comments to *OIRA_submission@omb.eop.gov* or via facsimile to (202) 395–5806.

FOR FURTHER INFORMATION CONTACT: Ed Calimag, *ed.calimag@hhs.gov* or (202) 690–7569. When submitting comments or requesting information, please include the document identifier 4040–0011–30D and project title for reference.

SUPPLEMENTARY INFORMATION: Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Title of the Collections: SF–271 Outlay Report and Request for Reimbursement for Construction Programs.

Type of Collection: Reinstatement and extension without change of a previously approved collection.

OMB No.: 4040–0011.

Abstract: The SF–271 Outlay Report and Request for Reimbursement for Construction Programs form is an OMB-approved collection (4040–0011). This information collection is used by grant awardees to report on their construction grant award. The IC expired on January 31, 2019. We are reinstatement of this information collection and a three-year clearance.

ESTIMATED ANNUALIZED BURDEN TABLE

Forms	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
SF–271 Outlay Report and Request for Reimbursement for Construction Programs	100,000	1	1	100,000
Total	100,000			100,000

Terry Clark,

Office of the Secretary, Paperwork Reduction Act Reports Clearance Officer.

[FR Doc. 2019–15393 Filed 7–18–19; 8:45 am]

BILLING CODE 4151–AE–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 Center for Scientific Review Special Emphasis Panel, July 30, 2019, 10:00 a.m. to July 30, 2019, 07:00 p.m., National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 which was published in the **Federal Register** on July 03, 2019, 84 FR 31879.

The meeting will be held on July 30, 2019 at 9:00 a.m. instead of 10:00 a.m.

The meeting location remains the same. The meeting is closed to the public.

Dated: July 15, 2019.

Natasha M. Copeland,

Deputy Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–15355 Filed 7–18–19; 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 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: Center for Scientific Review Special Emphasis Panel; Member Conflict: AIDS and AIDS-Related Research.

Date: August 2, 2019.

Time: 11:00 a.m. to 2:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Mark P. Rubert, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5218, MSC 7852, Bethesda, MD 20892, 301–435–1775, *rubertm@csr.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: July 15, 2019.

Natasha M. Copeland,

Deputy Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–15354 Filed 7–18–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2019–0002; Internal Agency Docket No. FEMA–B–1940]

Proposed Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: Comments are requested on proposed flood hazard determinations, which may include additions or modifications of any Base Flood Elevation (BFE), base flood depth, Special Flood Hazard Area (SFHA) boundary or zone designation, or regulatory floodway on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports for the communities listed in the table below. The purpose of this notice is to seek general information and comment regarding the preliminary FIRM, and where applicable, the FIS report that the Federal Emergency Management Agency (FEMA) has provided to the affected communities. The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP). In addition, the FIRM and FIS report, once effective, will be used by insurance agents and others to calculate appropriate flood insurance premium rates for new buildings and the contents of those buildings.

DATES: Comments are to be submitted on or before October 17, 2019.

ADDRESSES: The Preliminary FIRM, and where applicable, the FIS report for each community are available for inspection at both the online location *https://www.fema.gov/preliminaryfloodhazarddata* and the respective Community Map Repository address listed in the tables below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

You may submit comments, identified by Docket No. FEMA–B–1940, to Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov.*

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov;* or visit the FEMA Map Information eXchange (FMIX) online at *https://www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: FEMA proposes to make flood hazard determinations for each community listed below, in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. These flood hazard determinations are used to meet the floodplain management requirements of the NFIP and are used to calculate the appropriate flood insurance premium rates for new buildings built after the FIRM and FIS report become effective.

The communities affected by the flood hazard determinations are provided in the tables below. Any request for reconsideration of the revised flood hazard information shown on the Preliminary FIRM and FIS report that satisfies the data requirements outlined in 44 CFR 67.6(b) is considered an appeal. Comments unrelated to the flood hazard determinations also will be considered before the FIRM and FIS report become effective.

Use of a Scientific Resolution Panel (SRP) is available to communities in support of the appeal resolution process. SRPs are independent panels of experts in hydrology, hydraulics, and other pertinent sciences established to review conflicting scientific and technical data and provide recommendations for resolution. Use of the SRP only may be exercised after FEMA and local communities have been engaged in a collaborative consultation process for at least 60 days without a mutually acceptable resolution of an appeal. Additional information regarding the SRP process can be found

online at *https://www.floodsrp.org/pdfs/srp_overview.pdf.*

The watersheds and/or communities affected are listed in the tables below. The Preliminary FIRM, and where applicable, FIS report for each community are available for inspection at both the online location *https://www.fema.gov/preliminaryfloodhazarddata* and the respective Community Map Repository address listed in the tables. For communities with multiple ongoing Preliminary studies, the studies can be identified by the unique project number and Preliminary FIRM date listed in the tables. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Michael M. Grimm,

Assistant Administrator for Risk Management, Department of Homeland Security, Federal Emergency Management Agency.

Community	Community map repository address
Fairbanks North Star Borough, Alaska Project: 17–10–0011S Preliminary Date: February 15, 2019	
Fairbanks North Star Borough	Department of Community Planning, Borough Administrative Center, 809 Pioneer Road, Fairbanks, AK 99701.
Story County, Iowa and Incorporated Areas Project: 17–07–0055S Preliminary Date: November 15, 2018	
City of Ames	City Hall, 515 Clark Avenue, Ames, IA 50010.
City of Cambridge	City Hall, 225 Water Street, Cambridge, IA 50046.
City of Collins	City Hall, 212 Main Street, Collins, IA 50055.
City of Gilbert	City Hall, 105 Southeast 2nd Street, Gilbert, IA 50105.
City of Huxley	City Hall, 515 North Main Avenue, Huxley, IA 50124.
City of Maxwell	City Hall, 107 Main Street, Maxwell, IA 50161.
City of McCallsburg	City Hall, 425 Main Street, McCallsburg, IA 50154.
City of Nevada	City Hall, 1209 6th Street, Nevada, IA 50201.
City of Roland	City Hall, 208 North Main Street, Roland, IA 50236.
City of Slater	City Hall, 101 Story Street, Slater, IA 50244.
City of Story City	City Hall, 504 Broad Street, Story City, IA 50248.
City of Zearing	City Hall, 105 West Main Street, Zearing, IA 50278.
Unincorporated Areas of Story County	Story County Administration Building, 900 6th Street, Nevada, IA 50201.
Clark County, Missouri and Incorporated Areas Project: 17–07–1396S Preliminary Date: February 15, 2019	
City of Alexandria	City Hall, 109 Market Street, Alexandria, MO 63430.
Unincorporated Areas of Clark County	Clark County Circuit Clerk's Office, 288 East Main Street, Kahoka, MO 63445.

[FR Doc. 2019–15337 Filed 7–18–19; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2019–0002]

Changes in Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: New or modified Base (1-percent annual chance) Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, and/or regulatory floodways (hereinafter referred to as flood hazard determinations) as shown on the indicated Letter of Map Revision (LOMR) for each of the communities listed in the table below are finalized. Each LOMR revises the Flood Insurance Rate Maps (FIRMs), and in some cases the Flood Insurance Study (FIS) reports, currently in effect for the listed communities. The flood hazard determinations modified by each LOMR will be used to calculate flood insurance premium rates for new buildings and their contents.

DATES: Each LOMR was finalized as in the table below.

ADDRESSES: Each LOMR is available for inspection at both the respective Community Map Repository address listed in the table below and online through the FEMA Map Service Center at *https://msc.fema.gov.*

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov;* or visit the FEMA Map Information eXchange (FMIX) online at *https://www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) makes the final flood hazard determinations as shown in the LOMRs for each community listed in the table below. Notice of these modified flood hazard determinations has been published in newspapers of local circulation and 90 days have elapsed since that publication. The Deputy Associate Administrator for Insurance and Mitigation has resolved any appeals resulting from this notification.

The modified flood hazard determinations are made pursuant to section 206 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.,* and with 44 CFR part 65.

For rating purposes, the currently effective community number is shown

and must be used for all new policies and renewals.

The new or modified flood hazard information is the basis for the floodplain management measures that the community is required either to adopt or to show evidence of being already in effect in order to remain qualified for participation in the National Flood Insurance Program (NFIP).

This new or modified flood hazard information, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities.

This new or modified flood hazard determinations are used to meet the floodplain management requirements of the NFIP and are used to calculate the appropriate flood insurance premium rates for new buildings, and for the contents in those buildings. The changes in flood hazard determinations are in accordance with 44 CFR 65.4.

Interested lessees and owners of real property are encouraged to review the final flood hazard information available at the address cited below for each community or online through the FEMA Map Service Center at *https://msc.fema.gov.*

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Michael M. Grimm,

Assistant Administrator for Risk Management, Department of Homeland Security, Federal Emergency Management Agency.

State and county	Location and case No.	Chief executive officer of community	Community map repository	Date of modification	Community No.
Arizona: Yavapai (FEMA Docket No.: B–1917).	City of Cottonwood (18–09–1452P).	The Honorable Tim Elinski, Mayor, City of Cottonwood, 827 North Main Street, Cottonwood, AZ 86326.	Department of Public Works, 1490 West Mingus Avenue, Cottonwood, AZ 86326.	June 27, 2019	040096
California:					
Santa Barbara (FEMA Docket No.: B–1916).	City of Santa Barbara (18–09–1502P).	Mr. Paul Casey, City of Santa Barbara Administrator, P.O. Box 1990, Santa Barbara, CA 93102.	Community Development Department, Building and Safety Division, 630 Garden Street, Santa Barbara, CA 93101.	June 21, 2019	060335
Santa Barbara (FEMA Docket No.: B–1916).	City of Santa Barbara (18–09–1503P).	Mr. Paul Casey, City of Santa Barbara Administrator, P.O. Box 1990, Santa Barbara, CA 93102.	Community Development Department, Building and Safety Division, 630 Garden Street, Santa Barbara, CA 93101.	June 24, 2019	060335
Colorado:					
Garfield (FEMA Docket No.: B–1924).	Town of Parachute (18–08–1093P).	The Honorable Roy McClung, Mayor, Town of Parachute, 222 Grand Valley Way, Parachute, CO 81635.	Town Hall, 222 Grand Valley Way, Parachute, CO 81635.	June 20, 2019	080215
Garfield (FEMA Docket No.: B–1924).	Unincorporated areas of Garfield County (18–08–1093P).	The Honorable John Martin, Chairman, Garfield County Board of Commissioners, 108 8th Street, Suite 101, Glenwood Springs, CO 81601.	Garfield County Administration Building, 108 8th Street, Glenwood Springs, CO 81601.	June 20, 2019	080205
Connecticut: New Haven (FEMA Docket No.: B–1928).	Town of Branford (19–01–0264P).	The Honorable James B. Cosgrove, First Selectman, Town of Branford Board of Selectmen, 1019 Main Street, Branford, CT 06405.	Engineering Department, 1019 Main Street, Branford, CT 06405.	June 28, 2019	090073
Florida:					
Lee (FEMA Docket No.: B–1924).	Unincorporated areas of Lee County (19–04–0850P).	The Honorable Larry Kiker, Chairman, Lee County Board of Commissioners, P.O. Box 398, Fort Myers, FL 33902.	Lee County Building Department, 1500 Monroe Street, Fort Myers, FL 33902.	June 25, 2019	125124
Pasco (FEMA Docket No.: B–1917).	Unincorporated areas of Pasco County (18–04–4034P).	Mr. Dan Biles, Administrator, Pasco County, 8731 Citizens Drive, Suite 340, New Port Richey, FL 34654.	Pasco County Dade City Record Center, 38301 McDonald Street, Dade City, FL 33525.	June 27, 2019	120230
Mississippi: Lafayette (FEMA Docket No.: B–1924).	City of Oxford (18–04–7495P).	The Honorable Robyn Tannehill, Mayor, City of Oxford, 107 Courthouse Square, Oxford, MS 38655.	City Hall, 107 Courthouse Square, Oxford, MS 38655.	June 19, 2019	280094
Montana:					
Fallon (FEMA Docket No.: B–1916).	City of Baker (18–08–0474P).	The Honorable JoDee Pratt, Mayor, City of Baker, P.O. Box 1512, Baker, MT 59313.	Planning Department, 10 West Fallon Avenue, Baker, MT 59313.	June 17, 2019	300018
Fallon (FEMA Docket No.: B–1916).	Unincorporated areas of Fallon County (18–08–0474P).	The Honorable Steve Baldwin, Chairman, Fallon County Board of Commissioners, P.O. Box 846, Baker, MT 59313.	Fallon County Planning Department, 10 West Fallon Avenue, Baker, MT 59313.	June 17, 2019	300149
Pennsylvania: Luzerne (FEMA Docket No.: B–1916).	Township of Salem (18–03–1339P).	The Honorable Steven Fraind, Chairman, Township of Salem Board of Supervisors, 38 Bomboy Lane, Berwick, PA 18603.	Township Hall, 38 Bomboy Lane, Berwick, PA 18603.	June 21, 2019	420625
South Dakota:					
Lincoln (FEMA Docket No.: B–1924).	Unincorporated areas of Lincoln County (18–08–0685P).	The Honorable David Gillespie, Chairman, Lincoln County Board of Commissioners, 104 North Main Street, Suite 120, Canton, SD 57013.	Lincoln County GIS Department, 104 North Main Street, Canton, SD 57013.	June 21, 2019	460277

State and county	Location and case No.	Chief executive officer of community	Community map repository	Date of modification	Community No.
Pennington (FEMA Docket No.: B–1916).	Unincorporated areas of Pennington County (18–08–0912P).	The Honorable Deb Hadcock, Chair, Pennington County Board of Commissioners, 130 Kansas City Street, Suite 100, Rapid City, SD 57701.	Pennington County Planning Department, 130 Kansas City Street, Suite 200, Rapid City, SD 57701.	June 17, 2019	460064
Tennessee:					
Hamilton (FEMA Docket No.: B–1924).	Unincorporated areas of Hamilton County (18–04–2279P).	The Honorable Jim Coppinger, Mayor, Hamilton County, 208 Courthouse, 625 Georgia Avenue, Chattanooga, TN 37402.	Hamilton County Engineering Department, 1250 Market Street, Suite 3046, Chattanooga, TN 37402.	June 17, 2019	470071
Shelby (FEMA Docket No.: B–1931).	City of Germantown (18–04–6585P).	The Honorable Mike Palazzolo, Mayor, City of Germantown, 1930 South Germantown Road, Germantown, TN 38138.	Economic and Community Development Department, 1920 South Germantown Road, Germantown, TN 38138.	June 28, 2019	470353
Texas:					
Collin (FEMA Docket No.: B–1924).	City of Lucas (18–06–3533P).	The Honorable Jim Olk, Mayor, City of Lucas, 665 Country Club Road, Lucas, TX 75002.	City Hall, 665 Country Club Road, Lucas, TX 75002.	June 24, 2019	481545
Collin (FEMA Docket No.: B–1924).	City of Parker (18–06–3533P).	The Honorable Lee Pettle, Mayor, City of Parker, 5700 East Parker Road, Parker, TX 75002.	City Hall, 5700 East Parker Road, Parker, TX 75002.	June 24, 2019	480139
Fort Bend (FEMA Docket No.: B–1943).	Unincorporated areas of Fort Bend County (18–06–2990P).	The Honorable K.P. George, Fort Bend County Judge, 401 Jackson Street, Richmond, TX 77469.	Fort Bend County Engineering Department, 301 Jackson Street, Richmond, TX 77469.	June 20, 2019	480228
Harris (FEMA Docket No.: B–1917).	Unincorporated areas of Harris County (18–06–2625P).	The Honorable Lina Hidalgo, Harris County Judge, 1001 Preston Street, Suite 911, Houston, TX 77002.	Harris County Permits Office, 10555 Northwest Freeway, Suite 120, Houston, TX 77092.	June 17, 2019	480287
Kendall (FEMA Docket No.: B–1924).	Unincorporated areas of Kendall County (18–06–1938P).	The Honorable Darrel L. Lux, Kendall County Judge, 201 East San Antonio Avenue, Suite 122, Boerne, TX 78006.	Kendall County Engineering Department, 201 East San Antonio Avenue, Suite 101, Boerne, TX 78006.	June 17, 2019	480417
Montgomery (FEMA Docket No.: B–1924).	City of Conroe (18–06–0092P).	The Honorable Toby Powell, Mayor, City of Conroe, 300 West Davis Street, Conroe, TX 77301.	Engineering Department, 300 West Davis Street, Conroe, TX 77301.	June 25, 2019	480484
Tarrant (FEMA Docket No.: B–1928).	City of Fort Worth (18–06–1342P).	The Honorable Betsy Price, Mayor, City of Fort Worth, 200 Texas Street, Fort Worth, TX 76102.	Transportation and Public Works Department, 200 Texas Street, Fort Worth, TX 76102.	June 17, 2019	480596
Virginia:					
Loudoun (FEMA Docket No.: B–1916).	Unincorporated areas of Loudoun County (19–03–0018P).	The Honorable Phyllis J. Randall, Chair, Loudoun County Board of Supervisors, P.O. Box 7000, Leesburg, VA 20177.	Loudoun County Department of Building and Development, 1 Harrison Street, SE, 3rd Floor, Leesburg, VA 20175.	June 17, 2019	510090
Stafford (FEMA Docket No.: B–1924).	Unincorporated areas of Stafford County (18–03–1812P).	Mr. Thomas C. Foley, Stafford County Administrator, P.O. Box 339, Stafford, VA 22555.	Stafford County Department of Code Administration, 1300 Courthouse Road, Stafford, VA 22554.	June 20, 2019	510154
West Virginia:					
Greenbriar (FEMA Docket No.: B–1916).	City of White Sulphur Springs (18–03–1881P).	The Honorable Bruce Bowling, Mayor, City of White Sulphur Springs, 589 Main Street West, White Sulphur Springs, WV 24986.	City Hall, 589 Main Street West, White Sulphur Springs, WV 24986.	June 17, 2019	540045
Greenbriar (FEMA Docket No.: B–1916).	Unincorporated areas of Greenbrier County (18–03–1881P).	The Honorable Woody Hanna, President, Greenbrier County Commission, 912 Court Street North, Lewisburg, WV 24901.	Greenbrier County Planning Department, 912 Court Street North, Lewisburg, WV 24901.	June 17, 2019	540040

[FR Doc. 2019–15341 Filed 7–18–19; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2019–0002]

Changes in Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: New or modified Base (1-percent annual chance) Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, and/or regulatory floodways (hereinafter referred to as flood hazard determinations) as shown on the indicated Letter of Map Revision (LOMR) for each of the communities listed in the table below are finalized. Each LOMR revises the Flood Insurance Rate Maps (FIRMs), and in some cases the Flood Insurance Study (FIS) reports, currently in effect for the listed communities. The flood hazard determinations modified by each LOMR will be used to calculate flood insurance premium rates for new buildings and their contents.

DATES: Each LOMR was finalized as in the table below.

ADDRESSES: Each LOMR is available for inspection at both the respective Community Map Repository address listed in the table below and online through the FEMA Map Service Center at *https://msc.fema.gov.*

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov;* or visit the FEMA Map Information eXchange (FMIX) online at *https://www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) makes the final flood hazard determinations as shown in the LOMRs for each community listed in the table below. Notice of these modified flood hazard determinations has been published in newspapers of local circulation and 90 days have elapsed since that publication. The Deputy Associate Administrator for Insurance and Mitigation has resolved any appeals resulting from this notification.

The modified flood hazard determinations are made pursuant to section 206 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.,* and with 44 CFR part 65.

For rating purposes, the currently effective community number is shown and must be used for all new policies and renewals.

The new or modified flood hazard information is the basis for the floodplain management measures that the community is required either to adopt or to show evidence of being already in effect in order to remain qualified for participation in the National Flood Insurance Program (NFIP).

This new or modified flood hazard information, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities.

This new or modified flood hazard determinations are used to meet the floodplain management requirements of the NFIP and are used to calculate the appropriate flood insurance premium rates for new buildings, and for the contents in those buildings. The changes in flood hazard determinations are in accordance with 44 CFR 65.4.

Interested lessees and owners of real property are encouraged to review the final flood hazard information available at the address cited below for each community or online through the FEMA Map Service Center at *https://msc.fema.gov.*

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Michael M. Grimm,

Assistant Administrator for Risk Management, Department of Homeland Security, Federal Emergency Management Agency.

State and county	Location and case No.	Chief executive officer of community	Community map repository	Date of modification	Community No.
Arkansas:					
Pulaski (FEMA Docket No.: B–1916).	City of Maumelle (18–06–1862P).	The Honorable Michael Watson, Mayor, City of Maumelle, 550 Edgewood Drive, Suite 590, Maumelle, AR 72113.	City Hall, 550 Edgewood Drive, Suite 590, Maumelle, AR 72113.	June 11, 2019	050577
Pulaski (FEMA Docket No.: B–1916).	City of North Little Rock (18–06–1862P).	The Honorable Joe Smith, Mayor, City of North Little Rock, 300 Main Street, North Little Rock, AR 72119.	City Hall, 500 West 13th Street, North Little Rock, AR 72114.	June 11, 2019	050182
Colorado:					
Adams (FEMA Docket No.: B–1916).	City of Thornton (18–08–1093P).	The Honorable Heidi Williams, Mayor, City of Thornton, 9500 Civic Center Drive, Thornton, CO 80229.	City Hall, 9500 Civic Center Drive, Thornton, CO 80229.	June 14, 2019	080007
Garfield (FEMA Docket No.: B–1917).	City of Glenwood Springs (19–08–0116P).	The Honorable Michael Gamba, Mayor, City of Glenwood Springs, 101 West 8th Street, Glenwood Springs, CO 81601.	Engineering Department, 101 West 8th Street, Glenwood Springs, CO 81601.	June 11, 2019	080071
Garfield (FEMA Docket No.: B–1917).	Unincorporated areas of Garfield County (19–08–0116P).	The Honorable John Martin, Chairman, Garfield County Board of Commissioners, 108 8th Street, Suite 101, Glenwood Springs, CO 81601.	Garfield County Courthouse, 109 8th Street, Glenwood Springs, CO 81601.	June 11, 2019	080205
Florida:					

State and county	Location and case No.	Chief executive officer of community	Community map repository	Date of modification	Community No.
Bay (FEMA Docket No.: B–1917).	Unincorporated areas of Bay County (18–04–4009P).	The Honorable William Dozier, Chairman, Bay County Board of Commissioners, 840 West 11th Street, Panama City, FL 32401.	Bay County Planning and Zoning Department, 840 West 11th Street, Panama City, FL 32401.	June 11, 2019	120004
Lee (FEMA Docket No.: B–1916).	City of Bonita Springs (18–04–6716P).	The Honorable Peter Simmons, Mayor, City of Bonita Springs, 9101 Bonita Beach Road, Bonita Springs, FL 34135.	Community Development Department, 9220 Bonita Beach Road, Suite 111, Bonita Springs, FL 34135.	June 14, 2019	120680
Lee (FEMA Docket No.: B–1916).	Town of Fort Myers Beach (18–04–6934P).	The Honorable Tracy Gore, Mayor, Town of Fort Myers Beach, 2525 Estero Boulevard, Fort Myers Beach, FL 33931.	Community Development Department, 2525 Estero Boulevard, Fort Myers Beach, FL 33931.	June 13, 2019	120673
Manatee (FEMA Docket No.: B–1916).	City of Bradenton Beach (19–04–0245P).	The Honorable John Chappie, Mayor, City of Bradenton Beach, 107 Gulf Drive North, Bradenton Beach, FL 34217.	City Hall, 107 Gulf Drive North, Bradenton Beach, FL 34217.	June 11, 2019	125091
Monroe (FEMA Docket No.: B–1917).	City of Key West (19–04–0349P).	The Honorable Teri Johnston, Mayor, City of Key West, P.O. Box 1409, Key West, FL 33041.	City Hall, 1300 White Street, Key West, FL 33041.	June 12, 2019	120168
Monroe (FEMA Docket No.: B–1916).	Unincorporated areas of Monroe County (19–04–0251P).	The Honorable Sylvia Murphy, Mayor, Monroe County Board of Commissioners, 102050 Overseas Highway, Suite 234, Key Largo, FL 33037.	Monroe County Building Department, 2798 Overseas Highway, Suite 300, Marathon, FL 33050.	June 11, 2019	125129
Monroe (FEMA Docket No.: B–1917).	Unincorporated areas of Monroe County (19–04–0349P).	The Honorable Sylvia Murphy, Mayor, Monroe County Board of Commissioners, 102050 Overseas Highway, Suite 234, Key Largo, FL 33037.	Monroe County Building Department, 2798 Overseas Highway, Suite 300, Marathon, FL 33050.	June 12, 2019	125129
Orange (FEMA Docket No.: B–1917).	Unincorporated areas of Orange County (18–04–3127P).	The Honorable Teresa Jacobs, Mayor, Orange County, 201 South Rosalind Avenue, 5th Floor, Orlando, FL 32801.	Orange County Stormwater Division, 4200 South John Young Parkway, Orlando, FL 32839.	June 11, 2019	120179
Orange (FEMA Docket No.: B–1917).	Unincorporated areas of Orange County (19–04–0061P).	The Honorable Teresa Jacobs, Mayor, Orange County, 201 South Rosalind Avenue, 5th Floor, Orlando, FL 32801.	Orange County Stormwater Division, 4200 South John Young Parkway, Orlando, FL 32839.	June 12, 2019	120179
Palm Beach (FEMA Docket No.: B–1916).	Unincorporated areas of Palm Beach County (19–04–0277P).	The Honorable Mack Bernard, Mayor, Palm Beach County Council, 301 North Olive Avenue, Suite 1201, West Palm Beach, FL 33401.	Palm Beach County Building Division, 2300 North Jog Road, West Palm Beach, FL 33411.	June 14, 2019	120192
Polk (FEMA Docket No.: B–1916).	Unincorporated areas of Polk County (18–04–5489P).	The Honorable George Lindsey III, Chairman, Polk County Board of Commissioners, P.O. Box 9005, Drawer BC01, Bartow, FL 33831.	Polk County Land Development Division, 330 West Church Street, Bartow, FL 33830.	June 13, 2019	120261
Seminole (FEMA Docket No.: B–1916).	City of Longwood (18–04–6273P).	The Honorable Ben Paris Mayor, City of Longwood, 175 West Warren Avenue, Longwood, FL 32750.	Community Development Department, 174 West Church Avenue, Longwood, FL 32750.	June 14, 2019	120292
Maryland: Independent City (FEMA Docket No.: B–1916).	City of Baltimore (18–03–2013P).	The Honorable Catherine E. Pugh, Mayor, City of Baltimore, 100 North Holliday Street, Baltimore, MD 21202.	Planning Department, 417 East Fayette Street, 8th Floor, Baltimore, MD 21202.	June 11, 2019	240087
Massachusetts: Norfolk (FEMA Docket No.: B–1916).	Town of Dedham (18–01–1423P).	Mr. James Kern, Manager, Town of Dedham, 26 Bryant Street, Dedham, MA 02026.	Public Works Department, 55 River Street, Dedham, MA 02026.	June 13, 2019	250237
Montana:					
Flathead (FEMA Docket No.: B–1916).	City of Whitefish (18–08–1047P).	The Honorable John Muhlfeld, Mayor, City of Whitefish, P.O. Box 158, Whitefish, MT 59937.	Planning and Building Department, 418 East 2nd Street, Whitefish, MT 59937.	June 13, 2019	300026
Flathead (FEMA Docket No.: B–1916).	Unincorporated areas of Flathead County (18–08–1047P).	The Honorable Philip Mitchell, Chairman, Flathead County Board of Commissioners, 800 South Main Street, Kalispell, MT 59901.	Flathead County Planning and Zoning Department, 40 11th Street West, Kalispell, MT 59901.	June 13, 2019	300023
North Carolina: Randolph (FEMA Docket No.: B–1916).	Unincorporated Areas of Randolph County (18–04–5146P).	The Honorable Darrell L. Frye, Chairman, Randolph County Board of Commissioners, 725 McDowell Road, Asheboro, NC 27205.	Randolph County Planning Department, 725 McDowell Road, Asheboro, NC 27205.	June 6, 2019	370195
Oklahoma:					

State and county	Location and case No.	Chief executive officer of community	Community map repository	Date of modification	Community No.
Cleveland (FEMA Docket No.: B–1916).	City of Oklahoma City (18–06–3471P).	The Honorable David Holt, Mayor, City of Oklahoma City, 200 North Walker Avenue, 3rd Floor, Oklahoma City, OK 73102.	Public Works Department, 420 West Main Street, Suite 700, Oklahoma City, OK 73102.	June 13, 2019	405378
Payne (FEMA Docket No.: B–1924).	City of Stillwater (18–06–1552P).	The Honorable William Joyce, Mayor, City of Stillwater, 723 South Lewis Street, Stillwater, OK 74074.	Development Services Department, 723 South Lewis Street, Stillwater, OK 74074.	June 10, 2019	405380
Pennsylvania:					
Bucks (FEMA Docket No.: B–1916).	Township of Doylestown (18–03–1689P).	The Honorable Barbara N. Lyons, Chairman, Township of Doylestown Board of Supervisors, 425 Wells Road, Doylestown, PA 18901.	Township Hall, 425 Wells Road, Doylestown, PA 18901.	June 14, 2019	420185
Bucks (FEMA Docket No.: B–1916).	Township of New Britain (18–03–1689P).	The Honorable A. James Scanzillo, Chairman, Township of New Britain Board of Supervisors, 207 Park Avenue, Chalfont, PA 18914.	Township Hall, 207 Park Avenue, Chalfont, PA 18914.	June 14, 2019	420987
Huntingdon (FEMA Docket No.: B–1917).	Township of Smithfield (18–03–2287P).	The Honorable Doyland Gladfelter, Chairman, Township of Smithfield Board of Supervisors, 202 South 13th Street, Suite 3, Huntingdon, PA 16652.	Code Enforcement Department, 202 South 23rd Street, Suite 3, Huntingdon, PA 16652.	June 11, 2019	420494
South Carolina: Horry (FEMA Docket No.: B–1916).	Unincorporated areas of Horry County (18–04–3918P).	The Honorable Mark Lazarus, Chairman, Horry County Council, P.O. Box 1236, Conway, SC 29528.	Horry County Department of Code Enforcement, 1301 2nd Avenue, Conway, SC 29526.	June 11, 2019	450104
South Dakota: Minnehaha (FEMA Docket No.: B–1917).	City of Sioux Falls (18–08–1114P).	The Honorable Paul TenHaken, Mayor, City of Sioux Falls, 224 West 9th Street, Sioux Falls, SD 57104.	Planning and Building Services Department, 224 West 9th Street, Sioux Falls, SD 57104.	June 14, 2019	460060
Texas:					
Guadalupe (FEMA Docket No.: B–1916).	City of Cibolo (18–06–2757P).	The Honorable Stosh Boyle, Mayor, City of Cibolo, P.O. Box 826, Cibolo, TX 78108.	City Hall, 200 South Main Street, Cibolo, TX 78108.	June 14, 2019	480267
Hays (FEMA Docket No.: B–1917).	City of Kyle (18–06–1606P).	The Honorable Travis Mitchell, Mayor, City of Kyle, 100 West Center Street, Kyle, TX 78640.	Building Department, 100 West Center Street, Kyle, TX 78640.	May 16, 2019	481108
Hays (FEMA Docket No.: B–1917).	Unincorporated areas of Hays County (18–06–1606P).	The Honorable Debbie Ingalsbe, Acting Hays County Judge, 111 East San Antonio Street, Suite 300, San Marcos, TX 78666.	Hays County Development Services Department, 2171 Yarrington Road, Suite 100, Kyle, TX 78640.	May 16, 2019	480321
Montgomery (FEMA Docket No.: B–1916).	Unincorporated areas of Montgomery County (18–06–3313P).	The Honorable Craig B. Doyal, Montgomery County Judge, 501 North Thompson Street, Suite 401, Conroe, TX 77301.	Montgomery County Commissioners Office, 501 North Thompson Street, Suite 103, Conroe, TX 77301.	June 11, 2019	480483
Tarrant (FEMA Docket No.: B–1916).	City of Fort Worth (18–06–2392P).	The Honorable Betsy Price, Mayor, City of Fort Worth, 200 Texas Street, Fort Worth, TX 76102.	Transportation and Public Works Department, 200 Texas Street, Fort Worth, TX 76102.	June 13, 2019	480596
Tarrant (FEMA Docket No.: B–1916).	City of Fort Worth (18–06–3022P).	The Honorable Betsy Price, Mayor, City of Fort Worth, 200 Texas Street, Fort Worth, TX 76102.	Transportation and Public Works Department, 200 Texas Street, Fort Worth, TX 76102.	June 13, 2019	480596
Tarrant (FEMA Docket No.: B–1916).	City of Fort Worth (18–06–3342P).	The Honorable Betsy Price, Mayor, City of Forth Worth, 200 Texas Street, Fort Worth, TX 76102.	Transportation and Public Works Department, 200 Texas Street, Fort Worth, TX 76102.	June 13, 2019	480596
Utah:					
Iron (FEMA Docket No.: B–1917).	City of Cedar City (18–08–0285P).	The Honorable Maile Wilson Edwards, Mayor, City of Cedar City, 10 North Main Street, Cedar City, UT 84720.	Engineering Department, 10 North Main Street, Cedar City, UT 84720.	June 13, 2019	490074
Iron (FEMA Docket No.: B–1904).	City of Cedar City (18–08–0328P).	The Honorable Maile Wilson, Mayor, City of Cedar City, 10 North Main Street, Cedar City, UT 84720.	City Hall, 10 North Main Street, Cedar City, UT 84720.	May 20, 2019	490074
Iron (FEMA Docket No.: B–1904).	Unincorporated areas of Iron County (18–08–0328P).	The Honorable Michael Bleak, Chairman, Iron County Board of Commissioners, 68 South 100 East, Parowan, UT 84761.	Iron County Engineering and Surveying Department, 68 South 100 East, Parowan, UT 84761.	May 20, 2019	490073

State and county	Location and case No.	Chief executive officer of community	Community map repository	Date of modification	Community No.
Salt Lake (FEMA Docket No.: B–1916).	City of Herriman (18–08–0560P).	The Honorable David Watts, Mayor, City of Herriman, 5355 West Herriman Main Street, Herriman, UT 84096.	City Hall, 13011 South Pioneer Street, Herriman, UT 84096.	June 10, 2019	490252
Salt Lake (FEMA Docket No.: B–1916).	Unincorporated areas of Salt Lake County (18–08–0560P).	The Honorable Ben McAdams, Mayor, Salt Lake County, 2001 South State Street, Suite N2–100, Salt Lake City, UT 84190.	Salt Lake County Public Works Department, 2001 South State Street, Suite N3–100, Salt Lake City, UT 84190.	June 10, 2019	490102

[FR Doc. 2019–15343 Filed 7–18–19; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2019–0002; Internal Agency Docket No. FEMA–B–1944]

Proposed Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: Comments are requested on proposed flood hazard determinations, which may include additions or modifications of any Base Flood Elevation (BFE), base flood depth, Special Flood Hazard Area (SFHA) boundary or zone designation, or regulatory floodway on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports for the communities listed in the table below. The purpose of this notice is to seek general information and comment regarding the preliminary FIRM, and where applicable, the FIS report that the Federal Emergency Management Agency (FEMA) has provided to the affected communities. The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP). In addition, the FIRM and FIS report, once effective, will be used by insurance agents and others to calculate appropriate flood insurance premium rates for new buildings and the contents of those buildings.

DATES: Comments are to be submitted on or before October 17, 2019.

ADDRESSES: The Preliminary FIRM, and where applicable, the FIS report for each community are available for inspection at both the online location *https://www.fema.gov/preliminaryfloodhazarddata* and the respective Community Map Repository address listed in the tables below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

You may submit comments, identified by Docket No. FEMA–B–1944, to Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov.*

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov;* or visit the FEMA Map Information eXchange (FMIX) online at *https://www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: FEMA proposes to make flood hazard determinations for each community listed below, in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. These flood hazard determinations are used to meet the floodplain management requirements of the NFIP and are used to calculate the appropriate flood insurance premium rates for new buildings built after the FIRM and FIS report become effective.

The communities affected by the flood hazard determinations are provided in the tables below. Any request for reconsideration of the revised flood hazard information shown on the Preliminary FIRM and FIS report that satisfies the data requirements outlined in 44 CFR 67.6(b) is considered an appeal. Comments unrelated to the flood hazard determinations also will be considered before the FIRM and FIS report become effective.

Use of a Scientific Resolution Panel (SRP) is available to communities in support of the appeal resolution process. SRPs are independent panels of experts in hydrology, hydraulics, and other pertinent sciences established to review conflicting scientific and technical data and provide recommendations for resolution. Use of the SRP only may be exercised after FEMA and local communities have been engaged in a collaborative consultation process for at least 60 days without a mutually acceptable resolution of an appeal. Additional information regarding the SRP process can be found online at *https://www.floodsrp.org/pdfs/srp_overview.pdf.*

The watersheds and/or communities affected are listed in the tables below. The Preliminary FIRM, and where applicable, FIS report for each community are available for inspection at both the online location *https://www.fema.gov/preliminaryfloodhazarddata* and the respective Community Map Repository address listed in the tables. For communities with multiple ongoing Preliminary studies, the studies can be identified by the unique project number and Preliminary FIRM date listed in the tables. Additionally, the current effective FIRM and FIS report for each

community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Michael M. Grimm,

Assistant Administrator for Risk Management, Department of Homeland Security, Federal Emergency Management Agency.

Community	Community map repository address
Plaquemines Parish, Louisiana (All Jurisdictions) Project: 14–06–0221S Preliminary Date: February 26, 2019	
Unincorporated Areas of Plaquemines Parish	Plaquemines Parish Permits, Planning and Zoning Department, 333 F. Edward Hebert Boulevard, Building 300, Belle Chasse, LA 70037.
Fort Bend County, Texas and Incorporated Areas Project: 14–06–1382S Preliminary Date: March 29, 2019	
City of Simonton	City Hall, 35011 FM 1093, Simonton, TX 77476.
City of Weston Lakes	Simonton City Hall, 35011 FM 1093, Simonton, TX 77476.
Unincorporated Areas of Fort Bend County	Fort Bend County Drainage District, 1124 Blume Road, Rosenberg, TX 77471.

[FR Doc. 2019–15339 Filed 7–18–19; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID: FEMA–2019–0004; OMB No. 1660–0011]

Agency Information Collection Activities: Proposed Collection; Comment Request; Submission for OMB Review; Comment Request; Debt Collection Financial Statement

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice and request for comments.

SUMMARY: The Federal Emergency Management Agency, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public to take this opportunity to comment on a reinstatement, without change, of a previously approved information collection for which approval has expired. In accordance with the Paperwork Reduction Act of 1995, this notice seeks comments on the collection of information related to disaster program accounts and debts owed to FEMA by individuals.

DATES: Comments must be submitted on or before September 17, 2019.

ADDRESSES: To avoid duplicate submissions to the docket, please use only one of the following means to submit comments:

(1) *Online.* Submit comments at *www.regulations.gov* under Docket ID FEMA–2019–0004. Follow the instructions for submitting comments.

(2) *Mail.* Submit written comments to Docket Manager, Office of Chief Counsel, DHS/FEMA, 500 C Street SW, 8NE, Washington, DC 20472–3100.

All submissions received must include the agency name and Docket ID. Regardless of the method used for submitting comments or material, all submissions will be posted, without change, to the Federal eRulemaking Portal at *http://www.regulations.gov,* and will include any personal information you provide. Therefore, submitting this information makes it public. You may wish to read the Privacy Act notice that is available via the link in the footer of *www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: You may contact the Information Management Division for copies of the proposed collection of information at email address: *FEMA-Information-Collections-Management@fema.dhs.gov or* Zita Zduoba, FEMA Finance Center, Office of the Chief Financial Officer, at (540) 504–1613.

SUPPLEMENTARY INFORMATION: Under the Debt Collection Act as amended (31 U.S.C. 3701, et. seq.), the Federal Claims Collection Standards (31 CFR parts 900–904), and the Department of Homeland Security (DHS) regulations (6 CFR Part 11); the Administrator of the Federal Emergency Management Agency (FEMA) is: (1) Required to attempt collection of all debts owed to the United States arising out of activities of the FEMA; and (2) for debts not exceeding $100,000, authorized to compromise such debts or terminate collection action completely where it appears that no person is liable for such debt or has the present or prospective financial ability to pay a significant sum or that the cost of collecting such debt is likely to exceed the amount of the recovery (31 U.S.C. 3711(a)(2)).

This information collection expired on June 30, 2019. FEMA is requesting a reinstatement, without change, of a previously approved information collection for which approval has expired.

Collection of Information

Title: Debt Collection Financial Statement.

Type of information collection: Reinstatement, without change, of a previously approved information collection for which approval has expired.

OMB Number: 1660–0011.

Form Titles and Numbers: Debt Collection Financial Statement, FEMA form 127–0–1.

Abstract: FEMA Form 127–0–1 is used to collect information provided voluntarily by the debtor to evaluate the debtor's financial abilities to determine if they qualify for a payment plan and set repayment terms or determine a compromise to write-off a debt in part or in full. Financial information obtained is essential to evaluate the debtor's ability for the payment of the debt in part or in full. Debt may be a recoupment of an ineligible disaster assistance payment or improper payment to an employee.

Affected Public: Individuals or households.

Estimated Number of Respondents: 300.

Estimated Number of Responses: 300.

Estimated Total Annual Burden Hours: 225.

Estimated Total Annual Respondent Cost: $8,206.

Estimated Respondents' Operation and Maintenance Costs: $0.

Estimated Respondents' Capital and Start-Up Costs: $0.

Estimated Total Annual Cost to the Federal Government: $41,661.

Comments

Comments may be submitted as indicated in the **ADDRESSES** caption above. Comments are solicited to (a) evaluate whether the proposed data collection is necessary for the proper performance of the agency, including whether the information shall have practical utility; (b) 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; (c) enhance the quality, utility, and clarity of the information to be collected; and (d) 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.

Maile Arthur,

Acting Records Management Branch Chief, Office of the Chief Administrative Officer, Mission Support, Federal Emergency Management Agency, Department of Homeland Security.

[FR Doc. 2019–15432 Filed 7–18–19; 8:45 am]

BILLING CODE 9111–19–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–7014–N–22]

60-Day Notice of Proposed Information Collection: Mark-to-Market Program; Requirements for Community-Based Non-Profit Organizations and Public Agencies

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:* September 17, 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 Recapitalization, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410; email: *katonia.l.jackson@hud.gov* or telephone number: (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: Mark-to-Market Program: Requirements for Community-Based Non-Profit Organizations and Public Agencies.

OMB Approval Number: 2502–0563.

OMB Expiration Date: February 28, 2019.

Type of Request: Reinstatement, with change, of previously approved collection for which approval has expired.

Form Number: None.

Description of the need for the information and proposed use: Provides proof of tenant endorsement of entity proposing to purchase restructured property and obtain modification, assignment, or forgiveness of second mortgage and/or third mortgage debt.

Respondents: Non-profits/public agencies and tenants/heads of households.

Estimated Number of Respondents: 371.

Estimated Number of Responses: 371.

Frequency of Response: 1.

Average Hours per Response: 5 (non-profits/public agencies); 1 (tenants/heads of households).

Total Estimated Burdens: 383.

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: July 10, 2019.

John L. Garvin,

General Deputy Assistant Secretary for Housing.

[FR Doc. 2019–15415 Filed 7–18–19; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–7020–N–01]

60-Day Notice of Proposed Information Collection: Ginnie Mae Mortgage-Backed Securities Guide 5500.3, Revision 1 (Forms and Electronic Data Submissions)

AGENCY: Office of the President of Government National Mortgage Association (Ginnie Mae), 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:* September 17, 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:

FOR FURTHER INFORMATION CONTACT: Anna Guido, FOIA/Privacy Specialist: email: *Anna.P.Guido@hud.gov;* telephone: 202–402–5534. This is not a toll-free number. Address is Department of Housing and Urban Development, 451 7th Street SW, Room 4160, Washington, DC 20410. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339. Copies of available documents submitted to OMB may be obtained from Ms. Guido.

SUPPLEMENTARY INFORMATION: The Department will submit the proposed information collection to OMB for review, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended).

This Notice is soliciting comments from members of the public and affected agencies concerning the proposed collection of information to: (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) Evaluate the accuracy of the agency's estimate of the burden hours of the proposed collection of information; (3) Enhance the quality, utility, and clarity of the information to be collected; and (4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

This Notice also lists the following information:

Title of Proposal: Ginnie Mae Mortgage-Backed Securities Guide 5500.3, (Forms and Electronic Data Submissions).

OMB Control Number, if applicable: 2503–0033.

Description of the need for the information and proposed use: Ginnie Mae's Mortgage-Backed Securities Guide 5500.3, (''Guide'') provides instructions and guidance to participants in the Ginnie Mae Mortgage-Backed Securities (''MBS'') programs (''Ginnie Mae I and Ginnie Mae II''). Under the Ginnie Mae I program, securities are backed by single-family or multifamily loans. Under the Ginnie Mae II program securities are only backed by single-family loans. Both the Ginnie Mae I and II MBS are modified pass-through securities. The Ginnie Mae II multiple Issuer MBS is structured so that small issuers, who do not meet the minimum number of loans and dollar amount requirements of the Ginnie Mae I MBS, can participate in the secondary mortgage market. In addition, the Ginnie Mae II MBS permits the securitization of adjustable rate mortgages (''ARMs'').

Form	Appendix No.	Title	Number of respondents	Frequency of responses per year	Total annual responses	Hours per response	Total annual hours
11700	II–1	Letter of Transmittal for Commitment Authority and/or Pool Numbers.	368.00	4.00	1,472.00	0.03	44.16
11701	I–1	Application for Approval Ginnie Mae Mortgage-Backed Securities Issuer.	15.00	1.00	15.00	3.00	45.00
11702	I–2	Resolution of Board of Directors and Certificate of Authorized Signatures.	423.00	1.00	423.00	0.80	338.40
11703–II	I–7	Master Agreement fore Participation Accounting.	17.00	1.00	17.00	0.80	13.60
11704	II–2	Commitment to Guaranty Mortgage-Backed Securities.	368.00	4.00	1,472.00	0.12	176.64
11707	III–1	Master Servicing Agreement	423.00	1.00	423.00	0.10	42.30
11709	III–2	Master Agreement for Servicer's Principal and Interest Custodial Account.	423.00	1.00	423.00	0.10	42.30
11715	III–4	Master Custodial Agreement	423.00	1.00	423.00	0.12	50.76
11720	III–3	Master Agreement for Servicer's Escrow Custodial Account.	3,428.00	1.00	3,428.00	0.10	342.80
11732	III–22	Custodian's Certification for Construction Securities.	55.00	1.00	55.00	0.10	5.50
	VI–20	Electronic Submission of Issuers' Insurance and Annual Audited Financial Documents.	423.00	1.00	423.00	1.00	423.00
		Mortgage Bankers Financial Reporting Form.	368.00	4.00	1,472.00	0.60	883.20
11709–A	I–6	ACH Debit Authorization	423.00	1.00	423.00	0.12	50.76
11710 D	VI–5	Issuer's Monthly Summary Reports.	368.00	12.00	4,416.00	0.08	331.20
	VI–21	HMBS issuer's Monthly Summary Report.	16.00	12.00	192.00	0.08	14.40
	III–13	Electronic Data Interchage System Agreement.	15.00	1.00	15.00	0.12	1.80
	I–4	Cross Default Agreement	10.00	1.00	10.00	0.18	1.80
	VI–18	WHFIT Reporting	368.00	4.00	1,472.00	0.48	706.56
	III–29	System Access Forms	277.00	1.00	277.00	2.00	554.00

Form	Appendix No.	Title	Number of respondents	Frequency of responses per year	Total annual responses	Hours per response	Total annual hours
	VIII–1	Ginnie Mae Acknowledgement Agreement an Accompanying Documents Pledge of Servicing.	10.00	1.00	10.00	1.00	10.00
	VI–14	Multifamily Prepayment Penalty Record File Layout.	40.00	12.00	480.00	0.18	86.40
	VI–16	Quarterly Custodial Account Verification Record File Layout.	368.00	4.00	1,472.00	0.60	883.20
	VI–17	HMBS Issuer Pooling & Reporting Specification for Mortgage-Backed Securities Administration Agent.	16.00	12.00	192.00	4.00	768.00
	VI–19	Monthly Pool and Loan Level Report (RFS).	368.00	12.00	4,416.00	4.00	17,664.00
The burden for the items listed below is based on volume and/or number of requests:							
11705	III–6	Schedule of Subscribers and Ginnie Mae Guaranty Agreement.	5,591.00	12.00	67,092.00	0.10	6,709.20
11706	III–7	Schedule of Pooled Mortgages.	5,591.00	12.00	67,092.00	0.12	8,051.04
	III–28	Schedule of Subscribers and Ginnie Mae Guaranty Agreement—HMBS Pooling Import File Layout.	74.00	12.00	888.00	0.05	44.40
11708	V–5	Document Release Request	3,181.00	1.00	3,181.00	0.05	159.05
	XI–6	1,350.00	4.00	5,400.00	0.12	648.00.	
	XI–8 Solders' and Sailors' Quarterly Reimbursement Request.						
	XI–9 SSCRA Loan Eligibility Information SSCRA Eligibility and Reimbursement Files.						
11711A and 11711B	III–5	Release of Security Interest and Certification and Agreement.	5,591.00	12.00	67,092.00	0.18	12,076.56
11714 11714SN	VI–10 VI–11 Serial Note Remittance Advice.	Issuer's Monthly Remittance Advice Issuer's Monthly.	3,975.00	12.00	56,400.00	0.10	5,640.00
	VI–2	Letter for Loan Repurchase	50.00	12.00	600.00	0.12	72.00
	III–21	Certification Requirements for the Pooling of Multifamily Mature Loan Program.	322.00	1.00	322.00	0.12	38.64
	VI–9	Request for Reimbursement of Mortgage Insurance Claim Costs for Multifamily Loans.	3.00	12.00	36.00	0.30	10.80
	VIII–3	Assignment Agreements	220.00	1.00	220.00	0.48	105.60
Total				Varies	291,744.00	Varies	57,035.07

Authority: Section 3506 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35, as amended.

Dated: July 10, 2019.

Maren Kasper,

Acting President, EVP, COO, Government National Mortgage Association.

[FR Doc. 2019–15416 Filed 7–18–19; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–7014–N–23]

60-Day Notice of Proposed Information Collection: Multifamily Housing Procedures for Projects Affected by Presidentially-Declared Disasters

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) to extend the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comment from all interested parties on the proposed extension of collection of information. The purpose of this notice is to allow for 60 days of public comment.

DATES: *Comments Due Date:* September 17, 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: Harry Messner, Program Analyst, Office of Asset Management and Portfolio Oversight, *harry.messner@hud.gov,* 202–402–2626: Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410. 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: Multifamily Housing Procedures for Projects Affected by Presidentially-Declared Disasters.

OMB Approval Number: 2502–0582.

OMB Expiration Date: 10/31/2019.

Type of Request: Extension of currently approved collection.

Form Number: None.

Description of the need for the information and proposed use: Disaster relief is intended to provide an orderly and continuing means of assistance by the Federal Government to State and local governments in carrying out their responsibilities to alleviate the suffering and damage which result from such disasters.

Respondents: Non-profit institutions.

Estimated Number of Respondents: 5,367.

Estimated Number of Responses: 5,367.

Frequency of Response: 1.

Average Hours per Response: 0.25.

Total Estimated Burden: 1,342.

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, such as 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: July 10, 2019.

John L. Garvin,

General Deputy Assistant Secretary for Housing.

[FR Doc. 2019–15414 Filed 7–18–19; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R3–ES–2019–N061; FXES11130300000–190–FF03E00000]

Endangered and Threatened Species; Receipt of Recovery Permit Application

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of receipt of permit application; request for comments.

SUMMARY: We, the U.S. Fish and Wildlife Service, have received an application for a permit to conduct activities intended to enhance the propagation or survival of an endangered species under the Endangered Species Act. We invite the public and local, State, Tribal, and Federal agencies to comment on this application. Before issuing the requested permit, we will take into consideration any information that we receive during the public comment period.

DATES: We must receive your written comments on or before August 19, 2019.

ADDRESSES: *Document availability and comment submission:* Submit requests for copies of the application and related documents, as well as any comments, by one of the following methods. All requests and comments should specify the applicant's name and application number (TE37630D):

- *Email: permitsR3ES@fws.gov.* Please refer to Application No. TE37630D in the subject line of your email message.
- *U.S. Mail:* Regional Director, Attn: Carlita Payne, U.S. Fish and Wildlife Service, Ecological Services, 5600 American Blvd. West, Suite 990, Bloomington, MN 55437–1458.

FOR FURTHER INFORMATION CONTACT: Carlita Payne, 612–713–5343 (phone); *permitsR3ES@fws.gov* (email). Individuals who are hearing or speech impaired may call the Federal Relay Service at 1–800–877–8339 for TTY assistance.

SUPPLEMENTARY INFORMATION:

Background

The Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et*

seq.), prohibits certain activities with endangered and threatened species unless authorized by a Federal permit. The ESA and our implementing regulations in part 17 of title 50 of the Code of Federal Regulations (CFR) provide for the issuance of such permits and require that we invite public comment before issuing permits for activities involving endangered species.

A recovery permit issued by us under section 10(a)(1)(A) of the ESA authorizes the permittee to conduct activities with endangered species for scientific purposes that promote recovery or for enhancement of propagation or survival of the species. Our regulations implementing section 10(a)(1)(A) for these permits are found at 50 CFR 17.22 for endangered wildlife species, 50 CFR 17.32 for threatened wildlife species, 50 CFR 17.62 for endangered plant species, and 50 CFR 17.72 for threatened plant species.

Permit Application Available for Review and Comment

We invite local, State, and Federal agencies, Tribes, and the public to comment on the following application.

Application No.	Applicant	Species	Location	Activity	Type of take	Permit action
TE37630D	Minnesota Zoological Garden, Apple Valley, MN.	Rusty patched bumble bee (*Bombus affinis*).	MN	Conduct presence/absence surveys, document habitat use, conduct population monitoring, evaluate impacts, conduct scientific research.	Capture, handle, hold, nonlethal collection of tissue and excretion samples, nonlethal collection of pollen loads, release.	New.

Public Availability of Comments

Written comments we receive become part of the administrative record associated with this action. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can request in your comment that we withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so. Moreover, all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public disclosure in their entirety.

Next Steps

If we decide to issue a permit to the applicant listed in this notice, we will publish a notice in the **Federal Register**.

Authority

We publish this notice under section 10(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Lori Nordstrom,

Assistant Regional Director, Ecological Services, Midwest Region.

[FR Doc. 2019–15357 Filed 7–18–19; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R3–ES–2019–N073; FXES11130300000–190–FF03E00000]

Endangered and Threatened Species; Receipt of Recovery Permit Applications

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of receipt of permit applications; request for comments.

SUMMARY: We, the U.S. Fish and Wildlife Service, have received applications for permits to conduct activities intended to enhance the propagation or survival of endangered or threatened species under the Endangered Species Act. We invite the public and local, State, Tribal, and Federal agencies to comment on these applications. Before issuing any of the requested permits, we will take into consideration any information that we receive during the public comment period.

DATES: We must receive your written comments on or before August 19, 2019.

ADDRESSES: *Document availability and comment submission:* Submit requests for copies of the applications and related documents, as well as any comments, by one of the following methods. All requests and comments should specify the applicant name(s) and application number(s) (*e.g.,* TEXXXXXX):

- *Email: permitsR3ES@fws.gov.* Please refer to the respective permit number (*e.g.,* Application No. TEXXXXXX) in the subject line of your email message.
- *U.S. Mail:* Regional Director, Attn: Carlita Payne, U.S. Fish and Wildlife Service, Ecological Services, 5600 American Blvd. West, Suite 990, Bloomington, MN 55437–1458.

FOR FURTHER INFORMATION CONTACT: Carlita Payne, 612–713–5343 (phone); *permitsR3ES@fws.gov* (email). Individuals who are hearing or speech impaired may call the Federal Relay Service at 1–800–877–8339 for TTY assistance.

SUPPLEMENTARY INFORMATION:

Background

The Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*), prohibits certain activities with endangered and threatened species unless authorized by a Federal permit. The ESA and our implementing regulations in part 17 of title 50 of the Code of Federal Regulations (CFR) provide for the issuance of such permits and require that we invite public comment before issuing permits for activities involving endangered species.

A recovery permit issued by us under section 10(a)(1)(A) of the ESA authorizes the permittee to conduct activities with endangered species for scientific purposes that promote recovery or for enhancement of propagation or survival of the species. Our regulations implementing section 10(a)(1)(A) for these permits are found at 50 CFR 17.22 for endangered wildlife species, 50 CFR 17.32 for threatened wildlife species, 50 CFR 17.62 for endangered plant species, and 50 CFR 17.72 for threatened plant species.

Permit Applications Available for Review and Comment

We invite local, State, and Federal agencies, Tribes, and the public to comment on the following applications.

Application No.	Applicant	Species	Location	Activity	Type of take	Permit action
TE40843D	Derek Klostermeier, Bismarck, ND.	Dakota skipper (*Hesperia dacotae*), Poweshiek skipperling (*Oarisma poweshiek*).	MN, ND, SD	Conduct presence/absence surveys, document habitat use, conduct population monitoring, evaluate impacts.	Capture, handle, temporarily hold, release.	New.
TE41669D	David L. Strayer, Ann Arbor, MI.	Northern riffleshell (*Epioblasma torulosa rangiana*), rayed bean (*Villosa fabalis*), snuffbox mussel (*Epioblasma triquetra*).	MI	Conduct presence/absence surveys, document habitat use, conduct population monitoring, evaluate impacts.	Capture, handle, temporary hold, release.	New.
TE41671D	Brian R. Carlson, Fairmont, WV.	Clubshell (*Pleurobema clava*), fanshell (*Cyprogenia stegaria*), James spinymussel (*Pleurobema collina*), northern riffleshell (*Epioblasma torulosa rangiana*), orangefoot pimpleback (pearlymussel) (*Plethobasus cooperianus*), pink mucket (pearlymussel) (*Lampsilis orbiculata*), purple cat's paw pearlymussel (*Epioblasma obliquata obliquata*), rabbitsfoot (*Quadrula cylindrica cylindrica*), rayed bean (*Villosa fabalis*), ring pink (mussel) (*Obovaria retusa*), rough pigtoe (*Pleurobema plenum*), sheepnose mussel (*Plethobasus cyphyus*), snuffbox mussel (*Epioblasma triquetra*), spectaclecase (mussel) (*Cumberlandia monodonta*), white catspaw (pearlymussel) (*Epioblasma obliquata perobliqua*).	AL, AR, CT, DE, IL, IN, IA, KS, KY, LA, MD, MA, MI, MN, MS, MO, NH, NJ, NY, NC, OH, OK, PA, TN, VT, VA, WV, WI.	Conduct presence/absence surveys, document habitat use, conduct population monitoring, evaluate impacts.	Capture, handle, temporary hold, tag, release.	New.

Public Availability of Comments

Written comments we receive become part of the administrative record associated with this action. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can request in your comment that we withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so. Moreover, all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public disclosure in their entirety.

Next Steps

If we decide to issue permits to any of the applicants listed in this notice, we will publish a notice in the **Federal Register**.

Authority

We publish this notice under section 10(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Lori Nordstrom,

Assistant Regional Director, Ecological Services, Midwest Region.

[FR Doc. 2019–15359 Filed 7–18–19; 8:45 am]

BILLING CODE P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLCAD07000.51010000.ER0000. LVRWB09B1670.18X5017AP) CACA044014, CACA056908 (MO#4500133662)]

Notice of Availability of the Draft Supplemental Environmental Impact Statement for the United States Gypsum Company Mine Expansion/Modernization Project, California

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of availability.

SUMMARY: In accordance with the National Environmental Policy Act of 1969, as amended, and the Federal Land Policy and Management Act of 1976, as amended, the Bureau of Land Management (BLM) has prepared a Draft Supplemental Environmental Impact Statement (EIS) for the United States Gypsum Company Mine Expansion/Modernization Project (Project), and by this notice is announcing the opening of the public comment period.

DATES: To ensure that all comments will be considered, the BLM must receive written comments on the Draft Supplemental EIS within 45 days following the date the Environmental Protection Agency (EPA) publishes its Notice of Availability in the **Federal Register**. The BLM will announce future meetings or hearings and any other public involvement activities at least 15 days in advance through public notices, media releases, the project website, and/or mailings.

ADDRESSES: The public may submit comments related to the project during the public comment period by using any of the following methods:

- *Website: https://bit.ly/2QiGK0m.*
- *Email: blm_ca_us_gypsum@blm.gov.*
- *Mail:* U.S. Gypsum Project, Bureau of Land Management El Centro Field Office, 1661 S 4th Street, El Centro, CA 92243.

Copies of the Draft Supplemental EIS are available at the BLM—El Centro Field Office at the above address and at the BLM California Desert District Office, 22835 Calle San Juan De Los Lagos, Moreno Valley, CA 92553, and electronically on the project website referenced above.

FOR FURTHER INFORMATION CONTACT: Miriam Liberatore, BLM project manager, telephone: (541) 618–2412; email: *mliberat@blm.gov;* mailing address: Bureau of Land Management, 3040 Biddle Road, Medford, OR 97524.

Persons who use telecommunication devices for the deaf may call the Federal Relay Service (FRS) at 1–800–877–8339 to contact Ms. Liberatore during normal business hours. The FRS is available 24 hours a day, 7 days a week, to leave a message or question regarding the project. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: United States Gypsum Company (USG), a subsidiary of USG Corporation, proposes to expand mining operations at its Plaster City Quarry, replace a waterline supplying its Plaster City Plant, and construct a new waterline and electrical supply line between the Plaster City Quarry and a well on private property. USG applied for right-of-way (ROW) grants for the waterline replacement (CACA–044014) and new waterline and electrical line (CACA–056908) from the BLM for portions of the waterlines that would be located on 18 and 7 acres of public land, respectively. USG also submitted a Mining Plan of Operations to the BLM for the proposed mine expansion, which covers approximately 682 acres of private lands and 9 acres of millsite claims on public lands.

In addition to the proposed action, the Draft Supplemental EIS considers a ''no action'' alternative and six action alternatives. Alternative 3, Partial Imperial Irrigation District (IID) Water Supply, would replace part of the water used in the Plant with water from the IID, reducing the amount of water supplied by USG's wells in the community of Ocotillo. Alternative 4, Full IID Water Supply, would fully replace the water for the Plant operations with water from the IID. Alternatives 5 through 8 would modify the mining phases to reduce the impacts of the mine expansion on waters of the United States. Under the no action alternative, the BLM would deny the ROW applications and would not approve the plan of operations; mining operations would continue as currently permitted without expansion of those operations.

The BLM has identified Alternative 3, Partial IID Water Supply, as the BLM Preferred Alternative for the Draft Supplemental EIS. The United States Army Corps of Engineers (USACE) will identify a Least Environmentally Damaging Practicable Alternative as part of its permitting process under Section 404 of the Clean Water Act. The BLM is the lead agency and the USACE is a cooperating agency for this Draft Supplemental EIS; both agencies will make Federal decisions associated with the Project. The EPA has authority to review projects that require a permit under Section 404 of the Clean Water Act; therefore, EPA Region 9 is also a cooperating agency, but does not have a direct permitting role in the project. Public input on these alternatives or other issues is important and will be considered in the Final Supplemental EIS. Please note that public comments and information submitted, including names, street addresses, and email addresses of persons who submit comments will be available for public review and disclosure at the above address during regular business hours (8:00 a.m. to 4:00 p.m.), Monday through Friday, except holidays.

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

(Authority: 40 CFR 1506.6, 40 CFR 1506.10, 43 CFR 1610.2)

Danielle Chi,

Deputy State Director, Resources.

[FR Doc. 2019–15290 Filed 7–18–19; 8:45 am]

BILLING CODE 4310–40–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0028301; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: State University of New York at Oswego, Oswego, NY

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The State University of New York at Oswego has completed an inventory of human remains, in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, and has determined that there is a cultural affiliation between the human remains and present-day Indian Tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request to the State University of New York at Oswego. If no additional requestors come forward, transfer of control of the human remains to the lineal descendants, Indian Tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to the State University of New York at Oswego at the address in this notice by August 19, 2019.

ADDRESSES: Alanna Ossa, NAGPRA Coordinator, State University of New York at Oswego, 313 Mahar Hall, Department of Anthropology, Oswego, NY 13126, telephone (315) 312–4172, email *alanna.ossa@oswego.edu.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains under the control of the State University of New York at Oswego, Oswego, NY. The human remains were removed from sites in Oswego, Onondaga, Cayuga, Madison, Wayne, and St. Lawrence Counties, NY.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the SUNY Oswego professional staff in consultation with representatives of the Oneida Indian Nation (previously listed as the Oneida Nation of New York) and the Onondaga Nation. The Cayuga Nation were also invited to consult, but did not participate.

History and Description of the Remains

At an unknown date, human remains consisting, at minimum, of two individuals were removed from an unknown location. These human remains were donated to Peter Pratt while he was teaching at SUNY Oswego, and he added them to the school's

collection, and listed the donor as ''Jones.'' Based on cranial and other bone metric traits, the human remains belong to two Native American adults (older than 45) of indeterminate sex. No known individuals were identified. No associated funerary objects are present.

Based on the history of Peter Pratt's research program and the provenience of the materials recovered from his multiple decades of excavations in central NY, these human remains were highly likely to have been donated during one of his excavations within Oneida, Onondaga, and Cayuga sites in Oswego, Onondaga, Cayuga, Madison, Wayne, and St. Lawrence Counties, NY. Such donations are commonly noted among Pratt's field school materials.

At an unknown date, human remains consisting, at minimum, of one individual were recovered from an unknown location. These human remains were transferred to SUNY Oswego as a result of one of Peter Pratt's Field School projects. The human remains consist of one adult male. No known individuals were identified. No associated funerary objects are present.

Based on the history of Peter Pratt's research program and the provenience of the materials recovered from his multiple decades of excavations in central NY, these human remains were recovered from one or several of the many field school projects undertaken by Peter Pratt within identified Oneida, Onondaga, and Cayuga sites within Oneida, Onondaga, and Cayuga sites in Oswego, Onondaga, Cayuga, Madison, Wayne, and St. Lawrence Counties, NY. Although labels were lost or misplaced over the five decades or so of excavations, these human remains were removed from Onondaga, Oneida, or Cayuga affiliated sites.

Determinations Made by the State University of New York at Oswego

Officials of the State University of New York at Oswego have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of three individuals of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and associated funerary objects and the Cayuga Nation; Oneida Indian Nation (previously listed as the Oneida Nation of New York); and the Onondaga Nation (hereafter referred to as ''The Tribes'').

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to Alanna Ossa, NAGPRA Coordinator, State University of New York at Oswego, 313 Mahar Hall, Department of Anthropology, Oswego, NY 13126, telephone (315) 312–4172, email *alanna.ossa@oswego.edu,* by August 19, 2019. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary objects to The Tribes may proceed.

The State University of New York at Oswego is responsible for notifying The Tribes that this notice has been published.

Dated: June 25, 2019.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2019–15441 Filed 7–18–19; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0028296; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: State University of New York at Oswego, Oswego, NY

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The State University of New York at Oswego has completed an inventory of human remains and associated funerary objects, in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, and has determined that there is a cultural affiliation between the human remains and associated funerary objects and present-day Indian Tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request to the State University of New York at Oswego. If no additional requestors come forward, transfer of control of the human remains and associated funerary objects to the lineal descendants, Indian Tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to the State University of New York at Oswego at the address in this notice by August 19, 2019.

ADDRESSES: Alanna Ossa, NAGPRA Coordinator, State University of New York at Oswego, 313 Mahar Hall, Department of Anthropology, Oswego, NY 13126, telephone (315) 312–4172, email *alanna.ossa@oswego.edu.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects under the control of the State University of New York at Oswego, Oswego, NY. The human remains and associated funerary objects were removed from sites in Cayuga and Wayne Counties, NY.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

Consultation

A consultation request concerning the human remains and associated funerary objects was made by the SUNY Oswego professional staff with representatives of the Cayuga Nation.

History and Description of the Remains

In 1967–1968, human remains representing, at minimum, one individual were removed from the site of Colgan, located in the town of Ledyard in Cayuga County, NY. The human remains were acquired by Peter Pratt during SUNY Oswego's archeology dig at the Colgan site (also known as Myles A. Colgan farm), and were subsequently returned to the school. The human remains belong to a young adult (16–25 years) of indeterminate sex. No known individuals were identified. No associated funerary objects are present.

The Colgan site is identified as a late prehistoric village dating to approximately A.D. 1450–1550, based on the ceramic sequence and artifacts

associated with its occupation (although the area is also close to a discovery location for Mastodon faunal remains).

In 1985, human remains representing, at minimum, two individuals were removed from the site of Hunter's Home (in the close vicinity of the Rogers Farm site), located in the Town of Savannah on a peninsular landform overlooking the Montezuma Marsh, in the very southeast corner of Wayne County, NY. The human remains were acquired by Peter Pratt during SUNY Oswego's archeology dig at the Hunter's Home site, and were subsequently returned to the school. The human remains belong to one adult (40–45 years) male, and one adult of indeterminate age (probably male). No known individuals were identified. The 960 associated funerary objects are 42 miscellaneous lithic pieces of unknown materials, eight decorated incised pottery body sherds, one chert flake, 14 assorted unidentified to species shell, 24 chert pieces, 46 unidentified lithic pieces of unknown materials, 99 plain and incised pottery body sherds, one piece of unidentified glass, 15 plain pottery body sherds, one chert projectile preform, six unidentified faunal bones, eight pieces of chert, 34 unidentified lithics, five unidentified lithic flakes, 26 unidentified lithics, one worked stone, two unworked pieces of shell, seven carbon samples, seven plain pottery sherds, one chert flake, one charcoal carbon sample, two fish bones, eight faunal bones, 34 unidentified faunal bones, one soil sample, eight plain pottery sherds, two botanical samples, two lithic flakes of unknown material, one unidentified lithic piece, one unidentified lithic piece, two lithic flakes of unknown material, 13 plain pottery body sherds, one unidentified faunal bone, one lithic flake of unknown material, one lithic flake of unknown material, two lithic flakes of unknown material, six flakes of unknown material, five flakes of unknown material, two flakes of unknown material, three flakes of unknown material, three flakes of unknown material, two flakes of unknown material, two chert flakes, five flakes of unknown material, four flakes of unknown material, one flake of unknown material, one flake of unknown material, three flakes of unknown material, one chert flake, 37 decorated and incised pottery body sherds, 32 unidentified lithics, 424 possible lithics/rocks, and one bag of dirt mixed with microartifacts.

The site of Hunter's Home is a large occupation village site that included camps, middens, and burials. The materials recovered in the vicinity of the site show a wide span of occupation from the Frost Island phase (1500–1000 B.C.), Woodland period (A.D. 1000–1600), and Contact period (A.D. 1600 to 1700).

At an unknown date, human remains consisting, at minimum, of one individual were removed from the Nolan site, located just north of Ledward, in Cayuga County, NY. These human remains were transferred to SUNY Oswego at an unknown time. The human remains belong to one adult of indeterminate sex. No known individuals were identified. No associated funerary objects are present.

The Nolan site is described as a late Prehistoric village occupation, dating to approximately A.D. 1450–1550, based on the ceramic sequence and associated artifacts. Its occupation may overlap with that of the nearby Colgan village site.

Determinations Made by the State University of New York at Oswego

Officials of the State University of New York at Oswego have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of four individuals of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(3)(A), the 960 objects described in this notice are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and associated funerary objects and the Cayuga Nation.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to Alanna Ossa, NAGPRA Coordinator, State University of New York at Oswego, 313 Mahar Hall, Department of Anthropology, Oswego, NY 13126, telephone (315) 312–4172, email *alanna.ossa@oswego.edu,* by August 19, 2019. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary objects to the Cayuga Nation may proceed.

The State University of New York at Oswego is responsible for notifying the Cayuga Nation that this notice has been published.

Dated: June 25, 2019.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2019–15437 Filed 7–18–19; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0028297; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: State University of New York at Oswego, Oswego, NY

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The State University of New York at Oswego has completed an inventory of human remains and associated funerary objects, in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, and has determined that there is a cultural affiliation between the human remains and associated funerary objects and present-day Indian Tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request to the State University of New York at Oswego. If no additional requestors come forward, transfer of control of the human remains and associated funerary objects to the lineal descendants, Indian Tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to the State University of New York at Oswego at the address in this notice by August 19, 2019.

ADDRESSES: Alanna Ossa, NAGPRA Coordinator, State University of New York at Oswego, 313 Mahar Hall, Department of Anthropology, Oswego, NY 13126, telephone (315) 312–4172, email *alanna.ossa@oswego.edu.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C.

3003, of the completion of an inventory of human remains and associated funerary objects under the control of the State University of New York at Oswego, Oswego, NY. The human remains and associated funerary objects were removed from sites in Oswego and Onondaga Counties, NY.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the SUNY Oswego professional staff in consultation with representatives of the Onondaga Nation.

History and Description of the Remains

In 1957, human remains representing, at minimum, two individuals were removed from the site of Denman's Indian Isle, located on Denman's Island at the west end of Oneida Lake, at the mouth of the Oneida River in Brewerton in Onondaga County, NY. This site is also known as Smith's Island, Baldwin's Isle, Iroquois Isle, and Indian Isle. The human remains were acquired during an Archaeological Society of Central New York (Auburn) dig directed by Peter Pratt. The human remains belong to two adults of indeterminate sex. No known individuals were identified. The nine associated funerary objects are one faunal bone, one chert projectile point, two plain pottery sherds, and five seed beads of unknown material.

The site is considered part of an Onondaga occupation dating to the 16th to 18th century based the artifacts recovered, which include seed beads.

In 1977–1978, human remains representing, at minimum, one individual was removed from the site of the City of Fulton sewage treatment and collection facility located in the Town of Fulton in Oswego County, NY. The human remains were acquired during a stage 1 and 2 survey by Peter and Marjorie Pratt for the City of Fulton sewage treatment and collection facility. The human remains belong to one juvenile of indeterminate sex. No known individuals were identified. No associated funerary objects are present.

In the vicinity of the site, prehistoric occupation has been identified dating back to the Archaic. Known Onondaga habitation nearby supports an affiliation of the site with the Onondaga.

In 1970–1971, human remains consisting, at minimum, of two individuals were removed from the Jayne/LaPoint site, on a beach at the LaPoint farm near the mouth of the Salmon River and directly south of Selkirk Shores State Park in Richland, Oswego County, NY. The site was excavated by the Beauchamp Society. The site was discovered when seventh grader Joan Jayne found a burial that had eroded onto the beach owned by Robert LaPoint. The human remains were removed from two separate burials, each one containing an adult of indeterminate sex. No known individuals were identified. The four associated funerary objects are one piece of unidentified wood, one unknown wooden artifact, one soil sample, and one unidentified pottery sherd.

The Jayne/LaPoint site is a prehistoric fishing camp dating primarily from A.D. 1100 to 1450 (Late Woodland period) based on the artifacts recovered. Additional, intrusive burials from the 16th and 19th century are also present. At least one of the 16th century intrusive burials (not associated with the main site) was transferred to SUNY Oswego.

In 1961–1962, human remains consisting, at minimum, of nine individuals were removed from the Pen site (also known as Jamesville Pen), from a burial ground closely associated with Keough Farm Site, in Onondaga County, NY. The human remains were acquired during excavations directed by Peter Pratt that were sponsored by William Ennis. The human remains belong to one adult of indeterminate sex (Burial 1); one adult of indeterminate sex (Burial 15); one juvenile (5–10 years) of indeterminate sex (Burial 54); one infant neonate (age could be <0) of indeterminate sex; one juvenile (1–5 years) of indeterminate sex; three adults of indeterminate sex; and one young adult (19–25 years) of indeterminate sex. No known individuals were identified. The 89 associated funerary objects are two unidentified faunal bones, 25 possible turtle faunal bones, one carnivore tooth, three shell beads (possible preforms), one soil sample with tiny faunal bone fragments, one rusted metal unidentified object, 55 shell beads, and one unidentified faunal bone.

The Pen site includes both a village habitation and a burial ground dating to A.D. 1682–1696, based on artifacts recovered with the burials and habitation.

At an unknown time, human remains consisting, at minimum, of three individuals were recovered from the Valley Oaks site, located in Onondaga, in Onondaga County, NY. These human remains were transferred to SUNY Oswego at an unknown time. The human remains belong to one young adult (16–25 years) possibly male (Burial 2); one adult of indeterminate sex (Burial 3); and one young adult (14–21 years) of indeterminate sex (Burial 4). No known individuals were identified. The 207 associated funerary objects are one unidentified faunal bone, four unidentified faunal bones, 200 unidentified faunal bones, one unidentified faunal bones, and one seed bead.

Valley Oaks is a village habitation site dating to the late 17th and early 18th century, based on artifacts recovered from this site and historic accounts.

Determinations Made by the State University of New York at Oswego

Officials of the State University of New York at Oswego have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of 17 individuals of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(3)(A), the 309 objects described in this notice are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and associated funerary objects and the Onondaga Nation.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to Alanna Ossa, NAGPRA Coordinator, State University of New York at Oswego, 313 Mahar Hall, Department of Anthropology, Oswego, NY 13126, telephone (315) 312–4172, email *alanna.ossa@oswego.edu,* by August 19, 2019. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary objects to the Onondaga Nation may proceed.

The State University of New York at Oswego is responsible for notifying the Onondaga Nation that this notice has been published.

Dated: June 25, 2019.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2019–15438 Filed 7–18–19; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0028307; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Department of Anthropology, University of Alaska Anchorage, Anchorage, AK

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Department of Anthropology, University of Alaska Anchorage has completed an inventory of human remains, in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, and has determined that there is a cultural affiliation between the human remains and present-day Indian Tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request to the Department of Anthropology, University of Alaska Anchorage. If no additional requestors come forward, transfer of control of the human remains to the lineal descendants, Indian Tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to the Department of Anthropology, University of Alaska Anchorage at the address in this notice by August 19, 2019.

ADDRESSES: Dr. John Stalvey, Interim Provost, University of Alaska Anchorage, 3211 Providence Drive, Anchorage, AK 99508, telephone (907) 786–1050, email *Jstalvey@alaska.edu.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains under the control of the Department of Anthropology, University of Alaska Anchorage, Anchorage, AK. The human remains were removed from Aishishik Point site, Umnak Island, and Anangula Village Site, Ananiuliak Island, Aleutians West Borough, AK.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Alaska Native human remains. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the Department of Anthropology, University of Alaska Anchorage professional staff in consultation with representatives of the Native Village of Nikolski.

History and Description of the Remains

In 1968, human remains representing, at minimum, one individual were removed by Alaska Department of Fish and Game personnel from Aishishik Point site, northern Umnak Island, in Aleutians West Borough, AK. The human remains include a skull fragment, right femur, and partial left femur. The human remains were donated to the Laboratory of Anthropology, Alaska Methodist University shortly thereafter. In 1976, the human remains were transferred to the University of Alaska Anchorage. No known individuals were identified. No associated funerary objects are present.

Based on test excavations, the site was occupied between ca. 1500 years ago and protohistoric times. The Unangax (Aleut) people are the only people to have lived in the Aleutian Islands before European Contact. The Unangax still live in their traditional region.

In an unknown year, human remains representing, at minimum, two individuals were removed by BIA archeologist Neil Crozier from Anangula Village Site, Ananiuliak Island, Nikolski Bay, in the Aleutians West Borough, AK. No known individuals were identified. No associated funerary objects are present.

The Anangula village has a multi-thousand year history of occupation by ancestral Aleuts. The Unangax (Aleut) people are the only people to have lived in this area before European contact.

Determinations Made by the Department of Anthropology, University of Alaska Anchorage

Officials of the Department of Anthropology, University of Alaska Anchorage have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of three individuals of Alaska Native ancestry.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Alaska Native human remains and the Native Village of Nikolski.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to Dr. John Stalvey, Interim Provost, University of Alaska Anchorage, 3211 Providence Drive, Anchorage, AK 99508, telephone (907) 786–1050, email *Jstalvey@alaska.edu,* by August 19, 2019. After that date, if no additional requestors have come forward, transfer of control of the human remains to the Native Village of Nikolski may proceed.

The Department of Anthropology, University of Alaska Anchorage is responsible for notifying the Native Village of Nikolski that this notice has been published.

Dated: June 25, 2019.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2019–15433 Filed 7–18–19; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NRNHL–DTS#-28349; PPWOCRADI0, PCU00RP14.R50000]

National Register of Historic Places; Notification of Pending Nominations and Related Actions

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The National Park Service is soliciting comments on the significance of properties nominated before June 29, 2019, for listing or related actions in the National Register of Historic Places.

DATES: Comments should be submitted by August 5, 2019.

ADDRESSES: Comments may be sent via U.S. Postal Service and all other carriers to the National Register of Historic Places, National Park Service, 1849 C St. NW, MS 7228, Washington, DC 20240.

SUPPLEMENTARY INFORMATION: The properties listed in this notice are being considered for listing or related actions

in the National Register of Historic Places. Nominations for their consideration were received by the National Park Service before June 29, 2019. Pursuant to Section 60.13 of 36 CFR part 60, written comments are being accepted concerning the significance of the nominated properties under the National Register criteria for evaluation.

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Nominations submitted by State Historic Preservation Officers:

DISTRICT OF COLUMBIA

District of Columbia

Capital Traction Company Union Station, (Streetcar and Bus Resources of Washington, DC MPS), 3600 M Street NW, Washington, MP100004248

IOWA

Linn County

Coggon Commercial Historic District, (Iowa's Main Street Commercial Architecture MPS), East Main Street between 1st Street South and 3rd Street North, Coggon, MP100004229

Polk County

Farmhouse, Olmsted Family, 4010 70th St., Urbandale, SG100004230

MICHIGAN

Mackinac County

Hessel School, 3206 West Cedar Street, Hessel, SG100004234

MONTANA

Broadwater County

Valley Masonic Lodge No. 21, 131 South Spruce St., Townsend, SG100004236

NEW YORK

Delaware County

McNaught Family Farm, 289 McNaught Hill Road, Bovina Center vicinity, SG100004241

Erie County

Delaware Avenue Medical Center, 1275 Delaware Avenue, Buffalo, SG100004247

Kings County

Fourth Avenue Methodist Episcopal Church, 4616 Fourth Avenue, Brooklyn, SG100004245

Montgomery County

Fultonville Historic District, Generally Main St., Prospect St., Franklin St., Union St., Riverside Dr., Fultonville, SG100004242

New York County

Dorrance Brooks Square Historic District, Edgecombe Avenue, West 136th-140th Streets, New York, SG100004239

32nd Police Precinct Station House Complex, 1850–1854 Amsterdam Avenue, New York, SG100004243

Rockland County

Camp Hill School, 100 Ladentown Road, Pomona, SG100004244

Schenectady County

Alexandra Apartment Hotel, 1–3 State Street, New York, SG100004246

Suffolk County

East Marion Main Road Historic District, Generally Main Road, Bay Avenue, and Cemetery Avenue, East Marion, SG100004238

Frederick and Annie Wagner Residence and St. Patrick's Roman Catholic Church, 37 Juniper Avenue & 38 Mayflower Avenue, Smithtown, SG100004240

OHIO

Hamilton County

Manse Hotel and Manse Hotel Annex, (Twentieth-Century African American Civil Rights Movement in Ohio), 916–926 Chapel Street, 1004 Chapel Street, Cincinnati, MP100004232

Scioto County

Eugene McKinley Memorial Pool (Twentieth-Century African American Civil Rights Movement in Ohio), 1529 Findlay Street, Portsmouth, MP100004233

TEXAS

Dallas County

McGaugh Hosiery Mills-Airmaid Mills Building, 4408 2nd Ave., Dallas, SG100004249

Harris County

Petroleum Building, 1314 Texas Avenue, Houston, SG100004250

VIRGINIA

Clarke County

Stone's Chapel, 4138 Crums Church Road, Berryville, SG100004259

Isle of Wight County

Isle of Wight County Courthouse Complex, 17140 Monument Circle, Smithfield vicinity, SG100004263P

Nike-Ajax Missile Launch Site N–751, 13036 Nike Park Rd., Carrollton vicinity, SG100004266

King and Queen County

Nelson, Chief Otho S., and Susie P., House, Address Restricted, Indian Neck vicinity, SG100004262

Richmond Independent City

Third Street Bethel A.M.E. Church (Boundary Increase), 6110–614 N. 3rd St., Richmond, BC100004265

Roanoke Independent City

American Viscose Plant Historic District, Roughly 9th St. SE, Industry Ave. SE, River Ave. SE, and Progressive Dr. SE, Roanoke, SG100004260

Suffolk Independent City

Samuel Eley House, 4801 Pruden Blvd., Suffolk, SG100004261

Westmoreland County

Kirnan-Church Hall, 498 Zion Church Road, Hague, SG100004257

Wise County

Appalachia Commercial Historic District, Along W. Main St., Kentucky Ave., Powell St, Appalachia, SG100004258

WISCONSIN

Crawford County

Fay, Benjamin F., and Wilhelmina House, 203 S. Wacouta Ave., Prairie du Chien, SG100004227

Additional documentation has been received for the following resources:

NEW YORK

Warren County

Wiawaka Holiday House, NY 9L, SE of Lake George, Lake George, AD98000874

VIRGINIA

Richmond Independent City

Third Street Bethel A.M.E. Church (Additional Documentation), 616 N. 3rd St., Richmond, AD75002117

Nominations submitted by Federal Preservation Officers:

The State Historic Preservation Officer reviewed the following nominations and responded to the Federal Preservation Officer within 45 days of receipt of the nominations and supports listing the properties in the National Register of Historic Places.

ALASKA

Lake and Peninsula Borough

Two Lakes Archeological District, Address Restricted, Port Alsworth vicinity, SG100004254

COLORADO

Montrose County

Henry Huff Cabin, Address Restricted, Naturita vicinity, SG100004228

MICHIGAN

Keweenaw County

Tobin Harbor Historic District, Eagle Harbor Township, Eagle Harbor, SG100004256

OREGON

Klamath County

Army Corps of Engineers Road System, Crater Lake National Park, Crater Lake, SG100004255

Authority: Section 60.13 of 36 CFR part 60

Dated: July 2, 2019.

Julie H. Ernstein,

Acting Chief, National Register of Historic Places/National Historic Landmarks Program.

[FR Doc. 2019–15399 Filed 7–18–19; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0028298; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: State University of New York at Oswego, Oswego, NY

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The State University of New York at Oswego has completed an inventory of human remains and associated funerary objects, in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, and has determined that there is a cultural affiliation between the human remains and associated funerary objects and present-day Indian Tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request to the State University of New York at Oswego. If no additional requestors come forward, transfer of control of the human remains and associated funerary objects to the lineal descendants, Indian Tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to the State University of New York at Oswego at the address in this notice by August 19, 2019.

ADDRESSES: Alanna Ossa, NAGPRA Coordinator, State University of New York at Oswego, 313 Mahar Hall, Department of Anthropology, Oswego, NY 13126, telephone (315) 312–4172, email *alanna.ossa@oswego.edu.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects under the control of the State University of New York at Oswego, Oswego, NY. The human remains and associated funerary objects were removed from sites in St. Lawrence County, NY.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the SUNY Oswego professional staff in consultation with representatives of the Oneida Indian Nation (previously listed as the Oneida Nation of New York); Onondaga Nation; and the Saint Regis Mohawk Tribe (previously listed as the St. Regis Band of Mohawk Indians of New York) (hereafter referred to as ''The Tribes'').

History and Description of the Remains

In 1967–1968, human remains representing, at minimum, one individual were removed from the Pine Hill site, located in the township of Gouverneur in St. Lawrence County, NY. The human remains were acquired by Peter Pratt during SUNY Oswego's archeology dig at the Pine Hill site, and were subsequently returned to the school. The human remains consist of one adult of indeterminate sex. No known individuals were identified. The 131 associated funerary artifacts are one chert projectile point, 14 decorated and plain pottery body sherds, four faunal bone tools including awls, 17 decorated pottery body sherds, seven unidentified faunal bones, two unidentified faunal bones, one faunal bone serrated point, one faunal bone serrated point, eight charcoal samples, one unidentified unworked shell, four decorated pottery body sherds, one chert projectile point, 50 unidentified faunal bones, two unidentified faunal bones, five unidentified faunal bones, one undecorated worked pottery sherd (disk with a hole), six decorated pottery body sherds, three unworked shell pieces, two unidentified faunal bones, and one ''Hotel Ware'' historic pottery body sherd.

The Pine Hill site includes a village habitation, fortification, and large midden dating to approximately A.D. 1400–1450. Some later historic materials also have been recovered from the site.

Determinations Made by the State University of New York at Oswego

Officials of the State University of New York at Oswego have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of one individual of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(3)(A), the 131 objects described in this notice are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and associated funerary objects and The Tribes.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to Alanna Ossa, NAGPRA Coordinator, State University of New York at Oswego, 313 Mahar Hall, Department of Anthropology, Oswego, NY 13126, telephone (315) 312–4172, email *alanna.ossa@oswego.edu,* by August 19, 2019. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary objects to The Tribes may proceed.

The State University of New York at Oswego is responsible for notifying The Tribes that this notice has been published.

Dated: June 25, 2019.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2019–15439 Filed 7–18–19; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0028308; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Department of Anthropology, University of Alaska Anchorage, Anchorage, AK

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Department of Anthropology, University of Alaska Anchorage has completed an inventory of human remains, in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, and has determined that there is a cultural affiliation between the human remains and present-day Indian Tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request to the Department of Anthropology, University of Alaska Anchorage. If no additional requestors come forward, transfer of control of the human remains to the lineal descendants, Indian Tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to the Department of Anthropology, University of Alaska Anchorage at the address in this notice by August 19, 2019.

ADDRESSES: Dr. John Stalvey, Interim Provost, University of Alaska Anchorage, 3211 Providence Drive, Anchorage, AK 99508, telephone (907) 786–1050, email *Jstalvey@alaska.edu.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains under the control of the Department of Anthropology, University of Alaska Anchorage, Anchorage, AK. The human remains were removed from Amook Island, Uyak Bay, and Larsen Bay (KAR–029), Kodiak Island, Kodiak Island Borough, AK.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Alaska Native human remains. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the Department of Anthropology, University of Alaska Anchorage professional staff in consultation with representatives of the Native Village of Larsen Bay.

History and Description of the Remains

In 1980, human remains representing, at minimum, one individual were removed from the tip of Amook (''Amok'') Island, Uyak Bay, in northwestern Kodiak Island, AK, by an unknown individual, and were donated to the Department of Anthropology Laboratory. No known individuals were identified. No associated funerary objects are present.

The human remains are associated with either the Kachemak tradition or the late prehistoric Koniag occupation of Kodiak. The Alutiiq (Sugpiaq) people of the Kodiak Island archipelago are the only present-day descendants of the people who occupied the region before European Contact. They still live within their traditional region.

In 1987, human remains representing, at minimum, four individuals were removed from Larsen Bay (KAR–029) in Kodiak Island Borough, AK. Four individuals (two adults and two juveniles) were excavated from two locations at the site. Two of them are identified as males. The human remains were excavated by Bureau of Indian Affairs archeologists with the support and approval of both the Kodiak Area Native Association and the land owner. The site has a Late Kachemak tradition, a transitional Koniag, and a Koniag phase occupation. Seven radiocarbon dates range between 1310±70 and 450±70 BP. Although the recovered skeletal remains cannot be unambiguously sorted by phase, certain characteristics such as scattered bones, the absence of skulls, and burned bone are more typical of the late Kachemak tradition than the Koniag phase. No known individuals were identified. No associated funerary objects are present.

The Alutiiq (Sugpiaq) people of Kodiak Island archipelago are the only present-day descendants of the people who lived in the region before European Contact. They still live within their traditional region.

Determinations Made by the Department of Anthropology, University of Alaska Anchorage

Officials of the Department of Anthropology, University of Alaska Anchorage have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of five individual of Alaska Native ancestry.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Alaska Native human remains and the Native Village of Larsen Bay.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to Dr. John Stalvey, Interim Provost, University of Alaska Anchorage, 3211 Providence Drive, Anchorage, AK 99508, telephone (907) 786–1050, email *Jstalvey@alaska.edu,* by August 19, 2019. After that date, if no additional requestors have come forward, transfer of control of the human remains to the Native Village of Larsen Bay may proceed.

The Department of Anthropology, University of Alaska Anchorage is responsible for notifying the Native Village of Larsen Bay that this notice has been published.

Dated: June 25, 2019.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2019–15435 Filed 7–18–19; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0028302; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intent To Repatriate Cultural Items: Buffalo Bill Center of the West, Plains Indian Museum, Cody, WY

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Buffalo Bill Center of the West, Plains Indian Museum in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, has determined that the cultural item listed in this notice meets the definition of an object of cultural patrimony. Lineal descendants or representatives of any Indian Tribe or

Native Hawaiian organization not identified in this notice that wish to claim this cultural item should submit a written request to the Buffalo Bill Center of the West, Plains Indian Museum. If no additional claimants come forward, transfer of control of the cultural item to the lineal descendants, Indian Tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to claim this cultural item should submit a written request with information in support of the claim to the Buffalo Bill Center of the West, Plains Indian Museum at the address in this notice by August 19, 2019.

ADDRESSES: Rebecca West, Curator, Plains Indian Museum, Buffalo Bill Center of the West, 720 Sheridan Avenue, Cody, WY 82414, telephone (307) 578–4049, email *rebeccaw@centerofthewest.org.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3005, of the intent to repatriate a cultural item under the control of the Buffalo Bill Center of the West, Plains Indian Museum, Cody, WY, that meets the definition of an object of cultural patrimony under 25 U.S.C. 3001.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American cultural items. The National Park Service is not responsible for the determinations in this notice.

History and Description of the Cultural Item

In 1965, Paul Dyck purchased a Beaver Medicine Bundle from Dan Bull Plume, Sr., in Browning, MT. The date of this object is 1860. In 2006, Dyck loaned the Beaver Medicine Bundle to the Buffalo Bill Center of the West. In 2007, following Dyck's death, the Paul Dyck Foundation converted the loan to a gift (accession number NA.800.360). The Beaver Medicine Bundle was identified as Blackfeet (Pikuni) based on a tag written by Dyck describing the object as a ''Beaver bundle | pipe—Yellow Wolf | Iron Breast Pikuni 1860—Lone Wolf Coll #86 #87.'' The Buffalo Bill Center of the West, Plains Indian Museum contacted the Blackfeet Tribal Business Council offices by letter to inform the Tribal Historic Preservation Officers about Blackfeet and Blackfoot materials at the Plains Indian Museum. In September 2008, members of the Blood Tribe (Canada) Spiritual Advisors, consisting of Horn Society advisors and members, viewed the Beaver Medicine Bundle (NA.800.360) in the Plains Indian Museum of the Buffalo Bill Center of the West, confirmed its identity, and affirmed that Beaver Bundle Ceremonies associated with this bundle are still practiced by both the Blackfoot Nation of Canada and the Blackfeet Tribe of the Blackfeet Indian Reservation of Montana.

In 2017, the Buffalo Bill Center of the West, Plains Indian Museum received a request from the Tribal Historic Preservation Officer of the Blackfeet Tribe of the Blackfeet Indian Reservation of Montana to review Blackfeet and Blackfoot sacred materials. As a result, tribal members in their capacity as Elders for the Beaver Medicine Bundle and Sweat Lodge identified NA.800.360 as a Beaver Medicine Bundle. John Murray sent two letters on behalf of the Blackfeet detailing knowledge of the Beaver Bundle based on past and current ceremonial practices, oral traditions, tribal and personal histories, and documentation of Dan Bull Plume's ownership of the bundle.

Determinations Made by the Buffalo Bill Center of the West, Plains Indian Museum

Officials of the Buffalo Bill Center of the West, Plains Indian Museum have determined that:

- Pursuant to 25 U.S.C. 3001(3)(D), the one cultural item described above has ongoing historical, traditional, or cultural importance central to the Native American group or culture itself, rather than property owned by an individual.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between object of cultural patrimony and the Blackfeet Tribe of the Blackfeet Indian Reservation of Montana.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to claim these cultural items should submit a written request with information in support of the claim to Rebecca West, Curator, Plains Indian Museum, Buffalo Bill Center of the West, 720 Sheridan Avenue, Cody, WY 82414, telephone (307) 578–4049, email *rebeccaw@centerofthewest.org,* by August 19, 2019. After that date, if no additional claimants have come forward, transfer of control of the object of cultural patrimony to the Blackfeet Tribe of the Blackfeet Indian Reservation of Montana may proceed.

The Buffalo Bill Center of the West, Plains Indian Museum is responsible for notifying the Blackfeet Tribe of the Blackfeet Indian Reservation of Montana that this notice has been published.

Dated: June 25, 2019.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2019–15436 Filed 7–18–19; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NRNHL–DTS#–28391; PPWOCRADI0, PCU00RP14.R50000]

National Register of Historic Places; Notification of Pending Nominations and Related Actions

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The National Park Service is soliciting comments on the significance of properties nominated before July 6, 2019, for listing or related actions in the National Register of Historic Places.

DATES: Comments should be submitted by August 5, 2019.

ADDRESSES: Comments may be sent via U.S. Postal Service and all other carriers to the National Register of Historic Places, National Park Service, 1849 C St. NW, MS 7228, Washington, DC 20240.

SUPPLEMENTARY INFORMATION: The properties listed in this notice are being considered for listing or related actions in the National Register of Historic Places. Nominations for their consideration were received by the National Park Service before July 6, 2019, Pursuant to Section 60.13 of 36 CFR part 60, written comments are being accepted concerning the significance of the nominated properties under the National Register criteria for evaluation.

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Nominations submitted by State Historic Preservation Officers:

MASSACHUSETTS

Barnstable County

Cataumet Schoolhouse, 1200 Cty. Rd., Bourne, SG100004268.

Essex County

Beverly Powder House, Rear Madison Ave., Beverly, SG100004267.

Middlesex County

North Acton Cemetery, Carlisle Rd. & North St., Acton, SG100004269.

MISSOURI

Mississippi County

McCutchen Theatre, 106 E Commercial St., Charleston, SG100004271.

NEW YORK

Monroe County

Koda-Vista Historic District, Hoover & Vista Drs., Merrick, Allerton, Hammond, Maiden, Acton, Ayer & Elmguard Sts., portion of West Ridge Rd., Greece, SG100004270.

WISCONSIN

Monroe County

St. Lucas Evangelical German Lutheran Church and Cemetery, 30013 Oxford Rd., Glendale, SG100004276.

Authority: Section 60.13 of 36 CFR part 60.

Dated: July 8, 2019.

Julie H. Ernstein,

Acting Chief, National Register of Historic Places/National Historic Landmarks Program.

[FR Doc. 2019–15396 Filed 7–18–19; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0028300; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: State University of New York at Oswego, Oswego, NY

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The State University of New York at Oswego has completed an inventory of human remains and associated funerary objects, in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, and has determined that there is a cultural affiliation between the human remains and associated funerary objects and present-day Indian Tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request to the State University of New York at Oswego. If no additional requestors come forward, transfer of control of the human remains and associated funerary objects to the lineal descendants, Indian Tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to the State University of New York at Oswego at the address in this notice by August 19, 2019.

ADDRESSES: Alanna Ossa, NAGPRA Coordinator, State University of New York at Oswego, 313 Mahar Hall, Department of Anthropology, Oswego, NY 13126, telephone (315) 312–4172, email *alanna.ossa@oswego.edu.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects under the control of the State University of New York at Oswego, Oswego, NY. The human remains and associated funerary objects were removed from sites in Madison and Oneida Counties, NY.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the SUNY Oswego professional staff in consultation with representatives of the Oneida Indian Nation (previously listed as the Oneida Nation of New York).

History and Description of the Remains

At an unknown date, human remains representing, at minimum, one individual were removed from the Diable site (Msv–2), in the town of Stockbridge, Madison County, NY, by Herbert Bigford, Sr. The human remains might have been acquired by a donation from William Ennis, who funded projects conducted by Peter Pratt. The human remains belong to one adult (40–50 years old) of indeterminate sex. No known individuals were identified. The 61 associated funerary objects are one beaver mandible, eight rim and body pottery sherds of Diable incised, three pottery body sherds including Richmond and Ithaca incised types, 10 pottery rim and body sherds of Fonda incised, two pottery rim and body sherds of Rice Diagonal, one pottery rim sherd of Syracuse incised, one pottery body sherd of Thurston horizontal, four unidentified incised pottery rim and body sherds, two pottery rim and body sherds of Cayadutta-Otstuago incised, 11 unidentified decorated incised pottery rim and body sherds, 11 unidentified incised pottery rim and body sherds, and seven pottery rim and body sherds of Wagoner incised.

The Diable site is a large village habitation site, dating to approximately A.D. 1525–1575 based on the artifacts recovered.

In 1976, human remains consisting, at minimum, of one individual was removed from the site of Nichols Pond in the town of Fenner, in Oneida County, NY. The human remains were acquired during a stage 1 and 2 survey by Peter and Marjorie Pratt for the Cultural Resources Survey of the Proposed Lateral Sewer Lines for the East Oneida Lake Water Pollution Abatement Project in Madison and Oneida Counties, NY, and were relocated to SUNY Oswego at an unknown date. The human remains belong to one adult of indeterminate sex. No known individuals were identified. The 47 associated funerary objects are 38 decorated, plain, and incised pottery rim and body sherds; one chert flake; one snail shell; one charcoal sample; one chert lithic shatter; and five unidentified faunal bones.

The site of Nichols Pond consists of a village occupation, including earthworks and burials, dating to the mid-fifteenth century, (approximately A.D. 1480). The site might also have an early 17th century component.

At an unknown date, human remains consisting, at minimum, of two individuals, were removed from the Olcott site, located in the town of Smithfield, in Madison County, NY. These human remains were transferred to SUNY Oswego at an unknown time. The human remains belong to a one juvenile (1–5 years) of indeterminate sex, and an adult of indeterminate sex. No known individuals were identified. The 1,090 associated funerary objects are 45 unidentified faunal bones, 10

plain and decorated incised pottery body sherds, 850 unidentified faunal bones, 15 decorated incised pottery body sherds, two lithic flakes of indeterminate material, 100 unidentified faunal bones, two carbon samples, 22 plain and decorated incised pottery body sherds, one soil sample, 38 plain and decorated incised pottery body sherds, one black seed bead, three seed beads (two white and one black), and one unidentified wooden artifact.

The Olcott site is one of latest of the prehistoric Oneida village sites, with an occupation dating to approximately A.D. 1475–1525. A cemetery was found on a slight rise just west of the site.

At an unknown date, human remains consisting, at minimum, of six individuals were recovered from the Sullivan site, located near the town of Stockbridge, in Madison County, NY. These human remains were transferred to SUNY Oswego at an unknown time. The human remains belong to one adult of indeterminate sex (Burial 2); one adult of indeterminate sex (Burial 3); one juvenile (3–6 years) of indeterminate sex (Burial 3); one adult (≤40) possibly male (Burial 4); one adult of indeterminate sex (Burial 4); and one adult of indeterminate sex (Burial 5E). No known individuals were identified. The 1,480 associated funerary objects are 80 unidentified shell, 33 unidentified faunal bones, two unworked chert pieces, five unidentified faunal bones, 42 unidentified shells, three plain pottery body sherds, 250 unidentified faunal bones, one soil sample, six metal nails, 500 unidentified faunal bones, 450 unidentified faunal bones, 18 unidentified faunal bones, 56 unidentified faunal bones, one unidentified faunal bone, one metal nail, one unidentified metal artifact, one resin button, one decorated pottery bowl rim sherd, one ground stone, one unidentified lithic artifact, six chert flakes, 20 charcoal samples, and one unidentified faunal bone.

The Sullivan site is a habitation site that included burial grounds and middens. Its occupation dates to approximately A.D. 1665–1680, based on the materials recovered at the site.

At an unknown date, human remains consisting, at minimum, of eight individuals, were recovered from the site of Thurston, located near the town of Stockbridge, in Madison County, NY. The human remains were gifted to SUNY Oswego by William Ennis at an unknown time. The human remains belong to one adult of indeterminate sex; one juvenile (3–5 years) of indeterminate sex; one adult of indeterminate sex (Burial 5); one juvenile (5–10 years) of indeterminate sex (Burial 5); one juvenile (1–3 years) of indeterminate sex (Burial 5); one adult of indeterminate sex (Burial 12); one adult (≤40) of indeterminate sex (Burial 15); and one adult of indeterminate sex (Burial 15). No known individuals were identified. The 34 associated funerary objects are two chert flakes, one unworked antler horn, one unidentified shell, one soil sample, five unworked rocks, 12 unidentified metal objects, two unidentified faunal bones, and 10 unidentified faunal bones.

The site of Thurston includes a village occupation dating approximately A.D. 1625–1637.

Determinations Made by the State University of New York at Oswego

Officials of the State University of New York at Oswego have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of 18 individuals of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(3)(A), the 2,712 objects described in this notice are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and associated funerary objects and the Oneida Indian Nation (previously listed as the Oneida Nation of New York).

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to Alanna Ossa, NAGPRA Coordinator, State University of New York at Oswego, 313 Mahar Hall, Department of Anthropology, Oswego, NY 13126, telephone (315) 312–4172, email *alanna.ossa@oswego.edu,* by August 19, 2019. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary objects to the Oneida Indian Nation (previously listed as the Oneida Nation of New York) may proceed.

The State University of New York at Oswego is responsible for notifying the Oneida Indian Nation (previously listed as the Oneida Nation of New York) that this notice has been published.

Dated: June 25, 2019.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2019–15440 Filed 7–18–19; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

Bureau of Ocean Energy Management

[Docket No. BOEM–2019–0046]

Gulf of Mexico, Outer Continental Shelf (OCS), Oil and Gas Lease Sale 253

AGENCY: Bureau of Ocean Energy Management, Interior.

ACTION: Notice of availability of a Record of Decision.

SUMMARY: The Bureau of Ocean Energy Management (BOEM) is announcing the availability of a Record of Decision for proposed Gulf of Mexico (GOM) regionwide oil and gas Lease Sale 253. This Record of Decision identifies BOEM's selected alternative for proposed Lease Sale 253, which is analyzed in the *Gulf of Mexico OCS Lease Sale: Final Supplemental Environmental Impact Statement 2018* (2018 GOM Supplemental EIS).

ADDRESSES: The Record of Decision is available on BOEM's website at *http://www.boem.gov/nepaprocess/.*

FOR FURTHER INFORMATION CONTACT: For more information on the Record of Decision, you may contact Ms. Helen Rucker, Chief, Environmental Assessment Section, Office of Environment, by telephone at 504–736–2421 or by email at *helen.rucker@boem.gov.*

SUPPLEMENTARY INFORMATION: In the 2018 GOM Supplemental EIS, BOEM evaluated five alternatives for proposed Lease Sale 253. We have summarized these alternatives below, with some additional blocks excluded due to their lease status at the time of this decision:

Alternative A—Regionwide OCS Lease Sale: This is BOEM's preferred alternative. This alternative would allow for a proposed GOM regionwide lease sale encompassing all three planning areas: The Western Planning Area (WPA); the Central Planning Area (CPA); and a small portion of the Eastern Planning Area (EPA) not under congressional moratorium. Under this alternative, BOEM would offer for lease all available unleased blocks within the proposed regionwide lease sale area for oil and gas operations with the following exceptions: Whole and portions of blocks deferred by the Gulf

of Mexico Energy Security Act of 2006; blocks that are adjacent to or beyond the United States' Exclusive Economic Zone in the area known as the northern portion of the Eastern Gap; whole and partial blocks within the current boundary of the Flower Garden Banks National Marine Sanctuary; depth restricted, segregated portions of Block 299, Main Pass Area, South and East Addition (Louisiana Leasing Map LA10A); blocks where the lease status is currently under appeal; and whole or partial blocks that have received bids in previous sales, where the bidder has sought reconsideration of BOEM's rejection of their bid, unless the reconsideration request is fully resolved at least 30 days prior to publication of the Final Notice of Sale. We have listed the unavailable blocks in Section I of the Final Notice of Sale for proposed Lease Sale 253 and at *www.boem.gov/Sale-253.* The proposed regionwide lease sale area encompasses about 91.93 million acres (ac). As of July 2019, approximately 78.7 million ac of the proposed regionwide lease sale area are available for lease. As described in the Final 2018 GOM Supplemental EIS, the estimated amounts of resources projected to be leased, discovered, developed, and produced as a result of the proposed regionwide lease sale are between 0.211 and 1.118 billion barrels of oil (BBO) and 0.547 and 4.424 trillion cubic feet (Tcf) of natural gas.

Alternative B—Regionwide OCS Lease Sale Excluding Available Unleased Blocks in the WPA Portion of the Proposed Lease Sale Area: This alternative would offer for lease all available unleased blocks within the CPA and EPA portions of the proposed lease sale area for oil and gas operations, with the following exceptions: Whole and portions of blocks deferred by the Gulf of Mexico Energy Security Act of 2006; blocks that are adjacent to or beyond the United States' Exclusive Economic Zone in the area known as the northern portion of the Eastern Gap; depth restricted, segregated portions of Block 299, Main Pass Area, South and East Addition (Louisiana Leasing Map LA10A); blocks where the lease status is currently under appeal; and whole or partial blocks that have received bids in previous sales, where the bidder has sought reconsideration of BOEM's rejection of their bid, unless the reconsideration request is fully resolved at least 30 days prior to publication of the Final Notice of Sale. The proposed CPA/EPA lease sale area encompasses about 63.35 million ac. As of June 2019, approximately 55.8 million ac of the proposed CPA/EPA lease sale area are available for lease. The estimated amounts of resources projected to be leased, discovered, developed, and produced as a result of the proposed lease sale under Alternative B are 0.185–0.970 BBO and 0.441–3.672 Tcf of gas.

Alternative C—Regionwide OCS Lease Sale Excluding Available Unleased Blocks in the CPA and EPA Portions of the Proposed Lease Sale Area: This alternative would offer for lease all available unleased blocks within the WPA portion of the proposed lease sale area for oil and gas operations, with the following exception: Whole and partial blocks within the current boundary of the Flower Garden Banks National Marine Sanctuary; blocks where the lease status is currently under appeal; and whole or partial blocks that have received bids in previous sales, where the bidder has sought reconsideration of BOEM's rejection of their bid, unless the reconsideration request is fully resolved at least 30 days prior to publication of the Final Notice of Sale. The proposed WPA lease sale area encompasses about 28.58 million ac. As of July 2019, approximately 26.8 million ac of the proposed WPA lease sale area are available for lease. The estimated amounts of resources projected to be leased, discovered, developed, and produced as a result of the proposed lease sale under Alternative C are 0.026–0.148 BBO and 0.106–0.752 Tcf of gas.

Alternative D—Alternative A, B, or C, with the Option to Exclude Available Unleased Blocks Subject to the Topographic Features, Live Bottom (Pinnacle Trend, and/or Blocks South of Baldwin County, Alabama, Stipulations: This alternative could be combined with any of the Action alternatives above (*i.e.,* Alternative A, B, or C) and would allow the flexibility to offer leases under any alternative with additional exclusions. Under Alternative D, the decision maker could exclude from leasing any available unleased blocks subject in Alternative A to any one and/or a combination of the following stipulations: Topographic Features Stipulation; Live Bottom Stipulation; and Blocks South of Baldwin County, Alabama, Stipulation (not applicable to Alternative C). This alternative considered blocks subject to these stipulations because these areas have been emphasized in scoping, can be geographically defined, and adequate information exists regarding their ecological importance and sensitivity to OCS oil- and gas-related activities.

A total of 207 blocks within the CPA and 160 blocks in the WPA are affected by the Topographic Features Stipulation. There are currently no identified topographic features protected under this stipulation in the EPA. The Live Bottom Stipulation covers the pinnacle trend area of the CPA, affecting a total of 74 blocks. Under Alternative D, the number of blocks that would become unavailable for lease represents only a small percentage of the total number of blocks to be offered under Alternative A, B, or C (<4%, even if blocks subject to all three stipulations were excluded). Therefore, Alternative D could reduce offshore infrastructure and activities in the pinnacle trend area, but because Alternative D would simply shift the location of offshore infrastructure and activities farther from these sensitive zones, it would not lead to a reduction in overall impacts. Moreover, the incremental negative impacts of the other alternatives compared with Alternative D would be largely mitigated by the application of lease stipulations in Alternative A, discussed below.

Alternative E—No Action: This alternative is not holding proposed regionwide Lease Sale 253 and is identified as the environmentally preferred alternative.

Lease Stipulations—The 2018 GOM Supplemental EIS describes all lease stipulations, which are included in the Final Notice of Sale Package. In the Record of Decision for the 2017–2022 Five-Year Program, the Secretary of the Interior required the protection of biologically sensitive underwater features in all Gulf of Mexico oil and gas lease sales as programmatic mitigation; therefore, we are adopting the Topographic Features Stipulation and Live Bottom Stipulation and applying them to designated lease blocks in proposed Lease Sale 253.

The additional eight lease stipulations considered for proposed regionwide Lease Sale 253 are the Military Areas Stipulation; the Evacuation Stipulation; the Coordination Stipulation; the Blocks South of Baldwin County, Alabama, Stipulation; the Protected Species Stipulation; the United Nations Convention on the Law of the Sea Royalty Payment Stipulation; the Restrictions due to Rights-of-Use and Easement for Floating Production Facilities Stipulation; and the Stipulation on the Agreement between the United States of America and the United Mexican States Concerning Transboundary Hydrocarbon Reservoirs in the Gulf of Mexico. As noted, BOEM is adopting these eight stipulations as lease terms where applicable and they will be enforceable as part of the lease. Appendix B of the *Gulf of Mexico OCS*

Oil and Gas Lease Sales: 2017–2022; Gulf of Mexico Lease Sales 249, 250, 251, 252, 253, 254, 256, 257, 259, and 261; Final Multisale Environmental Impact Statement provides a list and description of standard post-lease conditions of approval that BOEM or the Bureau of Safety and Environmental Enforcement may require as a result of their plan and permit review processes for the Gulf of Mexico OCS Region.

After careful consideration, BOEM has selected the preferred alternative (Alternative A) in the 2018 GOM Supplemental EIS, with certain additional blocks excluded due to their status, for proposed Lease Sale 253. BOEM is also adopting ten lease stipulations and all practicable means of mitigation at the lease sale stage. The preferred alternative meets the purpose of and need for the proposed action, as identified in the 2018 GOM Supplemental EIS, and provides for orderly resource development with protection of the human, marine, and coastal environments while also ensuring that the public receives a fair market value for these resources and that free-market competition is maintained.

Authority

This Notice of Availability of a Record of Decision is published pursuant to the regulations (40 CFR part 1505) implementing the provisions of the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 *et seq.*).

Walter D. Cruickshank,

Acting Director, Bureau of Ocean Energy Management.

[FR Doc. 2019–15334 Filed 7–18–19; 8:45 am]

BILLING CODE 4310–MR–P

DEPARTMENT OF THE INTERIOR

Bureau of Ocean Energy Management

[Docket No. BOEM–2019–0046]

Gulf of Mexico Outer Continental Shelf Region-Wide Oil and Gas Lease Sale 253

AGENCY: Bureau of Ocean Energy Management, Interior.

ACTION: Final notice of sale.

SUMMARY: On Wednesday, August 21, 2019, the Bureau of Ocean Energy Management (BOEM) will open and publicly announce bids received for blocks offered in the Gulf of Mexico (GOM) Outer Continental Shelf (OCS) Region-wide Oil and Gas Lease Sale 253 (GOM Region-wide Sale 253), in accordance with the provisions of the Outer Continental Shelf Lands Act (OCSLA), and the implementing regulations issued pursuant thereto. The GOM Region-wide Sale 253 Final Notice of Sale (NOS) package contains information essential to potential bidders.

DATES: BOEM will hold GOM Region-wide Sale 253 at 9:00 a.m. on Wednesday, August 21, 2019. All times referred to in this document are Central time, unless otherwise specified.

Bid submission deadline: BOEM must receive all sealed bids between 8:00 a.m. and 4:00 p.m. on normal working days prior to the sale, or from 8:00 a.m. to the Bid Submission Deadline of 10:00 a.m. on Tuesday, August 20, 2019, the day before the lease sale. For more information on bid submission, see Section VII, ''Bidding Instructions,'' of this document.

ADDRESSES: Bids will be accepted prior to the bid submission deadline at 1201 Elmwood Park Boulevard, New Orleans, Louisiana. Public bid reading for GOM Region-wide Sale 253 will be held at 1201 Elmwood Park Boulevard, New Orleans, Louisiana, but the venue will not be open to the general public, media, or industry during bid opening or reading. Bid opening will be available for public viewing on BOEM's website at *www.boem.gov/Sale-253* via live-streaming video beginning at 9:00 a.m. on the date of the sale. BOEM will also post the results on its website after bid opening and reading are completed. Interested parties may download the Final NOS package from BOEM's website at *http://www.boem.gov/Sale-253/.* Copies of the sale maps may be obtained by contacting the BOEM GOM Region: Gulf of Mexico Region Public Information Office, Bureau of Ocean Energy Management, 1201 Elmwood Park Boulevard, New Orleans, Louisiana 70123–2394, (504) 736–2519 or (800) 200–GULF.

FOR FURTHER INFORMATION CONTACT: Susan Erin O'Reilly Vaughan, Chief, Leasing and Financial Responsibility, Office of Leasing and Plans, 504–736–1759, *Erin.O'Reilly@boem.gov* or Wright Jay Frank, Chief, Leasing Policy and Management Division, 703–787–1325, *Wright.Frank@boem.gov.*

Table of Contents

This Final NOS includes the following sections:

I. Lease Sale Area
II. Statutes and Regulations
III. Lease Terms and Economic Conditions
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V. Information to Lessees
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VIII. Bidding Rules and Restrictions
IX. Forms
X. The Lease Sale
XI. Delay of Sale

I. Lease Sale Area

Blocks Offered for Leasing: BOEM will offer for bid in this lease sale all of the available unleased acreage in the GOM, except those blocks listed in ''Blocks Not Offered for Leasing'' below.

Blocks Not Offered for Leasing: The following whole and partial blocks are not offered for lease in this sale. The BOEM Official Protraction Diagrams (OPDs) and Supplemental Official Block Diagrams are available online at *https://www.boem.gov/Maps-and-GIS-Data/.*

- Whole and partial blocks that lie within the current boundaries of the Flower Garden Banks National Marine Sanctuary (in the East and West Flower Garden Banks and the Stetson Bank), identified in the following list:

High Island, East Addition, South Extension (Leasing Map TX7C)

Whole Block: A–398
Partial Blocks: A–366, A–367, A–374, A–375, A–383, A–384, A–385, A–388, A–389, A–397, A–399, A–401

High Island, South Addition (Leasing Map TX7B)

Partial Blocks: A–502, A–513

Garden Banks (OPD NG15–02)

Partial Blocks: 134, 135

- Blocks that are adjacent to or beyond the United States Exclusive Economic Zone in the area known as the northern portion of the Eastern Gap:

Lund South (OPD NG 16–07)

Whole Blocks: 128, 129, 169 through 173, 208 through 217, 248 through 261, 293 through 305, and 349

Henderson (OPD NG 16–05)

Whole Blocks: 466, 508 through 510, 551 through 554, 594 through 599, 637 through 643, 679 through 687, 722 through 731, 764 through 775, 807 through 819, 849 through 862, 891 through 905, 933 through 949, and 975 through 992
Partial Blocks: 467, 511, 555, 556, 600, 644, 688, 732, 776, 777, 820, 821, 863, 864, 906, 907, 950, 993, and 994

Florida Plain (OPD NG 16–08)

Whole Blocks: 5 through 24, 46 through 67, 89 through 110, 133 through 154, 177 through 197, 221 through 240, 265 through 283, 309 through 327, and 363 through 370

- All whole and portions of blocks deferred by the Gulf of Mexico Energy Security Act of 2006, Public Law 109–432:

Pensacola (OPD NH 16–05)

Whole Blocks: 751 through 754, 793 through 798, 837 through 842, 881 through 886, 925 through 930, and 969 through 975

Destin Dome (OPD NH 16–08)

Whole Blocks: 1 through 7, 45 through 51, 89 through 96, 133 through 140, 177 through 184, 221 through 228, 265 through 273, 309 through 317, 353 through 361, 397 through 405, 441 through 450, 485 through 494, 529 through 538, 573 through 582, 617 through 627, 661 through 671, 705 through 715, 749 through 759, 793 through 804, 837 through 848, 881 through 892, 925 through 936, and 969 through 981

DeSoto Canyon (OPD NH 16–11)

Whole Blocks: 1 through 15, 45 through 59, and 92 through 102

Partial Blocks: 16, 60, 61, 89 through 91, 103 through 105, and 135 through 147

Henderson (OPD NG 16–05)

Partial Blocks: 114, 158, 202, 246, 290, 334, 335, 378, 379, 422, and 423

• Depth restricted, segregated block portion(s):

Block 299, Main Pass Area, South and East Addition (as shown on Louisiana Leasing Map LA10A), containing 1,125 acres, from the surface of the earth down to a subsea depth of 1,900 feet with respect to the following described portions:

SW¼NE¼; NW¼SE¼NE¼; W½NE¼SE¼NE¼; S½S½NW¼NE¼; S½SW¼NE¼NE¼; S½SW¼SE¼NE¼NE¼; N½SW¼SE¼ NE¼; SW¼SW¼SE¼NE¼; NW¼SE¼ SE¼ NE¼; N½NW¼SW¼SE¼SE¼NE¼; N½SE¼SW¼SE¼NE¼; N½S½SE¼SW¼SE¼NE¼; S½NE¼NW¼; S½S½N½NE¼NW¼; N½SE¼NW¼;S½SE¼NW¼NW¼; NE¼SE¼ NW¼NW¼; E½NE¼SW¼NW¼; N½SE¼SE¼NW¼; NE¼SW¼SE¼NW¼; N½NW¼SW¼SE¼NW¼; SE¼SE¼SE¼NW¼; E½SW¼SE¼SE¼NW¼; N½NW¼NE¼SW¼NW¼; N½S½NW¼NE¼SW¼NW¼; N½N½NE¼NE¼NE¼SW¼; N½N½N½NW¼NW¼SE¼; N½N½NW¼NE¼NW¼SE¼.

• The following blocks, whose lease status is currently under appeal:

Keathley Canyon (Official Protraction Diagram NG15–05) Blocks 246, 247, 290, 291, 292, 335 and 336

Vermilion Area (Leasing Map LA3) Partial Block 179

Atwater Valley (Official Protraction Diagram NG16–01) Block 63

• Whole or partial blocks that have received bids in previous sales, where the bidder has sought reconsideration of BOEM's rejection of their bid are not offered in this sale, unless the reconsideration request is fully resolved at least 30 days prior to publication of this Final Notice of Sale.

The list of blocks available can be found under the lease sale 253 link at *www.boem.gov/GOMR-Historical-Lease-Sale-Information/* within the Final Notice of Sale tab.

II. Statutes and Regulations

Each lease is issued pursuant to OCSLA, 43 U.S.C. 1331–1356, as amended, and is subject to OCSLA implementing regulations promulgated pursuant thereto in 30 CFR part 556, and other applicable statutes and regulations in existence upon the effective date of the lease, as well as those applicable statutes enacted and regulations promulgated thereafter, except to the extent that the after-enacted statutes and regulations explicitly conflict with an express provision of the lease. Each lease is also subject to amendments to statutes and regulations, including but not limited to OCSLA, that do not explicitly conflict with an express provision of the lease. The lessee expressly bears the risk that such new or amended statutes and regulations (*i.e.,* those that do not explicitly conflict with an express provision of the lease) may increase or decrease the lessee's obligations under the lease.

III. Lease Terms and Economic Conditions

Lease Terms

OCS Lease Form

BOEM will use Form BOEM–2005 (February 2017) to convey leases resulting from this sale. This lease form may be viewed on BOEM's website at *http://www.boem.gov/BOEM-2005.* The lease form will be amended to include specific terms, conditions, and stipulations applicable to the individual lease. The terms, conditions, and stipulations applicable to this sale are set forth below.

Primary Term

Primary Terms are summarized in the following table:

Water depth (meters)	Primary term
0 to <400	The primary term is five years; the lessee may earn an additional three years (*i.e.,* for an eight-year extended primary term) if a well is spudded targeting hydrocarbons below 25,000 feet True Vertical Depth Subsea (TVDSS) during the first five years of the lease.
400 to <800	The primary term is five years; the lessee will earn an additional three years (*i.e.,* for an eight-year extended primary term) if a well is spudded during the first five years of the lease.
800 to <1,600	The primary term is seven years; the lessee will earn an additional three years (*i.e.,* for a ten-year extended primary term) if a well is spudded during the first seven years of the lease.
1,600 +	Ten years.

(1) The primary term for a lease in water depths less than 400 meters issued as a result of this sale is five years. If the lessee spuds a well targeting hydrocarbons below 25,000 feet TVDSS within the first five years of the lease, then the lessee may earn an additional three years, resulting in an eight-year primary term. The lessee will earn the eight-year primary term when the well is drilled to a target below 25,000 feet TVDSS, or the lessee may earn the eight-year primary term in cases where the well targets, but does not reach, a depth below 25,000 feet TVDSS due to mechanical or safety reasons, and where the lessee provides sufficient evidence that it did not reach that target for reasons beyond the lessee's control.

In order to earn the eight-year extended primary term, the lessee is required to submit to the BOEM GOM Regional Supervisor for Leasing and Plans, as soon as practicable, but no more than 30 days after completion of the drilling operation, a letter providing the well number, spud date, information demonstrating a target below 25,000 feet TVDSS and whether that target was reached, and if applicable, any safety, mechanical, or other problems encountered that prevented the well from reaching a depth below 25,000 feet

TVDSS. This letter must request confirmation that the lessee earned the eight-year primary term. The BOEM GOM Regional Supervisor for Leasing and Plans will confirm in writing, within 30 days of receiving the lessee's letter, whether the lessee has earned the extended primary term and update BOEM records accordingly. The extended primary term is not effective unless and until the lessee receives confirmation from BOEM.

A lessee that has earned the eight-year primary term by spudding a well with a hydrocarbon target below 25,000 feet TVDSS during the standard five-year primary term of the lease will not be granted a suspension for that same period under the regulations at 30 CFR 250.175 because the lease is not at risk of expiring.

(2) The primary term for a lease in water depths ranging from 400 to less than 800 meters issued as a result of this sale is five years. If the lessee spuds a well within the five-year primary term of the lease, the lessee will earn an additional three years, resulting in an eight-year primary term.

In order to earn the eight-year primary term, the lessee is required to submit to the BOEM GOM Regional Supervisor for Leasing and Plans, as soon as practicable, but no more than 30 days after spudding a well, a letter providing the well number and spud date, and requesting confirmation that the lessee earned the eight-year extended primary term. Within 30 days of receipt of the request, the BOEM GOM Regional Supervisor for Leasing and Plans will provide written confirmation of whether the lessee has earned the extended primary term and update BOEM records accordingly. The extended primary term is not effective unless and until the lessee receives confirmation from BOEM.

(3) The primary term for a lease in water depths ranging from 800 to less than 1,600 meters issued as a result of this sale is seven years. If the lessee spuds a well within the seven-year primary term, the lessee will earn an additional three years, resulting in a ten-year extended primary term.

In order to earn the ten-year primary term, the lessee is required to submit to the BOEM GOM Regional Supervisor for Leasing and Plans, as soon as practicable, but in no instance more than 30 days after spudding a well, a letter providing the well number and spud date, and requesting confirmation that the lessee earned the ten-year primary term. Within 30 days of receipt of the request, the BOEM GOM Regional Supervisor for Leasing and Plans will provide written confirmation of whether the lessee has earned the extended primary term and update BOEM records accordingly. The extended primary term is not effective unless and until the lessee receives confirmation from BOEM.

(4) The primary term for a lease in water depths 1,600 meters or deeper issued as a result of this sale will be ten years.

Economic Conditions

Minimum Bonus Bid Amounts

- $25.00 per acre or fraction thereof for blocks in water depths less than 400 meters; and
- $100.00 per acre or fraction thereof for blocks in water depths 400 meters or deeper.

BOEM will not accept a bonus bid unless it provides for a cash bonus in an amount equal to, or exceeding, the specified minimum bid of $25.00 per acre or fraction thereof for blocks in water depths less than 400 meters, and $100.00 per acre or fraction thereof for blocks in water depths 400 meters or deeper.

Rental Rates

Annual rental rates are summarized in the following table:

RENTAL RATES PER ACRE OR FRACTION THEREOF

Water depth (meters)	Years 1–5	Years 6, 7, & 8 +
0 to <200	$7.00	$14.00, $21.00, & $28.00.
200 to <400	11.00	$22.00, $33.00, & $44.00.
400 +	11.00	$16.00.

Escalating Rental Rates for Leases With an Eight-Year Primary Term in Water Depths Less Than 400 Meters

Any lessee with a lease in less than 400 meters water depth who earns an eight-year primary term will pay an escalating rental rate as shown above. The rental rates after the fifth year for blocks in less than 400 meters water depth will become fixed and no longer escalate, if another well is spudded targeting hydrocarbons below 25,000 feet TVDSS after the fifth year of the lease, and BOEM concurs that such a well has been spudded. In this case, the rental rate will become fixed at the rental rate in effect during the lease year in which the additional well was spudded.

Royalty Rate

- 12.5 percent for leases situated in water depths less than 200 meters; and
- 18.75 percent for leases situated in water depths of 200 meters and deeper.

Minimum Royalty Rate

- $7.00 per acre or fraction thereof per year for blocks in water depths less than 200 meters; and
- $11.00 per acre or fraction thereof per year for blocks in water depths 200 meters or deeper.

Royalty Suspension Provisions

The issuance of leases with Royalty Suspension Volumes (RSVs) or other forms of royalty relief is authorized under existing BOEM regulations at 30 CFR part 560. The specific details relating to eligibility and implementation of the various royalty relief programs, including those involving the use of RSVs, are codified in Bureau of Safety and Environmental Enforcement (BSEE) regulations at 30 CFR part 203. In this sale, the only royalty relief program being offered that involves the provision of RSVs relates to the drilling of ultra-deep wells in water depths of less than 400 meters, as described in the following section.

Royalty Suspension Volumes on Gas Production From Ultra-Deep Wells

Pursuant to 30 CFR part 203, certain leases issued as a result of this sale may be eligible for RSV incentives on gas produced from ultra-deep wells. Under this program, wells on leases in less than 400 meters water depth and completed to a drilling depth of 20,000 feet TVDSS or deeper receive a RSV of 35 billion cubic feet on the production of natural gas. This RSV incentive is subject to applicable price thresholds set forth in the regulations at 30 CFR part 203. These regulations implement the requirements of the Energy Policy Act of 2005 (Pub. L. 109–58, 119 Stat. 594 (2005)).

IV. Lease Stipulations

Consistent with the Record of Decision for the Final Programmatic Environmental Impact Statement for the 2017–2022 Five Year OCS Oil and Gas Leasing Program, Stipulation No. 5 (Topographic Features) and Stipulation No. 8 (Live Bottom) will apply to every lease sale in the GOM Program Area. One or more of the remaining eight stipulations may be applied to leases issued as a result of this sale, on applicable blocks as identified on the map ''Gulf of Mexico Region-wide Oil and Gas Lease Sale 253, August 21, 2019, Stipulations and Deferred Blocks'' included in the Final NOS package. The full text of the following stipulations is contained in the ''Lease Stipulations'' section of the Final NOS package.

(1) Military Areas
(2) Evacuation
(3) Coordination
(4) Protected Species
(5) Topographic Features
(6) United Nations Convention on the Law of the Sea Royalty Payment
(7) Agreement between the United States of America and the United Mexican States Concerning Transboundary Hydrocarbon Reservoirs in the Gulf of Mexico
(8) Live Bottom
(9) Blocks South of Baldwin County, Alabama
(10) Restrictions due to Rights-of-Use and Easement for Floating Production Facilities

V. Information to Lessees

Information to Lessees (ITLs) provide detailed information on certain issues pertaining to specific oil and gas lease sales. The full text of the ITLs for this sale is contained in the ''Information to Lessees'' section of the Final NOS package and covers the following topics:

(1) Navigation Safety
(2) Ordnance Disposal Areas
(3) Existing and Proposed Artificial Reefs/Rigs-to-Reefs
(4) Lightering Zones
(5) Indicated Hydrocarbons List
(6) Military Areas
(7) Bureau of Safety and Environmental Enforcement (BSEE) Inspection and Enforcement of Certain U.S. Coast Guard (USCG) Regulations
(8) Significant Outer Continental Shelf Sediment Resource Areas
(9) Notice of Arrival on the Outer Continental Shelf
(10) Bidder/Lessee Notice of Obligations Related to Criminal/Civil Charges and Offenses, Suspension, or Debarment; Disqualification Due to a Conviction under the Clean Air Act or the Clean Water Act
(11) Protected Species
(12) Proposed Expansion of the Flower Garden Banks National Marine Sanctuary
(13) Communication Towers
(14) Deepwater Port Applications for Offshore Oil and Liquefied Natural Gas Facilities
(15) Ocean Dredged Material Disposal Sites
(16) Rights-of-Use and Easement
(17) Industrial Waste Disposal Areas
(18) Gulf Islands National Seashore
(19) Air Quality Permit/Plan Approvals

VI. Maps

The maps pertaining to this lease sale may be viewed on BOEM's website at *http://www.boem.gov/Sale-253/.* The following maps also are included in the Final NOS package:

Lease Terms and Economic Conditions Map

The lease terms and economic conditions associated with leases of certain blocks are shown on the map entitled, ''Gulf of Mexico Region-wide Oil and Gas Lease Sale 253, August 21, 2019, Lease Terms and Economic Conditions.''

Stipulations and Deferred Blocks Map

The lease stipulations and the blocks to which they apply are shown on the map entitled, ''Gulf of Mexico Region-wide Oil and Gas Lease Sale 253, August 21, 2019, Stipulations and Deferred Blocks Map.''

VII. Bidding Instructions

Bids may be submitted in person or by mail at the address below in the ''Mailed Bids'' section. Bidders submitting their bid(s) in person are advised to email *boemgomrleasesales@boem.gov* to provide the names of the company representative(s) that will submit the bid(s). Instructions on how to submit a bid, secure payment of the advance bonus bid deposit (if applicable), and what information must be included with the bid are as follows:

Bid Form

For each block bid upon, a separate sealed bid must be submitted in a sealed envelope (as described below) and include the following:

- Total amount of the bid in whole dollars only;
- Sale number;
- Sale date;
- Each bidder's exact name;
- Each bidder's proportionate interest, stated as a percentage, using a maximum of five decimal places (*e.g.,* 33.33333%);
- Typed name and title, and signature of each bidder's authorized officer;
- Each bidder's qualification number;
- Map name and number or Official Protraction Diagram (OPD) name and number;
- Block number; and
- Statement acknowledging that the bidder(s) understands that this bid legally binds the bidder(s) to comply with all applicable regulations, including those requiring it to post a deposit in the amount of one-fifth of the bonus bid amount for any tract bid upon and make payment of the balance of the bonus bid and first year's rental upon BOEM's acceptance of high bids.

The information required on the bid(s) is specified in the document ''Bid Form'' that is available in the Final NOS package. A blank bid form is provided in the Final NOS package for convenience and may be copied and completed with the necessary information described above.

Bid Envelope

Each bid must be submitted in a separate sealed envelope labeled as follows:

- ''Sealed Bid for GOM Region-wide Sale 253, not to be opened until 9 a.m. Wednesday, August 21, 2019'';
- Map name and number or OPD name and number;
- Block number for block bid upon; and
- The exact name and qualification number of the submitting bidder only.

The Final NOS package includes a sample bid envelope for reference.

Mailed Bids

If bids are mailed, please address the envelope containing the sealed bid envelope(s) as follows: Attention: Leasing and Financial Responsibility Section, BOEM Gulf of Mexico Region, 1201 Elmwood Park Boulevard WS–266A, New Orleans, Louisiana 70123–2394, Contains Sealed Bids for GOM Region-wide Sale 253, Please Deliver to Mr. Greg Purvis, 2nd Floor, Immediately.

Please Note: Bidders mailing bid(s) are advised to inform BOEM by email to *boemgomrleasesales@boem.gov* immediately after putting their bid(s) in the mail. This will provide advance notice to BOEM regarding pending bids prior to the Bid Submission Deadline. However, if BOEM receives bids later than the Bid Submission Deadline, the BOEM GOM Regional Director (RD) will return those bids unopened to bidders. Please see ''Section XI. Delay of Sale'' regarding BOEM's discretion to extend the Bid Submission Deadline in the case of an unexpected event (*e.g.,* flooding or travel restrictions) and how bidders can obtain more information on such extensions.

Advance Bonus Bid Deposit Guarantee

Bidders that are not currently an OCS oil and gas lease record title holder or designated operator, or those that ever have defaulted on a one-fifth bonus bid deposit, by Electronic Funds Transfer (EFT) or otherwise, must guarantee (secure) the payment of the one-fifth bonus bid deposit prior to bid submission using one of the following four methods:

- Provide a third-party guarantee;
- Amend an area-wide development bond via bond rider;
- Provide a letter of credit; or
- Provide a lump sum payment in advance via EFT.

Please provide, at the time you submit your bid, a confirmation or tracking number for your payment, the name of the company submitting the payment as it appears on the payment, and the date the payment was submitted in order for BOEM to confirm your payment with the Office of Natural Resources Revenue (ONRR). Submitting payment to your financial institution at least five business days prior to your bid submittal will help ensure that the Office of Foreign Assets Control and the U.S. Department of the Treasury (U.S. Treasury) have the needed time to screen and process your payment so that they post it to ONRR prior to you placing your bid. ONRR cannot confirm payment until the monies have been moved into settlement status by the U.S. Treasury. Your bid will not be accepted if BOEM cannot confirm your payment with ONRR.

If you are providing a third-party guarantee, amending an area-wide development bond via bond rider, or providing a letter of credit to secure your one-fifth bonus bid deposit, you are urged to file the same with BOEM, well in advance of submitting your bid, to allow time for BOEM to process these items and for you to take any necessary curative actions prior to your bid submission. For more information on EFT procedures, see Section X of this document entitled, ''The Lease Sale.''

Affirmative Action

Prior to bidding, each bidder should file the Equal Opportunity Affirmative Action Representation Form BOEM–2032 (October 2011, *http://www.boem.gov/BOEM-2032/*) and Equal Opportunity Compliance Report Certification Form BOEM–2033 (October 2011, *http://www.boem.gov/BOEM-2033/*) with the BOEM GOM Adjudication Section. This certification is required by 41 CFR part 60 and Executive Order No. 11246, issued September 24, 1965, as amended by Executive Order No. 11375, issued October 13, 1967, and by Executive Order 13672, issued July 21, 2014. Both forms must be on file for the bidder(s) in the GOM Adjudication Section prior to the execution of any lease contract.

Geophysical Data and Information Statement (GDIS)

The GDIS is composed of three parts:

(1) The ''Statement'' page includes the company representatives' information and lists of blocks bid on that used proprietary data and those blocks bid on that did not use proprietary data;

(2) The ''Table'' listing the required data about each proprietary survey used (see below); and

(3) The ''Maps'' being the live trace maps for each proprietary survey that is identified in the GDIS statement and table.

Every bidder submitting a bid on a block in GOM Region-wide Sale 253, or participating as a joint bidder in such a bid, must submit at the time of bid submission all three parts of the GDIS. A bidder must submit the GDIS *even if a joint bidder or bidders on a specific block also have submitted a GDIS.* Any speculative data that has been reprocessed externally or ''in-house'' is considered proprietary due to the proprietary processing and is no longer considered to be speculative.

The bidder or bidders must submit the GDIS in a separate and sealed envelope, and must identify all proprietary data; reprocessed speculative data, and/or any Controlled Source Electromagnetic surveys, Amplitude Versus Offset (AVO), Gravity, or Magnetic data; or other information used as part of the decision to bid or participate in a bid on the block. The bidder and joint bidder must also include a live trace map (*e.g.,* .pdf and ArcGIS shape file) for each proprietary survey that they identify in the GDIS illustrating the actual areal extent of the proprietary geophysical data in the survey (see the ''Example of Preferred Format'' that is included in the Final NOS package for additional information). The shape file must not include cultural information; only the live trace map of the survey itself.

The GDIS statement must include the name, phone number, and full address of a contact person and an alternate who are both knowledgeable about the geophysical information and data listed and who are available for 30 days after the sale date. The GDIS statement also must include a list of all blocks bid upon that did not use proprietary or reprocessed pre- or post-stack geophysical data and information as part of the decision to bid or to participate as a joint bidder in the bid. Bidders must submit the GDIS statement even if no proprietary geophysical data and information were used in bid preparation for the block.

The GDIS table should have columns that clearly state:

- The sale number;
- The bidder company's name;
- The joint bidder's company's name (if applicable);
- Company that will provide Proprietary Data to BOEM;
- The block area and block number bid on;
- The owner of the original data set (*i.e.,* who initially acquired the data);
- The industry's original name of the survey (*e.g.,* E Octopus);
- The BOEM permit number for the survey;
- Whether the data set is a fast track version;
- Whether the data is speculative or proprietary;
- The data type (*e.g.,* 2–D, 3–D, or 4–D; pre-stack or post-stack; and time or depth, etc.);
- The Migration algorithm (*e.g.,* Kirchhoff Migration, Wave Equation Migration, Reverse Migration, Reverse Time Migration) of the data and areal extent of bidder survey (*i.e.,* number of line miles for 2–D or number of blocks for 3–D);
- The Live Proprietary Survey Coverage (2–D miles 3–D Blocks);
- The computer storage size, to the nearest gigabyte, of each seismic data and velocity volume used to evaluate the lease block;
- Who reprocessed the data;
- Date Final Reprocessing Completed (month and year);
- If data was previously sent to BOEM, list the sale number and date of the sale for which it was used;
- Whether proprietary or Speculative AVO/AVA (PROP/SPEC) was used;
- Date AVO or AVA was sent to BOEM if sent during prior sale;
- Is AVO/AVA Time or Depth (PSTM or PSDM);
- Which Angled Stacks were used (NEAR, MID, FAR, ULTRAFAR etc.);
- Whether your company used Gathers to evaluate the block in question; and
- Whether your company used Vector Offset Output (VOO) or Vector Image Partitions (VIP) to evaluate the block in question.

BOEM will use the computer storage size information in estimating the reproduction costs for each data set, if applicable. BOEM will determine the availability of reimbursement of production costs consistent with 30 CFR 551.13.

BOEM reserves the right to query about alternate data sets, to quality check, and to compare the listed and alternative data sets to determine which data set most closely meets the needs of the fair market value determination process. See the ''Example of Preferred Format'' that is included in the Final NOS package. Bidders can access a blank digital version of the preferred table on the GOM Region-wide Sale 253 web page at *http://www.boem.gov/Sale-253.*

The GDIS maps are live trace maps (*e.g.,* .pdf and ArcGIS shape files) that bidders should submit for each proprietary survey that is identified in the GDIS table. They should illustrate the actual areal extent of the proprietary geophysical data in the survey (see the ''Example of Preferred Format'' that is included in the Final NOS package for additional information). As previously stated, the shape file must not include cultural information; only the live trace map of the survey itself.

Pursuant to 30 CFR 551.12 and 30 CFR 556.501, as a condition of the sale, the BOEM Gulf of Mexico Regional Director (RD) requests that all bidders and joint bidders submit the proprietary data identified on their GDIS within 30 days after the lease sale (unless they are notified after the lease sale that BOEM has withdrawn the request). This request only pertains to proprietary data that is not commercially available. Commercially available data should not be submitted to BOEM unless BOEM specifically requests the commercially available data from the bidder. The BOEM Gulf of Mexico RD will notify bidders and joint bidders of any withdrawal of the request, for all or some of the proprietary data identified on the GDIS, within 15 days of the lease sale. Where the BOEM Gulf of Mexico RD has notified bidders and joint bidders that the request for such proprietary data has been withdrawn, reimbursement will not be provided. Pursuant to 30 CFR part 551 and 30 CFR 556.501, as a condition of this sale, all bidders that are required to submit data must ensure that the data is received by BOEM no later than the 30th day following the lease sale, or the next business day if the submission deadline falls on a weekend or Federal holiday.

The data must be submitted to BOEM at the following address: Bureau of Ocean Energy Management, Resource Studies, GM 881A, 1201 Elmwood Park Blvd., New Orleans, LA 70123–2304.

BOEM recommends that bidders mark the submission's external envelope as ''Deliver Immediately to DASPU.'' BOEM also recommends that the data be submitted in an internal envelope, or otherwise marked, with the following designation: ''Proprietary Geophysical Data Submitted Pursuant to GOM Region-wide Sale 253 and used during <Bidder Name's> evaluation of Block <Block Number>.''

In the event a person supplies any type of data to BOEM, that person must meet the following requirements to qualify for reimbursement:

(1) The person must be registered with the System for Award Management (SAM), formerly known as the Central Contractor Registration (CCR). CCR usernames will not work in SAM. A new SAM User Account is needed to register or update an entity's records. The website for registering is *gsa.gov/iaesystems.*

(2) The persons must be enrolled in the U.S. Treasury's Invoice Processing Platform (IPP) for electronic invoicing. The person must enroll in the IPP at *https://www.ipp.gov/.* Access then will be granted to use the IPP for submitting requests for payment. When a request for payment is submitted, it must include the assigned Purchase Order Number on the request.

(3) The persons must have a current On-line Representations and Certifications Application at *gsa.gov/iaesystems.*

Please Note

The GDIS Information Table must be submitted digitally, preferably as an Excel spreadsheet, on a CD, DVD, or any USB external drive (formatted for Windows), along with the seismic data map(s). If bidders have any questions, please contact Ms. Dee Smith at (504) 736–2706, or Mr. John Johnson at (504) 736–2455.

Bidders should refer to Section X of this document, ''The Lease Sale: Acceptance, Rejection, or Return of Bids,'' regarding a bidder's failure to comply with the requirements of the Final NOS, including any failure to submit information as required in the Final NOS or Final NOS package.

Telephone Numbers/Addresses of Bidders

BOEM requests that bidders provide this information in the suggested format prior to or at the time of bid submission. The suggested format is included in the Final NOS package. The form must not be enclosed inside the sealed bid envelope.

Additional Documentation

BOEM may require bidders to submit other documents in accordance with 30 CFR 556.107, 30 CFR 556.401, 30 CFR 556.501, and 30 CFR 556.513.

VIII. Bidding Rules and Restrictions

Restricted Joint Bidders

On June 6, 2019, BOEM published the most recent List of Restricted Joint Bidders in the **Federal Register** at 84 FR 26442. Potential bidders are advised to refer to the **Federal Register**, prior to bidding, for the most current List of Restricted Joint Bidders in place at the time of the lease sale. Please refer to the joint bidding provisions at 30 CFR 556.511–515.

Authorized Signatures

All signatories executing documents on behalf of bidder(s) must execute the same in conformance with the BOEM qualification records. Bidders are advised that BOEM considers the signed bid to be a legally binding obligation on the part of the bidder(s) to comply with all applicable regulations, including that requiring payment of one-fifth of the bonus bid on all high bids. A statement to this effect is included on each bid form (see the document ''Bid Form'' that is included in the Final NOS package).

Unlawful Combination or Intimidation

BOEM warns bidders against violation of 18 U.S.C. 1860, prohibiting unlawful combination or intimidation of bidders.

Bid Withdrawal

Bids may be withdrawn only by written request delivered to BOEM prior to the Bid Submission Deadline. The withdrawal request must be on company letterhead and must contain the bidder's name, its BOEM qualification number, the map name/number, and the block number(s) of the bid(s) to be withdrawn. The withdrawal request must be executed by one or more of the representatives named in the BOEM qualification records. The name and title of the authorized signatory must be typed under the signature block on the withdrawal request. The BOEM Gulf of Mexico RD, or the RD's designee, will indicate their approval by signing and dating the withdrawal request.

Bid Rounding

Minimum bonus bid calculations, including rounding, for all blocks are shown in the document ''List of Blocks Available for Leasing'' included in the Final NOS package. The bonus bid amount must be stated in whole dollars. If the acreage of a block contains a decimal figure, then prior to calculating the minimum bonus bid, BOEM rounded up to the next whole acre. The appropriate minimum rate per acre was then applied to the whole (rounded up) acreage. The bonus bid amount must be

greater than or equal to the minimum bonus bid so calculated and stated in the Final NOS package.

IX. Forms

The Final NOS package includes instructions, samples, and/or the preferred format for the following items. BOEM strongly encourages bidders to use the recommended formats. If bidders use another format, they are responsible for including all the information specified for each item in the Final NOS package.

(1) Bid Form
(2) Sample Completed Bid
(3) Sample Bid Envelope
(4) Sample Bid Mailing Envelope
(5) Telephone Numbers/Addresses of Bidders Form
(6) GDIS Form
(7) GDIS Envelope Form

X. The Lease Sale

Bid Opening and Reading

Sealed bids received in response to the Final NOS will be opened at the place, date, and hour specified under the **DATES** and **ADDRESSES** sections of the Final NOS. The venue will not be open to the public. Instead, the bid opening will be available for the public to view on BOEM's website at *www.boem.gov* via live-streaming. The opening of the bids is for the sole purpose of publicly announcing and recording the bids received; no bids will be accepted or rejected at that time.

Bonus Bid Deposit for Apparent High Bids

Each bidder submitting an apparent high bid must submit a bonus bid deposit to ONRR equal to one-fifth of the bonus bid amount for each such bid. A copy of the notification of the high bidder's one-fifth bonus bid amount may be obtained on the BOEM website at *http://www.boem.gov/Sale-253* under the heading ''Notification of EFT ⅕ Bonus Liability'' after 1:00 p.m. on the day of the sale. All payments must be deposited electronically into an interest-bearing account in the U.S. Treasury by 1:00 p.m. Eastern Time the day following the bid reading (no exceptions). Account information is provided in the ''Instructions for Making Electronic Funds Transfer Bonus Payments'' found on the BOEM website identified above. Submitting payment to your financial institution as soon as possible the day of bid reading, but no later than 7:00 p.m. Eastern Time the day of bid reading, will help ensure that deposits have time to process through the U.S. Treasury and post to ONRR. ONRR cannot confirm payment until the monies have been moved into settlement status by the U.S. Treasury.

BOEM requires bidders to use EFT procedures for payment of one-fifth bonus bid deposits for GOM Region-wide Sale 253 following the detailed instructions contained on the ONRR Payment Information web page at *https://www.onrr.gov/ReportPay/payments.htm.* Acceptance of a deposit does not constitute and will not be construed as acceptance of any bid on behalf of the United States.

Withdrawal of Blocks

The United States reserves the right to withdraw any block from this lease sale prior to issuance of a written acceptance of a bid for the block.

Acceptance, Rejection, or Return of Bids

The United States reserves the right to reject any and all bids. No bid will be accepted, and no lease for any block will be awarded to any bidder, unless:

(1) The bidder has complied with all applicable regulations and requirements of the Final NOS, including those set forth in the documents contained in the Final NOS package;

(2) The bid is the highest valid bid; and

(3) The amount of the bid has been determined to be adequate by the authorized officer.

Any bid submitted that does not conform to the requirements of the Final NOS and Final NOS package, OCSLA, or other applicable statute or regulation will be rejected and returned to the bidder. The United States Department of Justice and the Federal Trade Commission will review the results of the lease sale for antitrust issues prior to the acceptance of bids and issuance of leases.

Bid Adequacy Review Procedures for GOM Region-Wide Sale 253

To ensure that the U.S. Government receives a fair return for the conveyance of leases from this sale, BOEM will evaluate high bids in accordance with its bid adequacy procedures, which are available at *http://www.boem.gov/Oil-and-Gas-Energy-Program/Leasing/Regional-Leasing/Gulf-of-Mexico-Region/Bid-Adequacy-Procedures.aspx.*

Lease Award

BOEM requires each bidder awarded a lease to:

(1) Execute all copies of the lease (Form BOEM–2005 (February 2017), as amended);

(2) Pay by EFT the balance of the bonus bid amount and the first year's rental for each lease issued in accordance with the requirements of 30 CFR 218.155 and 556.520(a); and

(3) Satisfy the bonding requirements of 30 CFR part 556, subpart I, as amended.

ONRR requests that only one transaction be used for payment of the balance of the bonus bid amount and the first year's rental. Once ONRR receives such payment, the bidder awarded the lease may not request a refund of the balance of the bonus bid amount or first year's rental payment.

XI. Delay of Sale

The BOEM Gulf of Mexico RD has the discretion to change any date, time, and/or location specified in the Final NOS package in the case of an event that the BOEM Gulf of Mexico RD deems may interfere with a fair and orderly lease sale process. Such events could include, but are not limited to, natural disasters (*e.g.,* earthquakes, hurricanes, and floods), wars, riots, acts of terrorism, fires, strikes, civil disorder, or other events of a similar nature. In case of such events, bidders should call (504) 736–0557, or access the BOEM website at *http://www.boem.gov,* for information regarding any changes.

Walter D. Cruickshank,

Acting Director, Bureau of Ocean Energy Management.

[FR Doc. 2019–15330 Filed 7–18–19; 8:45 am]

BILLING CODE 4310–MR–P

INTERNATIONAL TRADE COMMISSION

Notice of Receipt of Complaint; Solicitation of Comments Relating to the Public Interest

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has received a complaint entitled *Certain Mobile Devices with Multifunction Emulators, DN 3398;* the Commission is soliciting comments on any public interest issues raised by the complaint or complainant's filing pursuant to the Commission's Rules of Practice and Procedure.

FOR FURTHER INFORMATION CONTACT: Lisa R. Barton, Secretary to the Commission, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–2000. The public version of the complaint can be accessed on the Commission's Electronic Document Information System (EDIS) at *https://edis.usitc.gov,* and will be available for inspection during official business hours (8:45 a.m.

to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–2000.

General information concerning the Commission may also be obtained by accessing its internet server at United States International Trade Commission (USITC) at *https://www.usitc.gov*. The public record for this investigation may be viewed on the Commission's Electronic Document Information System (EDIS) at *https://edis.usitc.gov*. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission has received a complaint and a submission pursuant to § 210.8(b) of the Commission's Rules of Practice and Procedure filed on behalf of Dynamics Inc. on July 12, 2019. The complaint alleges violations of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain mobile devices with multifunction emulators. The complaint names as respondents: Samsung Electronics Co., Ltd, of Korea; and Samsung Electronics America, Inc. of Ridgefield Park, NJ. The complainant requests that the Commission issue a limited exclusion order, cease and desist orders, and impose a bond upon respondents' alleged infringing articles during the 60-day Presidential review period pursuant to 19 U.S.C. 1337(j).

Proposed respondents, other interested parties, and members of the public are invited to file comments on any public interest issues raised by the complaint or § 210.8(b) filing. Comments should address whether issuance of the relief specifically requested by the complainant in this investigation would affect the public health and welfare in the United States, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, or United States consumers.

In particular, the Commission is interested in comments that:

(i) Explain how the articles potentially subject to the requested remedial orders are used in the United States;

(ii) identify any public health, safety, or welfare concerns in the United States relating to the requested remedial orders;

(iii) identify like or directly competitive articles that complainant, its licensees, or third parties make in the United States which could replace the subject articles if they were to be excluded;

(iv) indicate whether complainant, complainant's licensees, and/or third party suppliers have the capacity to replace the volume of articles potentially subject to the requested exclusion order and/or a cease and desist order within a commercially reasonable time; and

(v) explain how the requested remedial orders would impact United States consumers.

Written submissions on the public interest must be filed no later than by close of business, eight calendar days after the date of publication of this notice in the **Federal Register**. There will be further opportunities for comment on the public interest after the issuance of any final initial determination in this investigation. Any written submissions on other issues must also be filed by no later than the close of business, eight calendar days after publication of this notice in the **Federal Register**. Complainant may file replies to any written submissions no later than three calendar days after the date on which any initial submissions were due. Any submissions and replies filed in response to this Notice are limited to five (5) pages in length, inclusive of attachments.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above and submit 8 true paper copies to the Office of the Secretary by noon the next day pursuant to § 210.4(f) of the Commission's Rules of Practice and Procedure (19 CFR 210.4(f)). Submissions should refer to the docket number (''Docket No. 3398'') in a prominent place on the cover page and/or the first page. (*See* Handbook for Electronic Filing Procedures, Electronic Filing Procedures).[1] Persons with questions regarding filing should contact the Secretary (202–205–2000).

Any person desiring to submit a document to the Commission in confidence must request confidential treatment. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. *See* 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. *See* 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. All information, including confidential business information and documents for which confidential treatment is properly sought, submitted to the Commission for purposes of this Investigation may be disclosed to and used: (i) By the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel,[2] solely for cybersecurity purposes. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary and on EDIS.[3]

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and of §§ 201.10 and 210.8(c) of the Commission's Rules of Practice and Procedure (19 CFR 201.10, 210.8(c)).

By order of the Commission.

Issued: July 15, 2019.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2019–15326 Filed 7–18–19; 8:45 am]

BILLING CODE 7020–02–P

[1] Handbook for Electronic Filing Procedures: *https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf.*

[2] All contract personnel will sign appropriate nondisclosure agreements.

[3] Electronic Document Information System (EDIS): *https://edis.usitc.gov.*

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1117]

Certain Full-Capture Arrow Rests and Components Thereof; Notice of Final Commission Determination of Violation; Issuance of a General Exclusion Order; Termination of the Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has terminated the above-captioned investigation with a finding of violation of section 337, and has issued a general exclusion order (''GEO'') directed against infringing full-

capture arrow rests and components thereof. The Commission has terminated the investigation.

FOR FURTHER INFORMATION CONTACT: Clint Gerdine, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 708–2310. Copies of non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–2000. General information concerning the Commission may also be obtained by accessing its internet server at *https://www.usitc.gov.* The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on June 11, 2018, based on a complaint filed on behalf of Bear Archery, Inc. (''Bear Archery'') of Evansville, Indiana. 83 FR 27021–22 (June 11, 2018). The complaint alleges violations of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain full-capture arrow rests and components thereof by reason of infringement of certain claims of U.S. Patent No. 6,978,775 (''the '775 patent''). The Commission's notice of investigation named as respondents 2BULBS Technology Co. Ltd. of Jiangsu, China; Ningbo Linkboy Outdoor Sports Co., Ltd. of Zhejiang, China; Shenzhen Keepmyway Tech. Co., Ltd., Wenqing Zhang, Tingting Ye, and Tao Li, all of Guangdong, China; Zhengzhou IRQ Outdoor Sports Co., Ltd. of Henan, China; and Sean Yuan of Shandong, China. The Office of Unfair Import Investigations (''OUII'') is also a party to the investigation. All respondents in the investigation have been found in default. *See* Order No. 9 (Oct. 29, 2018), *unreviewed by* Comm'n Notice (Nov. 26, 2018).

On March 19, 2019, the presiding administrative law judge (''ALJ'') issued an initial determination (''ID'') granting Bear Archery's motion for summary determination of violation of section 337 by the defaulting respondents and request for issuance of a GEO. The ID finds that all defaulting respondents met the importation requirement and that Bear Archery satisfied the domestic industry requirement. *See* 19 U.S.C. 1337(a)(1)(B), (a)(2), and (a)(3). The ID also finds that a violation of section 337 has occurred based on its finding that each of the defaulting respondents' accused products infringe one or more of the asserted claims of the '775 patent as established by substantial, reliable, and probative evidence. The ID also contains the ALJ's recommended determination (''RD'') on remedy and bonding. The RD recommends issuance of a general exclusion order (''GEO'') with respect to the asserted '775 patent. No party petitioned for review of the ID.

On May 2, 2019, the Commission issued notice of its determination not to review the ID. 84 FR 20163–64 (May 8, 2019). On the same date, the Commission requested written submissions on the issues of remedy, the public interest, and bonding from the parties and interested non-parties. *Id.* On May 16, 2019, Bear Archery and OUII each filed a brief regarding remedy, the public interest, and bonding, and on May 23, 2019, OUII filed a reply brief.

The Commission has made its determination on the issues of remedy, the public interest, and bonding. The Commission has determined that the appropriate form of relief is a GEO prohibiting the unlawful entry of full-capture arrow rests and components thereof that infringe one or more of claims 1–2 and 32 of the '775 patent.

The Commission further determined that the public interest factors enumerated in section 337(g)(1) (19 U.S.C. 1337(g)(1)) do not preclude issuance of the GEO. Finally, the Commission determined that there shall be a bond in the amount of 100 percent of the entered value of the covered products during the period of Presidential review (19 U.S.C. 1337(j)). The Commission's order and opinion were delivered to the President and to the United States Trade Representative on the day of their issuance. The Commission has terminated the investigation.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, and in Part 210 of the Commission's Rules of Practice and Procedure, 19 CFR part 210.

By order of the Commission.

Issued: July 15, 2019.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2019–15327 Filed 7–18–19; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Foreign Claims Settlement Commission

[OMB Number 1105–0100]

Agency Information Collection Activities; Proposed Collection Comments Requested; Extension Without Change, of a Previously Approved Collection Claims of U.S. Nationals Referred to the Commission by the Department of State Pursuant to Section 4(A)(1)(C) of the International Claims Settlement Act of 1949

AGENCY: Foreign Claims Settlement Commission, Department of Justice.

ACTION: 60-Day notice.

SUMMARY: The Foreign Claims Settlement Commission (Commission), Department of Justice (DOJ), will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for 60 days until September 17, 2019.

FOR FURTHER INFORMATION CONTACT: If you have additional comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Jeremy LaFrancois, Foreign Claims Settlement Commission, (202) 616–6975, 441 G St. NW, Room 6232, Washington, DC 20579.

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Bureau of Justice Statistics, including whether the information will have practical utility;

—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and

—Minimize the burden of the collection of information on those who are to respond, including through the use of

appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

1. *Type of Information Collection:* Extension of a currently approved collection.

2. *The Title of the Form/Collection:* Statement of Claim for filing of Claims Referred to the Commission under Section 4(a)(1)(C) of the International Claims Settlement Act of 1949.

3. *The agency form number:* FCSC–1. Foreign Claims Settlement Commission, Department of Justice.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Individuals. Other: Corporations. Abstract: Information will be used as a basis for the Commission to receive, examine, adjudicate and render final decisions with respect to claims for compensation of U.S. nationals, referred to the Commission by the Department of State pursuant to section 4(a)(1)(C) of the International Claims Settlement Act of 1949, as amended, 22 U.S.C. 1623(A)(1)(C).

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* It is estimated that 500 individual respondents will complete the application, and that the amount of time estimated for an average respondent to reply is approximately two hours each.

6. *An estimate of the total public burden (in hours) associated with the collection:* 1,000 annual burden hours.

If additional information is required contact: Melody Braswell, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, 3E.405A, Washington, DC 20530.

Dated: July 16, 2019.

Melody Braswell,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2019–15381 Filed 7–18–19; 8:45 am]

BILLING CODE 4410–BA–P

DEPARTMENT OF JUSTICE

[OMB Number 1123–0013]

Agency Information Collection Activities; Proposed eCollection eComments Requested; United States Victims of State Sponsored Terrorism Fund Application Form

AGENCY: Criminal Division, U.S. Department of Justice.

ACTION: 60-Day notice.

SUMMARY: The U.S. Department of Justice, Criminal Division, United States Victims of State Sponsored Terrorism Fund, will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for 60 days until September 17, 2019.

FOR FURTHER INFORMATION CONTACT: Additional comments especially on the estimated public burden or associated response time, suggestions, or need for a copy of the proposed information collection instrument with instructions, or additional information, should be directed to either the Special Master, United States Victims of State Sponsored Terrorism Fund, or the Chief, Program Management and Training Unit, Money Laundering and Asset Recovery Section, Criminal Division, U.S. Department of Justice, 950 Pennsylvania Avenue NW, Washington, DC 20530–0001, telephone (202) 353–2046.

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

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. Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; 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. *The Title of the Form/Collection:* Application Form for the U.S. Victims of State Sponsored Terrorism Fund.

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* Form number: N/A. The U.S. Victims of State Sponsored Terrorism Fund, U.S. Department of Justice, Criminal Division.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:* The U.S. Victims of State Sponsored Terrorism Fund (''USVSST Fund'') was established to provide compensation to certain individuals who were injured as a result of acts of international terrorism by a state sponsor of terrorism. Under the Justice for United States Victims of State Sponsored Terrorism Act (''Act''), 34 U.S.C. 20144(c), an eligible claimant is (1) a U.S. person, as defined in 34 U.S.C. 20144(j)(8), with a final judgment issued by a U.S. district court under state or federal law against a state sponsor of terrorism and arising from an act of international terrorism, for which the foreign state was found not immune under provisions of the Foreign Sovereign Immunities Act, codified at 28 U.S.C. 1605A or 1605(a)(7) (as such section was in effect on January 27, 2008); (2) a U.S. person, as defined in 34 U.S.C. 20144(j)(8), who was taken and held hostage from the United States Embassy in Tehran, Iran, during the period beginning November 4, 1979, and ending January 20, 1981, or the spouse and child of that U.S. person at that time, and who is also identified as a member of the proposed class in case number 1:00–CV–03110 (EGS) of the United States District Court for the District of Columbia; or (3) the personal representative of a deceased individual in either of those two categories.

The information collected from the USVSST Fund's Application Form will be used to determine whether applicants are eligible for compensation from the USVSST Fund, and if so, the amount of compensation to be awarded. The Application Form consists of parts related to eligibility and compensation. The eligibility parts seek the information required by the Act to determine whether a claimant is eligible

for payment from the USVSST Fund, including information related to participation in federal lawsuits against a state sponsor of terrorism under the Foreign Sovereign Immunities Act. The compensation parts seek the information required by the Justice for Victims of State Sponsored Terrorism Act to determine the amount of compensation for which the claimant is eligible. Specifically, the compensation parts seek information regarding any payments from sources other than the USVSST Fund that the claimant received, is entitled to receive, or is scheduled to receive, as a result of the act of international terrorism by a state sponsor of terrorism and the amount of compensatory damages awarded the claimant in a final judgment.

5. *An estimate of the total number of applicants and the amount of time estimated for an average applicant to respond:* It is estimated that 700 respondents may complete the Application Form. It is estimated that respondents will complete the paper form or the electronic form in an average of 1.5 hours.

6. *An estimate of the total public burden (in hours) associated with the collection:* The estimated public burden associated with this collection is 1,050 hours.

If additional information is required contact: Melody Braswell, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, 3E.405A, Washington, DC 20530.

Dated: July 16, 2019.

Melody Braswell,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2019–15382 Filed 7–18–19; 8:45 am]

BILLING CODE 4410–14–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Settlement Agreement Resolving Proofs of Claim Under the Comprehensive Environmental Response, Compensation, and Liability Act and Other Proofs of Claim

On July 15, 2019, the Department of Justice lodged a proposed Settlement Agreement with the United States Bankruptcy Court for the Southern District of New York in the bankruptcy proceeding entitled *In re Magnesium Corporation of America, et al.,* No. 01–14312 (MKV).

Under the Settlement Agreement, the trustee for the estates of debtors Magnesium Corporation of America and Renco Metals, Inc. has agreed to allow: (1) The United States Environmental Protection Agency's (''EPA'') proof of claim under the Comprehensive Environmental Response, Compensation, and Liability Act (''CERCLA''), 42 U.S.C. 9601–75, for unreimbursed past and future response costs in connection with US Magnesium Superfund Site (the ''Site'') in Rowley, Utah, in the amount of $74,557,634.00; (2) the United States Department of the Interior's (''DOI'') proof of claim under CERCLA for unreimbursed past and future response costs in connection with the Site in the amount of $1,351,822.00; (3) DOI's proof of claim for damages under CERCLA for injuries to natural resources at and around the Site in the amount of $965,818.00; and (4) DOI's proof of claim for amounts due for unpaid rent and reclamation of land owned by the United States that MagCorp used in connection with its operations and for minerals mined from United States land without authorization in the amount of $5,156,544. The United States will receive a distribution of at least $22,886,117 on EPA's allowed claim, which will be used in connection with remediation of environmental contamination the Site. Additionally, a distribution of $5,866,825 on the claims of other settling parties, US Magnesium, LLC (the current operator of the magnesium production facility at the Site), and its parent entities, will be placed into an escrow account and used exclusively for environmental remediation at the Site. The United States will also receive a distribution of at least $5,773,485 in the aggregate on DOI's allowed claims.

The publication of this notice opens a period for public comment on the Settlement Agreement. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *In re Magnesium Corporation of America,* Bankr. Case No. 01–14312 (MKV), D.J. Ref. No. 90–7–1–06980/1. 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 Settlement Agreement may be examined and downloaded at this Justice Department website: *http://www.usdoj.gov/enrd/Consent_Decrees.html.* We will provide a paper copy of the Settlement 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 $13.25 (25 cents per page reproduction cost) payable to the United States Treasury.

Jeffrey Sands,

Assistant Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2019–15385 Filed 7–18–19; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF LABOR

Employment and Training Administration

Agency Information Collection Activities; Comment Request; Financial Report Form ETA–9130

ACTION: Notice.

SUMMARY: The Department of Labor's (DOL's) Employment and Training Administration (ETA) is soliciting comments concerning a proposed revision to the authority to conduct the information collection request (ICR) titled, ''Financial Report Form ETA–9130.'' 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 September 17, 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 Latonya Torrence by telephone at 202–693–3708 (this is not a toll-free number), TTY 1–877–889–5627 (this is not a toll-free number), or by email at *Torrence.Latonya@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 Grants Management, 200 Constitution Avenue

NW, Room N–4716, Washington, DC 20210; by email: *Torrence.Latonya@dol.gov;* or by Fax 202–693–2705.

FOR FURTHER INFORMATION CONTACT: Latonya Torrence by telephone at 202–693–3708 (this is not a toll-free number) or by email at *Torrence.Latonya@dol.gov.*

Authority: 44 U.S.C. 3506(c)(2)(A).

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 Office of Management and Budget (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.

ETA provides grant recipients with software that reflects the requirements of the ETA–9130 so grant recipients can report the required data electronically. This data collection format permits ETA to evaluate program effectiveness and to monitor and analyze financial activity, while complying with OMB efforts to streamline Federal financial reporting.

The proposed information collection request seeks an extension of the series of ETA–9130 forms (OMB Control No. 1205–0461) grant recipients currently use for financial reporting for all ETA programs. In addition, ETA seeks to add a new reporting line, *Training Expenditures,* to the ETA–9130 forms (A–F) used for the Workforce Innovation and Opportunity Act (WIOA) Adult, Youth, and Dislocated Worker programs. The funds reported in this line item represent the cumulative amount for training services provided to program participants. The following sections of WIOA (Pub. L. 113–128) authorize this information collection:

WIOA Sec. 116. (d)(2)(F)

(2) Contents of State Performance Reports.—

(F) In General.—The performance report for a state should include the average cost per participant of those participants who received career and training services, respectively, during the most recent program year and the three preceding program years

WIOA Sec. 185(c)(1)

(c) Grantee Information Responsbilities

(1) In General.—Each state, each local board, and each recipient receiving funds under this title shall make readily accessible such reports concerning its operations and expenditures as shall be prescribed by the Secretary.

WIOA Sec. 185(d)(1)(D)

(d) Information To Be Included in Reports

(1) In General.—The reports required in subsection (c) shall include information regarding programs and activities carried out under this title pertaining to specified costs of the programs and activities.

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 1205–0461.

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: Revision.

Title of Collection: Financial Report Form ETA–9130.

Form: ETA–9130.

OMB Control Number: 1205–0461.

Affected Public: State workforce agencies, local governments, non-profit organizations, educational institutions, consortia of any and/or all of the above.

Estimated Number of Respondents: 1,000.

Frequency: Quarterly.

Total Estimated Annual Responses: 20,000.

Estimated Average Time per Response: ¾ hour.

Estimated Total Annual Burden Hours: 15,000 hours.

Total Estimated Annual Other Cost Burden: $0.

Molly E. Conway,

Acting Assistant Secretary for Employment and Training.

[FR Doc. 2019–15342 Filed 7–18–19; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

Renewal of the Native American Employment and Training Council (NAETC) Charter

AGENCY: Employment and Training Administration (ETA), Labor.

ACTION: Renewal of the Native American Employment and Training Council (NAETC) Charter.

SUMMARY: The Secretary of Labor (Secretary) has renewed the charter for NAETC. The new charter will expire 2 years from the filing date.

FOR FURTHER INFORMATION CONTACT: Athena Brown, Designated Federal Officer, by phone at (202) 693–3737, or by email at *brown.athena@dol.gov.*

SUPPLEMENTARY INFORMATION: The Department of Labor (the Department or DOL) announces the renewal of the charter for NAETC, established under the Workforce Innovation and Opportunity Act (WIOA), Section 166(i)(4), (29 U.S.C. 3221(i)(4)). Congress established NAETC to advise the Secretary on the operation and administration of the WIOA Section 166 Indian and Native American Employment and Training programs. In addition, the NAETC advises the Secretary on matters that promote the

employment and training needs of Indians and Native Americans, as well as to enhance the quality of life in accordance with the Indian Self-Determination and Education Assistance Act. The NAETC also provides guidance to the Secretary on how to make DOL discretionary funding and other special initiatives more accessible to federally recognized tribes, Alaska Native entities, and Native Hawaiian organizations. NAETC operates in accordance with the Federal Advisory Committee Act (FACA), as amended, (5 U.S.C. App), Secretary of Labor's Order 04–2018 (83 FR 35680, July 27, 2018, and Chapter 1600 of Department of Labor Manual Series 3 (7/18/2016). The new charter updates the procedures for appointment of individuals to Department of Labor advisory committees.

Molly E. Conway,

Acting Assistant Secretary for Employment and Training, Labor.

[FR Doc. 2019–15336 Filed 7–18–19; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Consumer Expenditure Surveys: Quarterly Interview and Diary

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting the Bureau of Labor Statistics (BLS) sponsored information collection request (ICR) revision titled, ''Consumer Expenditure Surveys: Quarterly Interview and Diary,'' to the Office of Management and Budget (OMB) for review and approval for use in accordance with the Paperwork Reduction Act (PRA) of 1995. Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that agency receives on or before August 19, 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 of charge from the *RegInfo.gov* website at *http://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201903-1220-001* (this link will only become active on the day following publication of this notice) or by contacting Frederick Licari by telephone at 202–693–8073, TTY 202–693–8064, (these are not toll-free numbers) or sending an email to *DOL_PRA_PUBLIC@dol.gov.*

Submit comments about this request by mail to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for DOL–BLS, Office of Management and Budget, Room 10235, 725 17th Street NW, Washington, DC 20503; by Fax: 202–395–5806 (this is not a toll-free number); or by email: *OIRA_submission@omb.eop.gov.* Commenters are encouraged, but not required, to send a courtesy copy of any comments by mail or courier to the U.S. Department of Labor—OASAM, Office of the Chief Information Officer, Attn: Departmental Information Compliance Management Program, Room N1301, 200 Constitution Avenue NW, Washington, DC 20210; or by email: *DOL_PRA_PUBLIC@dol.gov.*

FOR FURTHER INFORMATION CONTACT: Frederick Licari by telephone at 202–693–8073, TTY 202–693–8064, (these are not toll-free numbers) or sending an email to *DOL_PRA_PUBLIC@dol.gov.*

SUPPLEMENTARY INFORMATION: This ICR seeks approval under the PRA for revisions to the Consumer Expenditure Surveys: Quarterly Interview and Diary. The Consumer Expenditure Surveys are used to gather information on expenditures, income, and other related subjects. These data are used to periodically update the national Consumer Price Index. In addition the data are used by a variety of researchers in academia, government agencies, and the private sector. The data are collected from a national probability sample of households designed to represent the total civilian non-institutional population. In order to accommodate Large Scale Feasibility Online Diary test, several modifications will be made to production procedures and collection including the addition of two question relating to internet access, implementation of an online Diary, and the addition of debriefing questions. The study will obtain an expected 1,200 completed cases. The large sample size is needed in order to perform statistically significant analysis of any differences in data quality between the online diaries and production (paper) diaries prior to full production implementation. The study sample will be further divided into two groups, with one group receiving a $5 incentive. The CPI program is changing its source of outlet frame information from the Telephone Point of Purchase Survey (TPOPS) to the CEQ and CED surveys. As a result, the sample size for the CE surveys will increase. The BLS conducts the CE Surveys under the authority of Title 29, Section 2 of the United States Code.

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 the OMB, under the PRA, approves it 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. The DOL obtains OMB approval for this information collection under Control Number 1220–0050. The current approval is scheduled to expire on December 31, 2021; however, the DOL notes that existing information collection requirements submitted to the OMB will receive a month-to-month extension while they undergo review. New requirements would only take effect upon OMB approval. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on March 14, 2019 (84 FR 9383).

Interested parties are encouraged to send comments to the OMB, Office of Information and Regulatory Affairs at the address shown in the **ADDRESSES** section within thirty (30) days of publication of this notice in the **Federal Register**. In order to help ensure appropriate consideration, comments should mention OMB Control Number 1220–0050. The OMB 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–BLS.

Title of Collection: Consumer Expenditure Surveys: Quarterly Interview and Diary.

OMB Control Number: 1220–0050.

Affected Public: Individuals or Households.

Total Estimated Number of Respondents: 13,801.

Total Estimated Number of Responses: 59,536.

Total Estimated Annual Time Burden: 52,337 hours.

Total Estimated Annual Other Costs Burden: $0.

Authority: 44 U.S.C. 3507(a)(1)(D).

Dated: July 12, 2019.

Frederick Licari,

Departmental Clearance Officer.

[FR Doc. 2019–15363 Filed 7–18–19; 8:45 am]

BILLING CODE 4510–24–P

DEPARTMENT OF LABOR

Mine Safety and Health Administration

Affirmative Decisions on Petitions for Modification Granted in Whole or in Part

AGENCY: Mine Safety and Health Administration (MSHA), Labor.

ACTION: Notice.

SUMMARY: The Federal Mine Safety and Health Act of 1977 and the Code of Federal Regulations govern the application, processing, and disposition of petitions for modification. This **Federal Register** notice notifies the public that MSHA has investigated and issued a final decision on certain mine operator petitions to modify a safety standard.

ADDRESSES: Copies of the final decisions are posted on MSHA's website at *https://www.msha.gov/regulations/rulemaking/petitions-modification.* The public may inspect the petitions and final decisions during normal business hours in MSHA's Office of Standards, Regulations, and Variances, 201 12th Street South, Suite 4E401, Arlington, Virginia 22202. All visitors are required to check in at the receptionist's desk in Suite 4E401.

FOR FURTHER INFORMATION CONTACT: Sheila McConnell, 202–693–9440 (voice), *mcconnell.sheila.a@dol.gov* (email), or 202–693–9441 (fax). [These are not toll-free numbers.]

SUPPLEMENTARY INFORMATION:

I. Introduction

Under section 101 of the Federal Mine Safety and Health Act of 1977, a mine operator may petition and the Secretary of Labor (Secretary) may modify the application of a mandatory safety standard to that mine if the Secretary determines that: (1) An alternative method exists that will guarantee no less protection for the miners affected than that provided by the standard; or (2) the application of the standard will result in a diminution of safety to the affected miners.

MSHA bases the final decision on the petitioner's statements, any comments and information submitted by interested persons, and a field investigation of the conditions at the mine. In some instances, MSHA may approve a petition for modification on the condition that the mine operator complies with other requirements noted in the decision.

II. Granted Petitions for Modification

On the basis of the findings of MSHA's investigation, and as designee of the Secretary, MSHA has granted or partially granted the following petitions for modification:

• *Docket Number:* M–2012–147–C.
FR Notice: 77 FR 42015 (7/17/2012).
Petitioner: Marshall County Coal Company (formerly McElroy Coal Company), Three Gateway Center, Suite 1340, 401 Liberty Avenue, Pittsburgh, Pennsylvania 15222.
Mine: Marshall County Mine, MSHA I.D. No. 46–01437, located in Marshall County, West Virginia.
Regulation Affected: 30 CFR 75.507–1(a) (Electric equipment other than power-connection points; outby the last open crosscut; return air; permissibility requirements).

• *Docket Number:* M–2012–158–C.
FR Notice: 77 FR 57158 (9/17/2012).
Petitioner: Blue Mountain Energy, Inc., 3607 County Road #65, Rangely, Colorado 81648.
Mine: Deserado Mine, MSHA I.D. No. 05–03505, located in Rio Blanco County, Colorado.
Regulation Affected: 30 CFR 75.500(d) (Permissible electric equipment).

• *Docket Number:* M–2012–159–C.
FR Notice: 77 FR 57158 (9/17/2012).
Petitioner: Blue Mountain Energy, Inc., 3607 County Road #65, Rangely, Colorado 81648.
Mine: Deserado Mine, MSHA I.D. No. 05–03505, located in Rio Blanco County, Colorado.
Regulation Affected: 30 CFR 75.507–1(a) (Electric equipment other than power-connection points; outby the last open crosscut; return air; permissibility requirements).

• *Docket Number:* M–2012–160–C.
FR Notice: 77 FR 57159 (9/17/2012).
Petitioner: Blue Mountain Energy, Inc., 3607 County Road #65, Rangely, Colorado 81648.
Mine: Deserado Mine, MSHA I.D. No. 05–03505, located in Rio Blanco County, Colorado.
Regulation Affected: 30 CFR 75.1002(a) (Installation of electric equipment and conductors; permissibility).

• *Docket Number:* M–2013–012–C.
FR Notice: 78 FR 13093 (2/26/2013).
Petitioner: Peabody Midwest Mining, LLC, Three Gateway Center, Suite 1500, 40l Liberty Avenue, Pittsburgh, Pennsylvania 15222.
Mine: Wildcat Hills Mine-Underground, MSHA I.D. No. 11–03156, located in Saline County, Illinois.
Regulation Affected: 30 CFR 75.507–1(a) (Electric equipment other than power-connection points; outby the last open crosscut; return air; permissibility requirements).

• *Docket Number:* M–2013–013–C.
FR Notice: 78 FR 13094 (2/26/2013).
Petitioner: Peabody Midwest Mining, LLC, Three Gateway Center, Suite 1500, 40l Liberty Avenue, Pittsburgh, Pennsylvania 15222.
Mine: Wildcat Hills Mine-Underground, MSHA I.D. No. 11–03156, located in Saline County, Illinois.
Regulation Affected: 30 CFR 75.1002(a) (Installation of electric equipment and conductors; permissibility).

• *Docket Number:* M–2013–032–C.
FR Notice: 78 FR 49778 (8/15/2013).
Petitioner: Wolf Run Mining, LLC, 21550 Barbour County Hwy., Philippi, West Virginia 26416.
Mine: Sentinel Mine, MSHA I.D. No. 46–04168, located in Barbour County, West Virginia.
Regulation Affected: 30 CFR 75.500(d) (Permissible electric equipment).

• *Docket Number:* M–2013–033–C.
FR Notice: 78 FR 49779 (8/15/2013).
Petitioner: Wolf Run Mining, LLC, 21550 Barbour County Hwy., Philippi, West Virginia 26416.
Mine: Sentinel Mine, MSHA I.D. No. 46–04168, located in Barbour County, West Virginia.
Regulation Affected: 30 CFR 75.507–1(a) (Electric equipment other than power-connection points; outby the last open crosscut; return air; permissibility requirements).

• *Docket Number:* M–2013–034–C.
FR Notice: 78 FR 49779 (8/15/2013).
Petitioner: Wolf Run Mining, LLC, 21550 Barbour County Hwy., Philippi, West Virginia 26416.
Mine: Sentinel Mine, MSHA I.D. No. 46–04168, located in Barbour County, West Virginia.
Regulation Affected: 30 CFR 75.1002(a) (Installation of electric

equipment and conductors; permissibility).

• *Docket Number:* M–2014–010–C.
FR Notice: 79 FR 30173 (5/27/2014).
Petitioner: Bridger Coal Company, P.O. Box 68, Point of Rocks, Wyoming 82942.
Mine: Bridger Underground Coal Mine, MSHA I.D. No. 48–01646, located in Sweetwater County, Wyoming.
Regulation Affected: 30 CFR 75.500(d) (Permissible electric equipment).

• *Docket Number:* M–2015–019–C.
FR Notice: 80 FR 67428 (11/2/2015).
Petitioner: Utah American Energy, Inc., 794 North ''C'' Canyon Road, East Carbon, Utah 84520.
Mine: Lila Canyon Mine, MSHA I.D. No. 42–02241, located in Emery County, Utah.
Regulation Affected: 30 CFR 75.500(d) (Permissible electric equipment).

• *Docket Number:* M–2015–020–C.
FR Notice: 80 FR 67430 (11/2/2015).
Petitioner: Utah American Energy, Inc., 794 North ''C'' Canyon Road, East Carbon, Utah 84520.
Mine: Lila Canyon Mine, MSHA I.D. No. 42–02241, located in Carbon County, Utah.
Regulation Affected: 30 CFR 75.507–1(a) (Electric equipment other than power-connection points; outby the last open crosscut; return air; permissibility requirements).

• *Docket Number:* M–2015–021–C.
FR Notice: 80 FR 67431 (11/2/2015).
Petitioner: Utah American Energy, Inc., 794 North ''C'' Canyon Road, East Carbon, Utah 84520.
Mine: Lila Canyon Mine, MSHA I.D. No. 42–02241, located in Carbon County, Utah.
Regulation Affected: 30 CFR 75.1002(a) (Installation of electric equipment and conductors; permissibility).

• *Docket Number:* M–2016–023–C.
FR Notice: 81 FR 47421 (7/21/2016).
Petitioner: Utah American Energy, Inc., 794 North ''C'' Canyon Road, East Carbon, Utah 84520.
Mine: Lila Canyon Mine, MSHA I.D. No. 42–02241, located in Carbon County, Utah.
Regulation Affected: 30 CFR 75.1002(a) (Installation of electric equipment and conductors; permissibility).

• *Docket Number:* M–2016–028–C.
FR Notice: 81 FR 79522 (11/14/2016).
Petitioner: River View Coal, LLC, 835 State Route 1179, Waverly, Kentucky 42462.
Mine: River View Mine, MSHA I.D. No. 15–19374, located in Union County, Kentucky.
Regulation Affected: 30 CFR 75.500(d) (Permissible electric equipment).

• *Docket Number:* M–2016–029–C.
FR Notice: 81 FR 79522 (11/14/2016).
Petitioner: River View Coal, LLC, 835 State Route 1179, Waverly, Kentucky 42462.
Mine: River View Mine, MSHA I.D. No. 15–19374, located in Union County, Kentucky.
Regulation Affected: 30 CFR 75.507–1(a) (Electric equipment other than power-connection points; outby the last open crosscut; return air; permissibility requirements).

• *Docket Number:* M–2017–023–C.
FR Notice: 82 FR 60046 (12/18/2017).
Petitioner: Bronco Utah Operations, LLC, P.O. Box 527, Emery, Utah 84522.
Mine: Emery Mine, MSHA I.D. No. 42–00079, located in Emery County, Utah.
Regulation Affected: 30 CFR 75.1002(a) (Installation of electric equipment and conductors; permissibility).

• *Docket Number:* M–2017–024–C.
FR Notice: 82 FR 61033 (12/26/2017).
Petitioner: ICG Illinois, LLC, 5945 Lester Road, Williamsville, Illinois 62693.
Mine: Viper Mine, MSHA I.D. No. 11–02664, located in Sangamon County, Illinois.
Regulation Affected: 30 CFR 75.500(d) (Permissible electric equipment).

• *Docket Number:* M–2017–025–C.
FR Notice: 82 FR 61033 (12/26/2017).
Petitioner: ICG Illinois, LLC, 5945 Lester Road, Williamsville, Illinois 62693.
Mine: Viper Mine, MSHA I.D. No. 11–02664, located in Sangamon County, Illinois.
Regulation Affected: 30 CFR 75.507–1(a) (Electric equipment other than power-connection points; outby the last open crosscut; return air; permissibility requirements).

• *Docket Number:* M–2017–027–C.
FR Notice: 82 FR 61332 (12/27/2017).
Petitioner: Bronco Utah Operations, LLC, P.O. Box 527, Emery, Utah 84522.
Mine: Emery Mine, MSHA I.D. No. 42–00079, located in Emery County, Utah.
Regulation Affected: 30 CFR 75.500(d) (Permissible electric equipment).

• *Docket Number:* M–2017–028–C.
FR Notice: 82 FR 61333 (12/27/2017).
Petitioner: Bronco Utah Operations, LLC, P.O. Box 527, Emery, Utah 84522.
Mine: Emery Mine, MSHA I.D. No. 42–00079, located in Emery County, Utah.
Regulation Affected: 30 CFR 75.507–1(a) (Electric equipment other than power-connection points; outby the last open crosscut; return air; permissibility requirements).

• *Docket Number:* M–2017–029–C.
FR Notice: 82 FR 61333 (12/27/2017).
Petitioner: Bronco Utah Operations, LLC, P.O. Box 527, Emery, Utah 84522.
Mine: Emery Mine, MSHA I.D. No. 42–00079, located in Emery County, Utah.
Regulation Affected: 30 CFR 75.1002(a) (Installation of electric equipment and conductors; permissibility).

• *Docket Number:* M–2017–030–C.
FR Notice: 83 FR 3027 (1/22/2018).
Petitioner: Bronco Utah Operations, LLC, P.O. Box 527, Emery, Utah 84522.
Mine: Emery Mine, MSHA I.D. No. 42–00079, located in Emery County, Utah.
Regulation Affected: 30 CFR 75.500(d) (Permissible electric equipment).

• *Docket Number:* M–2018–015–C.
FR Notice: 83 FR 29141 (6/22/2018).
Petitioner: Spartan Mining Company, LLC, 500 Lee Street East, Suite 701, Charleston, West Virginia 25329.
Mine: Rod Fork #52 Mine, MSHA I.D. No. 46–09522, located in Wyoming County, West Virginia.
Regulation Affected: 30 CFR 75.1700 (Oil and gas wells).

• *Docket Number:* M–2016–005–M.
FR Notice: 81 FR 55489 (8/19/2016).
Petitioner: United Salt Hockley, LLC, 14002 Warren Ranch Road, Hockley, Texas 77447.
Mine: Hockley Mine, MSHA I.D. No. 41–02478, located in Harris County, Texas.
Regulation Affected: 30 CFR 57.4760 (Shaft mines).

• *Docket Number:* M–2017–001–M.
FR Notice: 82 FR 23308 (5/22/2017).
Petitioner: Solvay Chemicals, Inc., P.O. Box 1167, 400 County Road 85, Green River, Wyoming 82935.
Mine: Solvay Chemicals Mine, MSHA I.D. No. 48–01295, located in Sweetwater County, Wyoming.
Regulation Affected: 30 CFR 57.22305 (Approved equipment (III mines)).

• *Docket Number:* M–2018–005–M.
FR Notice: 83 FR 23943 (5/23/2018).
Petitioner: Solvay Chemicals, Inc., P.O. Box 1167, 400 County Road 85, Green River, Wyoming 82935.
Mine: Solvay Chemicals Mine, MSHA I.D. No. 48–01295, located in Sweetwater County, Wyoming.
Regulation Affected: 30 CFR 57.4760 (Shaft mines).

Sheila McConnell,

Director, Office of Standards, Regulations, and Variances.

[FR Doc. 2019–15349 Filed 7–18–19; 8:45 am]

BILLING CODE 4520–43–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA–2007–0043]

TUV SUD America, Inc.: Application for Expansion of Recognition

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Notice.

SUMMARY: In this notice, OSHA announces the application of TUV SUD America, Inc., for expansion of the scope of recognition as a Nationally Recognized Testing Laboratory (NRTL) and presents the agency's preliminary finding to grant the application.

DATES: Submit comments, information, and documents in response to this notice, or requests for an extension of time to make a submission, on or before August 5, 2019.

ADDRESSES: Submit comments by any of the following methods:

Electronically: You may submit comments and attachments electronically at: *https://www.regulations.gov,* which is the Federal eRulemaking Portal. Follow the instructions online for submitting comments.

Facsimile: If your comments, including attachments, are not longer than 10 pages, you may fax them to the OSHA Docket Office at (202) 693–1648.

Mail, hand delivery, express mail, messenger, or courier service: When using this method, you must submit a copy of your comments and attachments to the OSHA Docket Office, Docket No. OSHA–2007–0043, Occupational Safety and Health Administration, U.S. Department of Labor, Room N–3653, 200 Constitution Avenue NW, Washington, DC 20210. Deliveries (hand, express mail, messenger, and courier service) are accepted during the Docket Office's normal business hours, 10:00 a.m. to 3:00 p.m., ET.

Instructions: All submissions must include the agency name and OSHA docket number (OSHA–2007–0043). All comments, including any personal information you provide, are placed in the public docket without change, and may be made available online at *https://www.regulations.gov.* Therefore, the agency cautions commenters about submitting statements they do not want made available to the public, or submitting comments that contain personal information (either about themselves or others) such as Social Security numbers, birth dates, and medical data.

Docket: To read or download comments or other material in the docket, go to *https://www.regulations.gov* or the OSHA Docket Office at the above address. All documents in the docket (including this **Federal Register** notice) are listed in the *https://www.regulations.gov* index; however, some information (*e.g.,* copyrighted material) is not publicly available to read or download through the website. All submissions, including copyrighted material, are available for inspection at the OSHA Docket Office. Contact the OSHA Docket Office for assistance in locating docket submissions.

Extension of comment period: Submit requests for an extension of the comment period on or before August 5, 2019 to the Office of Technical Programs and Coordination Activities, Directorate of Technical Support and Emergency Management, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue NW, Room N–3653, Washington, DC 20210, or by fax to (202) 693–1644.

FOR FURTHER INFORMATION CONTACT: Information regarding this notice is available from the following sources:

Press inquiries: Contact Mr. Frank Meilinger, Director, OSHA Office of Communications, U.S. Department of Labor, telephone: (202) 693–1999; email: *meilinger.francis2@dol.gov.*

General and technical information: Contact Mr. Kevin Robinson, Director, Office of Technical Programs and Coordination Activities, Directorate of Technical Support and Emergency Management, Occupational Safety and Health Administration, U.S. Department of Labor, phone: (202) 693–2110 or email: *robinson.kevin@dol.gov.*

SUPPLEMENTARY INFORMATION:

I. Notice of the Application for Expansion

The Occupational Safety and Health Administration is providing notice that TUV SUD America, Inc. (TUVAM), is applying for expansion of current recognition as a NRTL. TUVAM requests the addition of one recognized testing and certification site to its NRTL scope of recognition.

OSHA recognition of a NRTL signifies that the organization meets the requirements specified in 29 CFR 1910.7. Recognition is an acknowledgment that the organization can perform independent safety testing and certification of the specific products covered within the scope of recognition. Each NRTL's scope of recognition includes (1) the type of products the NRTL may test, with each type specified by the applicable test standard and (2) the recognized site(s) that has/have the technical capability to perform the product-testing and product-certification activities for test standards within the NRTL's scope. Recognition is not a delegation or grant of government authority; however, recognition enables employers to use products approved by the NRTL to meet OSHA standards that require product testing and certification.

The agency processes applications by a NRTL for initial recognition and for an expansion or renewal of this recognition, following requirements in Appendix A to 29 CFR 1910.7. This appendix requires that the agency publish two notices in the **Federal Register** in processing an application. In the first notice, OSHA announces the application and provides the preliminary finding. In the second notice, the agency provides the final decision on the application. These notices set forth the NRTL's scope of recognition or modifications of that scope. OSHA maintains an informational web page for each NRTL, including TUVAM, which details the NRTL's scope of recognition. These pages are available from the OSHA website at *http://www.osha.gov/dts/otpca/nrtl/index.html.*

TUVAM currently has six facilities (sites) recognized by OSHA for product testing and certification, with headquarters located at: TUV SUD America, Inc., 10 Technology Drive, Peabody, Massachusetts 01960. A complete list of TUVAM sites recognized by OSHA is available at *https://www.osha.gov/dts/otpca/nrtl/tuvam.html.*

II. General Background on the Application

TUVAM submitted an application, dated June 29, 2018 (OSHA–2007–0043–0027) to expand recognition to include the addition of one recognized testing and certification site located at: TUV SUD Certification and Testing (China) Co. Ltd. Shanghai Branch 3–13, No. 151 Heng Tong Road, Shanghai 200070, P.R. China. OSHA staff performed an on-site review of TUVAM's testing facilities on April 19–20, 2018 at TUV SUD Shanghai in which the assessors found some nonconformances with the requirements of 29 CFR 1910.7. TUVAM addressed these nonconformances satisfactorily, and OSHA has made a preliminary decision to approve the application.

III. Preliminary Finding on the Application

TUVAM submitted an acceptable application for expansion of its scope of recognition. OSHA's review of the application files and detailed on-site assessments indicate that TUVAM can meet the requirements prescribed by 29 CFR 1910.7 for expanding recognition to include the addition of one recognized testing and certification site. This preliminary finding does not constitute an interim or temporary approval of TUVAM's application.

OSHA welcomes public comment as to whether TUVAM meets the requirements of 29 CFR 1910.7 for expansion of its recognition as a NRTL. Comments should consist of pertinent written documents and exhibits. Commenters needing more time to comment must submit a request in writing, stating the reasons for the request by the due date for comments. OSHA will limit any extension to 10 days unless the requester justifies a longer time period. OSHA may deny a request for an extension if it is not adequately justified. To obtain or review copies of the exhibits identified in this notice, as well as comments submitted to the docket, contact the Docket Office, Occupational Safety and Health Administration, U.S. Department of Labor, listed in **ADDRESSES**. These materials also are available online at *https://www.regulations.gov* under Docket No. OSHA–2007–0043.

OSHA staff will review all comments to the docket submitted in a timely manner. After addressing the issues raised by these comments, staff will make a recommendation to the Assistant Secretary for Occupational Safety and Health on whether to grant TUVAM's application for expansion of its scope of recognition. The Assistant Secretary will make the final decision on granting the application. In making this decision, the Assistant Secretary may undertake other proceedings prescribed in Appendix A to 29 CFR 1910.7.

OSHA will publish a public notice of this final decision in the **Federal Register**.

IV. Authority and Signature

Loren Sweatt, Acting Assistant Secretary of Labor for Occupational Safety and Health, authorized the preparation of this notice. Accordingly, the agency is issuing this notice pursuant to 29 U.S.C. 657(g)(2), Secretary of Labor's Order No. 1–2012 (77 FR 3912, Jan. 25, 2012), and 29 CFR 1910.7.

Signed at Washington, DC, on July 5, 2019.

Loren Sweatt,

Acting Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2019–15384 Filed 7–18–19; 8:45 am]

BILLING CODE 4510–26–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 52–025 and 52–026; NRC–2008–0252]

Southern Nuclear Operating Company, Inc.; Vogtle Electric Generating Plant, Units 3 and 4; Inspections, Tests, Analyses, and Acceptance Criteria

AGENCY: Nuclear Regulatory Commission.

ACTION: Determination of the successful completion of inspections, tests, and analyses.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) staff has determined that specified inspections, tests, and analyses have been successfully completed, and that specified acceptance criteria are met for the Vogtle Electric Generating Plant (VEGP), Units 3 and 4.

DATES: Determinations of the successful completion of inspections, tests, and analyses for VEGP Units 3 and 4 are effective on the dates indicated in the NRC staff's verification evaluation forms for the inspections, tests, analyses, and acceptance criteria (ITAAC).

ADDRESSES: Please refer to Docket ID NRC–2008–0252 when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available information related to this document using any of the following methods:

- *Federal Rulemaking Website:* Go to *https://www.regulations.gov/* and search for Docket ID NRC–2008–0252. Address questions about NRC docket IDs to Jennifer Borges; telephone: 301–287–9127; email: *Jennifer.Borges@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at *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.* The ADAMS accession number for each document referenced in this document (if that document is available in ADAMS) is provided the first time that a document is referenced.
- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

FOR FURTHER INFORMATION CONTACT: Chandu Patel, Office of New Reactors, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–3025; email: Chandu.*Patel@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Licensee Notification of Completion of ITAAC

Southern Nuclear Operating Company, Inc. (SNC), Georgia Power Company, Oglethorpe Power Corporation, MEAG Power SPVM, LLC., MEAG Power SPVJ, LLC., MEAG Power SPVP, LLC., and the City of Dalton, Georgia, (hereafter called the licensee) has submitted ITAAC closure notifications (ICNs) under § 52.99(c)(1) of title 10 of the *Code of Federal Regulations* (10 CFR), informing the NRC that the licensee has successfully performed the required inspections, tests, and analyses, and that the acceptance criteria are met for:

VEGP Unit 3 ITAAC

2.2.03.09a.iii (203), 2.3.02.08a.ii (302), 2.3.04.11 (338), 2.3.07.07b.ii (403), and 3.3.00.02g (775).

VEGP Unit 4 ITAAC

2.3.02.08a.ii (302), and 2.3.05.03b.i (346).

The ITAAC for VEGP Unit 3 are in Appendix C of the VEGP Unit 3 combined license (ADAMS Accession No. ML14100A106). The ITAAC for VEGP Unit 4 are in Appendix C of VEGP Unit 4 combined license (ADAMS Accession No. ML14100A135).

II. Licensee ITAAC Post-Closure Notifications (IPCNs)

Following submittal of the licensee's ITAAC closure notifications until the Commission makes the finding under 10 CFR 52.103(g), 10 CFR 52.99(c)(2) requires that the licensee submit IPCNs notifying the NRC of new information that materially alters the basis for determining either that inspections, tests, or analyses were performed as required, or that acceptance criteria are met. The notification must contain sufficient information to demonstrate

that, notwithstanding the new information, the prescribed inspections, tests, or analyses have been performed as required, and the prescribed acceptance criteria are met. Southern Nuclear Operating Company, Inc. (SNC), Georgia Power Company, Oglethorpe Power Corporation, MEAG Power SPVM, LLC., MEAG Power SPVJ, LLC., MEAG Power SPVP, LLC., and the City of Dalton, Georgia (the licensee) has submitted IPCN(s) under 10 CFR 52.99(c)(2) for:

VEGP Unit 3 ITAAC

2.3.04.08 (335), and 2.3.04.09 (336).

VEGP Unit 4 ITAAC

2.3.04.08 (335), and 2.3.04.09 (336).

The ITAAC for VEGP Unit 3 are in Appendix C of the VEGP Unit 3 combined license (ADAMS Accession No. ML14100A106). The ITAAC for VEGP Unit 4 are in Appendix C of VEGP Unit 4 combined license (ADAMS Accession No. ML14100A135).

III. NRC Staff Determination of Completion of ITAAC

The NRC staff has determined that the specified inspections, tests, and analyses have been successfully completed, and that the specified acceptance criteria are met. The documentation of the NRC staff's determination is in the ITAAC Closure Verification Evaluation Form (VEF) for each ITAAC. The VEF is a form that represents the NRC staff's structured process for reviewing ICNs and IPCNs.

Each ICN presents a narrative description of how the ITAAC was completed. The NRC's ICN review process involves a determination on whether, among other things: (1) Each ICN provides sufficient information, including a summary of the methodology used to perform the ITAAC, to demonstrate that the inspections, tests, and analyses have been successfully completed; (2) each ICN provides sufficient information to demonstrate that the acceptance criteria of the ITAAC are met; and (3) any NRC inspections for the ITAAC have been completed and any ITAAC findings associated with that ITAAC have been closed. The NRC's review process for IPCNs is similar to that for ICNs but focuses on how the licensee addressed the new, material information giving rise to the IPCN.

The NRC staff's determination of the successful completion of these ITAAC is based on information available at this time and is subject to the licensee's ability to maintain the condition that the acceptance criteria are met. If the NRC staff receives new information that suggests the NRC staff's determination on any of these ITAAC is incorrect, then the NRC staff will determine whether to reopen that ITAAC (including withdrawing the NRC staff's determination on that ITAAC). The NRC staff's determination will be used to support a subsequent finding, pursuant to 10 CFR 52.103(g), at the end of construction that all acceptance criteria in the combined license are met. The ITAAC closure process is not finalized for these ITAAC until the NRC makes an affirmative finding under 10 CFR 52.103(g). Any future updates to the status of these ITAAC will be reflected on the NRC's website at *https://www.nrc.gov/reactors/new-reactors/oversight/itaac.html.*

This notice fulfills the NRC staff's obligations under 10 CFR 52.99(e)(1) to publish a notice in the **Federal Register** of the NRC staff's determination of the successful completion of inspections, tests, and analyses.

Vogtle Electric Generating Plant Unit 3, Docket No. 5200025

A complete list of the review status for VEGP Unit 3 ITAAC, including the submission date and ADAMS Accession Number for each ICN received, the ADAMS Accession Number for each VEF, and the ADAMS Accession Numbers for the inspection reports associated with these specific ITAAC, can be found on the NRC's website at *https://www.nrc.gov/reactors/new-reactors/new-licensing-files/vog3-icnsr.pdf.*

Vogtle Electric Generating Plant Unit 4, Docket No. 5200026

A complete list of the review status for VEGP Unit 4 ITAAC, including the submission date and ADAMS Accession Number for each ICN received, the ADAMS Accession Number for each VEF, and the ADAMS Accession Numbers for the inspection reports associated with these specific ITAAC, can be found on the NRC's website at *https://www.nrc.gov/reactors/new-reactors/new-licensing-files/vog4-icnsr.pdf.*

Dated at Rockville, Maryland, this 15th day of July 2019.

For the Nuclear Regulatory Commission.

Jennifer L. Dixon-Herrity,

Chief, Licensing Branch 2, Division of Licensing, Siting, and Environmental Analysis, Office of New Reactors.

[FR Doc. 2019–15325 Filed 7–18–19; 8:45 am]

BILLING CODE 7590–01–P

POSTAL REGULATORY COMMISSION

[Docket Nos. CP2019–5; MC2019–162 and CP2019–182; MC2019–163 and CP2019–183; Docket No. MC2019–164 and CP2019–184]

New Postal Products

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing for the Commission's consideration concerning negotiated service agreements. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* July 22, 2019.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov.* Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

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I. Introduction
II. Docketed Proceeding(s)

I. Introduction

The Commission gives notice that the Postal Service filed request(s) for the Commission to consider matters related to negotiated service agreement(s). The request(s) may propose the addition or removal of a negotiated service agreement from the market dominant or the competitive product list, or the modification of an existing product currently appearing on the market dominant or the competitive product list.

Section II identifies the docket number(s) associated with each Postal Service request, the title of each Postal Service request, the request's acceptance date, and the authority cited by the Postal Service for each request. For each request, the Commission appoints an officer of the Commission to represent the interests of the general public in the proceeding, pursuant to 39 U.S.C. 505 (Public Representative). Section II also establishes comment deadline(s) pertaining to each request.

The public portions of the Postal Service's request(s) can be accessed via the Commission's website (*http://www.prc.gov*). Non-public portions of the Postal Service's request(s), if any,

can be accessed through compliance with the requirements of 39 CFR 3007.301.[1]

The Commission invites comments on whether the Postal Service's request(s) in the captioned docket(s) are consistent with the policies of title 39. For request(s) that the Postal Service states concern market dominant product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3622, 39 U.S.C. 3642, 39 CFR part 3010, and 39 CFR part 3020, subpart B. For request(s) that the Postal Service states concern competitive product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3632, 39 U.S.C. 3633, 39 U.S.C. 3642, 39 CFR part 3015, and 39 CFR part 3020, subpart B. Comment deadline(s) for each request appear in section II.

II. Docketed Proceeding(s)

1. *Docket No(s).:* CP2019–5; *Filing Title:* USPS Notice of Amendment to Priority Mail Contract 469, Filed Under Seal; *Filing Acceptance Date:* July 12, 2019; *Filing Authority:* 39 CFR 3015.5; *Public Representative:* Kenneth R. Moeller; *Comments Due:* July 22, 2019.

2. *Docket No(s).:* MC2019–162 and CP2019–182; *Filing Title:* USPS Request to Add Priority Mail Express Contract 78 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* July 12, 2019; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3020.30 *et seq.,* and 39 CFR 3015.5; *Public Representative:* Kenneth R. Moeller; *Comments Due:* July 22, 2019.

3. *Docket No(s).:* MC2019–163 and CP2019–183; *Filing Title:* USPS Request to Add Priority Mail Contract 537 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* July 12, 2019; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3020.30 *et seq.,* and 39 CFR 3015.5; *Public Representative:* Christopher C. Mohr; *Comments Due:* July 22, 2019.

4. *Docket No(s).:* MC2019–164 and CP2019–184; *Filing Title:* USPS Request to Add Priority Mail & First-Class Package Service Contract 107 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* July 12, 2019; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3020.30 *et seq.,* and 39 CFR 3015.5; *Public Representative:* Christopher C. Mohr; *Comments Due:* July 22, 2019.

[1] *See* Docket No. RM2018–3, Order Adopting Final Rules Relating to Non-Public Information, June 27, 2018, Attachment A at 19–22 (Order No. 4679).

This Notice will be published in the **Federal Register**.

Ruth Ann Abrams,

Acting Secretary.

[FR Doc. 2019–15331 Filed 7–18–19; 8:45 am]

BILLING CODE 7710–FW–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–86376; File No. SR–LCH SA–2019–003]

Self-Regulatory Organizations; LCH SA; Order Approving Proposed Rule Change, as Modified by Amendments No. 1 and 2, To Implement Settled-to-Market Treatment of Variation Margin, Permit the Creation of Multiple Account Structures, Permit Select Members to Provide Clearing Services to Affiliated Firms, and Update the Onboarding Procedures

July 15, 2019.

I. Introduction

On May 13, 2019, Banque Centrale de Compensation, which conducts business under the name LCH SA (''LCH SA''), filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] a proposed rule change to amend its rules regarding settled-to-market treatment of variation margin and make other changes. On May 21, 2019, LCH SA filed Amendment No. 1 to the proposed rule change, and on May 24, 2019, LCH SA filed Amendment No. 2 to the proposed rule change.[3] The proposed rule change, as modified by Amendments No. 1 and 2, was published for comment in the **Federal Register** on May 31, 2019.[4] The Commission did not receive comments on the proposed rule change, as modified by Amendments No. 1 and 2. For the reasons discussed below, the Commission is approving the proposed rule change, as modified by Amendments No. 1 and 2.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Amendments No. 1 and 2 both corrected technical issues with the initial filing of the proposed rule change but did not make any changes to the substance of the filing or the text of the proposed rule change.

[4] Securities Exchange Act Release No. 85940 (May 24, 2019), 84 FR 25318 (May 31, 2019) (SR–LCH–SA–2019–003) (''Notice'').

II. Description of the Proposed Rule Change

A. Introduction

The proposed rule change would amend LCH SA's (i) CDS Clearing Rule Book (''Rule Book''), (ii) CDS Clearing Supplement (''Supplement''), and (iii) CDS Clearing Procedures (''Procedures'') (collectively the ''CDS Clearing Rules'') to make the changes discussed below.[5]

First, the proposed rule change would make conforming, clarifying, and clean-up changes intended to implement a settled-to-market treatment of variation margin.

Second, the proposed rule change would permit Clearing Members[6] to create multiple account structures for a single client and multiple trade accounts per client within a single omnibus account structure.

Third, the proposed rule change would permit Select Members[7] to provide client clearing services to their Affiliated Firms.

Fourth, the proposed rule change would make certain clarifications and enhancements to LCH SA's existing onboarding procedures.

Fifth and finally, the proposed rule change would also correct typographical errors, make clean-up changes, and update references to new or revised defined terms.

B. Amendments To Permit Settled-to-Market Treatment for Cleared Transactions

Variation margin is margin exchanged by parties to a CDS transaction as a result of a change in market value of that CDS transaction. The CDS Clearing Rules currently treat variation margin as collateralized-to-market. Under the collateralized-to-market model, parties to a CDS transaction make daily payments of variation margin, and these payments are treated as a transfer of collateral. Parties receiving variation margin pay Price Alignment Interest on the variation margin to the party that paid the variation margin.

[5] Capitalized terms not otherwise defined herein have the meanings assigned to them in the CDS Clearing Rules. This description summarizes the description found in the Notice, 84 FR at 25318.

[6] Clearing Members at LCH SA include Select Members and General Members. At LCH SA, a member may be a ''CCM'' (generally any legal entity admitted as a clearing member in accordance with the CDS Clearing Rules and party to the CDS Admission Agreement) or an ''FCM Clearing Member'' (generally any Futures Commission Merchant (''FCM'') that has been admitted as a clearing member in accordance with the CDS Clearing Rules and is a party to the CDS Admission Agreement but has not elected to become a CCM).

[7] A Select Member is a CCM or an FCM Clearing Member that does not provide CDS Client Clearing Services to Clients other than Affiliated Firms and has been admitted by LCH SA as a Select Member.

The proposed rule change would amend the CDS Clearing Rules to add settled-to-market as a model of characterizing variation margin. Under the settled-to-market model, counterparties to a CDS transaction would make daily payments of variation margin, called ''NPV Payments'', and payments called ''Price Alignment Amount''. The Price Alignment Amount would be economically equivalent to Price Alignment Interest, and would represent the amount that would have been paid if the variation margin were treated as collateral as opposed to a settled amount. Unlike collateralized-to-market payments, settled-to-market payments would be treated as final, not collateral, and the payments would settle the outstanding exposure of the counterparties.

The proposed rule change would permit Clearing Members to classify each of their Trade Accounts as either collateralized-to-market or settled-to-market. The proposed rule change would, as a default, treat Trade Accounts as CTM Trade Accounts where a Clearing Member does not make an election and the Clearing Member is not an FCM or otherwise established under US law. Where the Clearing Member is an FCM or otherwise established under US law, LCH SA would treat its transactions as settled-to-market because, in LCH SA's view, such an approach would be consistent with US regulatory requirements.[8] LCH SA would otherwise classify cleared transactions registered within a Trade Account the same as the Trade Account itself. Moreover, Trade Accounts would only comprise CTM Cleared Transactions or STM Cleared Transactions, but not both simultaneously.

The proposed rule change would allow Clearing Members to request conversion of their collateralized-to-market transactions into settled-to-market transactions by converting the underlying account from a CTM Trade Account into an STM Trade Account. The proposed rule change would only allow such a conversion where: (i) The Converting Clearing Member is not a Defaulting Clearing Member; (ii) the relevant transactions to be converted are not subject to an early termination date; (iii) the conversion request does not violate applicable laws or regulations; (iv) the Converting Clearing Member has satisfied all of its obligations to pay cash and transfer Variation Margin and Collateral; and (v) the Converting Clearing Member has paid to LCH SA, or LCH SA has paid to the Converting Clearing Member (as applicable), any cash settlement amount that LCH SA has determined must be paid to ensure that the net present value of each transaction to be converted equals zero on the date of the conversion. The proposed rule change would only allow such a conversion once and would not allow the conversion to be reversed or revoked.

Under the proposed rule change, settled-to-market processing and payments would operate in the same way they do for collateralized-to-market under the current rules. Specifically, for STM Cleared Transactions, either the Clearing Member or LCH SA, as appropriate and described in more detail below, would make a payment, called the NPV Amount, to account for the variation of the market value of the CDS. LCH SA would calculate the NPV Amount based on the net present value of the transaction, and LCH SA would derive this value from the End of Day Contributed Prices provided to LCH SA. Unless otherwise agreed between the Clearing Member and LCH SA, the net present value of the transaction would begin at zero. After determining the net present value of the transaction, LCH SA would then reset the net present of the transaction back to zero.

If LCH SA determines that the value of the STM Cleared Transaction has increased, LCH SA would pay cash to the Clearing Member (the NPV Amount) denominated in the same currency as the transaction and equal to the amount of the increase in the net present value. If the net present value has decreased, then the Clearing Member would make a corresponding payment to LCH SA. If there is no change in net present value, then no payments would be required. The proposed rule change would clarify that, for the avoidance of doubt, an ''increase'' in the net present value would mean the value of an STM Cleared Transaction has moved in favor of the Clearing Member since the immediately preceding reset, while a ''decrease'' would mean the value of an STM Cleared Transaction has moved against the Clearing Member since the immediately preceding reset.

In addition to specifying payment of the NPV Amount, the proposed rule change would outline the specific operational steps required to facilitate accounting for the Price Alignment Amount in a settled-to-market transaction. As discussed above, the Price Alignment Amount would be identical to Price Alignment Interest in a collateralized-to-market transaction, and the two payments would serve the same functional purpose, although the legal status of the two payments would be different. Under the proposed rule change, if LCH SA determines that the Cumulative Net Present Value is greater than zero, the applicable Price Alignment Amount would immediately become payable to LCH SA by the Clearing Member in the same currency as the transaction. If LCH SA determines that the Cumulative Net Present Value is less than zero, the applicable Price Alignment Amount would immediately become payable to the Clearing Member by LCH SA in the same currency as the transaction. Finally, if the Price Alignment Amount payable by a party on a Cash Payment Day is a negative amount, then the proposed rule change would specify that the Price Alignment Amount payable by that party would be deemed to be zero, and the other party would pay to that party the absolute value of the negative Price Alignment Amount on such Cash Payment Day.

The proposed rule change would define Cumulative Net Present Value as a hypothetical value computed by LCH SA on each Cash Payment Day falling after a Trade Date, based on certain aggregate NPV Amounts payable to LCH SA by a Clearing Member and by LCH SA to a Clearing Member. LCH SA would compute the Price Alignment Amount on each Cash Payment Day after initiation of a transaction. The Price Alignment Amount would be the product of (i) the absolute value of the Cumulative Net Present Value on each Cash Payment Day; (ii) the applicable Price Alignment Amount Rate on each Cash Payment Day; and (iii) the day count fraction determined by LCH SA as being applicable to the currency of the STM Cleared Transaction. The Price Alignment Amount Rate would be the applicable prevailing interest rate of the Cash Payment Date.

To carry through these requirements to the terms of cleared CDS transactions, the proposed rule change would add new provisions to the Clearing Supplement to establish the ''STM Cleared Terms'' for each of the following categories of transactions: Index Cleared Transactions and Single Name Transactions incorporating the 2003 ISDA Credit Derivatives Definitions; Index Cleared Transactions and Single Name Transactions incorporating the 2014 ISDA Credit Derivatives Definitions; and Credit Index Swaptions.

The proposed rule change would also make a number of other changes designed to help ensure the functional

[8] *See* Notice, 84 FR at 25319 (''The proposed rule change to require the STM treatment of variation margin would also be consistent with a recent CFTC staff Interpretive Letter indicating that CTM variation margin payments would not satisfy CFTC regulations that require daily settlement that is irrevocable and unconditional.'').

operation of the settled-to-market model. For example, the proposed rule change would specify the timing requirements for the payment of the NPV Amount and Price Alignment Amount. Moreover, the proposed rule change would clarify that satisfaction of the payment obligation arising under the NPV Payment Requirement would discharge any such obligation required to settle outstanding exposure under an STM Cleared Transaction. The proposed rule change would also clarify that LCH SA's risk calculations, including the calculation of Margin Requirements, would include the calculation of the Variation Margin Requirement and NPV Payment Requirement. Finally, the proposed rule change would update a number of reports generated and used by LCH SA to incorporate and take into consideration the settled-to-market model.

The proposed rule change would make certain other changes designed to maintain collateralized-to-market as a model for non-FCMs and non-US Clearing Members. Specifically, the proposed rule change would define the Variation Margin Requirement as the requirement to transfer Variation Margin to or receive Variation Margin from LCH SA to satisfy the Client Variation Margin Requirement and/or House Variation Margin Requirement. LCH SA or a Clearing Member would satisfy the Variation Margin Requirement by making a Variation Margin Collateral Transfer, meaning an amount of cash transferred by way of full title transfer. The proposed rule change would also specify that Variation Margin is applicable to CTM Cleared Transactions. The proposed rule change would further define Price Alignment Interest as applicable to the receipt of Variation Margin Collateral Transfers and which is related to CTM Cleared Transactions. In addition, the proposed rule change would provide that if the applicable Price Alignment Interest rate is negative, LCH SA would either (i) pay Price Alignment Interest if a Clearing Member has, on a cumulative net basis, received Variation Margin from LCH SA, or (ii) charge Price Alignment Interest if a Clearing member has, on a cumulative net basis, transferred Variation Margin. The proposed rule change would provide that, in case of the default of a Clearing Member, LCH SA would be authorized to convert the Variation Margin Collateral Transfer obligations into cash payment obligations. This change would ensure that in the case of default, LCH SA would apply Variation Margin in the same way as an NPV Payment (*i.e.,* as a cash payment). This treatment would be consistent with how LCH SA currently treats Variation Margin.

Finally, the proposed rule change would make a number of conforming changes and clarifications to the CDS Clearing Rules, including the addition of defined terms and the amendment of existing defined terms, to carry out the changes discussed above.

C. Amendments To Permit Multiple Account Structures

The proposed rule change would make a number of changes to permit Clearing Members to create multiple account structures for a single client and multiple trade accounts per client within a single omnibus account structure. Specifically, the proposed rule change would eliminate from the Rule Book existing language that restricts a CCM Client from being allocated to more than one account structure at the same time and add language to permit LCH SA to open one or more trade accounts. Similarly, the proposed rule change would add language to allow clients to configure account allocations and configure multiple accounts. The proposed rule change additionally would replace the concept of a ''client'' with a ''client account structure'' and refer to the ability of clients to have several account structures and trade accounts, thereby permitting more than one account structure for a single client. Finally, the proposed rule change would add new defined terms, and revise existing defined terms, to account for multiple account structures.

D. Amendments To Permit Select Members Clearing for Affiliated Firms

To permit Select Members to provide client clearing services to certain affiliates, the proposed rule change would add a new defined term for ''Affiliated Firm.'' The proposed rule change would define ''Affiliated Firm'' as any Affiliate or any entity that is otherwise member to the same institutional protection scheme [9] as the Clearing Member. The proposed rule change would add Affiliated Firm into the definition of ''Select Member'' as a category of persons to whom Select Members are permitted to provide client clearing services. The proposed rule change would make similar conforming changes to other defined terms, and to the Rule Book and Procedures.

The proposed rule change would make other amendments resulting from the ability of Select Members to provide CDS Client Clearing Services for Affiliated Firms. Specifically, the proposed rule change would update a Select Member's ability to add or remove products it clears through LCH SA, to account for products held by any Affiliated Firms to which the Select Member provides CDS Client Clearing Services. The proposed rule change also would make a related change to the form used to notify LCH SA of such changes. Additionally, the proposed rule change would make conforming amendments to LCH SA's Membership Requirements to recognize the ability of ability of Select Members to provide CDS Client Clearing Services for Affiliated Firms. Finally, the proposed rule change would formally amend the CDS Clearing Rules to permit Select Members to provide CDS Client Clearing Services to Affiliated Firms and likewise to permit FCM Clearing Members to provide CDS Client Clearing services to Affiliated Firms.

E. Clarifications to Onboarding Procedures

Currently, an applicant for clearing membership (''Applicant'') begins the application process by submitting an inquiry to LCH SA and providing its most recent financial statements. LCH SA conducts an initial review of the Applicant's credit risk. LCH SA attempts to complete the initial review within 5 Business Days from receipt of the documentation but is not required to do so. Following the initial review, LCH SA either confirms that the Applicant may then complete and submit the CDSClear Application Form or refuses admission to the Applicant. If the application continues, LCH SA then proceeds with further due diligence, including a possible site visit. Under the current process, LCH SA attempts to complete the review and make a determination within 30 Business Days (or 40 Business Days where a legal opinion is required regarding the country of incorporation of the Applicant), but is not required to do so.

As revised, the proposed rule change would require that Applicants submit the CDSClear Application Form as part of their initial inquiry. As under the current process, Applicants would also be required to submit their most recent financial statements. Upon receipt of these documents, LCH SA would conduct an initial review of the Applicant's CDSClear Application Form and credit risk. As under the current

[9] Under the proposed rule change, the term ''institutional protection scheme'' would be defined as that term is set forth in Regulation (EU) No. 575/2013 of the European Parliament and of the Council of 26 June 2016 on prudential requirements for credit institutions and investment firms.

process, LCH SA would attempt to complete the initial review within 5 Business Days from receipt of the documentation but would not be required to do so.

Following completion of the initial review of the Applicant's credit risk and CDSClear Application Form, LCH SA would either confirm that the application may continue or refuse admission to the Applicant. If the application continues, LCH SA would then proceed with further due diligence, including a possible site visit. At the end of this further review, LCH SA would accept or reject the Applicant. Under the proposed revised process, LCH SA would be required to accept or reject the Applicant by the 30th Business Day (or 40th Business Days where a legal opinion is required regarding the country of incorporation of the Applicant) following receipt of the CDSClear Application Form and all required supporting documents by LCH SA. Thus, unlike the current process, under the proposed revised process LCH SA would be required to complete its review in 30 business days (or 40 business days where a legal opinion is required). Moreover, because under the revised process Applicants would submit their CDSClear Application Form as part of the initial inquiry beginning the initial review and the timeline would begin upon receipt of the CDSClear Application Form, LCH SA's timeline for approving or disapproving an applicant would effectively begin upon the start of LCH SA's initial review.

Moreover, the Procedures currently state that as part of the review process an Applicant may expect at least one visit to the Applicant's operations office by one or more representatives of LCH SA. The proposed rule change would modify this provision by stating that, instead, as part of the review process one or more LCH SA's representatives may carry out one or more on-site visits to the Applicant's operations office. Thus, the proposed rule change would give LCH SA discretion to carry out an on-site visit as needed rather than creating an expectation that Applicants may expect an on-site visit.

Additionally, the proposed rule change would clarify LCH SA's ability to impose limitations on Applicants. Specifically, the Procedures currently state that LCH SA may impose conditions or limitations on the exercise of certain rights under the CDS Clearing Documentation. The proposed rule change would simplify this concept by eliminating the use of the term ''conditions'' and instead permitting LCH SA to impose limitations following approval of an Applicant. Thus, under the proposed rule change, LCH SA would be able to impose limitations, but not conditions, on the exercise of certain rights under the CDS Clearing Documentation. This proposed change would simplify the documentation in the Procedures but would not impose any substantive change on LCH SA's ability to, as needed, limit an Applicant's exercise of certain rights under the CDS Clearing Documentation. Moreover, the proposed rule change would clarify that an Applicant must make its initial Contribution into the CDS Default Fund before the submission of its first Original Transaction and post sufficient Collateral before the submission of its first Intraday Transaction.

Finally, the existing Procedures state that LCH SA's timeline to approve or reject an Applicant is subject to the Applicant providing a Power of Attorney with respect to its TARGET2 Accounts that enables LCH SA to directly debit or credit such accounts. The proposed rule change would modify the Procedures to state that LCH SA's timeline to approve or reject an Applicant is subject to the Applicant providing such a Power of Attorney with respect to its TARGET2 Accounts or Bank of New York Mellon accounts, for the purposes of posting Collateral, transferring Variation Margin, and making Cash Payments. This proposed change would further facilitate the settled-to-market model, as discussed above, by allowing LCH SA to obtain a Power of Attorney with respect to an Applicant's Bank of New York Mellon accounts for the purposes of posting Collateral, transferring Variation Margin, and making Cash Payments.

F. Technical Amendments

The proposed rule change would also correct certain typographical errors, make clean-up changes, and correct various conforming references in the Procedures, Rule Book, and Supplement.

III. Commission Findings

Section 19(b)(2)(C) of the Act directs the Commission to approve a proposed rule change of a self-regulatory organization if it finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to the organization.[10] For the reasons given below, the Commission finds that the proposed rule change is consistent with Section 17A(b)(3)(F) of the Act[11] and Rules 17Ad–22(e)(1), (e)(6)(ii), (e)(8), and (e)(18) thereunder.[12]

A. Consistency With Section 17A(b)(3)(F) of the Act

Section 17A(b)(3)(F) of the Act requires, among other things, that the rules of LCH SA be designed to promote the prompt and accurate clearance and settlement of securities transactions and, to the extent applicable, derivative agreements, contracts, and transactions, to assure the safeguarding of securities and funds which are in the custody or control of LCH SA or for which it is responsible, and, in general, to protect investors and the public interest.[13]

As described above, the proposed rule change would amend the CDS Clearing Rules to require FCMs and U.S. Clearing Members to treat variation margin as settled-to-market, while permitting non-FCMs and non-U.S. Clearing Members to treat variation margin as either collateralized-to-market or settled-to-market. To implement and facilitate these amendments, the proposed rule change would introduce new definitions, update existing definitions, and update the terminology used in certain rules in light of the new settled-to-market treatment of variation margin. To facilitate Clearing Members' ability to operationalize these changes, the proposed rule change would permit certain Clearing Members to classify each of their Trade Accounts as either a CTM Trade Account or an STM Trade Account, and to convert transactions between the two in certain circumstances. The proposed rule change would also amend the Procedures to describe how LCH SA would account for settled-to-market transactions, as well as calculate and make the payments associated with settled-to-market transactions. Finally, the proposed rule change would amend the Clearing Supplement to establish the standard contractual terms for CDS transactions that LCH SA would clear pursuant to the settled-to-market model.

The Commission believes that by establishing settled-to-market treatment for variation margin in CDS transactions, the proposed rule change would help ensure that variation margin is treated as settled payments rather than collateral, consistent with the intention of Clearing Members that elect, or are required to elect, settled-to-market treatment. In doing so, the Commission further believes the proposed rule change would clarify that LCH SA has all rights and outright title

[10] 15 U.S.C. 78s(b)(2)(C).

[11] 15 U.S.C. 78q–1(b)(3)(F).

[12] 17 CFR 240.17Ad–22(e)(1), (e)(6)(ii), (e)(8), and (e)(18).

[13] 15 U.S.C. 78q–1(b)(3)(F).

to settled-to-market payments made to LCH SA, thereby supporting LCH SA's ability to use such settled-to-market payments to cover credit and market losses. The Commission further believes that in establishing the operational aspects of settled-to-market treatment of variation margin, including how LCH SA would account for settled-to-market transactions and would calculate and make the payments associated with settled-to-market transactions, the proposed rule change would help ensure the effective operation of the settled-to-market model for variation margin, thereby helping to improve the operation and effectiveness of LCH SA's margin system. Similarly, the Commission believes that in establishing the standard contractual terms for CDS transactions that LCH SA clears pursuant to the settled-to-market model, the proposed rule change would help ensure that variation margin for CDS transactions is treated as settled-to-market.

Given that an effective margin system is necessary to manage LCH SA's credit exposures to its CPs and the risks associated with clearing security based swap-related portfolios, the Commission believes that the proposed rule change would help improve LCH SA's ability to avoid potential losses that could result from the mismanagement of credit exposures and the risks associated with clearing security based swap-related portfolios. Because such losses could disrupt LCH SA's ability to promptly and accurately clear security based swap transactions, the Commission believes that the proposed rule change, by improving the operation and effectiveness of LCH SA's margin system, would thereby help promote the prompt and accurate clearance and settlement of securities transactions.

Similarly, given that mismanagement of LCH SA's credit exposures to its Clearing Members and the risks associated with clearing security based swap-related portfolios could cause LCH SA to realize losses on such portfolios and threaten LCH SA's ability to operate, thereby threatening access to securities and funds in LCH SA's control, the Commission believes that the proposed rule change would help assure the safeguarding of securities and funds which are in the custody or control of the LCH SA or for which it is responsible. Finally, for both of these reasons, the Commission believes the proposed rule change would, in general, protect investors and the public interest.

In addition, as discussed above, the proposed rule change would permit Clearing Members to create multiple account structures for a single client and multiple trade accounts per client within a single omnibus account structure and permit Select Members to provide client clearing services to their Affiliated Firms. The Commission believes that, by allowing clients to create more than one account and allowing Select Members to clear trades for their Affiliated Firms, both of these changes would expand the clearing services that LCH SA currently offers and therefore potentially clear more trades. The Commission believes that both of these proposed changes would help expand LCH SA's provision of clearing services, which would thereby promote the prompt and accurate clearance and settlement of securities transactions.

As discussed above, the proposed rule change would also make certain clarifications and enhancements to LCH SA's existing onboarding procedures. The Commission believes that these enhancements would help ensure that Applicants are fit for clearing transactions at LCH SA and able to satisfy the requirements and obligations associated with clearing membership. Because LCH SA cannot clear and settle transactions if its Clearing Members do not satisfy their related requirements and obligations, such as posting margin and timely submitting prices, the Commission believes that that this aspect of the proposed rule change also would promote the prompt and accurate clearance and settlement of securities transactions.

Finally, as discussed above, the proposed rule change would correct typographical errors, make clean-up changes, and update references to new and revised defined terms in the CDS Clearing Rules. The Commission believes that these changes would help to ensure that the CDS Clearing Rules are clear and operate effectively, consistent with LCH SA's intent. The Commission further believes that clear and effective CDS Clearing Rules are necessary for LCH SA to promptly and accurately clear and settle CDS transactions, and therefore that this aspect of the proposed rule change also would promote the prompt and accurate clearance and settlement of securities transactions.

Therefore, the Commission finds that the proposed rule change would promote the prompt and accurate clearance and settlement of securities transactions, assure the safeguarding of securities and funds in LCH SA's custody and control, and in general, protect investors and the public interest, consistent with the Section 17A(b)(3)(F) of the Act.[14]

B. Consistency With Rule 17Ad–22(e)(1)

Rule 17Ad–22(e)(1) requires, in relevant part, that LCH SA establish, implement, maintain, and enforce written policies and procedures reasonably designed to provide for a well-founded, clear, transparent, and enforceable legal basis for each aspect of its activities in all relevant jurisdictions.[15] The Commission believes that the proposed rule change, in introducing new definitions, updating existing definitions, and updating the terminology used in certain rules in light of the new settled-to-market treatment of variation margin, as well as correcting typographical errors and updating references, would help to ensure that LCH SA's CDS Clearing Rules provide a consistent and enforceable legal basis for the settled-to-market treatment of variation margin. Similarly, the Commission believes that the proposed rule change, in amending the Clearing Supplement to establish the standard contractual terms for CDS transactions that LCH SA clears pursuant to the settled-to-market model, would help to establish a clear and enforceable legal basis for the settled-to-market treatment of variation margin in cleared transactions. Therefore, the Commission finds that the proposed rule change is consistent with Rule 17Ad–22(e)(1).[16]

C. Consistency With Rule 17Ad–22(e)(6)(ii)

Rule 17Ad–22(e)(6)(ii) requires, among other things, that LCH SA establish, implement, maintain, and enforce written policies and procedures reasonably designed to cover its credit exposures to its participants by establishing a risk-based margin system that, at a minimum marks participant positions to market and collects margin, including variation margin or equivalent charges if relevant, at least daily.[17]

The Commission believes that the proposed rule change, in amending the Procedures to operationalize the settled-to-market model for FCMs and US Clearing Members while maintaining collateralized-to-market as a model for non-FCMs and non-US Clearing Members, would help to ensure that LCH SA's margin system marks participant positions to market and collects variation margin, for both settled-to-market and collateralized-to-

[14] 15 U.S.C. 78q–1(b)(3)(F).

[15] 17 CFR 240.17Ad–22(e)(1).

[16] *Id.*

[17] 17 CFR 240.17Ad–22(e)(6)(ii).

market transactions. Specifically, in specifying how LCH SA would account for settled-to-market transactions and would calculate and make the payments associated with settled-to-market transactions, the Commission believes the proposed rule change would help to ensure that LCH SA marks positions to market daily in settled-to-market transactions. Moreover, in establishing the timelines and legal obligations for making variation margin payments and Price Alignment Amounts in settled-to-market transactions, the Commission believes that the proposed rule change would help to ensure that LCH SA and Clearing Members collect and make variation margin payments associated with settled-to-market transactions daily.

Therefore, the Commission finds that the proposed rule change is consistent with Rule 17Ad–22(e)(6)(ii).[18]

D. Consistency With Rule 17Ad–22(e)(8)

Rule 17Ad–22(e)(8) requires, in relevant part, that LCH SA establish, implement, maintain, and enforce written policies and procedures reasonably designed to define the point at which settlement is final to be no later than the end of the day on which the payment or obligation is due and, where necessary or appropriate, intraday or in real time.[19]

As discussed above, the proposed rule change would specify that under the settled-to-market model, the daily transfer of NPV Payments and Price Alignment Amounts would constitute a final settlement of the outstanding exposure between the counterparties. The proposed rule change would also specify that all Clearing Members using the settled-to-market model would make applicable payments each day, thereby achieving a final settlement for that day. Each subsequent day, the outstanding exposure would change, and new payments would be needed to settle the exposure. The Commission believes that in making these changes, the proposed rule change would define the point at which settlement would be final under the settled-to-market model.

Therefore, the Commission finds that the proposed rule change is consistent with Rule 17Ad–22(e)(8).[20]

E. Consistency With Rule 17Ad–22(e)(18)

Rule 17Ad–22(e)(18) requires, among other things, that LCH SA establish, implement, maintain, and enforce written policies and procedures reasonably designed to establish objective, risk-based, and publicly disclosed criteria for participation which permit fair and open access by direct and, where relevant, indirect participants and other financial market utilities.[21]

The Commission believes that the proposed rule change, in enhancing LCH's procedures for reviewing and admitting Applicants, would contribute to LCH SA's establishment and implementation of objective and risk-based policies and procedures for participation. Specifically, by requiring that Applicants submit the CDSClear Application Form as part of their initial query and prior to LCH SA beginning the initial review, the Commission believes that the proposed rule change would increase the information available to LCH SA during the initial review, thereby improving LCH SA's ability to review and assess Applicants and, if necessary and appropriate, disapprove Applicants not suited for clearing membership. Moreover, in requiring that LCH SA either reject or accept the Applicant no later than 30 business days after receipt of the CDSClear Application Form and all required supporting documents by LCH SA, the Commission believes the proposed rule change would establish a clear and objective process and timeline for admission or denial of Applicants. Additionally, in clarifying that LCH SA may carry out one or more on-site visits as part of the application process, and that an Applicant must make its Initial Contribution into the CDS Default Fund before the submission of its first Original Transaction and post sufficient Collateral before the submission of its first Intraday Transaction, the Commission believes the proposed rule change would enhance LCH SA's ability to screen applicants and establish objective, risk-based standards for performance that all Applicants must satisfy.

Finally, the Commission believes that, by permitting Clearing Members to create multiple account structures for a single client and multiple trade accounts per client within a single omnibus account structure, and permitting Select Members to provide client clearing services to their Affiliated Firms, the proposed rule change would permit fair and open access by indirect participants. Specifically, the Commission believes that these proposed changes would expand access by clients by permitting multiple account structures, and expand access by firms by permitting Select Members to provide client clearing services to their Affiliated Firms.

Therefore, the Commission finds that the proposed rule change is consistent with Rule 17Ad–22(e)(18).[22]

IV. Conclusion

On the basis of the foregoing, the Commission finds that the proposed rule change, as modified by Amendments No. 1 and 2, is consistent with the requirements of the Act, and in particular, with the requirements of Section 17A(b)(3)(F) of the Act[23] and Rules 17Ad–22(e)(1), (e)(6)(ii), (e)(8), and (e)(18) thereunder.[24]

It is therefore ordered pursuant to Section 19(b)(2) of the Act[25] that the proposed rule change, as modified by Amendments No. 1 and 2 (SR–LCH–SA–2019–003), be, and hereby is, approved.[26]

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[27]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2019–15347 Filed 7–18–19; 8:45 am]

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[18] *Id.*

[19] 17 CFR 240.17Ad–22(e)(1).

[20] 17 CFR 240.17Ad–22(e)(8).

[21] 17 CFR 240.17Ad–22 (e)(18).

[22] 17 CFR 240.17Ad–22(e)(18).

[23] 15 U.S.C. 78q–1(b)(3)(F).

[24] 17 CFR 240.17Ad–22(e)(1), (e)(6)(ii), (e)(8), and (e)(18).

[25] 15 U.S.C. 78s(b)(2).

[26] In approving the proposed rule change, the Commission considered the proposal's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[27] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–86375; File No. SR–CboeEDGX–2019–045]

Self-Regulatory Organizations; Cboe EDGX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Relating To Amend the Exchange's Fee Schedule Applicable to Its Equities Trading Platform (''EDGX Equities'') To Adopt a ''Retail Volume Tier'' for Firms That Execute a Significant Volume of Liquidity Providing Retail Order Flow on EDGX

July 15, 2019.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on July 1, 2019, Cboe EDGX Exchange, Inc. (''Exchange'' or ''EDGX'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

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

Cboe EDGX Exchange, Inc. (''EDGX'' or the ''Exchange'') is filing with the Securities and Exchange Commission (the ''Commission'') a proposed rule change to amend the Exchange's fee schedule applicable to its equities trading platform (''EDGX Equities'') to adopt a ''Retail Volume Tier'' for firms that execute a significant volume of liquidity providing retail order flow on EDGX. The text of the proposed changes to the fee schedule are attached [sic] as Exhibit 5.

The text of the proposed rule change is also available on the Exchange's website (*http://markets.cboe.com/us/options/regulation/rule_filings/edgx/*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to amend the EDGX Equities fee schedule to adopt a ''Retail Volume Tier'' for firms that execute a significant volume of liquidity providing retail order flow on EDGX, effective July 1, 2019. The Exchange believes the proposed change would encourage more liquidity and opportunities for investors to trade on the Exchange.

The Exchange first notes that it operates in a highly-competitive market in which market participants can readily direct order flow to competing venues if they deem fee levels at a particular venue to be excessive or incentives to be insufficient. More specifically, the Exchange is only one of several equity venues to which market participants may direct their order flow, and it represents a small percentage of the overall market. The competition for Retail Order flow is even more intense, particularly as it relates to exchange versus off-exchange venues. For example, the Exchange examined Rule 606 disclosures from three prominent retail brokerages: E-Trade, TD Ameritrade and Charles Schwab. For securities listed on the New York Stock Exchange LLC in the first quarter of 2019, TD Ameritrade routed 80% of its limit orders to off-exchange venues.[3] Similarly, E-Trade Financial and Charles Schwab routed more than 77% and more than 90%,[4] respectively, of its limit orders to off-exchange venues. This competition is particularly acute for non-marketable Retail Orders, *i.e.,* Retail Orders that provide liquidity, and even more fiercely for non-marketable Retail Orders that provide displayed liquidity on an exchange. Accordingly, competitive forces compel the Exchange to use exchange transaction fees and credits, particularly as they relate to competing for Retail Order flow, because market participants can readily trade on competing venues if they deem pricing levels at those other venues to be more favorable.

For example, the Exchange provides special pricing for Retail Orders[5] as an incentive for members to bring such orders to EDGX instead of another exchange or off-exchange venue. Specifically, Retail Orders priced at or above $1.00 that add liquidity and yield fee code ZA[6] currently benefit from an enhanced rebate of $0.00320 per share (as compared to non-Retail Orders that add liquidity and receive a standard rebate of $0.00170 per share). The Exchange is interested in attracting additional retail order flow, and therefore proposes to introduce a Retail Volume Tier that is designed to encourage even more retail participation. More specifically, the Retail Volume Tier would provide a further enhanced rebate to liquidity providing Retail Orders, provided that the member executes a specified average daily volume (''ADV'')[7] in such orders on EDGX. As proposed, a Retail Order that adds liquidity under fee code ZA would be eligible for a rebate of $0.0037 per share if the member's ADV in Retail Orders that add liquidity (*i.e.,* yielding fee code ZA) is greater than or equal to 0.50% of Total Consolidated Volume (''TCV'').[8]

2. Statutory Basis

The Exchange believes that the proposed rule changes are consistent with the objectives of Section 6 of the Act,[9] in general, and furthers the objectives of Section 6(b)(4),[10] in particular, as it is designed to provide for the equitable allocation of reasonable dues, fees and other charges among its Members and other persons using its facilities and does not unfairly discriminate between customers, issuers, brokers or dealers. The Exchange operates in a highly-competitive market in which market participants can readily direct order flow to competing venues if they deem fee levels at a particular venue to be excessive or incentives to be insufficient. The proposed rule change reflects a competitive pricing structure designed to incentivize market participants to direct their retail order flow to the Exchange, which the Exchange believes would enhance market quality to the benefit of all Members.

In particular, the Exchange believes the proposed tier is reasonable because it provides an opportunity for Members to receive an enhanced rebate for Retail Orders. The Exchange notes that volume-based incentives and discounts have been widely adopted by exchanges,[11] including the Exchange,[12]

[3] *See https://www.tdameritrade.com/retail-en_us/resources/pdf/AMTD2054.pdf.*

[4] *See https://content.etrade.com/etrade/powerpage/pdf/OrderRouting11AC6.pdf. See also https://www.schwab.com/public/schwab/nn/legal_compliance/important_notices/order_routing.html.*

[5] *See* EDGX Rule 11.21(a)(1). A ''Retail Order'' is an agency or riskless principal order that meets the criteria of FINRA Rule 5320.03 that originates from a natural person and is submitted to the Exchange by a Retail Member Organization, provided that no change is made to the terms of the order with respect to price or side of market and the order does not originate from a trading algorithm or any other computerized methodology. *See* EDGX Rule 11.21(a)(2). Retail Orders are submitted by a Retail Member Organization'' or ''RMO'', which is a member (or a division thereof) that has been approved by the Exchange to submit such orders.

[6] ''ZA'' is associated with Retail Orders that add liquidity.

[7] ADV means average daily volume calculated as the number of shares added to, removed from, or routed by, the Exchange, or any combination or subset thereof, per day. ADV is calculated on a monthly basis. *See* Cboe EDGX U.S. Equities Exchange Fee Schedule.

[8] TCV means total consolidated volume calculated as the volume reported by all exchanges and trade reporting facilities to a consolidated transaction reporting plan for the month for which the fees apply.

[9] 15 U.S.C. 78f.

[10] 15 U.S.C. 78f(b)(4).

[11] *See e.g.,* Cboe BZX U.S. Equities Exchange Fee Schedule, Footnote 1, Add Volume Tiers.

[12] *See e.g.,* Cboe EDGX U.S. Equities Exchange Fee Schedule, Footnote 1, Add Volume Tiers.

and are reasonable, equitable and non-discriminatory because they are open to all members on an equal basis and provide additional benefits or discounts that are reasonably related to (i) the value to an exchange's market quality and (ii) associated higher levels of market activity, such as higher levels of liquidity provision and/or growth patterns. Additionally, as noted above, the Exchange operates in highly competitive market. The Exchange is only one of several equity venues to which market participants may direct their order flow, and it represents a small percentage of the overall market. Competing equity exchanges offer similar tiered pricing structures to that of the Exchange, including schedules of rebates and fees that apply based upon members achieving certain volume and/or growth thresholds. These competing pricing schedules, moreover, are presently comparable to those that the Exchange provides.[13]

The Exchange currently provides pricing incentives to Retail Member Organizations that execute liquidity providing Retail Orders on EDGX, and desires to further enhance those incentives in order to encourage additional retail participation. The proposed Retail Volume Tier would achieve that result by providing a higher rebate to Retail Orders that provide liquidity if submitted by a member that executes a significant volume of liquidity providing Retail Orders on EDGX. The Exchange notes that NYSE Arca, Inc. (''Arca'') also operates a similar volume-based rebate program that provides tiered rebates of up to $0.0035 per share to attract retail order flow.[14]

The Exchange believes that the proposed Retail Volume Tier is reasonable and equitable as it would allow EDGX to effectively compete for retail order flow with Arca as well as other exchanges and the many off-exchange venues that execute the majority of retail order flow today. The Exchange believes that the current proposal, including the level of rebate and corresponding threshold, is appropriately designed to attract Retail Orders to EDGX given the high degree of competition for such orders in today's market, which was discussed above. The Exchange believes that attracting liquidity in Retail Orders would incentivize other members to send order flow to EDGX to trade with such Retail Orders. In addition, the Exchange believes that this increased liquidity would potentially stimulate further price competition for Retail Orders, thereby deepening the Exchange's liquidity pool in both and retail and other orders, supporting the quality of price discovery, and promoting market transparency.

The Exchange also believes that the proposed Retail Volume Tier is not unfairly discriminatory because it applies equally to all members that execute liquidity providing Retail Orders and meet the specified volume threshold. Without having a view of Members' activity on other markets and off-exchange venues, the Exchange has no way of knowing whether this proposed rule change would definitely result in any Members qualifying for this tier. However, the Exchange believes the proposed tier will provide an incentive for Retail Member Organizations to increase retail order flow to EDGX. Retail Member Organizations that do not meet the proposed volume threshold would continue to earn the current rebate, which already provides a significant incentive for executing retail order flow on EDGX.

The Exchange believes that it is appropriate to limit the proposed enhanced rebate to Retail Orders as the Exchange is attempting to increase retail participation. Retail participation is more likely to reflect long-term investment intentions, and may therefore positively impact market quality. Accordingly, the presence of Retail Orders on EDGX has the potential to benefit all market participants. As explained in the purpose section of this proposed rule change, competition for retail order flow is particularly fierce, as demonstrated by the percentage of Retail Orders that are executive off-exchange also by Arca providing a high rebate to market participants that execute a significant amount of such orders on that exchange. In that context, the Exchange believes that it is appropriate to provide additional incentives to Retail Orders in order to attract that order flow.

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 intramarket or intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. Rather, as discussed above, the Exchange believes that the proposed change would encourage the submission of additional liquidity to a public exchange, thereby promoting market depth, price discovery and transparency and enhancing order execution opportunities for all Members. As a result, the Exchange believes that the proposed change furthers the Commission's goal in adopting Regulation NMS of fostering competition among orders, which promotes ''more efficient pricing of individual stocks for all types of orders, large and small.'' [15]

The Exchange believes the proposed rule change does impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. Particularly, the proposed change applies uniformly to market participants. The Exchange believes that the proposed tier would incentivize market participants to direct providing Retail Order flow to the Exchange. Greater liquidity benefits all market participants on the Exchange by providing more trading opportunities and encourages Members to send orders, thereby contributing to robust levels of liquidity, which benefits all market participant. While the proposed tier is only available for Retail Orders, the Exchange notes it is attempting to increase retail participation and that, as noted above, retail participation is more likely to reflect long-term investment intentions, and may therefore positively impact market quality.

Next, the Exchange believes the proposed rule change does not impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. As previously discussed, the Exchange operates in a highly competitive market. Members have numerous alternative venues that they may participate on and direct their order flow, including 12 other equities exchanges and off-exchange venues, including 32 alternative trading systems. Additionally, the Exchange represents a

[13] *See e.g.,* NYSE Arca Equities, Fees and Charges, Basic Rates, which assesses a standard credit of $0.0030 per share for Retail Orders that add liquidity.

[14] *See* Arca Equities Fees and Charges, Trade Related Fees and Credits, Retail Order Tier and Retail Order Step-Up Tiers. Members receive an enhanced credit of $0.0033 per share for Retail orders that provide liquidity to the books where a Member meets the criteria set forth in Retail Order Tier and Retail Order Step-Up Tier 1. Members receive an enhanced credit of $0.0035 per share for Retail Orders that provide liquidity under Retail Order Step-Up Tier 2 where a Member meets the criteria set forth under the Tier. Specifically, the Member must (1) submit an average daily share volume per month of resting limit orders (*i.e.,* provide liquidity) in an amount equal to or greater than 1.10% or more of US Consolidated Average Daily Volume (''CADV''), and (2) execute during the month, Retail Orders with a time-in-force of Day that is an increase of 0.35% or more of the US CADV from the ETP Holder's April 2018 ADV, taken as a percentage of US CADV.

[15] Securities Exchange Act Release No. 51808, 70 FR 37495, 37498–99 (June 29, 2005) (S7–10–04) (Final Rule).

small percentage of the overall market. Based on publicly available information, no single equities exchange has more than 23% of the market share.[16] Therefore, no exchange possesses significant pricing power in the execution of option order flow. Indeed, participants can readily choose to send their orders to other exchange and off-exchange venues if they deem fee levels at those other venues to be more favorable. Additionally, as discussed above, the market for Retail Orders in even more stark given the amount of Retail Orders that are routed to and executed on off-exchange venues. Moreover, the Commission has repeatedly expressed its preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. Specifically, in Regulation NMS, the Commission highlighted the importance of market forces in determining prices and SRO revenues and, also, recognized that current regulation of the market system ''has been remarkably successful in promoting market competition in its broader forms that are most important to investors and listed companies.'' [17] The fact that this market is competitive has also long been recognized by the courts. In *NetCoalition* v. *Securities and Exchange Commission,* the D.C. Circuit stated as follows: ''[n]o one disputes that competition for order flow is 'fierce.' . . . As the SEC explained, '[i]n the U.S. national market system, buyers and sellers of securities, and the broker-dealers that act as their order-routing agents, have a wide range of choices of where to route orders for execution'; [and] 'no exchange can afford to take its market share percentages for granted' because 'no exchange possesses a monopoly, regulatory or otherwise, in the execution of order flow from broker dealers'. . . .''.[18] Accordingly, the Exchange does not believe its proposed fee change imposes any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

[16] See Cboe Global Markets U.S. Equities Market Volume Summary (June 28, 2019), available at *http://markets.cboe.com/us/equities/market_share/.*

[17] See Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005).

[18] *NetCoalition* v. *SEC,* 615 F.3d 525, 539 (D.C. Cir. 2010) (quoting Securities Exchange Act Release No. 59039 (December 2, 2008), 73 FR 74770, 74782–83 (December 9, 2008) (SR–NYSEArca–2006–21)).

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [19] and paragraph (f) of Rule 19b–4 [20] thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–CboeEDGX–2019–045 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–CboeEDGX–2019–045. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–CboeEDGX–2019–045 and should be submitted on or before August 9, 2019.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[21]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2019–15348 Filed 7–18–19; 8:45 am]

BILLING CODE 8011–01–P

[19] 15 U.S.C. 78s(b)(3)(A).

[20] 17 CFR 240.19b–4(f).

[21] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–86374; File No. SR–CBOE–2019–033]

Self-Regulatory Organizations; Cboe Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Relating to System Connectivity and Order Entry and Allocation Upon the Migration of the Exchange's Trading Platform to the Same System Used by the Cboe Affiliated Exchanges

July 15, 2019.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on July 1, 2019, Cboe Exchange, Inc. (the ''Exchange'' or ''Cboe Options'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Exchange filed the proposal as a ''non-controversial'' proposed rule change pursuant to Section

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

19(b)(3)(A)(iii) of the Act[3] and Rule 19b–4(f)(6) thereunder.[4] The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Cboe Exchange, Inc. (the ''Exchange'' or ''Cboe Options'') proposes to amend and move certain current Rules related to System[5] connectivity and order entry and allocation from the Exchange's currently effective Rulebook (''current Rulebook'') to the shell structure for the Exchange's Rulebook that will become effective upon the migration of the Exchange's trading platform to the same system used by the Cboe Affiliated Exchanges (as defined below) (''shell Rulebook''). The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is also available on the Exchange's website (*http://www.cboe.com/AboutCBOE/CBOELegalRegulatoryHome.aspx*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

In 2016, the Exchange's parent company, Cboe Global Markets, Inc. (formerly named CBOE Holdings, Inc.) (''Cboe Global''), which is also the parent company of Cboe C2 Exchange, Inc. (''C2''), acquired Cboe EDGA Exchange, Inc. (''EDGA''), Cboe EDGX Exchange, Inc. (''EDGX'' or ''EDGX Options''), Cboe BZX Exchange, Inc. (''BZX'' or ''BZX Options''), and Cboe BYX Exchange, Inc. (''BYX'' and, together with Cboe Options, C2, EDGX, EDGA, and BZX, the ''Cboe Affiliated Exchanges''). The Cboe Affiliated Exchanges are working to align certain system functionality, retaining only intended differences between the Cboe Affiliated Exchanges, in the context of a technology migration. Cboe Options intends to migrate its trading platform to the same system used by the Cboe Affiliated Exchanges, which the Exchange expects to complete on October 7, 2019. Cboe Options believes offering similar functionality to the extent practicable will reduce potential confusion for market participants. In connection with this technology migration, the Exchange has a shell Rulebook that resides alongside its current Rulebook, which shell Rulebook will contain the Rules that will be in place upon completion of the Cboe Options technology migration.

System Connectivity

Current Rule 6.23A describes current provisions regarding System access and connectivity. The proposed rule change deletes current Rule 6.23A from the current Rulebook, and amends and moves relevant provisions to proposed Rule 5.5 in the shell Rulebook. Proposed Rule 5.5(a) states only authorized Users and associated persons of Users may establish connectivity to and access the Exchange to submit orders and quotes and enter auction responses in accordance with the Exchange's System access procedures, technical specifications, and requirements.[6] This is consistent with current Rule 6.23A(a), (d), and (e), which provides only authorized market participants (which may only be Trading Permit Holders, associated persons of Trading Permit Holders with authorized access, and Sponsored Users pursuant to current Rule 6.20A) may access the Exchange electronically to facilitate quote and order entry, as well as auction processing, in accordance with Exchange-prescribed technical specifications (to the extent any agreement is required to be signed, as indicated in current Rule 6.23A(d), that would be indicated in such specifications).[7]

Proposed Rule 5.5(b) describes Executing Firm IDs (''EFIDs''). A Trading Permit Holder may obtain one or more EFIDs from the Exchange (in a form and manner determined by the Exchange). The Exchange assigns an EFID to a Trading Permit Holder, which the System uses to identify the Trading Permit Holder and the clearing number for the execution of orders and quotes submitted to the System with that EFID. Each EFID corresponds to a single Trading Permit Holder and a single clearing number of a Clearing Trading Permit Holder with the Clearing Corporation.[8] A Trading Permit Holder may obtain multiple EFIDs, which may be for the same or different clearing numbers. A Trading Permit Holder may only identify for any of its EFIDs the clearing number of a Clearing Trading Permit Holder that is a Designated Give Up or Guarantor of the Trading Permit Holder as set forth in current Rule 6.21.[9] A Trading Permit Holder is able (in a form and manner determined by the Exchange) to designate which of its EFIDs may be used for each of its ports. If a User submits an order or quote through a port with an EFID not enabled for that port, the System cancels or rejects the order or quote. The proposed rule change regarding EFIDs is similar to the current use of acronyms on the Exchange and consistent with the use of EFIDs on the Cboe Affiliated Exchanges.[10] The Exchange believes including a description of the use of EFIDs in the Rules adds transparency to the Rules.

The proposed rule change defines the term port in proposed Rule 5.5.[11] The Exchange will provide Users with access to the System through various ports, as is the case on the Cboe Affiliated Exchanges. A User may connect to the Exchange using a logical port available through an application programming interface (''API''), such as the industry-standard Financial Information eXchange (''FIX'') protocol or Binary Order Entry (''BOE'') protocol.

[3] 15 U.S.C. 78s(b)(3)(A)(iii).

[4] 17 CFR 240.19b–4(f)(6).

[5] The term ''System'' means the Exchange's hybrid trading platform that integrates electronic and open outcry trading of option contracts on the Exchange, and includes any connectivity to the foregoing trading platform that is administered by or on behalf of the Exchange, such as a communications hub. *See* Rule 1.1 in the current Rulebook and the shell Rulebook.

[6] These procedures, technical specifications, and requirements are available on the Exchange's website.

[7] *See also* C2 Rule 6.8(a). Users will continue to only be able to directly access the System from a jurisdiction expressly approved by the Exchange pursuant to current Rule 3.4A (which rule the Exchange intends to move to Rule 3.5 in the shell Rulebook). *See* current Rule 6.23A(d) (proposed Rule 5.9(a)). BZX Options and EDGX Options Rules 11.3 and 20.1(a) also provide that only an Options Member or a person associated with an Options Member, as well as Sponsored Participants, may access the systems and effect any options transactions on those exchanges.

[8] The Clearing Corporation is the Options Clearing Corporation. *See* Rule 1.1 in the shell Rulebook.

[9] The Exchange intends to move current Rule 6.21 to Rule 5.9 in the shell Rulebook.

[10] The proposed rule change is substantially the same as BZX Options Rule 21.1(k); C2 Rule 6.8(b); and EDGX Options Rule 21.1(k).

[11] The proposed rule change also adds a reference to this definition in Rule 1.1 in the shell Rulebook.

Users may use multiple logical ports. Cboe Market Interface will no longer be available following the technology migration, as that is an API on the Exchange's current System while BOE is an API available on the new technology platform. This functionality is similar to bandwidth packets currently available on the Exchange, as described in current Rule 6.23B (and therefore the Exchange proposes to delete that rule from the current Rulebook). Bandwidth packets restrict the maximum number of orders and quotes per second in the same way logical ports do, and Users may similarly have multiple logical ports as they may have bandwidth packets to accommodate their order and quote entry needs. The Exchange believes it is reasonable to not limit bulk ports, as the purpose of these ports is to submit bids and offers in bulk (as further described below). As discussed below, the Exchange will have the authority to otherwise mitigate message traffic as necessary.

There are three different types of ports: Physical ports, logical ports, and bulk ports. The Exchange notes that a bulk port is a type of logical port.

- A ''physical port'' provides a physical connection to the System. A physical port may provide access to multiple logical ports.
- A ''logical port'' or ''logical session'' provides Users with the ability within the System to accomplish a specific function through a connection, such as order entry, data receipt, or access to information.
- A ''bulk port'' is a dedicated logical port that provides Users with the ability to submit bulk messages, single orders, or auction responses, as further discussed below.

Port is the term the Exchange will use to describe the connection a User will use to connect to the System following the technology migration. Currently, the Exchange refers to System connections as logins, but the functionality is generally the same.[12]

The Exchange's new technology platform is currently the trading platform for the other Cboe Affiliated Exchanges, and thus has an established disaster recovery plan. The proposed rule change moves the Exchange's rule provisions regarding disaster recovery from Rule 6.18 in the current Rulebook to Rule 5.24 in the shell Rulebook.[13] The proposed rule change amends the provisions regarding Trading Permit Holders that must connect to the Exchange's backup systems and participate in functional and performance testing announced by the Exchange, which occurs at least once every 12 months.[14] These requirements are similar to those of Cboe Affiliated Exchanges.[15] Currently, the Exchange identifies Trading Permit Holders that must connect to backup systems and participate in testing based on criteria such as whether the TPH is an appointed DPM, LMM, or Market-Maker in a class and the quality of markets provided by the DPM, LMM, or Market-Maker, the amount of volume transacted by the market participant in a class or on the Exchange in general, operational capacity, trading experience, and historical contribution to fair and orderly markets on the Exchange. At a minimum, all Market-Makers in option classes exclusively listed on the Exchange that stream quotes in those classes and all DPMs in multiply listed options classes must connect to the backup systems.[16] Proposed Rule 5.24(b) requires the following TPHs to connect to backup systems and participate in testing:

- TPHs that the Exchange has determined contribute a meaningful percentage of the Exchange's overall volume.
- TPHs that the Exchange has determined contribute a meaningful percentage of the Exchange's executed customer volume in SPX and VIX combined.[17]
- TPHs that participate as Market-Makers (including LMMs) in option classes exclusively listed on the Exchange that submit continuous electronic quotes in those classes.
- TPHs that participate as DPMs in multiply listed option classes.[18]

These requirements are consistent with the criteria listed in current Rule 6.24(b). This proposed rule includes more detail regarding which categories of TPHs must connect to the backup systems. Proposed Interpretation and Policy .01 states for purposes of determining which TPHs contribute a meaningful percentage of the Exchange's overall volume and customer volume in SPX and VIX pursuant to proposed subparagraphs (b)(1) and (2), respectively, the Exchange measures volume executed on the Exchange during a specified calendar quarter (the ''measurement quarter''). The Exchange will provide TPHs with reasonable advance notice of the applicable meaningful percentage and measurement quarter.[19] The Exchange will individually notify all TPHs that are subject to this connection requirement based on the applicable meaningful percentage following the completion of the applicable measurement quarter. The Exchange will provide these TPHs with reasonable advance notice that they must participate in the testing described above.[20]

Proposed Rule 5.24(a) through (c) are consistent with Regulation SCI requirements, which apply to certain self-regulatory organizations (including the Exchange), alternative trading systems (''ATSs''), plan processors, and exempt clearing agencies (collectively, ''SCI entities''), and requires these SCI entities to comply with requirements with respect to the automated systems central to the performance of their regulated activities. The Exchange takes pride in the reliability and availability of its systems. The Exchange and the Cboe Affiliated Exchanges have put extensive time and resources toward planning for system failures and already maintain robust business continuity and disaster recovery plans consistent with the proposed rule.

The proposed rule change retains moves paragraphs (c) through (f) of current Rule 6.18 to proposed paragraphs (d) through (g) of proposed Rule 5.24, as they relate to the

[12] The proposed rule change is substantially the same as BZX Options Rule 21.1(l); C2 Rule 6.8(c); and EDGX Options Rule 21.1(j).

[13] The proposed rule change also deletes current Rule 6.19, which is currently reserved.

[14] The Exchange currently requires designated Trading Permit Holders to participate in backup system testing on an annual basis pursuant to current Rules 6.18 and 6.23A(f). The proposed rule change deletes current Rule 6.23A(f), as it relates to mandatory testing, which is covered by proposed Rule 5.24.

[15] *See, e.g.,* BZX Options Rule 2.4; C2 Rule 6.34; and EDGX Rule 2.4. The Exchange notes BZX Options and C2 do not currently have DPMs or LMMs (BZX has LMMs with respect to equities listed on that exchange), and thus the rules of those exchanges do not require connectivity by corresponding market participants. Additionally, EDGX Options only has DPMs. Additionally, SPX and VIX options only trade on Cboe Options, and thus the rules of other exchanges do not impose requirements with respect to trading in those classes. The Exchange notes the other Cboe Affiliated Exchanges intend to update their disaster recovery rules regarding notice to the market participants that must connect to the backup systems to conform to the proposed rule change.

[16] *See* current Rule 6.18(b)(iv).

[17] The Exchange believes this requirement is appropriate since SPX and VIX options are exclusively listed on the Exchange, and there is significant trading in these options, and this proposed requirement will ensure that TPHs will be available to receive and submit to the Exchange orders when the Exchange's primary system is inoperable.

[18] Pursuant to proposed Rule 5.24(c), all TPHs may connect to the Exchange's backup systems and participate in testing of these systems.

[19] A meaningful percentage may not apply retroactively to any measurement quarter completed or in progress.

[20] This is consistent the measurement and notice provision in Miami International Securities Exchange, Inc. (''MIAX'') Rule 321, Interpretation and Policy .01.

Exchange's trading floor. To conform to the corresponding rules of Cboe Affiliated Exchanges, the proposed rule change deletes the other provisions. The proposed rule change also makes nonsubstantive changes to some of the disaster recovery provisions, including updating paragraph lettering and numbering, making grammatical changes, simplifying certain provisions, and incorporating defined terms.

Proposed Rule 5.25 describes steps the Exchange may take to mitigate message traffic, based on the Exchange's traffic with respect to target traffic levels and in accordance with the Exchange's overall objective of reducing both peak and overall traffic. First, the System will not send an outbound message [21] in a series that has not been but is about to be sent if a more current quote message for the same series is available for sending, but does not delay the sending of any messages (referred to in proposed Rule 5.25 as ''replace on queue''). Second, the System will prioritize price update messages over size update messages in all series and in conjunction with the replace on queue functionality described above. Current Rules contain various provisions the Exchange may use on its current technology platform to mitigate message traffic, such as current Rule 6.23A(b) (which permits the Exchange to limit the number of messages sent by TPHs accessing the Exchange electronically in order to protect the integrity of the trading system) and (c) (which provides the Exchange may utilize a mechanism so that newly received quotations and other changes to the Exchange's best bid and offer are not disseminated for a period of up to, but not more than one second in order to control the number of quotations the Exchange disseminates), and Rule 6.23B (regarding bandwidth packets).[22] The proposed rule change essentially replaces these provisions. The Exchange does not have unlimited capacity to support unlimited messages, and the technology platform onto which it will migrate contains the above functionality, which are reasonable measures the Exchange may take to manage message traffic and protect the integrity of the System.[23]

The proposed rule moves the rule regarding back-up trading arrangements from Rule 6.16 in the current Rulebook to Rule 5.26 in the shell Rulebook. The proposed rule change deletes a cross-reference to current Rule 8.87.01, which the proposed rule change deletes, and instead states the Exchange may establish a lower DPM [24] participation entitlement percentage applicable to trading on a Cboe Options' facility on the Back-Up Exchange than the percentage applicable under the rules of the Back-Up Exchange, if Cboe Options and the Back-Up Exchange agree. This is consistent with the Exchange's current authority under the Rules. The proposed rule change makes no changes to this rule, except nonubstantive changes, including updating paragraph lettering and numbering, making grammatical changes, updating cross-references, and incorporating defined terms.

Order and Quote Entry and Allocation

The System currently begins accepting orders in quotes at 4:00 p.m. Central Time the previous trading day for the Global Trading Hours (''GTH'') trading session and at 6:30 a.m. Central Time for the Regular Trading Hours (''RTH'') trading session.[25] Pursuant to proposed Rule 5.7, Users can enter orders and quotes into the System, or cancel previously entered orders, from 2:00 a.m. Eastern Time until RTH market close. While Users will have less time to submit orders and quotes prior to the GTH opening, the Exchange believes having one hour to submit orders and quotes in All Sessions Classes prior to the GTH opening is sufficient given that the Exchange lists fewer classes for trading during GTH, and it is the same amount of time they have to submit orders and quotes in RTH Only classes prior to the RTH trading session.[26]

Users may enter orders and quotes during that time, subject to the following requirements and conditions:

- Users may transmit to the System multiple orders and quotes at a single price level or multiple price levels.
- Each order and quote a User submits to the Exchange must contain the minimum information identified in the Exchange's technical specifications.
- The System timestamps an order or quote upon receipt, which determines the time ranking of the order or quote for purposes of processing the order or quote.
- For each System Security,[27] the System transmits to OPRA for display the aggregate size of all orders and quotes in the System eligible for display at the best price to buy and sell.
- After the RTH market close, Users may cancel orders with Time-in-Force of good-til-cancelled (''GTC'') or good-til-date (''GTD'') that remain on the Book until 4:45 p.m. Eastern Time.[28]

The proposed provisions described in the first four bullets above are consistent with current functionality, and the proposed rule change merely adds this detail to the Rules. The Exchange believes adding these provisions to the Rules provides additional transparency for market participants. The Exchange adds the provision in the fifth bullet above, which provides Users with additional flexibility to manage their orders that remain in the Book following the RTH market close. Cancelling a GTC or GTD order at 4:30 p.m. has the same effect as cancelling that order at 7:30 a.m. the following day—ultimately it accommodates the User's goal of cancelling an order prior to it potentially executing during the Opening Process the following morning.[29]

[21] This refers to outbound messages being sent to data feeds and OPRA.

[22] As noted above, the proposed rule change deletes current Rule 6.23B. The proposed Rule change also deletes the remainder of Rule 6.23A(b), which states the Exchange may impose restrictions on the use of a computer connected through an API if necessary to ensure the proper performance of the system. The proposed rules do not contain a similar provision; however, to the extent the Exchange wanted to impose any type of these restrictions in the future, it would similar submit a rule change to the Commission.

[23] The proposed rule change is substantially similar to BZX Options Rule 21.14, C2 Rule 6.35, and EDGX Options Rule 21.14. Note the BZX Options and EDGX Options rules also include a provision regarding their ability to periodically delist options with an average daily volume of less than 100 contracts. Current Exchange Rule 5.4, Interpretation and Policy .13 permits the Exchange to delist any class immediately if the class is open for trading on another national securities exchange, or to not open any additional series for trading in a class that is solely open for trading on the Exchange. This provision achieves the same purpose as the BZX Options and EDGX Options rules, and thus it is unnecessary to add that provision to the Exchange's Rules.

[24] The proposed rule change also adds the Exchange may do this for the LMM participation entitlement percentage, as LMMs and PMM serve substantially similar functions.

[25] *See* current Rule 6.2(a); *see also* Cboe Options Regulatory Circular RG15–103 (July 13, 2015). The Exchange currently begins accepting orders and quotes at 7:30 a.m. Eastern Time for the RTH trading session, which time is not changing.

[26] Pursuant to C2 Options Rule 6.11(a) and EDGX Options Rule 21.7(a), the Queuing Period for the GTH trading session will similarly begin one hour prior to the beginning of that trading session on those exchanges. Current Rule 6.2(a) provides the Exchange with flexibility regarding when to begin the pre-opening period. The Exchange proposes to eliminate this flexibility from the Rules, as it does not believe it is necessary any more. If the Exchange determines to change the time at which the Queuing Period will begin, it will submit a rule filing.

[27] A System Security is a class that currently trades on the Exchange. *See* Rule 1.1 in the shell Rulebook.

[28] *See* proposed Rule 5.7(a)–(e).

[29] This proposed change is also substantively the same as C2 Rule 6.9; and EDGX Options Rule 21.6(a)–(c) and (f). The proposed rule change is also similar to BZX Options Rule 21.6(a)–(c) (this rule does not contain the provision regarding when a

The proposed rule change also moves the provisions regarding the requirement to systematize an order from Rule 6.24 in the current Rulebook to Rule 5.7(f) and Interpretations .01 through .06, except the proposed rule change deletes current Interpretation and Policy .03. That provision describes the Exchange's Telephone and Terminal Order Formats Manual, which the Exchange prescribes. This manual no longer exists, and any order formats regarding systemization are included in the Exchange's technical specifications or otherwise disseminated to Trading Permit Holders by Regulatory Circular or Exchange Notice.[30] The proposed rule change makes no other substantive changes to current Rule 6.24, and makes certain nonsubstantive changes, such as to reflect defined terms, update paragraph lettering and numbering, update cross-references, and make other grammatical changes.

The Exchange currently offers quoting functionality to Market-Makers, which permits Market-Makers to update their electronic quotes in block quantities.[31] Quotes on the Exchange do not route to other exchanges,[32] and Market-Makers generally enter new quotes at the beginning of the trading day based on then-current market conditions.[33] The Exchange proposes to replace quoting functionality with bulk message functionality. As noted above, a bulk port is a dedicated logical port that provides Users with the ability to submit bulk messages, single orders, or auction responses. The proposed rule change defines bulk message as a single electronic message a User submits to the Exchange in which the User may enter, modify, or cancel up to an Exchange-specified number of bids and offers.[34] A User may submit a bulk message through a bulk port as described below. The System handles a bulk message bid or offer in the same manner as it handles and order or quote, unless the Rules specify otherwise.[35]

Users may submit bulk messages through a bulk port, subject to the following:

- A bulk message has a time-in-force of Day;[36]
- a Market-Maker with an appointment in a class may designate a bulk message for that class as Post Only or Book Only, and other Users must designate a bulk message for that class as Post Only; and
- a User may establish a default match trade prevention (''MTP'') modifier of MTP Cancel Newest (''MCN''), MTP Cancel Oldest (''MCO''), or MTP Cancel Both (''MCB''),[37] and a default value of attributable or non-attributable, for a bulk port, each of which applies to all bulk messages submitted to the Exchange through that bulk port.[38]

Users may also submit single orders through a bulk port in the same manner as Users may submit orders to the Exchange through any other type of port, including designated with any order instruction and any time-in-force in proposed Rule 5.30, except a Market-Maker with an appointment in a class may designate an order for that class submitted through a bulk port only as Post Only or Book Only, and other Users must designate an order for that class submitted through a bulk port as Post Only.[39] Users may also submit auction responses (using auction response messages) in the same manner as Users may submit auction responses to the Exchange through any other type of port.[40]

The proposed rule change restricts orders [sic] and bulk messages to Post Only and Book Only[41] with a time-in-force of Day. As a general matter, bulk ports are intended to be limited for the use of liquidity provision on the Exchange, particularly by, but not limited to, Market-Makers. In turn, the Exchange believes it is unnecessary to allow orders entered via bulk ports to be able to last beyond the trading day on which they were entered.

Proposed Rule 5.5(c)(3)(A)(i) states that bulk messages have a time-in-force of Day. As discussed above, this is consistent with current Exchange quoting functionality, which cancels all resting quotes at the close of the trading day. This is also consistent with a Market-Maker's obligation to update its quotes in response to changed market conditions in its appointed classes.[42] Users will have the ability to cancel bulk message bids and offers at any time during the trading day, and may apply any other time-in-force designation to an order submitted through a bulk port (as further discussed below) or other type of port.

Unlike current Exchange quoting functionality, which is only available to Market-Makers in their appointed classes, the proposed bulk messages will be available to all Users. While all Users will be able to use bulk messages, the primary purpose of quoting functionality and the proposed bulk message functionality is to encourage market-maker quoting on exchanges. The proposed rule change provides that a Market-Maker with an appointment in a class may designate a bulk message for that class as ''Post Only'' or ''Book Only.'' This will provide Exchange Market-Makers with substantially similar functionality that is currently available to them on the Exchange, which permits Market-Makers' incoming quotes to execute against resting orders and quotes, except against the resting quote of another Market-Maker (see discussion below).[43] The Exchange believes permitting Market-Makers to use bulk message to remove liquidity from the Book (if they so elect) will keep Exchange Market-Makers on

User may cancel a GTC or GTD order; however, the Exchange understands this is consistent with BZX Options functionality).

[30] *See* Rule 1.2 in current Rulebook (Rule 1.5 in shell Rulebook).

[31] *See* Rule 1.1 (definition of quote). In other words, a Market-Maker may submit a single message to the Exchange, which message contains bids and offers in multiple series.

[32] *See* current Rule 6.14B (which describes how the Exchange routes orders (specifically intermarket sweep orders) but not quotes to other exchanges); *see also* NYSE Arca, LLC (''Arca'') Rule 6.37–O(a)(3)(D) (which states quotes do not route).

[33] The Exchange understands this to be common practice by Market-Makers throughout the industry, and is consistent with Cboe Options functionality, which cancels all unexecuted resting Market-Maker quotes at the close of each trading day. Additionally, it is consistent with Market-Makers' obligation to update market quotations in response to changed market conditions. *See* current Rule 8.5(a)(4); *see also* Cboe Options Rule 8.7(b)(iii).

[34] Pursuant to Rule 1.5 in the shell Rulebook, the Exchange will announce this number via Exchange Notice or publicly available technical specifications. The limit on bids and offers per message is a reasonable measure for the Exchange to use to manage message traffic and activity to protect the integrity of the System.

[35] *See* Rule 1.1 in the shell Rulebook. In other words, a bulk message will be treated as an order (or quote if submitted by a Market-Maker) pursuant to the Rules, including with respect to priority and allocation. The proposed rule change identifies the rule provisions pursuant to which bulk messages will be handled in a different manner. The proposed rule change also amends the definition of quote in Rule 1.1 in the shell Rulebook to provide that a quote is a firm bid or offer a Market-Maker submits electronically in as an order or bulk message (as well as a firm bid or offer a Market-Maker represents in open outcry on the trading floor).

[36] The proposed rule change adds to Rule 5.6(a) in the shell Rulebook that an order instruction or time-in-force applied to a bulk message applies to each bid and offer within that bulk message. For example, a Market-Maker cannot designate one bulk message bid within a single message as Post Only and designate another bulk message bid within the same message as Book Only.

[37] *See* Rule 5.6(c) of the shell Rulebook for definitions of MTP modifiers.

[38] *See* proposed Rule 5.5(c)(3)(A).

[39] *See* proposed Rule 5.5(c)(3)(B).

[40] *See* proposed Rule 5.5(c)(3)(C).

[41] Consistent with the definitions of Post Only and Book Only (see Rule 5.6(c) in the shell Rulebook), bulk message bids and offers will not route.

[42] *See* Rule 8.7(b)(iii).

[43] Incoming market-maker quotes on some options exchanges may execute against interest resting in the book (*see, e.g.,* Arca Rule 6.37A–O(a)(3)), while on other options exchanges they may not (*see, e.g.,* Box Options Exchange, LLC (''BOX'') Rule 8050, IM–8050–3).

an even playing field with market-makers on other exchanges that offer quoting functionality. Additionally, Market-Makers are subject to various obligations, including obligations to provide two-sided quotes, to provide continuous quotes, and to trade at least 75% of its contracts each quarter in its appointed classes.[44] The Exchange believes providing Market-Makers with flexibility to use the Post Only or Book Only instruction with respect to bulk messages will provide Market-Makers with additional tools, to meet their obligations in a manner they deem appropriate. The Exchange further believes this may encourage liquidity providers to register as Market-Makers.

The proposed rule change provides that other Users (*i.e.,* non-Market-Makers or Market-Makers without an appointment in the class) must designate a bulk message for that class as ''Post Only.'' Because these Users do not have access to quoting functionality today, the proposed rule change will provide these Users with functionality that is not available to them today. This will provide Users with flexibility avoid incurring certain fees for removing liquidity if their intent is to add liquidity to the Book. The Exchange notes that Users may apply the Book Only instruction to orders submitted to the Exchange through other ports.

The proposed rule change also permits Users to establish a default MTP modifier of MCN, MCO, or MCB that would apply to all bulk messages submitted through a bulk port. Cboe Options currently offers a Market-Maker Trade Prevention Order, which would be cancelled if it would trade against a resting quote or order for the same Market-Maker, and also cancel the resting order or quote.[45] This is equivalent to the MCBO modifier (except the MCB modifier may be used by all Users rather than just Market-Makers). The proposed rule change provides Users with the ability to apply the same trade prevention designation that is available for quotes on the Exchange to bulk messages (MCB), as well as two additional MTP options (MCN and MCO) (the Exchange notes there is currently no trade prevention functionality equivalent to MCN or MCO available on the Exchange for quotes). Allowing three MTP modifiers for bulk messages will provide Users with additional control over the circumstances in which their bulk message bids and offers (and resting orders (including bulk message bids and offers)) will interact with each other. The Exchange does not believe there is demand by Users for the MDC and MCS modifiers (which will be available on the Exchange for orders) for bulk messages. There is currently no trade prevention functionality equivalent to MDC or MCS available on the Exchange today. The Exchange notes all Users may continue to apply all MTP modifiers to orders submitted through a bulk port or any other type of port.

Generally, the System will handle bulk message bids and offers in the same manner as it handles orders and quotes with the same order instructions and times-in-force that will be applied to bulk messages, including prioritizing, displaying, and executing them pursuant to proposed Rule 5.32.[46] Current Rule 6.45(c) provides in the event a Market-Maker's disseminated quote locks with another Market-Maker's disseminated quote, a counting period begins during which Market-Makers whose quotes are locked may eliminate the locked market. If, at the end of the counting period, the quotes remain locked, the locked quotes automatically execute against each other.[47] Proposed Rule 5.32(c)(6) states the System cancels or rejects a Book Only bulk message bid (offer) or order bid (offer) (or unexecuted portion) submitted by a Market-Maker with an appointment in the class through a bulk port if it would execute against a resting offer (bid) with a Capacity of M. This functionality is similar to the current quote-lock functionality. While current functionality permits locked quotes to execute against each other after a specified amount of time, it also provides Market-Makers with an opportunity to update their resting quotes, which would prevent execution of an incoming Market-Maker quote against a resting Market-Maker quote. As proposed, a Market-Maker bulk message or order bid or offer will be rejected if it would execute against resting Market-Maker interest. The Market-Maker may resubmit its bulk message or order bid or offer after being rejected, which would be able to rest in the Book if the Market-Maker repriced its resting bid or offer in the interim. Additionally, a Market-Maker may interact with resting Market-Maker interest by submitting an order to the Exchange through a different type of port.

Proposed Rule 5.7(a) provides that a User may only enter one bid and one offer for a series per EFID per bulk port. The Exchange believes this will encourage Users to submit their best bids and offers in series, and thus provide displayed liquidity to the market and contribute to price discovery. Note firms may have multiple EFIDs and multiple bulk ports, and thus will have the ability through separate ports or EFIDs to submit additional bids and offers using bulk messages in the same series if they choose. This provision is consistent with the Exchange's current rule interpretation.[48]

As noted above, the proposed rule change will permit Users to submit single orders to the Exchange through bulk ports. The Exchange believes this will encourage Users that may not have quoting systems to provide liquidity to the Exchange. Proposed Rule 5.5(c)(3)(B) subjects single orders submitted through bulk ports to the same Book Only and Post Only restrictions described above for Market-Makers with appointments in a class and other Users. This will provide Users with additional functionality that is not currently available today, as orders may not be submitted through quoting connections on the Exchange. Because there are no time-in-force restrictions on orders submitted through bulk ports, Users may allow their liquidity to rest on the Exchange for multiple trading days, if Users so choose. This will also provide Users with additional control over the orders they use to provide liquidity to the Exchange through bulk ports. Additionally, proposed Rule 5.32(6) imposes the same prohibition on Market-Maker orders submitted through bulk ports from removing resting Market-Maker interest that applies to bulk messages, as described above. The Exchange believes it is appropriate for orders submitted through bulk ports be subject to the same restrictions on adding and removing liquidity as bulk messages submitted through bulk ports, so that orders submitted through bulk ports do not have an advantage over bulk messages, and vice versa.

While liquidity providers are most commonly registered Market-Makers, other professional traders also provide liquidity to the options market, which contributes to price discovery. As a result, the Exchange believes it is appropriate to make bulk messages available to all Users to encourage them to provide liquidity, which is critical to the Exchange's market. Additionally, permitting orders to be submitted

[44] *See* current Rule 8.7.

[45] *See* Rule 6.53 in the current Rulebook.

[46] *See* proposed Rule 5.32(a).

[47] Inverted quotes would be handled in a similar manner pursuant to Rule 6.45(c).

[48] *See* Cboe Options Regulatory Circular RG18–008 (March 6, 2018), which provides that each Market-Maker acronym (which is comparable to an EFID), may only have one quote (which is considered to be a two-sided quote) in each series at a time.

through bulk ports will provide all liquidity providers with additional flexibility with respect to functionality they may use to provide liquidity to the Exchange.

The proposed rule change amends Rule 5.6(b), (c), and (d) in the shell Rulebook to provide that eligible order types, order instructions, and times-in-force, respectively, are subject to the proposed restrictions in proposed Rule 5.5(c) with respect to orders and bulk messages submitted through a bulk port, as well as to clarify which order types, order instructions, and times-in-force are and are not available for bulk messages.[49]

Rule 5.6(a) in the shell Rulebook permits the Exchange to make order types, order instructions, and times-in-force listed in that Rule available on a system, class, and trading session basis for electronic processing.[50] Proposed Rule 5.30 provides that the Exchange may make the following order types, order instructions, and times-in-force [51] available during RTH:

- *Order types:* Limit order and market order.
- *Order instructions:* all-or-none (''AON''), attributable, book only, all sessions, cancel back, electronic only, MTP modifier, minimum quantity, non-attributable, post only, price adjust, qualified cross contingent (''QCC''),[52] reserve order, RTH only, stop (stop-loss), and stop limit.
- *Times-in-force:* Day, fill-or-kill (''FOK''), GTC, GTD, immediate-or-cancel (''IOC''), limit-on-close (''LOC''), market-on-close (''MOC''), and opening rotation (''OPG'').[53]

Proposed Rule 5.30 provides that the Exchange may make the following order types, order instructions, and times-in-force available during GTH: [54]

- *Order types:* Limit order.
- Order instructions: AON, attributable, book only, all sessions, cancel back, electronic only, MTP modifier, minimum quantity, non-attributable, post only, price adjust, reserve order, and stop-limit.
- *Times-in-force:* Day, FOK, GTC, GTD, IOC, and OPG.[55]

The proposed rule change updates the definition of QCC orders in Rule 5.6(c) of the Shell Rulebook to codify in the Rules certain functionality for QCC orders with more than one option leg (''Complex QCC orders''). The current definition does not explicitly state that each leg of a complex QCC order must be at least 1,000 standard option contracts (or 10,000 mini-option contracts). However, that requirement is set forth in Cboe Options Regulatory Circular RG13–102 (July 19, 2013). Additionally, the current rule does not explicitly state that the legs of complex QCC orders must execute at prices at or better than the NBBO of the series, at prices better than a priority customer order resting in the Simple Book, or that a Complex QCC order may not execute at the same price as complex orders resting on the complex order book, but the Exchange understands this is consistent with current Cboe Options functionality.[56] The proposed rule change does not change the current functionality of QCC orders, but rather adds details regarding the functionality to the Rules.

The proposed rule change moves the provisions regarding the electronic processing, display, priority, and execution of simple orders from the current Rulebook to proposed Rule 5.32 in the shell Rulebook.[57]

Current Rule 6.45(a)(i) provides that orders and quotes are allocated pursuant to the aggregated pro-rata base allocation algorithm, except in classes the Exchange determines to apply the price-time or pro-rata base allocation algorithm. Following the technology migration, the Exchange will determine to only apply the price-time or pro-rata base allocation algorithm, which are currently available on the Cboe Affiliated Exchanges.[58] Therefore, the proposed rule change deletes aggregated pro-rata priority from the possible base allocation algorithms. Aggregated pro-rata is similar to standard pro-rata, except broker-dealer orders at the same price are aggregated prior to the pro-rata distribution and counted as a single order with the aggregated size. While these algorithms allocate orders and quotes in a different manner because of this aggregation, and may result in different allocations of orders and quotes, the resulting allocations are generally similar.

Proposed Rule 5.32(a) states the Exchange determines which base allocation algorithm in proposed subparagraph (1), and whether one or more of the priority overlays in subparagraph (2), will apply on a class-by-class basis. This is consistent with current Rule 6.45(a)(i).[59] Proposed Rule 5.32(a)(1)(A) states resting orders and quotes on the Book with the highest bid and lowest offer have priority. If there are two or more resting orders or quotes at the same price, the System prioritizes them at the same price in the order in which the System received them (*i.e.,* time priority).[60] Proposed Rule 5.32(a)(1)(B) states resting orders and quotes on the Book with the highest bid and lowest offer have priority. If there are two or more resting orders at the same price, the System allocates orders proportionally according to size (*i.e.,* on a pro-rata basis). The System allocates executable quantity to the nearest whole number, with fractions ½ or greater rounded up (in size-time priority) and fractions less than ½ rounded down. If the executable quantity cannot be evenly allocated, the System distributes remaining contracts one at a time in

[49] The Exchange notes a User may not designate a bulk message as AON. AON orders are not displayed, and thus do not contribute to price discovery. Additionally, the size contingency restricts the ability of an AON order to execute, and thus its purpose is not to provide liquidity, which contradicts the purpose of bulk messages.

[50] Rule 6.1A(f) in the current Rulebook also provides that all order types that are available for electronic processing during RTH and as otherwise determined by the Exchange will be available for trading during GTH, except market orders, market-on-close orders (which includes limit-on-close orders pursuant to the current definition of market-on-close orders in current Rule 6.53), stop orders, and GTC orders. The proposed rule change deletes current Rule 6.1A(f), as proposed Rule 5.30 covers this information.

[51] *See* Rule 5.6 in the shell Rulebook for definitions of each order type, order instruction, and time-in-force.

[52] Note it is not specified in the current Rulebooks that QCC orders are not available during GTH; however, this is consistent with the fact that only index options are eligible for trading during GTH.

[53] With the exception of order instructions and times-in-force that are not currently available on the Exchange but will be following the technology migration, these are the same order types, order instructions, and times-in-force the Exchange may currently make available during RTH.

[54] The Exchange notes it intends to indicate which order types, order instructions, and times-in-force the Exchange may make available for complex orders during each trading session in a separate rule filing.

[55] With the exception of order instructions and times-in-force that are not currently available on the Exchange but will be following the technology migration, these are the same order types, order instructions, and times-in-force the Exchange may currently make available during GTH, except for GTC. Because the Exchange will use the same Book for GTH and RTH, the Exchange will make available the GTC time-in-force for GTH, as an order in an All Sessions class with that time-in-force can remain in the Book following the conclusion of the GTH trading session and be available for trading during the RTH trading session.

[56] The proposed definition of a QCC order is virtually identical to the definition of a QCC order in EDGX Options Rule 21.1(d)(10). QCC orders are not currently available on BZX Options or C2.

[57] The Exchange intends to move the provisions regarding the allocation and execution of orders in open outcry in current Rule 6.45(b) and Interpretation and Policy .06 to the shell Rulebook in a separate rule filing.

[58] *See* BZX Options Rule 21.8(a) (price-time); C2 Options Rule 6.12(a) (price-time and pro-rata); and EDGX Options Rule 21.8(c) (pro-rata).

[59] Pursuant to any allocation algorithm and priority overlay, the System only allocates to an order or quote up to the number of contracts of that order at the execution price. *See* current Rule 6.45(a)(i) and proposed Rule 5.32(a).

[60] *See* current Rule 6.45(a)(i)(A). The proposed rule change makes no substantive changes to the price-time base allocation algorithm.

size-time priority to orders that were rounded down.[61] This differs from the current the pro-rata allocation algorithm, pursuant to which the System allocates contracts to the first resting order or quote proportionally according to size (based on the number of remaining contracts to be allocated and the size of the remaining resting orders and quotes), and allocates contracts to the next resting order or quote. The System repeats this process until it allocates all contracts from the incoming order or quote. The system rounds fractions ½ or greater up and fractions less than ½ down. The Exchange believes the proposed pro-rata algorithm is a fair, objective, and simple systematic process to allocate ''extra'' contracts when more than one market participant may be entitled to those extra contracts after rounding. It is also consistent with the pro-rata process on Cboe Affiliated Exchanges.[62]

Proposed Rule 5.32(a)(2) describes the priority overlays the Exchange may apply to a class, which are the same priority overlays the Exchange may apply today. The Exchange may apply one or more priority overlays to a class in any sequence,[63] except if the Exchange applies any participation entitlement pursuant to proposed subparagraph (B) or the small order priority pursuant to proposed subparagraph (C), the Exchange must apply the Priority Customer overlay in proposed subparagraph (A) ahead of the participation entitlement and small-size priority in the priority sequence.[64] After the System executes an incoming order subject to the applicable priority overlays, the System executes any remaining orders on the Book (which are non-Priority Customer orders if the Exchange applies any of the overlays in proposed subparagraphs (A) through (C)) pursuant to the applicable base allocation algorithm. This is consistent with current functionality, and the proposed rule change is adding this detail to the Rules.[65]

Proposed Rule 5.32(a)(2)(A) describes the Priority Customer overlay, pursuant to which a Priority Customer order at the highest bid or lowest offer has priority over orders and quotes of all other market participants (*i.e.,* non-Priority Customers) at that price. If there are two or more Priority Customer orders at the same price, the System prioritizes them in the order in which the System received them (*i.e.,* time priority).[66]

Proposed Rule 5.32(a)(2)(B) describes the Designated Primary Market-Maker (''DPM''), Lead Market-Maker (''LMM''), and Preferred Market-Maker (''PMM'') participations entitlements.[67] The Exchange may apply one or more of the DPM, LMM, and PMM participation entitlements (in any sequence) to a class. If the DPM, LMM, or PMM, as applicable, has a quote at the highest bid or lowest offer, it will receive the greater of (1) the number of contracts it would receive pursuant to the applicable base allocation algorithm and (2) 50% of the contracts if there is one other non-Priority Customer order or quote, 40% of the contracts if there are two non-Priority Customer orders or quotes, or 30% of the contracts if there are three or more non-Priority Customer orders or quotes at that price.[68]

Only one participation entitlement may apply to a trade (*e.g.,* if the Exchange applies a PMM participation entitlement and DPM participation entitlement to a class, with the PMM participation entitlement ahead of the DPM participation entitlement in the priority sequence, and both a PMM and DPM have a quote at the highest bid or lowest offer, the PMM will receive an entitlement on a trade and the DPM will not).[69] The participation entitlement will be based on the number of non-Priority Customer contracts remaining after the Priority Customer overlay is applied.[70] If the Exchange appoints both an On-Floor LMM or DPM and an Off-Floor DPM or LMM to a class, the On-Floor LMM or DPM, as applicable, may receive a participation entitlement with respect to orders represented in open outcry but not for orders executed electronically, and an Off-Floor DPM or LMM, as applicable, may receive a participation entitlement with respect to orders executed electronically but not orders represented in open outcry.[71] Additionally, the DPM/LMM/PMM participation entitlements do not apply during GTH.[72]

Proposed Rule 5.32(a)(2)(C) describes the small-size order entitlement (also referred to as the 1–5 lot entitlement).[73] If an incoming order or quote has five or fewer contracts (a ''small-size order''), and the DPM or LMM, as applicable, in the class has a quote at the highest bid or lowest offer, it has priority to execute against the entire size of the order or quote that does not execute against any Priority Customer orders on the Book at that price.[74] If a small-size order is preferred to a PMM, the PMM has a quote at the BBO, and the Exchange has applied the PMM participation entitlement to the class, the PMM receives its participation entitlement, and the small-size order entitlement does not apply to any execution of that order. If the PMM does not have a quote at the BBO, but the DPM or LMM, as applicable does, the DPM/LMM participation entitlement will apply to any execution of that order.[75] If a small-size order is preferred to a DPM or LMM, and the Exchange has applied the PMM and DPM or LMM participation entitlement, the DPM or LMM receives the small-size order entitlement, and the participation entitlement does not apply to execution of that order.[76] The small-

[61] *See also* C2 Rule 6.12(a)(2)(B); and EDGX Options Rule 21.8(c).

[62] *See* C2 Rule 6.12(a)(2)(B); and EDGX Options Rule 21.8(c).

[63] *See* current Rule 6.45(a)(ii).

[64] *See* current Rule 6.45(a)(ii)(B)(2) and (a)(ii)(c).

[65] *See also* EDGX Options Rule 21.8(e).

[66] *See* current Rule 6.45(a)(ii)(A). The proposed rule change makes no substantive changes to the Priority Customer overlay. *See also* EDGX Options Rule 21.18(d)(1).

[67] The provisions describing the current participation entitlements are in current Rules 6.45(b)(ii)(B), 8.13(c), 8.15(d), and 8.87, which the proposed rule change deletes. The proposed rule change also deletes Rule 8.87, Interpretation and Policy .01, as the Exchange does not intend to establish a different participation rate for newly listed products. Additionally, the proposed rule change deletes current Rule 8.87, Interpretations and Policies .02 and .03 (which contain exceptions to a DPM's continuous electronic quoting obligations). The Exchange intends to move these provisions to the shell Rulebook in a future filing regarding Market-Maker quoting obligations. The proposed rule change also deletes Rule 8.15(c), which is currently reserved.

[68] *See* current Rules 8.13(c), 8.15(d)(ii), and 8.87(b)(2). The proposed rule change deletes the provision that all broker-dealers at the same price will be treated as one broker-dealer order (with size consisting of the cumulative number of contracts in those non-Market-Maker broker-dealer orders). The System will treat each order as an individual order. The Exchange believes this will also be a fair, objective, and simple systematic process, and may provide other market participants with additional opportunities to participate in executions where a participation entitlement applies. The proposed rule change makes no other substantive changes to the participation entitlements. DPMs, LMMs, and PMMs are subject to the obligations set forth in current Rules 8.13, 8.15, and 8.17, respectively.

[69] *See* current Rule 6.45(a)(ii)(B)(3) (proposed Rule 5.32(a)(2)(B)(i)).

[70] *See* current Rule 6.45(a)(ii)(B)(2) (proposed Rule 5.32(a)(2)(B)(ii)).

[71] *See* current Rules 8.15(d)(i) and 8.87(b)(iv) (proposed Rule 5.32(a)(2)(B)(iii)).

[72] *See* current Rule 6.1A(e)(iii)(B) and 8.87(b)(iv) (proposed Rule 5.32(a)(2)(B)(iv)). Note the current rule only references the LMM participation entitlement. However, to the extent the Exchange appoints a DPM or PMM to a class for the GTH trading session, the Exchange would similarly not have the applicable participation entitlement apply during that trading session at this time.

[73] *See* current Rule 6.45(a)(ii)(c). The proposed rule change makes no substantive changes to the small-size order entitlement.

[74] *See also* EDGX Options Rule 21.8(g)(2).

[75] *See* current Rule 6.45(a)(ii)(c)(3) and proposed Rule 5.32(a)(2)(C)(i); *see also* EDGX Options Rule 21.8(h)(1)(A).

[76] *See* current Rule 6.45(a)(ii)(c) and proposed Rule 5.32(a)(2)(C)(ii); *see also* EDGX Options Rule 21.8(h)(1)(C). While this is not specified in the current Rule, the proposed rule change is consistent with current functionality and adds this detail to the Rules.

size order does not apply to executions following auctions.[77] The Exchange will continue to review the small-size order entitlement on a quarterly basis, and will reduce the size of the small-size orders if they comprise more than 40% of the volume executed on the Exchange (excluding volume resulting from the execution of orders in the Automated Improvement Mechanism (''AIM'')).[78]

Proposed Rule 5.32(a)(2)(D) describes the Market Turner priority.[79] A ''Market Turner'' is a TPH that first entered an order or quote at a better price than the previous highest bid or lowest offer, which order is continuously on the Book (and not modified in a manner that changes its priority) until it trades. A Market Turner has priority to execute against 50% of an incoming order or quote, or against the number of contracts remaining after any priority overlays ahead of the Market Turner priority are applied).[80] There may be a Market Turner for each price at which a particular order or quote trades.[81] Market-Turner priority remains with an order or quote once established (*i.e.,* if the market moves in the same direction as the Market Turner's order or quote moved the market, and then moves back to the Market Turner's original price, the Market Turner retains priority at that original price).[82] Any unexecuted portion of a Market Turner order or quote retains its Market Turner priority at its original price.[83] Market Turner priority may not be established until after the market open. Once established, Market Turner priority remains in effect for an order or quote until the market close.[84]

The proposed rule change moves the following additional priority rules to proposed Rule 5.32(a)(3):

- Displayed orders at a given price have priority over nondisplayed orders (current Rule 6.45(a)(v)(A)).
- Priority Customer Reserve Quantities at the same price execute in time sequence, and non-Priority Customer Reserve Quantities execute in accordance with the applicable base allocation algorithm (current Rule 6.45(a)(v)(B)).
- An AON order is always last in priority order (including after nondisplayed Reserve Quantity). The System allocates AON orders at the same price based on the time the System receives them (*i.e.,* in time priority), except if the Exchange applies the Priority Customer overlay to a class, Priority Customer AON orders have priority over non-Priority Customer AON orders (current Rule 6.45(a)(v)(D)).[85] A transaction may occur at the same price as an AON order resting on the EDGX Options Book without the AON order participating in the transaction. Notwithstanding proposed Rule 5.32(a)(1), a transaction may occur at a price lower (higher) than an AON order bid (offer) resting on the Book if the size of the resting AON order cannot be satisfied (current Rule 6.44, Interpretation and Policy .02).

Other than the deletion of the aggregated pro rata base allocation algorithm (and the related aggregation provisions within the participation entitlement overlay) and how the System will round and allocate contracts when they cannot be divided evenly pursuant to the pro-rata base allocation algorithm, the System will allocate orders and quotes in the same manner as it does today. As noted above, the Exchange believes the proposed pro-rata base allocation (which the Exchange will apply to any classes to which the Exchange currently applies the aggregated pro-rata base allocation algorithm) is a fair, objective, and simple systematic process that is equivalent to the pro-rata base allocation algorithm available on Cboe Affiliated Exchanges. While the aggregated pro-rata and pro-rata algorithms each allocate orders and quotes in a different manner because of the aggregation of broker-dealer interest at the same price, and may result in different allocations of orders and quotes, the resulting allocations are generally similar.

Proposed Rule 5.32(b) describes a new Price Adjust process, which is a repricing mechanism offer to Users on BZX Options, C2, and EDGX Options.[86] Orders designated to be subject to the Price Adjust process or not designated as Cancel Back (and thus not subject to the Price adjust process), will be handled pursuant to proposed Rule 5.32(b). The Price Adjust process (in addition to the Cancel Back order instruction) is an additional way in which the Exchange will ensure compliance with the locked and crossed market rules in current Chapter VI, Section E (which the proposed rule change moves to Chapter 5, Section E in the shell Rulebook). It will also provide Users with additional flexibility regarding how they want the System to handle their orders.

Pursuant to proposed Rule 5.32(b)(1)(A), a buy (sell) non-AON order at the time of entry would lock or cross (1) a Protected Quotation of another exchange or the Exchange, the System ranks and displays the order at one minimum price variation below (above) the current NBO (NBB); or (2) the offer (bid) of a sell (buy) AON order resting on the Book at or better than the Exchange's best offer (bid), the System ranks the resting AON order one minimum price variation above (below) the bid (offer) of the non-AON order. For example, if an AON order to buy 5 at 1.10 is resting on the Book (which is the NBB), and a non-AON order to sell 1 (which does not satisfy the size of the AON order) at 1.10 enters the Book, the System reprices the AON order to rest in the Book at 1.05 (assuming the minimum price variation for the class is $0.05). Proposed Rule 5.32(b)(1)(B) states if a buy (sell) AON order, at the time of order entry, would (1) cross a Protected Offer (Bid) of another options exchange or a sell (buy) AON order resting on the Book at or better than the Exchange's best offer (bid), the System ranks the incoming AON order at a price equal to the Protected Offer (Bid) or the offer (bid) of the resting AON order, respectively; or (2) lock or cross a Protected Offer (Bid) of the Exchange, the System ranks the incoming AON order at a price one minimum price variation below (above) the Protected Offer (Bid).

For example, if an AON order to buy 5 at 1.10 is resting on the Book (which

[77] *See* current Rule 6.45(a)(ii)(c)(4) and proposed Rule 5.32(a)(2)(C)(iii).

[78] *See* current Rule 6.45(a)(ii)(c)(1) and proposed Rule 5.32(a)(2)(C)(iv).

[79] *See* current Rule 6.45(a)(ii)(D). The proposed rule change makes no substantive changes to the Market Turner priority.

[80] This is consistent with current functionality, and the proposed rule change adds this detail to the Rules. Currently, the Exchange may receive priority against an entire incoming order or quote or a percentage of that order or quote. *See* current Rule 6.45(a)(ii)(D). The Exchange currently sets this percentage to 50%, and intends to maintain that percentage following the technology migration, so the proposed rule change specifies this in the Rules.

[81] *See* current Rule 6.45(a)(ii)(D) and proposed Rule 5.32(a)(2)(D)(i).

[82] *See* current Rule 6.45(a)(ii)(D) and proposed Rule 5.32(a)(2)(D)(ii).

[83] *See* current Rule 6.45(a)(ii)(D) and proposed Rule 5.32(a)(2)(D)(iii).

[84] *See* current Rule 6.45(a)(ii)(D) and proposed Rule 5.32(a)(2)(D)(iv).

[85] The proposed rule change also states that a transaction may occur at the same price as an AON order resting on the Book without the AON participating in the transaction, and that notwithstanding proposed Rule 5.32(a)(1), a transaction may occur at a price lower (higher) than an AON order bid (offer) resting on the Book if the size of the resting AON order cannot be satisfied. *See* current Rule 6.44, Interpretation and Policy .02 (which was deleted from the current Rulebook pursuant to SR–CBOE–2019–027).

[86] The proposed Price Adjust process is substantially the same as EDGX Options Rule 21.1(i). Note BZX Options and C2 do not have AON orders, and thus the Price Adjust process described in their rules do not account for AON orders (and are equivalent to proposed paragraph 5.32(b)(1)(A)(i)). *See* BZX Options Rule 21.1(i); and C2 Rule 6.12(b).

is the NBB), and a non-AON order to sell 1 (which does not satisfy the size of the AON order) at 1.10 enters the Book, the System reprices the AON order to rest in the Book at 1.05 (assuming the minimum price variation for the class is $0.05). As another example, if a non-AON order to buy 1 at 1.10 is resting at the top of the Book, and an AON order to sell 5 (which cannot satisfied by the resting interest) at 1.10 enters the Book, the System reprices the AON order to rest in the Book at 1.15 (assuming the minimum price variation for the class is $0.05). As a final example, if a buy AON order has a bid of 1.05 and enters the Book when the NBO is 1.00, the System ranks the AON order at a 1.00 bid. Or, if a sell AON order has an offer of 1.10 and enters the Book, where there is a resting AON order with a bid of 1.15, the System ranks the incoming AON order at a price of 1.15.

The proposed Price Adjust process handles AON orders different than other orders, because AON orders are not displayed on the Book (and thus are not Protected Quotations). The Exchange believes the proposed process is reasonable, because non-AON orders will rest on the Book at prices that would not create a locked or crossed market, and AON orders will rest on the Book at executable prices. The proposed process will generally re-price the incoming (and thus later arriving order). However, the proposed rule change will reprice a resting AON order rather than an incoming non-AON order, because AON orders have last priority (as discussed above) and are not displayed, and thus should not cause the price of an incoming non-AON order to reprice. Because AONs are not displayed and have last priority on the Book, the Exchange believes it is appropriate to adjust the price of an AON rather than an incoming order that would be displayed and protected. The proposed rule change is consistent with linkage rules, because AONs are not be part of the BBO, and repricing an AON to lock an away exchange price or a resting (and nondisplayed) order on the Book will, therefore, not result in a displayed locked market.

The proposed rule change also ensures that a resting AON order will not lock the price of a Protected Quotation on the Book. This prevents the situation in which an incoming order may execute ahead of the resting non-AON order. For example, if a non-AON order to buy 1 at 1.10 is resting on the Book, and an AON order to sell 5 (and thus is not satisfied by the resting interest) at 1.10 enters the Book, if the System permitted the AON order to rest at a price of 1.10 (rather than reprice the AON to rest at 1.15 as proposed), if subsequently an AON to buy 5 at 1.10 was submitted to the Exchange, that AON would execute against the resting AON at 1.10, and thus ahead of the non-AON order to buy.[87] The proposed rule change will also reprice an AON order to a more aggressive price up to the limit price at which it would be able to execute without causing a trade-through as the market changes.[88]

Proposed Rule 5.32(b)(2) states the circumstances that caused the System to adjust the price of an order pursuant to proposed subparagraph (1) change so that it would not lock or cross, as applicable, a Protected Quotation or an AON resting on the Book at a price at or better than the BBO, the System gives the Price Adjust order a new timestamp. The System ranks or displays the order at a price that locks or is one minimum price variation away from the new Protected Quotation or AON resting on the Book at or better than the BBO, as applicable. All Price Adjust orders that are re-ranked and re-displayed (if applicable) retain their priority as compared to other Price Adjust orders based upon the time the System initially received the orders. Following the initial ranking and display (if applicable) of a Price Adjust order, an order will only be re-ranked and re-displayed (if applicable) to the extent it achieves a more aggressive price up to its limit price. The System adjusts the ranked and displayed price of an order subject to Price Adjust once or multiple times depending upon the User's instructions and changes to the prevailing NBBO. The System does not display a Price Adjust limit order at any price worse than its limit price. This proposed repricing mechanism is an additional way in which the Exchange will ensure compliance with intermarket linkage rules, while permitting resting orders to rest at the most aggressive, executable prices (subject to orders' limit prices). It also provides Users with additional flexibility regarding how they want the System to handle their orders.[89]

The Exchange does not have functionality that corresponds to the Price Adjust process. However, the Exchange's current Rules do not provide any special handling that applies to AON orders that lock or cross orders on the Exchange or the quote of an away options market. Therefore, pursuant to the Rules, if an AON order is unable to execute upon entry into the System (or after routing, if eligible for routing pursuant to the Rules), the AON order will rest at its price, even if it locks or crosses the Exchange's BBO or the quote of an away options market.[90] The proposed rule change will similarly permit an AON order to rest at a price that locks the quote of an away options market, as well as an AON order resting on the Book at a price at or better than the BBO. An AON order resting at a price that locks or crosses an order may only execute in accordance with the priority principles set forth in current Rule 6.45 and may not execute at prices that would cause a trade-through pursuant to current Rule 6.81. The Exchange believes the proposed rule change ultimately creates the same result for a resting AON order that would otherwise occur on the Exchange (the proposed rule change merely changes the price of an AON order upon entry rather than at the time of execution), and in some cases results in price improvement for an AON order.

For example, as proposed, if the BBO was 1.15 × 1.30 (size of 50), and the NBBO was 1.15 × 1.20 (size of 50), and a User submitted an AON order for 100 to buy at 1.25, the AON order would rest on the Book with a price of 1.20 (which locks the Protected Offer of 1.20). If an order to sell 100 at 1.20 was later submitted to the Exchange, it would execute against the resting AON order at its ranked price of 1.20. Currently on the Exchange, the AON would rest at 1.25. If an order to sell 100 at 1.20 was later submitted to the Exchange it would execute against the resting AON order at a price of 1.20 (and thus the same price at which it would execute on the Exchange), as executions may only occur at or within the NBBO.

Additionally, suppose the BBO was 1.15 × 1.25 (non-AON order with size of 50), and was also the NBBO, and a User submitted an AON order for 100 to buy at 1.25, the AON order would rest on the Book with a price of 1.20 (which is one minimum price variation below the resting non-AON order). If an order to

[87] Priority rules apply to orders resting in the Book, not incoming orders. Therefore, with respect to an incoming order, the System checks opposite side interest to see if the incoming order can execute. It does not check to see if there is same-side interest ahead of which it cannot trade, as there would only be marketable same-side interest (from a price perspective) that would not otherwise execute against opposite side interest if such opposite side interest was an AON order.

[88] *See* current Rule 6.81 and proposed Rule 5.66 (which prohibits trade-throughs, subject to certain exceptions); and current Rule 6.82 and proposed Rule 5.67 (requires the Exchange to reasonably avoid displaying quotes that lock a Protected Quotation).

[89] *See also* EDGX Options Rule 21.1(i).

[90] If the AON order submitted to the Exchange was a market order and was unable to execute for any reason, it would cancel in accordance with the terms of a market order. This is consistent with the handling of any other market order that was not able to execute on the Exchange.

sell 100 at 1.20 was later submitted to the Exchange, it would execute against the resting AON order at a price of 1.20 (which results in price improvement for the AON order). Currently on the Exchange, the AON would rest at 1.25. If an order to sell 100 at 1.20 was later submitted to the Exchange, the AON would receive execution at a price of 1.25.[91] The Exchange believes the proposed rule change is an enhancement that will prevent such incoming orders to trade against a resting AON at the same price as a resting non-AON order on the opposite side of the market that had insufficient size to trade against the AON order.

As another example, if the BBO was 1.15 × 1.30 and was also the NBBO, and there was a sell AON order for 50 to sell at 1.25 resting on the Book, and a User submitted an AON order for 100 to buy at 1.25, the incoming AON order would rest on the Book at 1.25 (which locks the resting AON order). If an order to sell 100 at 1.25 was later submitted to the Exchange, it would execute against the resting AON order to buy at 1.25. This is the same result that would occur today on the Exchange.

Proposed Rule 5.32(c) describes how the System handles orders and quotes in additional circumstances. Proposed subparagraph (1) states, subject to the exceptions contained in proposed Rule 5.66 (current Rule 6.81), the System does not execute an order at a price that trades through a Protected Quotation of another options exchange. The System routes an order a User designates as routable in compliance with applicable Trade-Through restrictions. The System cancels or rejects any order not eligible for routing or the Price Adjust process that is entered with a price that locks or crosses a Protected Quotation of another options exchange. The Exchange currently does not execute orders at trade-through prices, consistent with intermarket linkage rules.[92]

The proposed rule change adds proposed Rule 5.32(c)(2), which states the System cancels or rejects a buy (sell) stop or stop-limit order if the NBB (NBO) at the time the System receives the order is equal to or above (below) the stop price. The System accepts a buy (sell) stop or stop-limit order if the consolidated last sale price at the time the System receives the order is equal to or above (below) the stop price. This is consistent with the definitions of stop and stop-limit orders in Rule 5.7(c) of the shell Rulebook. Because the purpose of a stop or stop-limit order is to rest in the Book until a specified price is reached, the Exchange believes rejecting a stop or stop-limit order entered above or below, as applicable, that price may be erroneous, as entry at that time would be inconsistent with the purpose of the order.[93]

The proposed rule change adds proposed Rule 5.32(c)(3), which states the System cancels or rejects a GTC or GTD order in an adjusted series.[94] Pursuant to current Rule 5.7, options contracts are subject to adjustments in accordance with the Rules of the Options Clearing Corporation (''OCC''). Generally, due to a corporate action by the issuer of an underlying, OCC may adjust the price of an option. After a corporate action and a subsequent adjustment to the existing options, OPRA and OCC identify the series in question with a separate symbol consisting of the underlying symbol and a numerical appendage. As a standard procedure, exchanges listing options on an underlying security that undergoes a corporate action resulting in adjusted series will list new standard option series across all expiration months the day after the existing series are adjusted. The adjusted series are generally actively traded for a short period of time following adjustment, but prices of those series may have been impacted by the adjustment. As a result, any GTC or GTD orders submitted prior to the adjustment may no longer reflect the market price of the adjusted series, as the prices of the GTC or GTD orders do not factor in the adjustment. The Exchange believes any executions of these GTC or GTD orders would be at erroneous prices, and thus believes it is appropriate for the System to cancel these orders, which will permit Users to resubmit orders in the adjust series at prices that reflect the adjustment and to submit orders in the new series.

The proposed rule change adds proposed Rule 5.32(c)(4), which states the System does not execute an order with an MTP Modifier entered into the System against an order entered with an MTP Modifier and the same unique identifier, and instead handles them in accordance with Rule 5.7(c) in the shell Rulebook. This provision reflects the definitions of the MTP Modifiers in Rule 5.7(c) in the shell Rulebook.

The proposed rule change moves the provisions regarding handling of market orders, market-on-close orders, and stop orders when the underlying security is in a limit up-limit down state from Rule 6.45(d) in the current Rulebook to Rule 5.32(c)(5) in the shell Rulebook. The proposed rule change only makes nonsubstantive changes to these provisions, including updating cross-references (and adding references to the Exchange's electronic crossing mechanisms), making grammatical changes, and updating paragraph numbering and lettering.

The proposed rule change moves the provision regarding the decrementation of an order or quote following partial execution from Rule 6.45(a)(iii) in the current Rulebook to Rule 5.32(d) in the shell Rulebook. The proposed rule change also moves the provision regarding the modification of orders and quotes from Rule 6.45(a)(iv) in the current Rulebook to Rule 5.32(e) in the shell Rulebook. The proposed rule change deletes the provision regarding two-sided quotes, as the functionality on Bats technology will not have an equivalent of two-sided quotes. Through bulk messages (the proposed equivalent to quoting technology), Users may submit bids and offers in the same series; however, they are individual quotes. The proposed rule change only makes nonsubstantive changes to these provisions, including updating cross-references (and adding references to the Exchange's electronic crossing mechanisms), making grammatical changes, and updating paragraph numbering and lettering.

The proposed rule change deletes current Rule 6.45(v) regarding contingency orders. As discussed above, certain provisions regarding AONs and Reserve orders were moved to other parts of the rule. The Exchange does not believe the introductory language and remaining provisions are necessary, as the order instruction definitions in Rule 5.6 of the shell Rulebook and order handling provisions described above contain sufficient detail regarding how the System will handle contingency orders. Additionally, the Exchange believes FOK and IOC orders relate to the time of execution of orders rather than a contingency, and thus these terms are described in Rule 5.6(d) of the shell Rulebook.

The proposed rule change moves the provisions regarding order exposure requirements from Rule 6.45, Interpretations and Policies .01 through .03 in the current Rulebook to Rule 5.8 in the shell Rulebook. The proposed rule change only makes nonsubstantive changes to these provisions, including updating cross-references (and adding references to the Exchange's electronic crossing mechanisms), making grammatical changes, and updating paragraph numbering and lettering.

[91] *See* current Rule 6.45 (proposed Rule 5.32).

[92] *See also* C2 Rule 6.12(c)(1); and EDGX options Rule 21.6(e) and (f).

[93] *See also* C2 Rule 6.12(c)(3).

[94] This is true on any trading day on which the adjusted series continues to trade.

The proposed rule change deletes current Rule 6.45, Interpretation and Policy .04, as it is redundant of Rule 1.2 in the current Rulebook (Rule 1.5 in the shell Rulebook). The proposed rule change moves current Interpretation and Policy .05 to proposed Interpretation and Policy .01. The proposed rule change deletes current Interpretations and Policies .05 and .06, and intends to add those provisions to Chapter 5, Section G of the shell Rulebook to keep all Rules related to open outcry trading in the same rule.

The proposed rule change moves the Rules regarding intermarket linkage, including order protection and locked and crossed market rules, from current Rules 6.80 to 6.82 in the current Rulebook to proposed Rules 5.65 to 5.67 in the shell Rulebook. The proposed rule change only makes nonsubstantive changes to these provisions, including updating cross-references and paragraph numbering and lettering.[95]

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.[96] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[97] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[98] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The proposed rule changes are generally intended to add or align certain system functionality offered by the Exchange and the Cboe Affiliated Exchanges in order to provide a consistent technology offering for the Cboe Affiliated Exchanges. A consistent technology, in turn, will simplify the technology implementation, changes, and maintenance by Users of the Exchange that are also participants on Cboe Affiliated Exchanges. The proposed rule changes would also provide Users with access to functionality that is generally available on markets other than the Cboe Affiliated Exchanges and may result in the efficient execution of such orders and will provide additional flexibility as well as increased functionality to the Exchange's System and its Users. The proposed rule change does not propose to implement new or unique functionality that has not been previously filed with the Securities and Exchange Commission (the ''Commission'') or is not available on Cboe Affiliated Exchanges. There are a number of rules to which the proposed rule change only makes nonsubstantive changes. The proposed rule text is generally based on the rules of Cboe Affiliated Exchanges and is different only to the extent necessary to conform to the Exchange's current Rules, retain intended differences based on the Exchange's market, or make other nonsubstantive changes to simplify, clarify, eliminate duplicative language, or make rule provisions plain English.

To the extent a proposed rule change is based on an existing Cboe Affiliated Exchange rule, the language of the Rules and Cboe Affiliated Exchange rules may differ to extent necessary to conform with existing Exchange rule text or to account for details or descriptions included in the Exchange's Rules but not in the applicable Exchange Rule. Where possible, the Exchange has substantively mirrored Cboe Affiliated Exchange rules, because consistent rules will simplify the regulatory requirements and increase the understanding of the Exchange's operations for Trading Permit Holders that are also participants on the Exchange. The proposed rule change will provide greater harmonization between the rules of the Cboe Affiliated Exchanges, resulting in greater uniformity and less burdensome and more efficient regulatory compliance. As such, the proposed rule change would foster cooperation and coordination with persons engaged in facilitating transactions in securities and would remove impediments to and perfect the mechanism of a free and open market and a national market system. The Exchange also believes that the proposed amendments will contribute to the protection of investors and the public interest by making the Exchange's rules easier to understand.

The proposed rule change regarding connectivity to the Exchange, including the definition of ports, will reduce complexity and increase understanding of the Exchange's operations for all Users of the Exchange following migration. As the ports are the same as used on the Cboe Affiliated Exchanges, Users of the Exchange and these other exchanges will have access to similar functionality on all Cboe Affiliated Exchanges. As such, the proposed rule change will foster cooperation and coordination with persons engaged in facilitating transactions in securities and would remove impediments to and perfect the mechanism of a free and open market and a national market system. The proposed changes to the Exchange's disaster recovery rules, including the requirements regarding which TPHs must connect to the Exchange's back-up system and participate in testing, are consistent with Regulation SCI requirements applicable to the Exchange and other SCI entities, which require these SCI entities to comply with requirements with respect to the automated systems central to the performance of their regulated activities. The Exchange takes pride in the reliability and availability of its systems. The Exchange and the Cboe Affiliated Exchanges have put extensive time and resources toward planning for system failures and already maintain robust business continuity and disaster recovery plans consistent with the proposed rule. The proposed rule change is also substantially similar to the rules of the Cboe Affiliated Exchanges, as well as another options exchange.[99]

The proposed rule regarding message traffic mitigation replaces the current Rules that permit the Exchange to similar mitigate message traffic. The Exchange does not have unlimited capacity to support unlimited messages, and the Exchange believes the proposed rule change provides the Exchange with reasonable measures to take to manage message traffic and protect the integrity of the System. The proposed rule change is also substantially similar to the rules of the Cboe Affiliated Exchanges.[100]

[95] The proposed rule change also deletes current Rules 6.83 and 6.84, which were reserved or previously deleted.

[96] 15 U.S.C. 78f(b).

[97] 15 U.S.C. 78f(b)(5).

[98] *Id.*

[99] *See* BZX Options Rule 2.4; C2 Rule 6.34; and EDGX Rule 2.4; *see also* MIAX Rule 321, Interpretation and Policy .01.

[100] The proposed rule change is substantially similar to BZX Options Rule 21.14, C2 Rule 6.35, and EDGX Options Rule 21.14. Note the BZX Options and EDGX Options rules also include a provision regarding their ability to periodically delist options with an average daily volume of less than 100 contracts. Current Exchange Rule 5.4, Interpretation and Policy .13 permits the Exchange to delist any class immediately if the class is open for trading on another national securities exchange,

The proposed bulk message functionality is substantially similar to the Exchange's current quoting functionality. The Exchange believes this will provide Market-Makers with a more seamless transition to the Exchange's new technology, and will provide Market-Maker with a means to contribute liquidity to the Exchange's market continuously during the technology migration, which benefits investors. Additionally, the proposed rule change provides other liquidity providers with an additional method of providing liquidity to the Exchange. This may result in the efficient execution of quotes and orders and will provide Users with additional flexibility and increased functionality on the Exchange's System, which may benefit all investors. The proposed bulk message functionality is also substantially similar to functionality currently available on Cboe Affiliated Exchanges.[101]

The proposed rule change to update the definition of QCC orders merely codifies in the Rules certain functionality for Complex QCC orders, but makes no proposes changes to the actual functionality or how Complex QCC orders execute. The proposed definition is substantially the same as a rule of a Cboe Affiliated Exchange.[102]

The proposed price adjust process is consistent with intermarket linkage rules, which require the Exchange to reasonably avoid displaying quotations that lock or cross any Protected Quotation. This proposed functionality will assist Users by displaying orders and quotes at permissible, executable prices, while also providing Users with flexibility to not have their orders and quotes subject to the Price Adjust process if they prefer. This proposed functionality is substantially similar to functionality available on Cboe Affiliated Exchanges.[103]

As discussed above, other than the deletion of the aggregated pro-rata base allocation algorithm (and the related aggregation provisions within the participation entitlement overlay) and how the System will round and allocate contracts when they cannot be divided evenly pursuant to the pro-rata base allocation algorithm, the System will allocate orders and quotes in the same manner as it does today. While the pro-rata algorithm may result in a different allocation of contracts than the aggregated pro-rata algorithm because of the aggregation of broker-dealer interest at the same price, the resulting allocations are generally similar. The Exchange believes the proposed pro-rata base allocation (which the Exchange will apply to any classes to which the Exchange currently applies the aggregated pro-rata base allocation algorithm) is a fair, objective, and simple systematic process. Additionally, it is equivalent to the pro-rata base allocation algorithm available on Cboe Affiliated Exchanges.[104]

The majority of the changes are nonsubstantive changes or provide additional detail in the rule regarding current functionality. The Exchange believes these changes and transparency will protect investors, as they provide more clarity within the rule and more harmonized rule language across the rules of the Cboe Affiliated Exchanges.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange does not believe the proposed rule change will impose any burden on intramarket competition. The Exchange believes the proposed rule changes to the disaster recovery rules will further contribute to the Exchange's continuous operation of a competitive market in the event of a systems failure or other disaster event. The Exchange notes that the proposed rule change is designed to provide the Exchange with authority to require certain market participants to participate in, and provide necessary liquidity to, the market to ensure that the Exchange functions in a fair and orderly manner in the event of a significant systems failure, disaster, or other unusual circumstances.

The proposed rule changes regarding connectivity to the Exchange (including the description of ports and EFIDs) will apply to all Users in the same manner, and are similar to the manner in which Users may connect to the Exchange today. Additionally, the proposed rule regarding message traffic mitigation replaces the current measures the Exchange may use to mitigate message traffic. The proposed rule will apply to messages of all Users in the same manner.

The proposed bulk message functionality will be available to all Users, and will be voluntary. While only Market-Makers may submit Book Only bulk messages (and orders submitted through bulk ports), the Exchange believes this is appropriate given the various obligations Market-Makers must satisfy under the Rules and the unique and critical role Market-Makers play in the options market, as discussed above. The Exchange believes providing Market-Makers with flexibility to use the Post Only or Book Only instruction with respect to bulk messages (and orders submitted through bulk ports) will provide Market-Makers with tools to meet their obligations in a manner they deem appropriate, as they are currently able to do today using current quoting functionality on the Exchange. The Exchange notes all other Users may continue to use the Book Only instruction on orders submitted to the Exchange through other types of ports. The proposed rule change expands the availability of this functionality to all Users (currently, only appointed Market-Makers may use the Exchange's quoting functionality). The availability of bulk message functionality (including the use of the Post Only instruction on those bulk messages) will be available for all Users, which may encourage Users that may not have quoting systems to provide liquidity to the Exchange.

The proposed Price Adjust process will apply to the orders and quotes of all Users in the same manner. Because Users may opt out their orders and quotes out of the Price Adjust process by designating them as Cancel Back, the Price Adjust process is voluntary, and will provide all Users with flexibility with respect to, and additional control over, the executions of their orders and quotes on the Exchange. The proposed distinction between AON orders and non-AON orders is consistent with the fact that AON orders are not displayed

or to not open any additional series for trading in a class that is solely open for trading on the Exchange. This provision achieves the same purpose as the BZX Options and EDGX Options rules, and thus it is unnecessary to add that provision to the Exchange's Rules.

[101] *See* C2 Rules 1.1, 6.8(c)(3), 6.10, and 6.12(b); and EDGX Options Rules 16.1, 21.1(c), (d), (f), (g), (i), and (j)(3). The proposed rule change is also similar to BZX Options Rules 16.1(a)(4), 21.1(c), (d), (f), (g), and (l)(3). However, the BZX Options rules differ, because the BZX Options price adjust process does not apply to bulk messages (pursuant to the proposed rule change and the C2 and EDGX Options rules, Users may determine whether their bulk messages will be subject to the Price Adjust process), and the BZX Options rule permits all Users to designate a bulk message as Post Only or Book Only (pursuant to the proposed rule change and the C2 and EDGX Options rules, appointed Market-Makers may designate bulk messages as Post Only or Book Only, while other Users may only designate bulk messages as Post Only). These differences are intended to account for the different market models of the Exchange and BZX Options.

[102] *See* EDGX Options Rule 21.1(d)(10).

[103] *See* BZX Options Rule 21.1(i); C2 Rule 6.12(b); and EDGX Options Rule 21.1(i). The Exchange notes EDGX Options is the only other Cboe Affiliated Exchange with AON order functionality, and therefore the Price Adjust rules of BZX Options and C2 do not account for the presence of AON orders, as the proposed rule change and the EDGX Options rule do.

[104] *See* C2 Options Rule 6.12(a); and EDGX Options Rule 21.8(c).

on the Exchange's Book or disseminated to OPRA.

The proposed pro-rata base allocation algorithm will apply to the orders and quotes of all Users in the same manner in the classes to which the Exchange applies that algorithm (subject to the application of any priority overlays, which will operate in the same manner as they do today).

The proposed rule change to prevent Market-Maker bulk message executions against other resting Market-Maker interest is similar to the Exchange's current quote lock functionality, and is intended to protect Market-Makers from executions due to technology disparities rather than the intention of Market-Makers to trade with one another at that price. The Exchange believes this functionality and protection for Market-Makers may continue to encourage Market-Makers to quote tighter and deeper markets, which will increase liquidity and enhance competition.

The Exchange does not believe the proposed rule change will impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act, because, as discussed above, the basis for the majority of the proposed changes to the Rules are the rules of the Cboe Affiliated Exchanges, which have been previously filed with the Commission as consistent with the Act. The proposed substantive rule changes are based on the following rules of the Cboe Affiliated Exchanges:

- The proposed changes to the Exchange's disaster recovery rule are substantively the same as BZX Rule 2.4; C2 Rule 6.34; and EDGX Rule 2.4.[105]
- The proposed rules regarding connectivity are substantively the same as C2 Rule 6.8.[106]
- The proposed message traffic mitigation rule is substantively the same as BZX Options Rule 21.14; C2 Rule 6.35; and EDGX Options Rule 21.14.
- The proposed bulk message functionality is substantively the same as C2 Rules 1.1, 6.8(c)(3), 6.10, and 6.12(b); and EDGX Options Rules 16.1, 21.1(c), (d), (f), (g), (i), and (j)(3).[107]
- The proposed price adjust functionality is substantively the same as EDGX Options Rule 21.1(i).[108]
- The proposed changes to the pro-rata allocation algorithm are substantively the same as C2 Rule 6.12(a); and EDGX Options Rule 21.8(c).
- The proposed changes to the QCC rule are substantively the same as EDGX Options Rule 21.1(d)(10).

The Exchange reiterates that the proposed rule change is being proposed in the context of the technology integration of the Cboe Affiliated Exchanges. Thus, the Exchange believes this proposed rule change is necessary to permit fair competition among national securities. In addition, the Exchange believes the proposed rule change will benefit Exchange participants in that it will provide a consistent technology offering, as well as consistent rules, for Users by the Cboe Affiliated Exchanges. Following the technology migration, the System will apply to all Users and orders and quotes submitted by Users in the same manner.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not:

A. Significantly affect the protection of investors or the public interest;

B. impose any significant burden on competition; and

C. become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act[109] and Rule 19b–4(f)(6)[110] 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–CBOE–2019–033 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–CBOE–2019–033. 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–CBOE–2019–033 and should be submitted on or before August 9, 2019.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[111]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2019–15338 Filed 7–18–19; 8:45 am]

BILLING CODE 8011–01–P

[105] *See* MIAX Rule 321, Interpretation and Policy .01.

[106] *See also* BZX Options Rules 5.5(a), 11.3, 20.1(a), and 21.1(k) and (l); and EDGX Options Rules 5.5(a), 11.3, 20.1(a), and 21.1(j) and (k).

[107] *See also* BZX Options Rules 16.1(a)(4), 21.1(c), (d), (f), (g), and (l)(3).

[108] *See also* BZX Options Rule 21.1(i); and C2 Rule 6.12(b).

[109] 15 U.S.C. 78s(b)(3)(A).

[110] 17 CFR 240.19b–4(f)(6).

[111] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270–792; OMB Control No. 3235–0732]

Submission for OMB Review; Comment Request

Upon Written Request, Copies Available From: U.S. Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736.

Extension:
Business Conduct Standards for Security-Based Swap Dealers and Major Security-Based Swap Participants

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (''PRA'') (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') has submitted to the Office of Management and Budget (''OMB'') a request for approval of extension of the previously approved collection of information provided for in Business Conduct Standards for Security-Based Swap Dealers and Major Security-Based Swap Participants.[1] (17 CFR 240.3a67–10, 240.3a71–3,240.3a71–6, 240.15Fh–1 through 15Fh–6 and 240.15Fk–1), under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*).

In 2010, Congress passed the Dodd-Frank Act, establishing a comprehensive framework for regulating the over-the-counter swaps markets. As required by Title VII of the Dodd-Frank Act, new section 15F(h) of the Exchange Act established business conduct standards for security-based swap (''SBS'') Dealers and Major SBS Participants (''collectively ''SBS Entities'') in their dealings with counterparties, including special entities. In 2016, in order to implement the Dodd-Frank Act, the Commission adopted the BCS Rules for SBS Dealers and Major SBS Participants,[2] a comprehensive set of business conduct standards and chief compliance officer requirements applicable to SBS Entities, that are designed to enhance transparency, facilitate informed customer decision-making, and heighten standards of professional conduct to better protect investors.[3]

Rules 15Fh–1 through 15Fh–6 and 15Fk–1 require SBS Entities to:

- Verify whether a counterparty is an eligible contract participant and whether it is a special entity;
- Disclose to the counterparty material information about the SBS, including material risks, characteristics, incentives and conflicts of interest;
- Provide the counterparty with information concerning the daily mark of the SBS;
- Provide the counterparty with information regarding the ability to require clearing of the SBS;
- Communicate with counterparties in a fair and balanced manner based on principles of fair dealing and good faith;
- Establish a supervisory and compliance infrastructure; and
- Designate a chief compliance officer that is required to fulfill the described duties and provide an annual compliance report.

The rules also require SBS Dealers to:

- Determine that recommendations they make regarding SBS are suitable for their counterparties.
- Establish, maintain and enforce written policies and procedures reasonably designed to obtain and retain a record of the essential facts concerning each known counterparty that are necessary to conduct business with such counterparty; and
- Comply with rules designed to prevent ''pay-to-play.''

The rules also define what it means to ''act as an advisor'' to a special entity, and require an SBS Dealer who acts as an advisor to a special entity to:

- Make a reasonable determination that any security-based swap or trading strategy involving a security-based swap recommended by the SBS Dealer is in the best interests of the special entity whose identity is known at a reasonably sufficient time prior to the execution of the transaction to permit the SBS Dealer to comply with this obligation; and
- Make reasonable efforts to obtain such information that the SBS Dealer considers necessary to make a reasonable determination that a security-based swap or trading strategy involving a security-based swap is in the best interests of the known special entity.

In addition, the rules require SBS Entities acting as counterparties to special entities to reasonably believe that the counterparty has an independent representative who meets the following requirements:

- Has sufficient knowledge to evaluate the transaction and risks;
- Is not subject to a statutory disqualification;
- Undertakes a duty to act in the best interests of the special entity;
- Makes appropriate and timely disclosures to the special entity of material information concerning the security-based swap;
- Evaluates, consistent with any guidelines provided by the special entity, the fair pricing and the appropriateness of the security-based swap;
- Is independent of the security-based swap dealer or major security-based swap participant that is the counterparty to a proposed security-based swap.

Under the rules, the special entity's independent representative must also be subject to pay-to-play regulations, and if the special entity is an ERISA plan, the independent representative must be an ERISA fiduciary.

The information that must be collected pursuant to the BCS Rules is intended to increase accountability and transparency in the market. The information will therefore help establish a framework that protects investors and promotes efficiency, competition and capital formation.

Based on a review of recent data, as of 2018, the Commission estimates the number of respondents to be as follows: 50 SBS Dealers, 5 Major SBS Participants, for a total of 55 ''SBS Entities''.[4] Further, we estimate that approximately 46 of these 55 SBS Entities will be dually registered with the CFTC as Swap Entities. We also estimate that there are currently 13,137 security-based swap market participants of which 8,802 are also swap market participants. In 2018, there were approximately 593,364 security-based swap transactions between an SBS Dealer and counterparty that is not an SBS Dealer of which 233,595 were new or amended trades. The Commission estimates there are 370 independent, third-party representatives and 20 in-house independent representatives.[5] We

[1] *Business Conduct Standards for Security-Based Swap Dealers and Major Security-Based Swap Participants,* Exchange Act Release 77617 (Apr. 14, 2016), 81 FR 29959 (May 13, 2016). *See also Business Conduct Standards for Security-Based Swap Dealers and Major Security-Based Swap Participants; Correction,* Exchange Act Release 77617A (May 19, 2016), 81 FR 32643 (May 24, 2016). (together, ''the Business Conduct Rules for SBSDs and MSBSPs'' or ''BCS Rules'')

[2] *Id.*

[3] Commission staff has prepared separate supporting statements pursuant to the Paperwork Reduction Act (''PRA'') regarding final Rule 3a71–3(c) and Rule 3a71–6, which address the cross-border application of the business conduct standards and the availability of substituted compliance. The Office of Management and Budget (''OMB'') has assigned control number 3235–0717 to Final Rule 3a71–3(c) and 3235–0715 to Final Rule 3a71–6. Final Rule 3a67–10(d) is a definitional rule and does not have a PRA burden associated with it. Rules 3a71–3(a), Rule 15Fh–1 and Rules 15Fh–2(b) and (c) address scope of the rules and definitions and so do not have PRA burdens associated with them.

[4] Unless otherwise noted, estimates were derived from the DTCC-TIW data set (February 2019).

[5] See, Exchange Act Rule 15Fh–5.

estimate that there are approximately 13,706 unique SBS Dealer and non-SBS-Dealer pairs. We have used these estimates in calculating the hour and cost burdens for the rule provisions that we anticipate have a ''collection of information'' burden within the meaning of the PRA.

The Commission estimates that the aggregate burden of the ongoing reporting and disclosures required by the BCS Rules, as described above, is approximately 554,823 hours and $2,138,000 calculated as follows:

Section	Type of burden	Respondents	Ongoing annual burden (hours)	Ongoing annual burden (cost)	Industry-wide annual burden (hours)	Industry-wide annual burden (cost)
15Fh–3(b), (c), (d): Disclosures—SBS Entities	Reporting	55	4,120	$0	226,600	$0
15Fh–3(b), (c), (d): Disclosures—SBS Transactions Between SBS Dealer and Non-SBSD Counterparty.	Reporting	233,595	1	0	233,595	0
15Fh–3(e), (f): Know Your Counterparty and Recommendations (SBS Dealers).	Reporting	50	137	0	6,853	0
15Fh–3(g): Fair and Balanced Communications	Reporting	55	2	3,600	110	198,000
15Fh–3(h): Supervision	Reporting	55	540	4,800	29,700	264,000
15Fh–5: SBS Entities Acting as Counterparties to Special Entities.	Reporting	55	390	0	21,450	0
15Fh–5: SBS Entities Acting as Counterparties to Special Entities.	Third–Party Disclosure.	55	390	0	21,450	0
15Fh–6: Political Contributions	Reporting	50	1	25,600	50	1,280,000
15Fk–1: Chief Compliance Officer	Reporting	55	273	7,200	15,015	396,000.00
Total					554,823	2,138,000

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information under the PRA unless it displays a currently valid OMB control number.

The public may view background documentation for this information collection at the following website: *www.reginfo.gov.* Comments should be directed to: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503, or by sending an email to: *Lindsay.M.Abate@omb.eop.gov;* and (ii) Charles Riddle, Acting Director/Chief Information Officer, Securities and Exchange Commission, c/o Candace Kenner, 100 F Street NE, Washington, DC 20549, or by sending an email to: *PRA_Mailbox@sec.gov.* Comments must be submitted to OMB within 30 days of this notice.

Dated: July 15, 2019.

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2019–15345 Filed 7–18–19; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270–389, OMB Control No. 3235–0444]

Proposed Collection; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736.

Extension:
Rule 10b–10

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) (''PRA''), the Securities and Exchange Commission (''Commission'') is soliciting comments on the existing collection of information provided for in Rule 10b–10 (17 CFR 240.10b–10) under the Securities and Exchange Act of 1934 (15 U.S.C. 78a *et seq.*). The Commission plans to submit this existing collection of information to the Office of Management and Budget (''OMB'') for extension and approval.

Rule 10b–10 requires broker-dealers to convey specified information to customers regarding their securities transactions. This information includes the date and time of the transaction, the identity and number of shares bought or sold, and whether the broker-dealer acts as agent for the customer or as principal for its own account. Depending on whether the broker-dealer acts as agent or principal, Rule 10b–10 requires the disclosure of commissions, as well as mark-up and mark-down information. For transactions in debt securities, Rule 10b–10 requires the disclosure of redemption and yield information. Rule 10b–10 potentially applies to all of the approximately 3,750 firms registered with the Commission that effect transactions for or with customers.

Based on information provided by registered broker-dealers to the Commission in FOCUS Reports, the Commission staff estimates that on average, registered broker-dealers process approximately 18,843,624,843 order tickets per year for transactions for or with customers. Each order ticket representing a transaction effected for or with a customer generally results in one confirmation. Therefore, the Commission staff estimates that approximately 18,843,624,843 confirmations are sent to customers annually. The confirmations required by Rule 10b–10 are generally processed through automated systems. It takes approximately 30 seconds to generate and send a confirmation. Accordingly, the Commission staff estimates that broker-dealers spend approximately 157,030,207 hours per year complying with Rule 10b–10 ($18,843,624,843 \times .5 \div 60$).

The amount of confirmations sent and the cost of sending each confirmation varies from firm to firm. Smaller firms generally send fewer confirmations than larger firms because they effect fewer transactions. The Commission staff estimates the costs of producing and sending a paper confirmation, including postage, to be approximately 63 cents. The Commission staff also estimates

that the cost of producing and sending a wholly electronic confirmation is approximately 39 cents. Based on informal discussions with industry participants, as well as representations made in requests for exemptive and no-action letters relating to Rule 10b–10, the staff estimates that broker-dealers used electronic confirmations for approximately 35 percent of transactions. Based on these calculations, Commission staff estimates that 12,248,356,148 paper confirmations are mailed each year at a cost of $7,716,464,373. Commission staff also estimates that 6,595,268,695 wholly electronic confirmations are sent each year at a cost of $2,572,154,791. Accordingly, Commission staff estimates that the total annual cost associated with generating and delivering to investors the information required under Rule 10b–10 would be $10,288,619,164.

Written comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's estimates of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information subject to the PRA unless it displays a currently valid OMB control number.

Please direct your written comments to: Charles Riddle, Acting Director/Chief Information Officer, Securities and Exchange Commission, c/o Candace Kenner, 100 F Street NE, Washington, DC 20549, or send an email to: *PRA_Mailbox@sec.gov.*

Dated: July 15, 2019.

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2019–15344 Filed 7–18–19; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–86377; File No. SR–NYSEArca–2019–53]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Amending the NYSE Arca Equities Fees and Charges

July 15, 2019.

Pursuant to Section 19(b)(1) [1] of the Securities Exchange Act of 1934 (''Act''),[2] and Rule 19b–4 thereunder,[3] notice is hereby given that on July 12, 2019, NYSE Arca, Inc. (''NYSE Arca'' or the ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the NYSE Arca Equities Fees and Charges (''Fee Schedule'') to adopt new pricing tiers, Mid-Point Liquidity Orders Step Up Tier 1 and 2, and modify current Tier 3. The Exchange proposes to implement the fee changes effective July 12, 2019.[4] 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] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] The Exchange originally filed to amend the Fee Schedule on July 1, 2019 (SR–NYSEArca–2019–47). SR–NYSEArca–2019–47 was subsequently withdrawn and replaced by this filing.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend the Fee Schedule to adopt new pricing tiers that would (1) provide an additional incentive for all ETP Holders (including Market Makers) [5] to send liquidity-providing Mid-Point Liquidity (''MPL'') Orders [6] to the Exchange, and (2) provide additional incentives for ETP Holders to provide displayed liquidity in Tapes A and C Securities.

With respect to MPL Orders, the Exchange currently has multiple levels of credits, ranging from $0.0010 per share to $0.0020 per share, for ETP Holders that send MPL Orders that provide liquidity. The amount of the per share credit is based on an ETP Holder's traded volume against its MPL orders that provide liquidity.

The purpose of this proposed rule change is to add new pricing tiers to incentivize ETP Holders to increase the liquidity-providing MPL Orders they send to the Exchange as compared to such orders sent in May 2019. Specifically, the Exchange proposes that an ETP Holder would receive the following credits:

- If an ETP Holder's traded volume against its MPL orders that provide liquidity is one million shares more than such ETP Holder's baseline of MPL liquidity-providing average daily volume (''ADV''), as measured in May 2019, the ETP Holder will receive a credit of $0.0025 per share for such MPL orders (proposed MPL Orders Step Up Tier 2); or
- If an ETP Holder's traded volume against its MPL orders that provide liquidity is two million shares more than such ETP Holder's baseline of MPL liquidity-providing ADV, as measured in May 2019, the ETP Holder will receive a credit of $0.0026 per share for such MPL orders (proposed MPL Orders Step Up Tier 1).

The Exchange also proposes to introduce a credit of $0.0027 per share for adding displayed liquidity in Tapes A and C Securities if an ETP Holder meets both the existing Tier 3 requirements and increases its executed providing volume over its providing ADV as a percent of US CADV from May 2019.

[5] All references to ETP Holders in connection with the MPL Orders Step Up Tier include Market Makers.

[6] A MPL Order is a limit order that is not displayed and does not route, with a working price at the midpoint of the Protected Best Bid/Offer. *See* NYSE Arca Rule 7.31–E(d)(3).

The Exchange proposes to implement the fee changes effective July 12, 2019.

Background

The Commission has repeatedly expressed its preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. In Regulation NMS, the Commission highlighted the importance of market forces in determining prices and SRO revenues and, also, recognized that current regulation of the market system ''has been remarkably successful in promoting market competition in its broader forms that are most important to investors and listed companies.'' [7]

As the Commission itself recognized, the market for trading services in NMS stocks has become ''more fragmented and competitive.'' [8] Indeed, equity trading is currently dispersed across 13 exchanges,[9] 31 alternative trading systems,[10] and numerous broker-dealer internalizers and wholesalers, all competing for order flow. Based on publicly-available information, no single exchange has more than 18% market share (whether including or excluding auction volume).[11] Therefore, no exchange possesses significant pricing power in the execution of equity order flow. More specifically, for the first five months of 2019, the Exchange averaged less than 9% market share of executed volume of equity trades.[12]

The Exchange believes that the ever-shifting market share among the exchanges from month to month demonstrates that market participants can move order flow, or discontinue or reduce use of certain categories of products, in response to fee changes. With respect to non-marketable order flow that would provide liquidity on an Exchange, ETP Holders can choose from any one of the 13 currently operating registered exchanges to route such order flow. Accordingly, competitive forces constrain exchange transaction fees that relate to orders that would provide liquidity on an exchange.

In response to this competitive environment, the Exchange has already established multiple levels of credits for MPL Orders that allow ETP Holders to passively interact with trading interest on the Exchange and offer potential price improvement to incoming marketable orders submitted to the Exchange.[13] In order to provide an incentive for ETP Holders to provide such liquidity to the Exchange, the credits increase based on increased levels of volume directed to the Exchange.

More specifically, the Exchange currently provides per share credits under Tier 1, Tier 2 and Basic Rates [14] for MPL Orders that provide liquidity based on the ADV of provided liquidity in MPL Orders for Tape A, Tape B and Tape C Securities combined (''MPL Adding ADV''). For ETP Holders that have MPL Adding ADV during a billing month of at least 3 million shares, the Exchange provides a credit of $0.0015 per share for Tape A Securities and $0.0020 per share for Tape B and Tape C Securities. For ETP Holders with MPL Adding ADV during a billing month of at least 1.5 million shares but less than 3 million shares, the Exchange provides a credit of $0.0015 per share for Tape A, Tape B and Tape C Securities. For ETP Holders with MPL Adding ADV during a billing month of less than 1.5 million shares, the Exchange provides a credit of $0.0010 per share for Tape A, Tape B and Tape C Securities.[15]

In addition, the Exchange currently has different rates depending on whether an ETP Holder meets different specified volume thresholds. Under the current Tier 3 threshold, if an ETP Holder provides liquidity of an average daily share volume per month of 0.20% or more, but less than 0.30% of US CADV, that ETP Holder is eligible for the specified Tier 3 fees and credits. For Tape A and C Securities, if an ETP Holder qualifies for Tier 3, that ETP Holder is eligible for a $0.0025 per share credit for orders that provide liquidity to the Book, and is charged a fee of $0.0030 per share for order that take liquidity from the Book.

Proposed Fee Change for MPL Orders

The Exchange proposes two additional tiers designed to provide an additional incentive for ETP Holders to enter MPL Orders that post interest on the Exchange. As proposed:

- An ETP Holder that qualifies for the ''MPL Orders Step Up Tier 2'' is eligible for a $0.0025 per share credit for MPL Orders that provide liquidity in Tape A, Tape B, and Tape C Securities. To qualify for this tier, ETP Holders must provide liquidity to the Book in MPL Orders in Tape A, Tape B and Tape C Securities combined (''MPL Adding ADV'') during the billing month equal to at least one million shares more than the ETP Holder's May 2019 MPL Adding ADV.
- An ETP Holder that qualifies for the ''MPL Orders Step Up Tier 1'' is eligible for a $0.0026 per share credit in MPL Orders that provide liquidity in Tape A, Tape B, and Tape C Securities. To qualify for this tier, ETP Holders must provide liquidity to the Book in MPL Orders in Tape A, Tape B and Tape C Securities combined (''MPL Adding ADV'') during the billing month equal to at least two million shares more than the ETP Holder's May 2019 MPL Adding ADV.

The goal of the proposed change to add MPL Orders Step Up Tiers 1 and 2 is to incentivize ETP Holders with higher per share credits to increase the number of MPL Orders they post on the Exchange's Book, which would provide additional price improvement opportunities for incoming orders. MPL Orders allow for additional opportunities for passive interaction with trading interest on the Exchange and are designed to offer potential price improvement to incoming marketable orders submitted to the Exchange. The Exchange believes that by correlating the level of the credit to the level of MPL Adding ADV, the Exchange's fee structure would incentivize ETP Holders to submit more liquidity-

[7] *See* Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37495, 37499 (June 29, 2005) (S7–10–04) (Final Rule) (''Regulation NMS'').

[8] *See* Securities Exchange Act Release No. 51808, 84 FR 5202, 5253 (February 20, 2019) (File No. S7–05–18) (Final rule) (''Transaction Fee Pilot'').

[9] *See* Cboe U.S. Equities Market Volume Summary at *https://markets.cboe.com/us/equities/market_share.*

[10] *See* FINRA ATS Transparency Data (June 3, 2019), available at *https://otctransparency.finra.org/otctransparency/AtsIssueData.* Although 54 alternative trading systems were registered with the Commission as of May 31, 2019, only 31 are currently trading. A list of alternative trading systems registered with the Commission is available at *https://www.sec.gov/foia/docs/atslist.htm.*

[11] *See* Cboe Global Markets U.S. Equities Market Volume Summary (June 28, 2019), available at *http://markets.cboe.com/us/equities/market_share/.*

[12] Based on Cboe U.S. Equities Market Volume Summary, the Exchange's market share of intraday trading (excluding auctions) for the months of January 2019, February 2019, March 2019, April 2019 and May 2019 was 9.01%, 8.33%, 9.02%, 8.73% and 8.8%, respectively.

[13] *See, e.g.,* Securities Exchange Act Release No. 54511 (September 26, 2006), 71 FR 58460, 58461 (October 3, 2006) (SR–PCX–2005–53).

[14] Tier 1 applies to ETP Holders (1) that provide liquidity an average daily share volume per month of 0.70% or more of the US CADV. Tier 2 applies to ETP Holders that provide liquidity an average daily share volume per month of 0.30% or more, but less than 0.70% of the US CADV. Basic Rates apply when tier rates do not apply. US CADV means United States Consolidated Average Daily Volume for transactions reported to the Consolidated Tape, excluding odd lots through January 31, 2014 (except for purposes of Lead Market Maker pricing), and excludes volume on days when the market closes early and on the date of the annual reconstitution of the Russell Investments Indexes. Transactions that are not reported to the Consolidated Tape are not included in US CADV.

[15] The Exchange charges a fee of $0.0030 per share for MPL Orders in Tape A, Tape B and Tape C Securities that remove liquidity from the Exchange that are not designated as ''Retail Orders.'' MPL Orders removing liquidity from the Exchange that are designated as Retail Orders are subject to a fee of $0.0010 per share. *See* Fee Schedule.

providing MPL Orders to the Exchange, thereby increasing the potential for price improvement to incoming marketable orders submitted to the Exchange.

The Exchange proposes to increase the credits available under the proposed MPL Orders Step Up Tiers to provide an incentive for ETP Holders to send increased order flow to qualify for these tiers. As noted above, the Exchange operates in a competitive environment, particularly as it relates to attracting MPL Orders that are posted on the Exchange's Book. Because each of the proposed MPL Orders Step Up Tiers would require ETP Holders to provide increased liquidity over that ETP Holder's baseline providing volume, the Exchange believes that the proposed increased credits would incentivize ETP Holders to route additional liquidity providing MPL Orders to the Exchange to qualify for the higher credit.

The Exchange does not know how much order flow ETP Holders choose to route to other exchanges or to off-exchange venues. There are currently two firms that qualify for the credits associated with MPL Orders under current Tier 1, while five other firms currently qualify for the credits associated with MPL Orders under current Tier 2. The Exchange further notes that there are 12 firms that currently have MPL Adding ADV of at least 500,000 shares and if these firms were to submit more of their liquidity-providing MPL Orders to the Exchange, each could qualify for the proposed increased credits under either of the proposed MPL Orders Step Up tiers. However, without having a view of ETP Holders' activity on other markets and off-exchange venues, the Exchange has no way of knowing whether this proposed rule change would result in any ETP Holders qualifying for these tiers. The Exchange believes the proposed higher credits would provide an incentive for ETP Holders to submit additional liquidity-providing MPL Orders to the Exchange to qualify for the higher credits.

Proposed Rule Change for Tier 3

The Exchange proposes to provide an increased incentive for ETP Holders that otherwise qualify for the current Tier 3 to send displayed orders to the Exchange in Tape A and C Securities. As proposed, if an ETP Holder (including Market Makers) meets the requirements of Tier 3 and, for the billing month, its ADV of executed orders that provide liquidity is at least 0.05% of US CADV more than the ETP Holder's ADV of executed orders that provide liquidity as a percent of US CADV in May 2019, that ETP Holder would be eligible for a $0.0027 per share credit for orders that provide liquidity to the Book in Tape A and C Securities.

For example, assume an ETP Holder has an ADV of executed orders that provide liquidity of 0.10% of US CADV in all securities in the baseline month of May 2019. If that ETP Holder has an ADV of executed orders that provide liquidity of 0.25% of US CADV in the billing month, that ETP Holder would qualify for current Tier 3 credits of $0.0025 per share in Tape A and C Securities by meeting the 0.20% adding requirement, but would also qualify for the proposed higher credits of $0.0027 per share by meeting the 0.05% step up requirement with an increase of 0.15% (0.0025% Adding ADV in the billing month minus the 0.0010% Adding ADV in the baseline month).

The goal of this proposed rule change is to provide an additional incentive for ETP Holders to send displayed liquidity to the Exchange. If an ETP Holder qualifies for Tier 3 and meets the additional proposed volume requirements, that ETP Holder would be eligible for an increased credit for displayed liquidity as compared to the current credit for qualifying for Tier 3, which is $0.0025 per share credit for orders that provide liquidity in Tape A and C Securities.

With this proposed change, the following credits would be available for orders that provide liquidity to the Book in Tapes A and C Securities:

Tier	Per share credit for orders providing liquidity
Tier 1	$0.0031 (Tape A), $0.0032 (Tape C).
Tier 2	$0.0031 (Tapes A and C) or $0.0029 (Tapes A and C).
Tier 3	$0.0025 (Tape A and C) or $0.0027 (Tape A and C).
Step Up Tier	$0.0030 (Tape A), $0.0031 (Tape C).
Step Up Tier 2	$0.0028 (Tapes A and C).
Step Up Tier 3	$0.0025 (Tapes A and C).
Step Up Tier 4	$0.0033 (Tapes A and C).

As noted above, the Exchange operates in a competitive environment, particularly as it relates to attracting non-marketable, providing liquidity that would be displayed on the Exchange. The proposed rule change is designed to incentivize ETP Holders to increase the orders sent to the Exchange that would provide displayed liquidity, which would support the quality of price discovery and transparency on the Exchange. The Exchange believes that by correlating the level of the credit to the level of executed providing volume on the Exchange, the Exchange's fee structure would incentivize ETP Holders to submit more displayed, liquidity-providing orders to the Exchange that are likely to be executed (*i.e.,* are not orders that are intended to be displayed, but are priced such that they are not likely to be executed), thereby increasing the potential for incoming marketable orders submitted to the Exchange to receive an execution.

Applicability of Proposed Rule Change

Both of the proposed changes to the Fee Schedule are designed to be available to all ETP Holders on the Exchange.

With respect to the proposed new MPL Orders Step Up Tiers, there are currently two ETP Holders that have qualified for the credits associated with MPL Orders under current Tier 1, while five other ETP Holders currently qualify for the credits associated with MPL Orders under current Tier 2. The Exchange further notes that there are 12 ETP Holders that currently have MPL Adding ADV of at least 500,000 shares and if these firms were to submit more of their liquidity-providing MPL Orders to the Exchange, each could qualify for the proposed increased credits under either of the proposed MPL Order Step Up tiers.

With respect to the proposed new credit under Tier 3 for orders that provide liquidity, there are currently four ETP Holders that qualify for Tier 3. The Exchange believes that each of these ETP Holders could meet the proposed volume requirements to qualify for the proposed new credit for displayed liquidity under this tier. In addition, the Exchange believes that there are additional ETP Holders that could qualify for both the existing Tier

3 requirements as well as the proposed new requirements in order to qualify for the proposed new credit. However, without having a view of ETP Holders' activity on other markets and off-exchange venues, the Exchange has no way of knowing whether these proposed rule changes would result in any ETP Holders qualifying for any of these proposed new credits.

The proposed changes are not otherwise intended to address any other issues, and the Exchange is not aware of any significant problems that market participants would have in complying with the proposed changes.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[16] in general, and furthers the objectives of Sections 6(b)(4) and (5) of the Act,[17] in particular, because it provides for the equitable allocation of reasonable dues, fees, and other charges among its members, issuers and other persons using its facilities and does not unfairly discriminate between customers, issuers, brokers or dealers.

The Proposed Fee Change is Reasonable

The Exchange operates in a highly competitive market. The Commission has repeatedly expressed its preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. Specifically, in Regulation NMS, the Commission highlighted the importance of market forces in determining prices and SRO revenues and, also, recognized that current regulation of the market system ''has been remarkably successful in promoting market competition in its broader forms that are most important to investors and listed companies.'' [18]

As the Commission itself recognized, the market for trading services in NMS stocks has become ''more fragmented and competitive.'' [19] Indeed, equity trading is currently dispersed across 13 exchanges,[20] 31 alternative trading systems,[21] and numerous broker-dealer internalizers and wholesalers, all competing for order flow. Based on publicly-available information, no single exchange has more than 18% market share (whether including or excluding auction volume).[22] Therefore, no exchange possesses significant pricing power in the execution of equity order flow. More specifically, for the first five months of 2019, the Exchange averaged less than 9% market share of executed volume of equity trades (excluding auction volume).[23] The Exchange believes that the ever-shifting market share among the exchanges from month to month demonstrates that market participants can shift order flow, or discontinue to reduce use of certain categories of products, in response to fee changes. Accordingly, competitive forces reasonably constrain exchange transaction fees. Stated otherwise, changes to exchange transaction fees can have a direct effect on the ability of an exchange to compete for order flow.

The Exchange believes the proposed MPL Orders Step Up Tiers 1 and 2 are reasonable because the higher credits under the proposed MPL Orders Step Up Tiers would provide an incentive for ETP Holders to route additional liquidity-providing MPL Orders to the Exchange. As noted above, the Exchange operates in a highly competitive environment, particularly for attracting order flow that provides liquidity on an exchange. The Exchange believes it is reasonable to continue to provide a higher credit for orders that provide liquidity if an ETP Holder meets the qualification for the proposed MPL Orders Step Up Tiers.

Because the proposed MPL Orders Step Up Tiers would be new with a requirement to increase MPL Adding ADV, no ETP Holder currently qualifies for the proposed new pricing tiers. The Exchange believes the proposed increased credits are reasonable as they would provide an additional incentive for ETP Holders to qualify for these new tiers and direct their order flow to the Exchange and provide meaningful added levels of liquidity, thereby contributing to the depth and market quality on the Exchange.

The Exchange notes that there are currently two firms that qualify for the credits associated with MPL Orders under current Tier 1, while five other firms currently qualify for the credits associated with MPL Orders under current Tier 2. The Exchange further notes that there are 12 firms that currently have MPL Adding ADV of at least 500,000 shares and if these firms were to submit more of their liquidity-providing MPL Orders to the Exchange, each could qualify for the proposed increased credits. However, without having a view of ETP Holders' activity on other markets and off-exchange venues, the Exchange has no way of knowing whether this proposed rule change would result in any ETP Holders qualifying for these tiers. The Exchange believes the proposed higher credits would provide an incentive for ETP Holders to submit additional adding liquidity to qualify for the higher credits.

The Exchange believes that the proposed new credit for displayed liquidity providing orders in Tapes A and C Securities under current Tier 3 is reasonable because it provides for an incentive for ETP Holders to route additional displayed liquidity-providing order flow to the Exchange, which will promote price discovery and increase execution opportunities for all ETP Holders. The proposed pricing is structured similarly to the Exchange's current Tier 2, which likewise provides for a per share credit for orders that provide liquidity in Tape A and C Securities, and provides for a higher per share credit for orders that provide displayed liquidity if the ETP Holder meets the additional qualifying requirements.[24] The Exchange further believes that the proposed change to Tier 3 is reasonable because an ETP Holder that otherwise qualifies for the tier would still be eligible for the current per share credit of $0.0025 per share for orders that provide liquidity. The proposed additional credit is designed to provide an incentive for such ETP Holder to route additional displayed providing liquidity to the Exchange, which would be eligible for the higher credit.

On the backdrop of the competitive environment in which the Exchange currently operates, the proposed rule change is a reasonable attempt by the Exchange to increase its liquidity and improve its market share relative to its competitors.

[16] 15 U.S.C. 78f(b).

[17] 15 U.S.C. 78f(b)(4) and (5).

[18] *See* Regulation NMS, 70 FR at 37499.

[19] *See* Transaction Fee Pilot, 84 FR at 5253.

[20] *See* Cboe U.S Equities Market Volume Summary at *https://markets.cboe.com/us/equities/market_share.*

[21] *See* FINRA ATS Transparency Data (June 3, 2019), *available at https://otctransparency.finra.org/otctransparency/AtsIssueData.* Although 54 alternative trading systems were registered with the Commission as of May 31, 2019, only 31 are currently trading. A list of alternative trading systems registered with the Commission is *available at https://www.sec.gov/foia/docs/atslist.htm.*

[22] *See* Cboe Global Markets U.S. Equities Market Volume Summary (June 28, 2019), *available at http://markets.cboe.com/us/equities/market_share/.*

[23] Based on Cboe U.S. Equities Market Volume Summary, the Exchange's market share of intraday trading (excluding auctions) for the months of January 2019, February 2019, March 2019, April 2019 and May 2019 was 9.01%, 8.33%, 9.02%, 8.73% and 8.8%, respectively.

[24] If an ETP Holder qualifies for Tier 2, the per share credit for orders that provide liquidity in Tape A and C Securities is $0.0029 per share. That that ETP Holder both meets the Tier 2 qualifying requirements plus the additional requirements, the per share credit for orders that provide displayed liquidity in Tape A and C Securities is $0.0031 per share.

The Proposed Fee Change Is an Equitable Allocation of Credits and Fees

The Exchange believes the proposed fee change is an equitable allocation of its fees and credits. The Exchange believes that the proposed increased credit under the MPL Orders Step Up Tiers 1 and 2 is equitable because the magnitude of the additional credit is not unreasonably high in comparison to the credit paid with respect to other pricing tiers on the Exchange, and in comparison to the credits paid by other exchanges for orders that provide midpoint liquidity. For example, ETP Holders currently receive credits in Tape A, Tape B and Tape C Securities that range between $0.0010 per share and $0.0020 per share under Tier 1, Tier 2 and Basic Rates.

With respect to credits paid by the Exchange's competitors, the Nasdaq Stock Market LLC provides a credit of $0.0025 per share for MPL orders in Tape A, Tape B and Tape C Securities that add non-displayed midpoint liquidity on that market for members that add greater than 5 million shares of midpoint liquidity and add 8 million shares on non-displayed liquidity.[25]

The Exchange believes that the proposed new credit for liquidity providing orders in Tapes A and C Securities under current Tier 3 is also equitable because the proposal would continue to encourage ETP Holders to route displayed liquidity to the Exchange in Tape A and C Securities, thereby contributing to robust levels of liquidity, which benefits all market participants.

The Exchange notes that there are currently 4 firms qualifying for Tier 3 and another 4 firms within 0.1% of qualifying for Tier 3. Based on current participation on the Exchange, one firm would qualify for the new credit and six firms are within 0.1% of qualifying for it. Without having a view of an ETP Holder's activity on other markets and off-exchange venues, the Exchange believes the proposed new credit would provide an incentive for market participants to increase liquidity in order to qualify for the proposed credit, thereby encouraging submission of additional liquidity to the Exchange. The proposed change will thereby encourage the submission of additional liquidity to a national securities exchange, thus promoting price discovery and transparency and enhancing order execution opportunities for ETP Holders from the substantial amounts of liquidity present on the Exchange. All ETP Holders would benefit from the greater amounts of liquidity that will be present on the Exchange, which would provide greater execution opportunities.

The Exchange believes the proposed rule change would improve market quality for all market participants on the Exchange and, as a consequence, attract more liquidity to the Exchange thereby improving market-wide quality. The proposal neither targets nor will it have a disparate impact on any particular category of market participant. ETP Holders that currently qualify for credits associated with MPL Orders will continue to receive credits when they provide liquidity to the Exchange. With the proposed new MPL Orders Step Up Tiers, all ETP Holders would be eligible to qualify for the higher credit if they increase their MPL Adding ADV over their own baseline of order flow. The Exchange believes that recalibrating the credits for providing liquidity will continue to attract order flow and liquidity to the Exchange, thereby providing additional price improvement opportunities on the Exchange and benefiting investors generally. As to those market participants that do not presently qualify for the credits associated with MPL Orders, the proposal will not adversely impact their existing pricing or their ability to qualify for other credits provided by the Exchange.

The Proposed Fee Change Is not Unfairly Discriminatory

The Exchange believes it is not unfairly discriminatory to provide increased per share credits as the proposed increased credits would be provided on an equal basis to all ETP Holders that add liquidity by meeting the requirements of the proposed MPL Orders Step Up Tiers. Further, the Exchange believes the proposed increased per share credits would incentivize ETP Holders that meet the current tiered requirements to send more of their MPL Orders to the Exchange to qualify for increased credits. The Exchange also believes that the proposed change is not unfairly discriminatory because it is reasonably related to the value of the Exchange's market quality associated with higher volume. The proposed increased per share credits would apply equally to all ETP Holders as each would be required to provide liquidity in MPL Orders for Tape A, Tape B and Tape C Securities combined during the billing month equal to at least 2 million shares over the ETP Holder's May 2019 MPL Adding ADV in order to qualify for MPL Orders Step Up Tier 1 and at least 1 million shares over the ETP Holder's May 2019 MPL Adding ADV in order to qualify for MPL Orders Step Up Tier 2 regardless of whether an ETP Holder currently meets the requirement of another pricing tier.

Similarly, the Exchange believes it is not unfairly discriminatory to provide a higher new credit for liquidity providing orders in Tapes A and C Securities under current Tier 3 because the proposed credit would be provided on an equal basis to all ETP Holders that add liquidity by meeting the Tier 3 requirements. Further, the Exchange believes the proposed credit would incentivize ETP Holders to send more orders to the Exchange to qualify for the higher credit.

Finally, the submission of orders to the Exchange is optional for ETP Holders in that they could choose whether to submit orders to the Exchange and, if they do, the extent of its activity in this regard. The Exchange believes that it is subject to significant competitive forces, as described below in the Exchange's statement regarding the burden on competition.

For the foregoing reasons, the Exchange believes that the proposal is consistent with the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

In accordance with Section 6(b)(8) of the Act,[26] the Exchange believes that the proposed rule change would not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. Instead, as discussed above, the Exchange believes that the proposed changes would encourage the submission of additional liquidity to a public exchange, thereby promoting market depth, price discovery and transparency and enhancing order execution opportunities for ETP Holders. As a result, the Exchange believes that the proposed change furthers the Commission's goal in adopting Regulation NMS of fostering integrated competition among orders, which promotes ''more efficient pricing of individual stocks for all types of orders, large and small.'' [27]

Intramarket Competition. The proposed changes are designed to attract additional order flow to the Exchange. The Exchange believes that the proposed increased credits would continue to incentivize market participants to direct more orders to the Exchange, and in particular, liquidity providing MPL Orders. Greater liquidity

[25] *See* Rebate to Add Non-Displayed Midpoint Liquidity, at *http://nasdaqtrader.com/Trader.aspx?id=PriceListTrading2.*

[26] 15 U.S.C. 78f(b)(8).

[27] Regulation NMS, 70 FR at 37498–99.

benefits all market participants on the Exchange by providing more trading opportunities and encourages ETP Holders, to send orders, thereby contributing to robust levels of liquidity, which benefits all market participants on the Exchange. The proposed credits would be available to all similarly-situated market participants, and, as such, the proposed change would not impose a disparate burden on competition among market participants on the Exchange.

Intermarket Competition. The Exchange operates in a highly competitive market in which market participants can readily choose to send their orders to other exchange and off-exchange venues if they deem fee levels at those other venues to be more favorable. The Exchange notes that for the months of January 2019, February 2019, March 2019, April 2019 and May 2019, the Exchange's market share of intraday trading (excluding auctions) was 9.01%, 8.33%, 9.02%, 8.73% and 8.8%, respectively.[28] In such an environment, the Exchange must continually adjust its fees and rebates to remain competitive with other exchanges and with off-exchange venues. Because competitors are free to modify their own fees and credits in response, and because market participants may readily adjust their order routing practices, the Exchange does not believe its proposed fee change can impose any burden on intermarket competition.

The Exchange believes that the proposed change could promote competition between the Exchange and other execution venues, including those that currently offer similar order types and comparable transaction pricing, by encouraging additional orders to be sent to the Exchange for execution.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change is effective upon filing pursuant to Section 19(b)(3)(A)[29] of the Act and subparagraph (f)(2) of Rule 19b–4[30] thereunder, because it establishes a due, fee, or other charge imposed by the Exchange.

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B)[31] 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–2019–53 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–2019–53. 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 offices 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–2019–53, and should be submitted on or before August 9, 2019.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[32]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2019–15346 Filed 7–18–19; 8:45 am]

BILLING CODE 8011–01–P

[28] *See* note 12, *supra.*

[29] 15 U.S.C. 78s(b)(3)(A).

[30] 17 CFR 240.19b–4(f)(2).

[31] 15 U.S.C. 78s(b)(2)(B).

[32] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 33554; File No. 812–14856]

Voya Retirement Insurance and Annuity Company et al; Notice of Application

July 15, 2019.

AGENCY: Securities and Exchange Commission (''SEC'' or ''Commission'').

ACTION: Notice. Notice of application for an order approving the substitution of certain securities pursuant to section 26(c) of the Investment Company Act of 1940, as amended (the ''1940 Act'').

APPLICANTS: ReliaStar Life Insurance Company of New York (''ReliaStar NY''), Voya Insurance and Annuity Company (''Voya Insurance''), and Voya Retirement Insurance and Annuity Company (''Voya Retirement'') (each a ''Company'' and together, the ''Companies''), ReliaStar NY Separate Account NY–B (''ReliaStar NY NY–B''), Separate Account B of Voya Insurance (''Voya Insurance B''), Separate Account EQ of Voya Insurance (''Voya Insurance EQ''), Separate Account U of Voya Insurance (''Voya Insurance U''), Voya Retirement Variable Annuity Account B (''Voya Retirement B''), and Voya Retirement Variable Annuity Account I (''Voya Retirement I'') (each, an ''Account'' and together, the ''Accounts''). The Companies and the Accounts are collectively referred to herein as the ''Applicants.''

SUMMARY OF APPLICATION: Applicants seek an order pursuant to section 26(c) of the 1940 Act, approving the

substitution of shares issued by certain series of Voya Investors Trust and Voya Variable Portfolios, Inc. (the ''Replacement Funds'') for shares of certain series of Voya Investors Trust and Voya Partners, Inc., registered investment companies currently held by subaccounts of the Accounts (the ''Existing Funds''), to support certain variable annuity contracts (collectively, the ''Contracts'') issued by the Companies (the ''Substitutions'').

FILING DATE: The application was filed on December 21, 2017, and was amended and restated on October 31, 2018, and March 15, 2019.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Secretary of the Commission and serving the Applicants with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on August 9, 2019 and should be accompanied by proof of service on the Applicants in the form of an affidavit or, for lawyers, a certificate of service. Pursuant to rule 0–5 under the Act, hearing requests should state the nature of the writer's interest, any facts bearing upon the desirability of a hearing on the matter, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Commission's Secretary.

ADDRESSES: Secretary, U.S. Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090. Applicants: J. Neil McMurdie, Esquire, Senior Counsel, Voya Insurance and Annuity Company, 1475 Dunwoody Drive, West Chester, PA 19380 or Peter Scavongelli, Senior Counsel, Voya Financial Legal Services, One Orange Way, C2N, Windsor, CT 06095.

FOR FURTHER INFORMATION CONTACT: Jessica Shin, Attorney-Adviser or Andrea Ottomanelli Magovern, Branch Chief, at (202) 551–6821 (Division of Investment Management, Chief Counsel's Office).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained via the Commission's website by searching for the file number, or for an Applicant using the Company name box, at *http://www.sec.gov/search/search.htm,* or by calling (202) 551–8090.

Applicants' Representations

1. ReliaStar NY is a stock life insurance company which is incorporated under the laws of New York. Voya Insurance is an Iowa stock life insurance company. Voya Retirement is a stock life insurance company organized under the laws of Connecticut. ReliaStar NY is the depositor of ReliaStar NY NY–B. Voya Insurance is the depositor of Voya Insurance B, Voya Insurance EQ, and Separate Account U. Voya Retirement is the depositor of Variable Annuity Account B and Variable Annuity Account I. ReliaStar NY and Voya Retirement are indirect, wholly-owned subsidiaries of Voya Financial, Inc. (''Voya''). Voya Insurance is an indirect wholly-owned subsidiary of VA Capital Company LLC, (''VA Capital'') and a direct wholly-owned subsidiary of Venerable Holdings, Inc., which effective June 1, 2018, acquired Voya Insurance from Voya. VA Capital is an insurance holding company formed by affiliates of Apollo Global Management LLC and Athene Holding Ltd. Reverence Capital Partners, L.P., Crestview Advisors, L.L.C. and Voya are also investors in VA Capital.

2. Each Account is a ''separate account'' as defined by rule 0–1(e) under the 1940 Act and each is registered under the 1940 Act as a unit investment trust. Each of the respective Accounts is used by the Company of which it is a part to support the Contracts that it issues. Each Account is divided into subaccounts, each of which invests exclusively in shares of an Existing Fund or another registered open-end management investment company. The application sets forth the registration statement file numbers for the Contracts and the Accounts.

3. The Contracts are issued as individual variable annuity contracts. Each of the prospectuses for the Contracts discloses that the issuing Company reserves the right, subject to Commission approval and compliance with applicable law, to substitute shares of another registered open-end management investment company for shares of a registered open-end management investment company held by a subaccount of an Account whenever the Company, in its judgment, determines that the investment in the registered open-end management investment company no longer suits the purpose of the Contract.

4. The Replacement Funds are series of Voya Variable Portfolios, Inc. or Voya Investors Trust. Voya Variable Portfolios, Inc. is registered with the Commission under the 1940 Act as an open-end management investment company (File No. 811–05173). Shares of the series are registered under the Securities Act of 1933 (File No. 333–05173). Voya Investors Trust is registered with the Commission under the 1940 Act as an open-end management investment company (File No. 811–05629). Shares of the series are registered under the Securities Act of 1933 (File No. 033–23512).

5. Voya Investments, LLC (''Voya Investments''), an Arizona limited liability company and registered investment adviser, has overall responsibility for the management of each series of the Voya Variable Portfolios, Inc. and Voya Investors Trust that is a Replacement Fund. Voya Investments delegates to a sub-adviser, Voya Investment Management Co. LLC, an affiliate, the responsibility for day-to-day management of the investments of each series that is a Replacement Fund, subject to Voya Investment's oversight.

6. Applicants propose, as set forth below, to substitute shares of the Replacement Funds for shares of the Existing Funds:

Existing fund	Replacement fund
1. VY Baron Growth Portfolio—Class I, S	Voya Russell Mid Cap Growth Index Portfolio—Class I, S.
2. VY Columbia Contrarian Core Portfolio—Class S	Voya U.S. Stock Index Portfolio—Class S.
3. VY Invesco Comstock Portfolio—Class I, S	Voya Russell Large Cap Value Index Portfolio—Class I, S.
4. VY T. Rowe Price Equity Income Portfolio—Class S, S2	Voya Russell Large Cap Value Index Portfolio—Class I, S.
5. VY JPMorgan Small Cap Core Equity Portfolio—Class I, S, S2	Voya Russell Small Cap Index Portfolio—Class I, S.
6. VY T. Rowe Price Growth Equity Portfolio—Class I, S	Voya Russell Large Cap Growth Index Portfolio—Class I, S.

7. Applicants state that by substituting unaffiliated funds with funds that are advised by affiliates of the Companies, the principal purposes of the Substitutions would, among other things: (1) Help implement the Companies' overall business plan to make the Contracts more efficient to administer and oversee; (2) allow the

Companies to reduce costs by consolidating the administration of the Replacement Funds with its other funds; and (3) allow the Companies to respond to expense, performance and management matters that they have identified in their due diligence review of the funds available through the Contracts.

8. Applicants state that the investment objectives and investment strategies of each Replacement Fund are similar to those of the corresponding Existing Fund, or each Replacement Fund's underlying portfolio construction and investment results are similar to those of the Existing Fund, and therefore the fundamental investment objectives of those Contract Owners with interests in subaccounts of the Existing Funds will continue to be met after the Substitutions. Information for each Existing Fund and Replacement Fund, including investment objective, principal investment strategies, principal risks and comparative performance history, can be found in the application.

9. Applicants state that at the time of the Substitutions the overall fees and expenses of each Replacement Fund will be less than those assessed by the corresponding Existing Fund and that for two years following the effective date of the Substitutions (''Effective Date''), the net annual expenses of each Replacement Fund will not exceed the net annual expenses of the corresponding Existing Fund as of that Fund's most recent fiscal year. The application sets forth the fees and expenses of each Existing Fund and its corresponding Replacement Fund in greater detail.

11. Applicants represent that as of the Effective Date, shares of the Existing Funds will be redeemed for cash. The Companies, on behalf of each Existing Fund subaccount of each relevant Account, will simultaneously place a redemption request with each Existing Fund and a purchase order with the corresponding Replacement Fund so that the purchase of Replacement Fund shares will be for the exact amount of the redemption proceeds. Thus, Contract values will remain fully invested at all times. The proceeds of such redemptions will then be used to purchase the appropriate number of shares of the applicable Replacement Fund.

12. The Substitutions will take place at relative net asset value (in accordance with rule 22c–1 under the 1940 Act) with no change in the amount of any Affected Contract Owner's (as defined in the application) contract value, cash value, accumulation value, account value or death benefit or in dollar value of his or her investment in the applicable Accounts. No brokerage commissions, fees or other remuneration will be paid by either the Existing Funds or the Replacement Funds or by Affected Contract Owners in connection with the Substitutions.

13. The Affected Contract Owners will not incur any fees or charges as a result of the Substitutions nor will their rights or the Companies' obligations under the Contracts be altered in any way. The Companies or their affiliates will pay all expenses and transaction costs of the Substitutions, including legal and accounting expenses, any applicable brokerage expenses, and other fees and expenses. The Substitutions will not cause the Contract fees and charges currently being paid by Affected Contract Owners to be greater after the Substitutions than before the Substitutions. Moreover, the Substitutions will not impose any tax liability on Affected Contract Owners.

14. As described in the application, after notification of the Substitutions and for 30 days after the Effective Date, Affected Contract Owners may reallocate the subaccount value of an Existing Fund to any other investment option available under their Contract without incurring any administrative costs or allocation (transfer) charges.

15. All Affected Contract Owners were notified of this application by means of supplements to the Contract prospectuses sent after the date the application was first filed with the Commission. Among other information regarding the Substitutions, the supplements informed Affected Contract Owners that beginning on the date of the supplements, the Companies will not exercise any rights reserved by them under the Contracts to impose restrictions or fees on transfers from an Existing Fund (other than restrictions related to frequent or disruptive transfers) during the period beginning at least 30 days before the Effective Date until at least 30 days after the Effective Date.

16. Following the date the order requested by this application is issued, but at least 30 days before the Effective Date, Affected Contract Owners will be sent a ''Pre-Substitution Notice,'' consisting of a second supplement to the Contract prospectuses setting forth the intended Substitution of Existing Funds with Replacement Funds, the intended Effective Date and advising Affected Contract Owners of their right, if they so choose, at any time during the period beginning at least 30 days before the Effective Date through at least 30 days following the Effective Date, to reallocate or withdraw accumulated value in the Existing Fund or Replacement Fund subaccounts under their Contracts or otherwise terminate their interest therein in accordance with the terms and conditions of their Contracts. Beginning at least 30 days before the Effective Date through at least 30 days after the Effective Date, the Companies will not exercise any right they may have under the Contracts to impose restrictions or fees on transfers from any Existing Fund or Replacement Fund under the Contracts (other than restrictions related to frequent or disruptive transfers). Additionally, all Affected Contract Owners will be sent prospectuses of the applicable Replacement Funds at least 30 days before the Effective Date.

17. Within five (5) business days after the Effective Date, Affected Contract Owners will be sent a written confirmation (''Post-Substitution Confirmation'') indicating that shares of each applicable Existing Fund have been redeemed and that the shares of the corresponding Replacement Fund have been substituted. In addition, the Post-Substitution Confirmation will show how the allocation of the Contract Owner's account value before and immediately following the Substitution has changed as a result of the Substitutions.

Legal Analysis

1. Applicants request that the Commission issue an order pursuant to section 26(c) of the 1940 Act approving the Substitutions. Section 26(c) of the 1940 Act prohibits any depositor or trustee of a unit investment trust that invests exclusively in the securities of a single issuer from substituting the securities of another issuer without the approval of the Commission. Section 26(c) provides that such approval shall be granted by order of the Commission, if the evidence establishes that the substitution is consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the 1940 Act.

2. Applicants assert that the terms and conditions of the Substitutions meet the standards set forth in section 26(c) and assert that the replacement of an Existing Fund with the corresponding Replacement Fund is consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the 1940 Act. As described in the application, at the time of the Substitutions, the overall fees and expenses of each Replacement Fund will be less than those of the corresponding Existing Fund and for two years following the Effective Date,

the net annual expenses of each Replacement Fund will not exceed the net annual expenses of the corresponding Existing Fund. Applicants further assert that each Replacement Fund has investment objectives and strategies that are similar to those of the corresponding Existing Fund. Accordingly, Applicants believe that the fundamental investment objectives of Affected Contract Owners will continue to be met after the Substitutions.

3. Applicants also maintain that Affected Contract Owners will be better served by the Substitutions. Applicants anticipate that the substitution of an Existing Fund with the corresponding Replacement Fund will result in a Contract that is administered and managed more efficiently, and one that is more competitive with other variable products. The rights of Affected Contract Owners and the obligations of the Companies under the Contracts will not be altered by the Substitutions. Affected Contract Owners will not incur any additional tax liability or any additional fees and expenses as a result of the Substitutions.

4. Each of the prospectuses for the Contracts discloses that the Companies reserve the right, subject to Commission approval and compliance with applicable law, to substitute shares of another registered open-end management investment company for shares of a registered open-end management investment company held by a subaccount of an Account.

5. Applicants also assert that the Substitutions do not entail any of the abuses that section 26(c) was designed to prevent. Unlike a traditional unit investment trust where a depositor could only substitute an investment security in a manner which permanently affected all the investors in the trust, the Contracts provide each Contract Owner with the right to exercise his or her own judgment and transfer account values into other subaccounts. Moreover, the Contracts will offer Affected Contract Owners the opportunity to transfer amounts out of the affected subaccounts into any of the remaining subaccounts without cost or other disadvantage. The Substitution, therefore, will not result in the type of costly forced redemptions that section 26(c) was designed to prevent. Applicants also maintain that the Substitutions are unlike the type of substitutions which section 26(c) was designed to prevent in that by purchasing a Contract, Contract Owners select much more than a particular registered management open-end investment company in which to invest their account values. They also select the specific type of death benefit and other optional benefits as well as other rights and privileges set forth in the Contracts.

Applicants' Conditions

Applicants agree that any order of the Commission granting the requested relief will be subject to the following conditions:

1. The Substitutions will not be effected unless the Companies determine that: (a) The Contracts allow the substitution of shares of registered open-end investment companies in the manner contemplated by the application; (b) the Substitutions can be consummated as described in the application under applicable insurance laws; and (c) any regulatory requirements in each jurisdiction where the Contracts are qualified for sale have been complied with to the extent necessary to complete the Substitutions.

2. The Companies or their affiliates will pay all expenses and transaction costs of the Substitutions, including legal and accounting expenses, any applicable brokerage expenses and other fees and expenses. No fees or charges will be assessed to the Contract Owners to effect the Substitutions.

3. The Substitutions will be effected at the relative net asset values of the respective shares in conformity with section 22(c) of the 1940 Act and rule 22c–1 thereunder without the imposition of any transfer or similar charges by Applicants. The Substitutions will be effected without change in the amount or value of any Contracts held by Affected Contract Owners.

4. The Substitutions will in no way alter the tax treatment of Affected Contract Owners in connection with their Contracts, and no tax liability will arise for Affected Contract Owners as a result of the Substitutions.

5. The rights or obligations of the Companies under the Contracts of Affected Contract Owners will not be altered in any way. The Substitutions will not adversely affect any riders under the Contracts.

6. Affected Contract Owners will be permitted to make at least one transfer of Contract value from the subaccount investing in the Existing Fund (before the Effective Date) or the Replacement Fund (after the Effective Date) to any other available investment option under the Contract without charge for a period beginning at least 30 days before the Effective Date through at least 30 days following the Effective Date. Except as described in any market timing/short-term trading provisions of the relevant prospectus, the Company will not exercise any right it may have under the Contract to impose restrictions on transfers between the subaccounts under the Contracts, including limitations on the future number of transfers, for a period beginning at least 30 days before the Effective Date through at least 30 days following the Effective Date.

7. All Affected Contract Owners will be notified, at least 30 days before the Effective Date about: (a) The intended substitution of Existing Funds with the Replacement Funds; (b) the intended Effective Date; and (c) information with respect to transfers as set forth in Condition 6 above. In addition, the Companies will also deliver, at least 30 days before the Effective Date, a prospectus for each applicable Replacement Fund.

8. Companies will deliver to each Affected Contract Owner within five (5) business days of the Effective Date a written confirmation which will include: (a) A confirmation that the Substitutions were carried out as previously notified; (b) a restatement of the information set forth in the Pre-Substitution Notice; and (c) value of the Contract Owner's positions in each Existing Fund before the Substitution and the corresponding Replacement Fund after the Substitution.

9. For two years following the Effective Date the net annual expenses of each Replacement Fund will not exceed the net annual expenses of the corresponding Existing Fund as of the Fund's most recent fiscal year. To achieve this limitation, the Replacement Fund's investment adviser will waive fees or reimburse the Replacement Fund in certain amounts to maintain expenses at or below the limit. Any adjustments will be made at least on a quarterly basis. In addition, the Companies will not increase the Contract fees and charges including asset based charges such as mortality expense risk charges deducted from the subaccounts that would otherwise be assessed under the terms of the Contracts for a period of at least two years following the Effective Date.

For the Commission, by the Division of Investment Management, under delegated authority.

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2019–15335 Filed 7–18–19; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 33556,812–14964]

1WS Credit Income Fund and 1WS Capital Advisers, LLC

July 16, 2019.

AGENCY: Securities and Exchange Commission (''Commission'').

ACTION: Notice.

Notice of an application under section 6(c) of the Investment Company Act of 1940 (the ''Act'') for an exemption from sections 18(a)(2), 18(c) and 18(i) of the Act, under sections 6(c) and 23(c)(3) of the Act for an exemption from rule 23c–3 under the Act, and for an order pursuant to section 17(d) of the Act and rule 17d–1 under the Act.

SUMMARY OF APPLICATION: Applicants request an order to permit certain registered closed-end management investment company to issue multiple classes of shares and to impose early withdrawal charges (''EWCs''), early repurchase fees, and asset-based distribution fees and/or service fees with respect to certain classes.

APPLICANTS: 1WS Credit Income Fund (the ''Initial Fund''), and 1WS Capital Advisors, LLC (the ''Adviser'').

FILING DATES: The application was filed on October 12, 2018, and amended on May 3, 2019, May 24, 2019, and June 17, 2019.

HEARING OR NOTIFICATION OF HEARING: An order granting the requested relief will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Commission's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on August 10, 2019, and should be accompanied by proof of service on the applicants, in the form of an affidavit, or, for lawyers, a certificate of service. Pursuant to rule 0–5 under the Act, hearing requests should state the nature of the writer's interest, any facts bearing upon the desirability of a hearing on the matter, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Commission's Secretary.

ADDRESSES: Secretary, U.S. Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090; Applicants: 1WS Credit Income Fund, 299 Park Avenue, 25th Floor, New York, NY 10171; 1WS Capital Advisors, LLC, 299 Park Avenue, 25th Floor, New York, NY 10171.

FOR FURTHER INFORMATION CONTACT: Benjamin Kalish, Attorney-Adviser, at (202) 551–7361, or Aaron Gilbride, Branch Chief, at (202) 551–6906 (Division of Investment Management, Chief Counsel's Office).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained via the Commission's website by searching for the file number, or for an applicant using the Company name box, at *http://www.sec.gov/search/search.htm* or by calling (202) 551–8090.

Applicants' Representations

1. The Initial Fund is a newly-formed Delaware statutory trust that is registered under the Act as a continuously offered, non-diversified, closed-end management investment company.

2. The Adviser, a Delaware limited liability company, will be registered as an investment adviser under the Investment Advisers Act of 1940. The Investment Adviser will serve as investment adviser to the Initial Fund.

3. The applicants seek an order to permit the Funds (as defined below) to issue multiple classes of shares, each having its own fee and expense structure, and to impose EWCs, asset-based distribution and/or service fees with respect to certain classes.

4. Applicants request that the order also apply to any continuously-offered registered closed-end management investment company, existing now or in the future, for which the Adviser, or any entity controlling, controlled by, or under common control with the Adviser, or any successor in interest to any such entity,[1] acts as investment adviser and which operates as an interval fund pursuant to rule 23c–3 under the Act or provides periodic liquidity with respect to its shares pursuant to rule 13e–4 under the Securities Exchange Act of 1934, (''Exchange Act'') (each, a ''Future Fund'' and together with the Initial Fund, the ''Funds'').[2]

5. The Initial Fund intends to make a continuous public offering of its shares upon a declaration of effectiveness of its registration statement. Applicants state that additional offerings by any Fund relying on the order may be on a private placement or public offering basis. Shares of the Funds will not be listed on any securities exchange, nor quoted on any quotation medium, and the Funds do not expect there to be a secondary trading market for their shares.

6. If the requested relief is granted, the Initial Fund intends to continuously offer Institutional Class shares and Investor Class shares, with each class having its own fee and expense structure. Because of the different distribution and/or service fees, services, and any other class expenses that may be attributable to the Investor Class shares and Institutional Class shares, the net income attributable to, and the dividends payable on, each class of shares may differ from each other.

7. Applicants state that, from time to time, the Initial Fund may create additional classes of shares, the terms of which may differ from the Investor Class shares and Institutional Class shares in the following respects: (i) The amount of fees permitted by different distribution plans and/or different service fee arrangements; (ii) voting rights with respect to a distribution and/or service plan of a class; (iii) different class designations; (iv) the impact of any class expenses directly attributable to a particular class of shares allocated on a class basis as described in the application; (v) any differences in dividends and net asset value resulting from differences in fees under a distribution and/or service plan or in class expenses; (vi) sales load structure; and (vii) exchange or conversion privileges of the classes as permitted under the Act.

8. Applicants state that the Initial Fund has adopted a fundamental policy to repurchase a specified percentage of its shares (no less than 5% and no more than 25%) at net asset value on a quarterly basis. Such repurchase offers will be conducted pursuant to rule 23c–3 under the Act. Each of the other Funds will likewise adopt fundamental investment policies and make periodic repurchase offers to its shareholders in compliance with rule 23c–3, or will provide periodic liquidity with respect to its shares pursuant to rule 13e–4 under the Exchange Act.[3] Any repurchase offers made by the Funds will be made to all holders of shares of each such Fund as of the selected record date.

[1] A successor in interest is limited to an entity that results from a reorganization into another jurisdiction or a change in the type of business organization.

[2] Any Fund relying on this relief in the future will do so in a manner consistent with the terms and conditions of the application. Applicants represent that each entity presently intending to rely on the requested relief is listed as an applicant.

[3] Applicants submit that rule 23c–3 and Regulation M under the Exchange Act permit an interval fund to make repurchase offers to repurchase its shares while engaging in a continuous offering of its shares pursuant to rule 415 under the Securities Act of 1933, as amended.

9. Applicants represent that any asset-based service and distribution fees for each class of shares of the Funds will comply with the provisions of FINRA Rule 2341 (''FINRA Sales Charge Rule'').[4] Applicants also represent that each Fund will disclose in its prospectus the fees, expenses and other characteristics of each class of shares offered for sale by the prospectus, as is required for open-end multiple class funds under Form N–1A.[5] As is required for open-end funds, each Fund will disclose its expenses in shareholder reports, and describe any arrangements that result in breakpoints in or elimination of sales loads in its prospectus.[6] In addition, applicants will comply with applicable enhanced fee disclosure requirements for fund of funds, including registered funds of hedge funds.[7]

10. Each of the Funds will comply with any requirements that the Commission or FINRA may adopt regarding disclosure at the point of sale and in transaction confirmations about the costs and conflicts of interest arising out of the distribution of open-end investment company shares, and regarding prospectus disclosure of sales loads and revenue sharing arrangements, as if those requirements applied to the Fund. In addition, each Fund will contractually require that any distributor of the Fund's shares comply with such requirements in connection with the distribution of such Fund's shares.

11. Each Fund will allocate all expenses incurred by it among the various classes of shares based on the net assets of the Fund attributable to each such class, except that the net asset value and expenses of each class will reflect the expenses associated with the distribution and/or service plan of that class (if any), service fees attributable to that class (if any), including transfer agency fees, and any other incremental expenses of that class. Expenses of a Fund allocated to a particular class of shares will be borne on a pro rata basis by each outstanding share of that class. Applicants state that each Fund will comply with the provisions of rule 18f-3 under the Act as if it were an open-end investment company.

12. Applicants state that each Fund may impose an EWC on shares submitted for repurchase that have been held less than a specified period and may waive the EWC for certain categories of shareholders or transactions to be established from time to time. Applicants state that each Fund will apply the EWC (and any waivers, scheduled variations, or eliminations of the EWC) uniformly to all shareholders in a given class and consistently with the requirements of rule 22d–1 under the Act as if the Funds were open-end investment companies.

13. Applicants state that shares of a Fund may be subject to an early repurchase fee (''Early Repurchase Fee'') at a rate of no greater than 2% of the aggregate net asset value of a shareholder's shares repurchased by the Fund if the interval between the date of purchase of the shares and the valuation date with respect to the repurchase of those shares is less than 90 days. Any Early Repurchase Fees will apply equally to all classes of shares of a Fund, consistent with section 18 of the Act and rule 18f–3 thereunder. To the extent a Fund determines to waive, impose scheduled variations of, or eliminate any Early Repurchase Fee, it will do so consistently with the requirements of rule 22d–1 under the Act as if the Early Repurchase Fee were a contingent deferred sales load (defined below) and as if the Fund were an open-end investment company and the Fund's waiver of, scheduled variation in, or elimination of, any such Early Repurchase Fee will apply uniformly to all shareholders of the Fund regardless of class. Applicants state that the Initial Funds do not intend to impose an Early Repurchase Fee.

14. Each Fund that operates or will operate as an interval fund pursuant to rule 23c–3 under the Act may offer its shareholders an exchange feature under which the shareholders of the Fund may, in connection with the Fund's periodic repurchase offers, exchange their shares of the Fund for shares of the same class of (i) registered open-end investment companies or (ii) other registered closed-end investment companies that comply with rule 23c–3 under the Act and continuously offer their shares at net asset value, that are in the Fund's group of investment companies (collectively, ''Other Funds''). Shares of a Fund operating pursuant to rule 23c–3 that are exchanged for shares of Other Funds will be included as part of the amount of the repurchase offer amount for such Fund as specified in rule 23c–3 under the Act. Any exchange option will comply with rule 11a–3 under the Act, as if the Fund were an open-end investment company subject to rule 11a–3. In complying with rule 11a–3, each Fund will treat an EWC as if it were a contingent deferred sales load.

Applicants' Legal Analysis

Multiple Classes of Shares

1. Section 18(a)(2) of the Act provides that a closed-end investment company may not issue or sell a senior security that is a stock unless certain requirements are met. Applicants state that the creation of multiple classes of shares of the Funds may violate section 18(a)(2) because the Funds may not meet such requirements with respect to a class of shares that may be a senior security.

2. Section 18(c) of the Act provides, in relevant part, that a closed-end investment company may not issue or sell any senior security if, immediately thereafter, the company has outstanding more than one class of senior security. Applicants state that the creation of multiple classes of shares of the Funds may be prohibited by section 18(c), as a class may have priority over another class as to payment of dividends because shareholders of different classes would pay different fees and expenses.

3. Section 18(i) of the Act provides that each share of stock issued by a registered management investment company will be a voting stock and have equal voting rights with every other outstanding voting stock. Applicants state that multiple classes of shares of the Funds may violate section 18(i) of the Act because each class would be entitled to exclusive voting rights with respect to matters solely related to that class.

4. Section 6(c) of the Act provides that the Commission may exempt any person, security or transaction or any class or classes of persons, securities or transactions from any provision of the Act, or from any rule or regulation under the Act, if and to the extent such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Applicants request an exemption under section 6(c) from sections 18(a)(2), 18(c) and 18(i) to permit the Funds to issue multiple classes of shares.

[4] Any reference in the application to the FINRA Sales Charge Rule includes any successor or replacement to the FINRA Sales Charge Rule.

[5] In all respects other than class-by-class disclosure, each Fund will comply with the requirements of Form N–2.

[6] See Shareholder Reports and Quarterly Portfolio Disclosure of Registered Management Investment Companies, Investment Company Act Release No. 26372 (Feb. 27, 2004) (adopting release) (requiring open-end investment companies to disclose fund expenses in shareholder reports); and Disclosure of Breakpoint Discounts by Mutual Funds, Investment Company Act Rel. No. 26464 (June 7, 2004) (adopting release) (requiring open-end investment companies to provide prospectus disclosure of certain sales load information).

[7] Fund of Funds Investments, Investment Company Act Rel. Nos. 26198 (Oct. 1, 2003) (proposing release) and 27399 (Jun. 20, 2006) (adopting release). *See also* rules 12d1–1, *et seq.* of the Act.

5. Applicants submit that the proposed allocation of expenses relating to distribution and voting rights is equitable and will not discriminate against any group or class of shareholders. Applicants submit that the proposed arrangements would permit a Fund to facilitate the distribution of its shares and provide investors with a broader choice of shareholder services. Applicants assert that the proposed closed-end investment company multiple class structure does not raise the concerns underlying section 18 of the Act to any greater degree than open-end investment companies' multiple class structures that are permitted by rule 18f–3 under the Act. Applicants state that each Fund will comply with the provisions of rule 18f–3 as if it were an open-end investment company.

Early Withdrawal Charges

1. Section 23(c) of the Act provides, in relevant part, that no registered closed-end investment company shall purchase securities of which it is the issuer, except: (a) On a securities exchange or other open market; (b) pursuant to tenders, after reasonable opportunity to submit tenders given to all holders of securities of the class to be purchased; or (c) under such other circumstances as the Commission may permit by rules and regulations or orders for the protection of investors.

2. Rule 23c–3 under the Act permits an interval fund to make repurchase offers of between five and twenty-five percent of its outstanding shares at net asset value at periodic intervals pursuant to a fundamental policy of the interval fund. rule 23c–3(b)(1) under the Act permits an interval fund to deduct from repurchase proceeds only a repurchase fee, not to exceed two percent of the proceeds, that is paid to the interval fund and is reasonably intended to compensate the fund for expenses directly related to the repurchase. A Fund will not impose a repurchase fee on investors who purchase and tender their shares.

3. Section 23(c)(3) provides that the Commission may issue an order that would permit a closed-end investment company to repurchase its shares in circumstances in which the repurchase is made in a manner or on a basis that does not unfairly discriminate against any holders of the class or classes of securities to be purchased.

4. Applicants request relief under section 6(c), discussed above, and section 23(c)(3) from rule 23c–3 to the extent necessary for the Funds to impose EWCs on shares of the Funds submitted for repurchase that have been held for less than a specified period.

5. Applicants state that the EWCs they intend to impose are functionally similar to contingent deferred sales loads imposed by open-end investment companies under rule 6c–10 under the Act. Rule 6c–10 permits open-end investment companies to impose contingent deferred sales loads, subject to certain conditions. Applicants note that rule 6c–10 is grounded in policy considerations supporting the employment of contingent deferred sales loads where there are adequate safeguards for the investor and state that the same policy considerations support imposition of EWCs in the interval fund context. In addition, applicants state that EWCs may be necessary for the distributor to recover distribution costs. Applicants represent that any EWC imposed by the Funds will comply with rule 6c–10 under the Act as if the rule were applicable to closed-end investment companies. The Funds will disclose EWCs in accordance with the requirements of Form N–1A concerning contingent deferred sales loads.

Asset-Based Distribution and/or Service Fees

1. Section 17(d) of the Act and rule 17d–1 under the Act prohibit an affiliated person of a registered investment company, or an affiliated person of such person, acting as principal, from participating in or effecting any transaction in connection with any joint enterprise or joint arrangement in which the investment company participates unless the Commission issues an order permitting the transaction. In reviewing applications submitted under section 17(d) and rule 17d–1, the Commission considers whether the participation of the investment company in a joint enterprise or joint arrangement is consistent with the provisions, policies and purposes of the Act, and the extent to which the participation is on a basis different from or less advantageous than that of other participants.

2. Rule 17d–3 under the Act provides an exemption from section 17(d) and rule 17d–1 to permit open-end investment companies to enter into distribution arrangements pursuant to rule 12b–1 under the Act. Applicants request an order under section 17(d) and rule 17d–1 under the Act to the extent necessary to permit the Fund to pay asset-based distribution and/or service fees. Applicants have agreed to comply with rules 12b–1 and 17d–3 as if those rules applied to closed-end investment companies, which they believe will resolve any concerns that might arise in connection with a Fund's financing the distribution of its shares through asset-based distribution and/or service fees.

For the reasons stated above, applicants submit that the exemptions requested under section 6(c) are necessary and appropriate in the public interest and are consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Applicants further submit that the relief requested pursuant to section 23(c)(3) will be consistent with the protection of investors and will insure that applicants do not unfairly discriminate against any holders of the class of securities to be purchased. Finally, applicants state that the Funds' imposition of asset-based distribution and/or service fees is consistent with the provisions, policies and purposes of the Act and does not involve participation on a basis different from or less advantageous than that of other participants.

Applicants' Condition

Applicants agree that any order granting the requested relief will be subject to the following condition:

Each Fund relying on the order will comply with the provisions of rules 6c–10, 12b–1, 17d–3, 18f–3, 22d–1, and, where applicable, 11a–3 under the Act, as amended from time to time, as if those rules applied to closed-end management investment companies, and will comply with the FINRA Sales Charge Rule, as amended from time to time, as if that rule applied to all closed-end management investment companies.

For the Commission, by the Division of Investment Management, under delegated authority.

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2019–15430 Filed 7–18–19; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–86378; File No. SR–ICC–2019–005]

Self-Regulatory Organizations; ICE Clear Credit LLC; Order Approving Proposed Rule Change Relating to ICC's Stress Testing Framework

July 15, 2019.

I. Introduction

On May 16, 2019, ICE Clear Credit LLC (''ICC'') filed with the Securities and Exchange Commission pursuant to Section 19(b)(1) of the Securities

Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] a proposed rule change (SR–ICC–2019–005) to revise the ICC Stress Testing Framework. The proposed rule change was published in the **Federal Register** on May 24, 2019.[3] The Commission did not receive comments on the proposed rule change. For the reasons discussed below, the Commission is approving the proposed rule change.

II. Description of the Proposed Rule Change

The proposed rule change would revise the ICC Stress Testing Framework, which describes various stress tests executed by ICC and the governance process surrounding these tests. The proposed changes relate primarily to clarifications, updates, and clean-up changes to the descriptions of stress scenarios and governance throughout the Stress Testing Framework, as well as the removal of a section of the Stress Testing Framework that is no longer relevant.[4]

A. Overall Clarifications and Updates

To foster clarity and enhance the readability and flow of the Stress Testing Framework, The proposed rule change would reorganize the Stress Testing Framework by moving various concepts and sections throughout the document. For instance, ICC would introduce the cover-2 requirement, including related definitions, earlier in the document. Specifically, the cover-2 requirement introduction will be moved from the Guaranty Fund Sizing Sensitivity Analysis section of the Stress Testing Framework to the Methodology section, which is an earlier section of the Stress Testing Framework. ICC also proposes to introduce the forward looking (hypothetically constructed) scenarios in the Methodology section as well, and to add language describing the forward looking (hypothetically constructed) scenarios, and move two paragraphs on their construction from the Predefined Scenarios section to the Methodology section. ICC also proposes to move the General Wrong Way Risk and Contagion Stress Test section from its current location between the adequacy and sensitivity analysis sections of the Stress Testing Framework to instead follow the Display of Discordant Behavior among Instrument Groups section.

ICC is also proposing changes to terminology throughout the Stress Testing Framework. For instance, it will refer to ''reference entity group'' as ''Risk Factor Groups'' (''RFG'') throughout the document and define a Clearing Participant RFG as a Clearing Participant Affiliate Group. Other changes include specifying the reference entities in a RFG for stress testing and the addition of language to further explain the calculation of Loss-Given Default and Expected Loss-Given Default with respect to the forward looking hypothetically constructed scenarios. ICC will also make various grammatical changes.

Other proposed changes relate to clarifying edits, utilization of bulleted lists, and cross-references to more clearly define scenarios and explain concepts throughout the Stress Testing Framework. For example, the proposed rule change would amend the 'Predefined Scenarios' section to indicate which scenarios are not expected to be realized as market outcomes and utilize bulleted lists to more clearly define the scenarios corresponding to the Historically Observed Extreme but Plausible Market Scenarios and the Historically Observed Extreme but Plausible Market Scenarios reflecting a baseline credit event. ICC proposes to cross-reference relevant sections when noting information found in those sections and make corresponding changes throughout the document. In describing the Hypothetically Constructed (Forward Looking) Extreme but Plausible Market Scenarios, ICC proposes to specifically refer to ''reference entities'' as ''Single Name Risk Factors;'' incorporate language on the associated adverse credit event analysis; and utilize a bulleted list to more clearly define the scenarios corresponding to the Hypothetically Constructed (Forward Looking) Extreme but Plausible Market Scenarios. In discussing the Extreme Model Response Test Scenarios, ICC proposes to add the word ''Market'' to the phrase ''Historically Observed Extreme but Plausible Market scenarios'' and to utilize a bulleted list to more clearly define the scenarios corresponding to the Extreme Model Response Test Scenarios. With respect to stress test results, ICC will specify that it considers hypothetical losses on a cover-2 basis and cross-reference a section on the remediation of poor stress testing performance.

ICC also proposes to remove the 'Correlation Sensitivity Analysis based on Monte Carlo Simulations' section. Given the transition from a stress-based methodology to a Monte Carlo simulations-based methodology for certain components of the Initial Margin model, references to the Monte Carlo sensitivity analysis as a stress testing analysis in the Stress Testing Framework are no longer relevant.

B. Governance Clarifications and Updates

ICC is proposing several clarification and update changes related to the governance section of the Stress Testing Framework by making clarifying changes related to frequency of review and governance roles. Specifically, ICC proposes to clarify the frequency at which stress testing results are reviewed and discussed, as well as the various roles played by management in the governance of the Stress Testing Framework, including the Risk Committee, Chief Risk Officer, Risk Department, Risk Oversight Officer, and Risk Working Group.

III. Discussion and Commission Findings

Section 19(b)(2)(C) of the 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 Act and the rules and regulations thereunder applicable to such organization.[5] For the reasons given below, the Commission finds that the proposed rule change is consistent with Section 17A(b)(3)(F) of the Act[6] and Rules 17Ad–22(b)(3) and 17Ad–22(d)(8) thereunder.[7]

A. Consistency With Section 17A(b)(3)(F) of the Act

Section 17A(b)(3)(F) of the Act requires, among other things, that the rules of a clearing agency be designed to promote the prompt and accurate clearance and settlement of securities transactions, and to the extent applicable, derivative agreements, contracts and transactions; to assure the safeguarding of securities and funds which are in the custody or control of the clearing agency or for which it is responsible; and to comply with the provisions of the Act and the rules and regulations thereunder.[8]

As described above, the proposed changes to the Stress Testing Framework would introduce certain core concepts earlier in the document. The Commission believes that, by introducing ICC's cover-2 requirement in the Methodology section, which

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Securities Exchange Act Release No. 34–85938 (May 24, 2019), 84 FR 25310 (May 31, 2019) (SR–ICC–2019–005) (''Notice'').

[4] This description summarizes the description found in the Notice, 84 FR at 25311–25312.

[5] 15 U.S.C. 78s(b)(2)(C).

[6] 15 U.S.C. 78q–1(b)(3)(F).

[7] 17 CFR 240.17Ad–22(b)(3) and 17 CFR 240.17Ad–22(d)(8).

[8] 15 U.S.C. 78q–1(b)(3)(F).

would be earlier in the document than its current placement, the proposed rule change would strengthen the documentation surrounding ICC's stress testing methodology by highlighting and emphasizing to the document's users, especially those involved in the daily risk management process, that the methodology's scenarios establish whether available financial resources are sufficient to cover hypothetical losses of the two greatest clearing participant affiliate groups.

Additionally, the proposed rule change updates terminology and makes other clarifying updates. Some examples of changes include: ''CP AG'' used to reference clearing participants under a common parent, ''Lehman Brothers'' shortened to ''LB'', ''sum'' replaces ''total,'' utilization of a table to list reports associated with stress scenarios, and minor placement and numbering changes to figures in the document. The Commission believes that these clarification updates enhance the readability of the Stress Testing Framework.

Further, as described above, the proposed rule change removes information that is no longer relevant (such as the 'Correlation Sensitivity Analysis based on Monte Carlo Simulations' section) and moves sections around (such as moving the 'General Wrong Way Risk and Contagion Stress Test' ahead of the adequacy and sensitivity analysis sections rather than between these sections). The Commission believes that these revisions enhance the documentation of the Stress Testing Framework by ensuring that it contains only currently relevant information and groups related sections in a non-disruptive manner

The Commission believes that by enhancing readability and ensuring that the documentation of ICC's Stress Testing Framework remains up-to-date, clear, and transparent, the clarification and clean-up changes described above will promote the prompt and accurate clearance and settlement of securities transactions and the safeguarding of securities and funds within the meaning of Section 17A(b)(3)(F) of the Act.[9]

B. Consistency With Rule 17Ad–22(b)(3)

Rule 17Ad–22(b)(3) requires ICC to establish, implement, maintain and enforce written policies and procedures reasonably designed to maintain sufficient financial resources to withstand, at a minimum, a default by the two participant families to which it has the largest exposure in extreme but plausible market conditions.[10]

The Commission believes that the proposed changes to the Stress Testing Framework described above provide further clarity and transparency regarding ICC's stress testing practices by strengthening the documentation surrounding ICC's stress testing methodology through the introduction of the cover-2 concepts earlier in the document, updates to stress testing terminology to maintain uniformity, and providing additional clarity on the reporting of stress testing scenarios.

The Commission further believes that these proposed revisions enhance ICC's approach to identifying potential weaknesses in the risk management system with changes to procedures related to the identification and remediation of poor stress testing performance. Specifically, as described above, the proposed changes more clearly define the scenarios corresponding to the Historically Observed and Hypothetically Constructed Extreme but Plausible Scenarios and, with respect to stress results, specify that it considers hypothetical losses on a cover-2 basis and cross-references a section on remediation of poor stress testing performance. The Commission therefore believes that these proposed changes support ICC's ability to maintain sufficient financial resources to withstand, at a minimum, a default by the two CP families to which it has the largest exposures in extreme but plausible market conditions, consistent with the requirements of Rule 17Ad–22(b)(3).[11]

C. Consistency With Rule 17Ad–22(d)(8)

Rule 17Ad–22(d)(8) requires ICC to establish, implement, maintain and enforce written policies and procedures reasonably designed to have governance arrangements that are clear and transparent to fulfill the public interest requirements in Section 17A of the Act[12] applicable to clearing agencies, to support the objectives of owners and participants, and to promote the effectiveness of the clearing agency's risk management procedures.[13]

As described above, the proposed changes clarify the frequency at which stress testing results are reviewed and discussed as well as the actions taken upon identification of poor testing results. Further, the proposed changes describe the involvement of the Chief Risk Officer, Risk Oversight Officer, Risk Department, Risk Working Group, the Risk Committee, and the Board in addressing poor stress testing results. The Commission believes that by making such clarifications, the proposed changes strengthen the governance arrangements set forth in the Stress Testing Framework by clearly documenting responsibility for the identification and remediation of poor stress testing performance. As such, the Commission believes that these governance arrangements are consistent with the requirements of Rule 17Ad–22(d)(8).[14]

IV. Conclusion

On the basis of the foregoing, the Commission finds that the proposed rule change is consistent with the requirements of the Act, and in particular, with the requirements of Section 17A(b)(3)(F) of the Act[15] and Rules 17Ad–22(b)(3) and 17Ad–22(d)(8) thereunder.[16]

It is therefore ordered pursuant to Section 19(b)(2) of the Act[17] that the proposed rule change (SR–ICC–2019–005) be, and hereby is, approved.[18]

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[19]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2019–15340 Filed 7–18–19; 8:45 am]

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[9] *Id.*

[10] 17 CFR 240.17Ad–22(b)(3).

[11] *Id.*

[12] 15 U.S.C. 78q–1.

[13] 17 CFR 240.17Ad–22(d)(8).

[14] 17 CFR 240.17Ad–22(d)(8).

[15] 15 U.S.C. 78q–1(b)(3)(F).

[16] 17 CFR 240.17Ad–22(b)(3) and 17 CFR 240.17Ad–22(d)(8).

[17] 15 U.S.C. 78s(b)(2).

[18] In approving the proposed rule change, the Commission considered the proposal's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[19] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #16039 and #16040; OKLAHOMA Disaster Number OK–00131]

Presidential Declaration of a Major Disaster for Public Assistance Only for the State of Oklahoma

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for Public Assistance Only for the State of Oklahoma (FEMA–4453–DR), dated 07/12/2019.

Incident: Severe Storms, Tornadoes, Straight-line Winds, and Flooding.

Incident Period: 04/30/2019 through 05/01/2019.

DATES: Issued on 07/12/2019.

Physical Loan Application Deadline Date: 09/10/2019.

Economic Injury (EIDL) Loan Application Deadline Date: 04/13/2020.

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 President's major disaster declaration on 07/12/2019, Private Non-Profit organizations that provide essential services of a governmental nature may file disaster loan applications 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: Alfalfa, Atoka, Bryan, Coal, Craig, Kay, Lincoln, Love, Major, Noble, Nowata, Okmulgee, Osage, Ottawa, Pittsburg, Pushmataha, Stephens, Tillman.

The Interest Rates are:

	Percent
For Physical Damage:	
Non-Profit Organizations with Credit Available Elsewhere	2.750
Non-Profit Organizations without Credit Available Elsewhere	2.750
For Economic Injury:	
Non-Profit Organizations without Credit Available Elsewhere	2.750

The number assigned to this disaster for physical damage is 16039B and for economic injury is 160400.

(Catalog of Federal Domestic Assistance Number 59008)

Cynthia Pitts,

Acting Associate Administrator for Disaster Assistance.

[FR Doc. 2019–15410 Filed 7–18–19; 8:45 am]

BILLING CODE 8026–03–P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

[FTA Docket No. FTA 2019–0015]

Agency Information Collection Activity Under OMB Review

AGENCY: Federal Transit Administration, DOT.

ACTION: Notice of request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, this notice announces that the Information Collection Requirements (ICRs) abstracted below have been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICR describe the nature of the information collection and their expected burdens.

DATES: Comments must be submitted on or before August 19, 2019.

ADDRESSES: All written comments must refer to the docket number that appears at the top of this document and be submitted to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725–17th Street NW, Washington, DC 20503, Attention: FTA Desk Officer. Alternatively, comments may be sent via email to the Office of Information and Regulatory Affairs (OIRA), Office of Management and Budget, at the following address: *oira_submissions@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: Tia Swain, Office of Administration, Management Planning Division, 1200 New Jersey Avenue SE, Mail Stop TAD–10, Washington, DC 20590, (202) 366–0354 or *tia.swain@dot.gov.*

SUPPLEMENTARY INFORMATION: The Paperwork Reduction Act of 1995 (PRA), Public Law 104–13, Section 2, 109 Stat. 163 (1995) (codified as revised at 44 U.S.C. 3501–3520), and its implementing regulations, 5 CFR part 1320, require Federal agencies to issue two notices seeking public comment on information collection activities before OMB may approve paperwork packages. 44 U.S.C. 3506, 3507; 5 CFR 1320.5, 1320.8(d)(1), 1320.12. On May 14, 2019, FTA published a 60-day notice (84 FR 21404) in the **Federal Register** soliciting comments on the ICR that the agency was seeking OMB approval. FTA received no comments after issuing this 60-day notice. Accordingly, DOT announces that these information collection activities have been re-evaluated and certified under 5 CFR 1320.5(a) and forwarded to OMB for review and approval pursuant to 5 CFR 1320.12(c).

Before OMB decides whether to approve these proposed collections of information, it must provide 30 days for public comment. 44 U.S.C. 3507(b); 5 CFR 1320.12(d). Federal law requires OMB to approve or disapprove paperwork packages between 30 and 60 days after the 30-day notice is published. 44 U.S.C. 3507(b)–(c); 5 CFR 1320.12(d); *see also* 60 FR 44978, 44983, Aug. 29, 1995. OMB believes that the 30-day notice informs the regulated community to file relevant comments and affords the agency adequate time to digest public comments before it renders a decision. 60 FR 44983, Aug. 29, 1995. Therefore, respondents should submit their respective comments to OMB within 30 days of publication to best ensure having their full effect. 5 CFR 1320.12(c); *see also* 60 FR 44983, Aug. 29, 1995.

The summaries below describe the nature of the information collection requirements (ICRs) and the expected burden. The requirements are being submitted for clearance by OMB as required by the PRA.

Title: Rail Fixed Guideway Systems; State Safety Oversight.

OMB Control Number: 2132–0558.

Type of Request: Renewal of a previously approved information collection.

Abstract: FTA administers a national program for public transportation safety under 49 U.S.C. Section 5329. One element of this program, at 49 U.S.C. 5329(e), requires States to oversee the safety of the rail transit agencies (RTAs) in their jurisdictions, including heavy and light rail systems, streetcars, inclined planes, cable cars, monorail/automated guideways and hybrid rail. Through this program, State Safety Oversight Agencies (SSOAs) ensure that RTAs identify and address safety risks, follow their safety rules and procedures, and take corrective action to address safety deficiencies. This program, which only applies to RTAs, enhances and replaces the State Safety Oversight (SSO) program previously authorized at 49 U.S.C. 5330.

The previously authorized program required SSOAs to perform oversight without Federal grant funding available. As a result, the approved information collection included burden hours associated with activities administered by SSO agencies to collect information from RTAs and activities performed by RTAs to provide information to SSOAs. FTA decided to include these burden hours to address concerns raised by SSOAs and RTAs regarding unfunded Federal requirements.

With the expiration of the previously authorized program, and the new

Federal grant program for States, authorized at 49 U.S.C. 5329(e)(6), FTA proposes to amend the information collection activities to focus only on the activities of SSOAs and RTAs to report information to FTA. Activities included in the previous information collection request that are not specifically related to FTA information collection are removed from this information collection request and are addressed in the Regulatory Impact Assessment developed for the final rule implementing 49 U.S.C. 5329(e). This proposed change aligns with the Paperwork Reduction Act (PRA) of 1995, United States Office of Personnel Management, Paperwork Reduction Act (PRA) Guide, Version 2.0, 2011.

The revised information collection request includes the annual report FTA requires from SSOAs, the burden of which has been reduced substantially through the development of a web-based system that replaces the existing spreadsheet-based process and provides direct interface with the National Transit Database. It also includes the FTA's grant management reporting requirement and the triennial audit program, which requires information from both SSOAs and RTAs. Further, the information collection reflects requirements for SSOAs and RTAs to respond to FTA directives and advisories, and SSOAs participation in monthly teleconference calls with FTA. Finally, the information collection request includes RTA event notifications to FTA.

With these changes, the total burden hours have decreased from 586,443 hours for the previous information collection request to 16,365 representing an overall decrease of 570,078 hours.

Estimated Annual Number of Respondents: 96 respondents.

Estimated Total Annual Burden Hours: 16,365 hours.

Frequency: Annually.

Comments are Invited On: Whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; the accuracy of the Department'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 collection of information on respondents, including the use of automated collection techniques or other forms of information technology. A comment to OMB is best assured of having its full effect if OMB receives it within 30 days of publication of this notice in the **Federal Register**.

Nadine Pembleton,

Director Office of Management Planning.

[FR Doc. 2019–15364 Filed 7–18–19; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket Number MARAD–2018–0088]

RIN 2133–ZA03

Centers of Excellence for Domestic Maritime Workforce Training and Education Designation Program Guidance: Proposed New Policy and Information Collection Request

AGENCY: Maritime Administration, DOT.

ACTION: Notice and request for comments.

SUMMARY: This notice provides interested parties with the opportunity to comment on the Maritime Administration's (MARAD) new program designating eligible and qualified training entities as Centers of Excellence for Domestic Maritime Workforce Training and Education (CoE). The National Defense Authorization Act of 2018 (the Act), provided the Secretary of Transportation with the discretionary authority to designate eligible and qualified entities as CoEs. CoE designations will serve to assist the maritime industry in obtaining and maintaining the highest quality workforce. On May 31, 2018, MARAD published a notice in the **Federal Register** seeking public comment regarding the development of a guide for applicants seeking CoE designation. MARAD received a total of eighteen comments which have been considered and are examined in the **SUPPLEMENTARY INFORMATION** section below. Now, MARAD is proposing to implement a voluntary program to identify and recommend qualified training providers for CoE designation. MARAD invites public comment on this new program and its application guidance.

DATES: Comments must be received on or before September 17, 2019. MARAD will consider comments filed after this date to the extent practicable.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2018–0088 by any of the following methods:

- *Website/Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Search ''MARAD–2018–0088'' and follow the instructions for submitting comments on the electronic docket site.
- *Mail or Hand Delivery:* Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Instructions: All submissions must include the agency name and docket number for this rulemaking.

Note: All comments received will be posted without change to *http://www.regulations.gov* including any personal information provided.

Docket: For access to the docket to read background documents or comments received, go to *http://www.regulations.gov* and search using ''MARAD–2018–0088'' or go to Room W12–401 of the Department of Transportation, 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: You may contact Nuns Jain, Maritime Administration, at 757–322–5801 or by electronic mail at *Nuns.Jain@dot.gov.* You may send mail to Nuns Jain at Maritime Administration, Building 19, Suite 300, 7737 Hampton Boulevard, Norfolk, VA 23505. If you have questions on viewing the Docket, call Docket Operations, telephone: 202–366–9317 or 202–366–9826.

SUPPLEMENTARY INFORMATION: Following the enactment of the National Defense Authorization Act of 2018, Public Law 115–91 (the ''Act''), codified at 46 U.S.C. 54102, MARAD developed a procedure to recommend to the Secretary the designation of eligible institutions as Centers of Excellence for Domestic Maritime Workforce Training and Education (CoE). Pursuant to the Act, the Secretary of Transportation may designate certain eligible and qualified training entities as CoEs and may subsequently execute Cooperative Agreements with CoE designees. Authority to administer the CoE program is delegated to MARAD in 49 CFR 1.93(a).

Qualified training entities seeking to be designated as a CoE need to apply to MARAD. MARAD has developed this notice to provide interested parties with comprehensive agency guidance on how to apply for CoE designation and how the CoE program will be administered. Applications should include information to demonstrate that the applicant institution meets certain eligibility requirements, selection

criteria, and qualitative attributes consistent with Section 3507 of the Act.

Accordingly, MARAD is now proposing to implement a voluntary CoE designation program to assist the maritime industry in obtaining and maintaining the highest quality workforce consistent with the criteria set forth in the Act. Once all comments are considered, MARAD will publish the final CoE Program Policy in the **Federal Register** and on its website-*www.marad.dot.gov/CoE.*

Prior Federal Action

As the first step in developing a CoE policy, MARAD issued a notice requesting comments on its proposed application process entitled Centers of Excellence for Domestic Maritime Workforce Training and Education, 83 FR 25109 (May 31, 2018). In response to the notice, we received 18 written comments summarized immediately below. The unabridged comments are available for review electronically at *www.regulations.gov* by searching DOT Docket Id ''MARAD–2018–0088'' or by visiting the DOT Docket, Room PL–401, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except for Federal Holidays.

Comments on the Notice

MARAD received comments from 13 different commenters proposing a total of 29 suggested changes and/or clarifications to our definitions section. Where not in conflict with the explicit language of the statute, we have made those recommended changes to our definitions.

MARAD received comments from 10 different commenters proposing a total of 19 suggested changes and/or clarifications to the eligibility criteria, designation criteria and designation attributes. We have made those recommended changes which were not in conflict with the explicit language of the statute.

MARAD received one comment recommending that the MARAD approval process for temporary use of training ships, as a form of specific federal assistance to designated CoEs under a Cooperative Agreement, include consultation with the relevant State Maritime Academy. Our approval process for third -party requests for use of training ships already includes this consultation with the relevant State Maritime Academy.

MARAD received one comment requesting clarifications regarding the timeline for the CoE application process and the application preparation time which would be provided to interested applicant training institutions. We have incorporated these clarifications.

MARAD received one comment recommending that a formal bonding of the competencies trained in industry and military is necessary to better crosswalk the skills of the workforce and serve the transition from military to mariner. We agree. The draft guide included a provision encouraging CoEs to award students credit for prior experience, including military service.

MARAD received one comment recommending the CoE designation renewal process like that of the Maryland Higher Education Commission (MHEC). This revised policy provides for annual CoE designations and does not include a renewal process.

MARAD received one comment inquiring if grant writers will be needed to prepare CoE applications. We do not expect that training institutions will need grant writers to prepare their CoE designation applications.

MARAD received one comment suggesting that electronic filing of applications using an enterable forms database will be the least burdensome method to evidence application qualification. We partially agree and have included provisions to encourage electronic submission of applications. However, we do not have the resources at this time to create an online CoE application form and online database.

MARAD received one comment recommending that institutional administration of the career programs offered should be simplified with standard format data entry facilitated by web-based and smart-phone technology to reduce administrative burden. We do not have the resources at this time to develop and implement such applications.

MARAD received one comment recommending that a MARAD website should be established to share CoE information, references, case studies and lessons learned. We agree and will establish a CoE section on the MARAD website.

MARAD received one comment recommending that MARAD compile and provide a particular set of labor data that specifically outlines the needs of the United States Maritime Industry. We do not have the resources at this time to implement this recommendation.

MARAD received one comment recommending that the CoE program be expanded, beyond the items specifically authorized by the statute, to include:

a. Development of maritime industry cluster maps to include central organizations such as shipyards, ports and harbors along with support businesses.

b. Development of expectations and incentives for public-private partnerships between state, maritime community, maritime industry, trade associations and foundations.

c. Provisions to include foreign investment.

We have noted the recommendations but do not have the resources at this time to implement them.

MARAD received and has noted two comments supporting other comments.

MARAD received one comment endorsing a particular training institution and nine comments providing background information about the commenters and/or their organizations. We have noted these comments. However, the government's designation decision will be based upon our evaluation of the information submitted in each application to demonstrate compliance with the designation criteria.

MARAD received one comment stating that the CoE program for afloat and ashore careers can help provide pathways and career technical education that sustains and improves the US maritime industries and economy. We agree.

MARAD received one comment from the Offshore Marine Service Association strongly supporting the CoE program as improving the competency of the maritime industry, providing better pathways to good-paying U.S. jobs and recognizing the important roles that Community Colleges and Technical Colleges play in this process. We agree.

MARAD received one comment which did not pertain to the CoE **Federal Register** Notice and requires no action on our part.

Proposed Policy

The agency is requesting public comment on the following proposed policy which describes the process through which MARAD proposes to exercise its discretionary authority to designate qualified applicants:

How To Be Designated a Center of Excellence for Domestic Maritime Workforce Training and Education

Introduction

The Secretary of Transportation, acting through the Maritime Administrator, may designate certain eligible and qualified training entities as Centers of Excellence for Domestic Maritime Workforce Training and Education (CoE) and may subsequently execute Cooperative Agreements with CoE designees. The Maritime

Administration (MARAD) has developed the CoE Program to provide interested parties with comprehensive agency guidance on how best to apply for CoE designation. However, conformity with this CoE applicant guidance, except where explicit in the statute, is voluntary only. MARAD will review and consider all applications it receives and may contact applicants with questions to assist in reviewing their applications.

Eligible training entities seeking to be designated as a CoE are welcome to apply with MARAD. The application should include information to demonstrate that the applicant institution meets certain eligibility criteria, designation requirements, and attributes consistent with 46 U.S.C. 54102.

Key Terms

The following list of key terms are either directly taken from the statute or have been developed by MARAD and/or from comments received from the public during our earlier notice and comment period. The list is intended to assist applicants by providing context and insight into the approval process. If you believe that your institution qualifies for CoE designee status under an alternate interpretation or by qualifications not otherwise clearly articulated in the statute, please provide a cogent justification for any such alternative and it will be given due consideration during our review.

a. ''Afloat Career'' is a term developed by MARAD to mean a career as a merchant mariner compensated for service aboard a vessel in the U.S. Maritime Industry.

b. ''Arctic'' as explicitly stated in the statute means all United States and foreign territory north of the Arctic Circle and all United States territory north and west of the boundary formed by the Porcupine, Yukon, and Kuskokwim Rivers; all contiguous seas, including the Arctic Ocean and the Beaufort, Bering, and Chukchi Seas; and the Aleutian chain. [Section 112 of the Arctic Research and Policy Act of 1984, codified at 15 U.S.C. 4111];

c. ''Ashore Career'' is a term developed by MARAD to mean a shore-based compensated occupation in the United States Maritime Industry.

d. ''Community or Technical College'' is interpreted by MARAD to mean an institution of higher education that—

1. admits as regular students, persons who are beyond the age of compulsory school attendance, or are enrolled in a high school and concurrently are participating in a dual credit or similar program, in the State in which the institution is located or in an adjoining State or region; and

2. has primary focus on awarding Associate (or equivalent) degrees; and

3. provides an educational program that is acceptable for full credit toward a bachelor's or equivalent degree or that may culminate in a professional or technical certificate or credential, stackable certificates and credentials, and/or two- year degree;

e. ''Maritime Training Center'' is interpreted by MARAD to mean a training institution that

1. does not grant baccalaureate or higher levels of academic degree; and

2. is not a ''Community or Technical College''; and

3. provides a structured program of training courses to prepare students and/or enhance their skills for Afloat Careers and/or Ashore Careers in the United States Maritime Industry.

f. ''Mississippi River System'' is interpreted by MARAD to mean the mostly riverine network of the United States which includes the Mississippi River, and all connecting waterways, natural tributaries and distributaries. The system includes the Arkansas, Illinois, Missouri, Ohio, Red, Allegheny, Tennessee, Wabash and Atchafalaya rivers. Important connecting waterways include the Illinois Waterway, the Tennessee-Tombigbee Waterway, and the Gulf Intracoastal Waterway;

g. ''Operated by, or under the supervision of a State'' is interpreted by MARAD to mean operated by or under the supervision of a public entity of a State government or one of its subdivisions, as well as, county governments, and city or local governments;

1. ''operated by'' a State is interpreted by MARAD to mean that the State controls or provides direct oversight to the Maritime Training Center through:

i. A State charter process, or other equivalent documents and system; and

ii. a State oversight body.

2. ''under the supervision of a State'' is interpreted by MARAD to mean that the State oversees in some manner the Maritime Training Center through:

i. Accreditation or similar review, validation, and approval by a public entity of the State government or one of its subdivisions as well as, county governments, and city or local governments; or

ii. Registration approval by a State Apprenticeship Agency (SAA), in accordance with 29 CFR part 29, of an apprenticeship program offered by the Maritime Training Center to qualified students from the public; or

iii. Other means which demonstrate to MARAD that the State is supervising the educational process for which a CoE designation is sought.

h. ''State'' is interpreted by MARAD to mean a State of the United States, the District of Columbia, Guam, Puerto Rico, the Virgin Islands, American Samoa, the Northern Mariana Islands, and any other territory or possession of the United States.

i. ''United States Maritime Industry'' is a term developed by MARAD that includes all segments of the maritime-related transportation system of the United States, both in domestic and foreign trade, coastal and inland waters, as well as non-commercial maritime activities, such as pleasure boating, marine sciences (including all scientific research vessels) and all of the industries that support such uses, including, but not limited to vessel construction and repair, vessel operations, ship logistics supply, berthing, port operations, port intermodal operations, marine terminal operations, vessel design, marine brokerage, marine insurance, marine financing, chartering, maritime-oriented supply chain operations, offshore industry and maritime-oriented research and development.

Applicant Information

1. Who is eligible to apply for designation as a Center of Excellence for Domestic Maritime Workforce Training and Education (CoE)?

Participation is entirely voluntary. Under the statute, an educational institution that provides training and education for the domestic maritime workforce is eligible to apply so long as it meets the following criteria:

a. An institution located in a State that borders on at least one of the following bodies of water:

1. Gulf of Mexico;
2. Atlantic Ocean;
3. Long Island Sound;
4. Pacific Ocean;
5. Great Lakes;
6. Mississippi River System;
7. Arctic; or
8. Gulf of Alaska.

b. The institution is either:

1. A Community or Technical College; or

2. A Maritime Training Center—

i. Operated by, or under the supervision of a State; and

ii. With a maritime training program in operation in its curriculum on 12/12/2017.

2. How does MARAD interpret the selection criteria for CoE designation?

I. Assuming no alternative qualifications are provided, MARAD

will consider applicants eligible for designation if they can demonstrate compliance with all of the following criteria:

a. The academic programs offered by the institution include:

1. One or more Afloat Career preparation tracks in the United States Maritime Industry, and/or

2. One or more Ashore Career preparation tracks in the United States Maritime Industry.

b. Applicant institutions offering Afloat Career and/or Ashore Career tracks have been accredited as follows:

1. ''Community or Technical Colleges'' hold current accreditation of the institution from a Regional Accreditation Agency or a Nationally Recognized Agency on the list of Accrediting Agencies approved by the U.S. Department of Education.

2. ''Maritime Training Centers'' hold current accreditation—

i. *either* of the institution, from a Regional Accreditation Agency or a Nationally Recognized Agency on the list of Accrediting Agencies approved by the U.S. Department of Education; *or*

ii. of the maritime training program offered by the institution from:

A. the State Apprenticeship Agency (SAA) in accordance with 29 CFR part 29, or

B. the State's Department of Education or equivalent State agency, or

C. the United States Coast Guard (USCG), or

D. other appropriate external review body which is specifically authorized to review and validate post-secondary education programs and is acceptable to MARAD.

c. As applicable, maintain USCG approval for the merchant mariner training program and/or merchant mariner training course(s) offered by the institution.

d. Provide data and statistics to demonstrate institutional and/or program effectiveness. This should include, but is not limited to, recruitment data, past/current enrollment (trends), attrition rates, student program completion data, post-program job and placement statistics (to the extent available to the institution), and program effectiveness feedback from students, faculty, alumni, and other stakeholders.

e. As applicable, maintain authorization and/or endorsement of the program and/or course(s) by an applicable professional society or industry body (including, but not limited to Welding, Electrician, Electronics, Maritime Construction, Maritime Logistics, Maritime Systems, etc.) to issue industry accepted certifications that reflect professional recognition of the level of educational or technical skill achievement.

II. Additional factors to be considered may include the following qualitative attributes fostered by the institution:

a. Supporting workforce needs of the local, state, or regional economy;

b. Building Science, Technology, Engineering, and Math (STEM) competencies of local/future workforce through maritime programs to meet emerging local, regional, and national economic interests;

c. Promoting diversity and inclusion among the student body;

d. Offering a broad-based curriculum and stackable credentials where applicable;

e. Engaging and/or collaborating with the maritime industry including, but not limited to employers, associations, and other industry organizations or partners;

f. Engaging and/or collaborating with employer-led maritime training practices and programs through Sector Partnerships as authorized in the 2014 Workforce Innovation and Opportunity Act Section 3(26).

g. Engaging and/or collaborating with local and regional maritime high schools with maritime, maritime related, Career Technical Education (CTE) or STEM programs;

h. Engaging and/or collaborating with maritime academies and other institutions or organizations for advanced proficiency and higher education;

i. Conducting other significant domestic maritime workforce development related activities.

3. What agreement may MARAD execute with a designated CoE?

The Maritime Administrator, or designee, may enter into a cooperative agreement with a CoE to support maritime workforce training and education, including but not limited to efforts of the CoE to:

1. Recruit, admit and train students;

2. Recruit and train faculty;

3. Expand or enhance facilities;

4. Create new maritime career pathways;

5. Award students credit for prior experience, including military service;

6. Expand and improve employer-led maritime training practices and programs through the establishment of Sector Partnerships as authorized in the 2014 Workforce Innovation and Opportunity Act Section 3(26);

7. Conduct such other CoE activities that are determined by MARAD to further maritime workforce training and education.

4. What specific assistance may MARAD offer to a designated CoE under a Cooperative Agreement?

By entering into a cooperative agreement, MARAD may be able to offer the following types of assistance:

1. Donation of surplus equipment to CoEs that also meet the requirements of 46 U.S.C. 51103(b)(2)(C);

2. Temporary use of MARAD vessels and assets for indoctrination, training, and assistance, subject to availability and approval by MARAD and the Department of Defense when applicable. For any CoE requests relating to temporary use of a MARAD Training Ship operated by a State Maritime Academy, the MARAD approval process will include consultation with that Academy;

3. Availability of MARAD subject matter experts to address students when feasible; and

4. Funding, to the extent such funds are properly appropriated and made available for this purpose.

Implementation and Administration

MARAD will evaluate the applicant's supporting documentation and either approve or disapprove the request for designation. During the evaluation of the application and the supporting documentation. MARAD may request clarifications or additional information from the applicant. Upon approval, the Maritime Administrator or his/her designee will make a designation. MARAD will thereafter publish the CoE's name and contact information on its website. After issuance of the designation, MARAD may enter into a cooperative agreement with the CoE.

5. When and where should I submit my application for designation?

a. MARAD will publish notifications in the **Federal Register** and on our website at the beginning of March each year seeking applications on or before June 1. This should provide applicants a minimum of 60 days to prepare and submit their applications.

Note: The first CoE application period is anticipated to occur sometime soon after the agency receives the required Office of Management and Budget information collection number. Accordingly, the first CoE application period to be noticed may occur outside the proposed March–June time frame.

b. An eligible training entity seeking designation as a CoE may submit applications, including all supporting information and documents, by email to *CoEDMWTE@dot.gov* or by mail addressed as follows: Department of Transportation, Maritime Administration, Deputy Associate

Administrator for Maritime Education and Training, Attention: CoE Designation Program, 1200 New Jersey Ave. SE, Washington, DC 20590.

6. How will I know the outcome of my designation request application?

MARAD will notify each applicant of the status of their designation request. During the evaluation period, MARAD may request clarification or additional information from the applicant.

7. Does my CoE designation expire?

CoE designations are identified by year (*e.g.,* X has been designated a Center of Excellence for Domestic Maritime Workforce Training and Education for 2020). Successful applicants can apply each year for designation.

How To Apply for a CoE Designation

8. What should be included in my CoE Designation Application?

Special Instructions: To assist MARAD in its review of your application and to ensure that your application is identified as complete, your institution should provide only concise and relevant information and supporting documentation to adequately demonstrate your eligibility and compliance with the statutory designation criteria. To that end, MARAD encourages your institution to ensure that each responsive section and each page of any document or enclosure in your application clearly references the question number(s) and section(s) listed in this guidance and or the statute. See the below examples:

Example 1. ''*Mar Ex*'' *is eligible for the CoE program as a community college. (Q10, Section I(c)). Please find enclosed our Articles of Incorporation, Certificate of Status, State supervision and validation document. (Q10, Section I(c)(1–3).*

Example 2. ''*Mar Ex*'' *is enclosing the following supporting documents to demonstrate that our Maritime Training Center offers Afloat Track programs and that we are State accredited. (Q10, Section I(e)(2)): U.S. Department of Education Accrediting Agency XYZ accreditation (Q10, Section I(e)(2)(i)).*

Information To Include in Your Application

Including the following information will greatly assist our review process:

a. Letter applying for CoE designation from the Chief Executive of the applicant institution.

b. Applicant contact information

1. Legal name of applicant institution and address.

2. Chief executive's name, position title, address, phone number(s) and email.

3. Points of contact (POC) name(s), position titles, phone number(s), emails.

c. Indicate if the applicant institution is claiming eligibility for the CoE program as a ''Community or Technical College'' or ''Maritime Training Center'', and submit the following supporting information and documents:

1. Charter, Articles of Incorporation, Certificate of Incorporation, or equivalent, if applicable.

2. Certificate of Status (also known as Certificate of Existence or Certificate of Good Standing), a document issued by a state official (usually the Secretary of State), if applicable.

3. State operation or State supervision validation documents, if applicable.

4. Non-Profit certification, if applicable.

5. Accreditation approval letter(s) from an accrediting agency(ies).

6. Approval letter from a State Apprenticeship Agency (SAA) in accordance with 29 CFR part 29, if applicable.

7. Approval letter from the State's Department of Education or equivalent State agency, if applicable.

8. Approval letter from the United States Coast Guard (USCG), if applicable.

9. ISO 9001 or other quality management certification (Maritime Training Centers only), if applicable.

10. Data and statistics to demonstrate institutional effectiveness. This should include, but not be limited to, recruitment data, past/current enrollment (trends), attrition rates, student program completion data, and post-program job and placement statistics (to the extent available to the institution), and program effectiveness feedback from students, faculty, alumni, and other stakeholders.

d. Indicate that the applicant offers one or more Afloat Career preparation tracks and/or one or more Ashore Career preparation tracks in the United States Maritime Industry and submit the following supporting information:

1. Program summary;

2. A description of applicable courses offered (only relevant maritime related program-specific pages from the catalogue);

3. If applicable, letters of authorization and/or endorsement of the course/program and/or course(s) by an applicable professional society or industry body (including, but not limited to Welding, Electrician, Electronics, Maritime Construction, Maritime Logistics, Maritime Systems, etc.) to issue industry accepted certifications that reflect a professionally recognized level of educational or technical skill achievement; and

4. Any other relevant supporting documentation.

Note: Applicant institutions offering both Ashore and Afloat Career tracks are encouraged to submit supporting information for both tracks.

e. Applicant institutions offering Afloat Career and/or Ashore Career tracks should indicate that they have satisfied accreditation requirements, as set forth below:

1. ''Community and Technical Colleges'' hold current accreditation of the institution from a Regional Accreditation Agency or a Nationally Recognized Agency on the list of Accrediting Agencies approved by the U.S. Department of Education.

2. ''Maritime Training Centers'' hold current accreditation—

i. either of the institution from a Regional Accreditation Agency or a Nationally Recognized; Agency on the list of Accrediting Agencies approved by the U.S. Department of Education; or

ii. of the maritime training program offered by the institution from one or more of the following:

A. A State Apprenticeship Agency (SAA) in accordance with 29 CFR part 29, or

B. the State's Department of Education or equivalent State agency, or

C. the United States Coast Guard (USCG), if applicable; or

D. other appropriate external review body which is specifically authorized to review and validate post-secondary education programs and is acceptable to MARAD.

f. All applicant institutions may submit a brief narrative statement for one or more qualitative attributes fostered by the institution to accomplish the following:

1. Support the workforce needs of the local, state, or regional economy;

2. Build the STEM (Science, Technology, Engineering, and Math) competencies of local/future workforce to meet emerging local, regional, and national economic interests;

3. Promote diversity and inclusion among the student body;

4. Offer a broad-based curriculum and stackable credentials, where applicable;

5. Engage and/or collaborate with the maritime industry, including, but not limited to employers, associations, and other industry organizations or partners;

6. Engage and/or collaborate with employer-led maritime training practices and programs through Sector Partnerships as authorized in the 2014

Workforce Innovation and Opportunity Act Section 3(26);

7. Engage and/or collaborate with local and regional maritime high schools with maritime, maritime related, Career Technical Education (CTE) or STEM programs;

8. Engage and/or collaborate with maritime academies and other institutions or organizations for advanced proficiency and higher education;

9. Conduct other significant domestic maritime workforce development related activities.

g. All applicant institutions may provide any relevant endorsements, awards, recognition and significant accomplishments in support of their application.

Specific Issues for Comment

In addition to seeking general comments on the above proposed new policy, the agency is requesting public comment on the following issues:

1. Whether the proposed policy is clear, appropriate and adequate?

2. Whether CoE designation will enhance the maritime industry's ability to identify workforce resource opportunities;

3. Whether and to what extent the proposed application process is overly burdensome and how it may be simplified; and

4. Whether the proposed process raises specific legal or practical issues for the program participant or the maritime industry, the specific nature of those issues, and how such issues might be addressed by MARAD.

Policy Analysis and Notices

Consistent with the Administrative Procedures Act and Department of Transportation rulemaking policy, MARAD is publishing this guidance as a proposed policy in the **Federal Register** to indicate how it plans to exercise the discretionary authority provided by Section 3507 of the National Defense Authorization Act of 2018, Public Law 115–91 (December 12, 2017). Nothing in this notice or in the proposed policy itself requires MARAD to exercise its discretionary authority under 46 U.S.C. 54102. This proposed policy would establish a voluntary program in which successful applicants may be designated as a Center of Excellence for Domestic Maritime Workforce Training and Education (CoE).

Paperwork Reduction Act

This proposed policy would establish a new requirement for the collection of information for all program participants. The Office of Management and Budget (OMB) will be requested to review the information collection requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. Section 3501, *et seq.*).

In accordance with the Paperwork Reduction Act, this document announces MARAD's intentions to request public comments regarding the collection of information arising under this proposed policy.

Copies of this notice and information collection request may be obtained from the Office of Security, MAR–420, Suite W25–308, 1200 New Jersey Avenue SE, Washington, DC 20590.

Title of Information Collection: Centers of Excellence for Domestic Maritime Workforce Training and Education Program.

OMB Control Number: Pending.

Form Number: None.

Expiration Date of Approval: Three years following approval by the Office of Management and Budget.

Summary of Collection of Information: Entities seeking to obtain designation as a Center of Excellence for Domestic Maritime Workforce Training and Education (CoE). Entities seeking CoE designation must submit certain information described in the proposed policy and application procedures. No form is required to make a submission. However, all information described in the application procedures will be required to be submitted as described therein and is necessary for the proper review of the applicant's qualifications.

Need for and Use of the Information: The information collected will be used to analyze whether applicants have the qualifications to meet the programmatic requirements of Section 3507 of the National Defense Authorization Act, 2018. This policy is necessary to establish an understanding between MARAD and the applicant/training entity that certain terms must be met to hold a CoE designation. Without this information, MARAD would not be able to offer the benefit of its CoE designation program to applicants. In addition, CoE designation will facilitate the training and education of a domestic maritime workforce essential to meeting the nation's current and projected economic and national security needs.

Description of Respondents: As defined by statute, Community Colleges, Technical Colleges and certain Maritime Training Centers with a maritime training program in operation on December 12, 2017.

Annual Responses: Once the Program is implemented, the agency anticipates between 75–100 submissions each year. Designation is a one-time event identified by year. However, the agency does anticipate the collection of information annually from the same estimated number of training entities seeking annual designation.

Annual Burden: 24 hours per program participant.

(Authority: The National Defense Authorization Act of 2018, Pub. L. 115–91 (December 12, 2017), 46 U.S.C. 54102)

* * *

Dated: July 16, 2019.

By Order of the Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2019–15406 Filed 7–18–19; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

[Docket No. PHMSA–RSPA–2004–18757]

Pipeline Safety: Request for Special Permit; TransCanada/Columbia Pipeline Group

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA); DOT.

ACTION: Notice.

SUMMARY: PHMSA is publishing this notice to seek public comment on a request for special permit renewal, seeking relief from compliance with certain requirements in the federal pipeline safety regulations. At the conclusion of the 30-day comment period, PHMSA will review the comments received from this notice as part of its evaluation to grant or deny the special permit renewal request.

DATES: Submit any comments regarding this special permit request by August 19, 2019.

ADDRESSES: Comments should reference the docket number for the specific special permit request and may be submitted in the following ways:

- *E-Gov website: http://www.Regulations.gov.* This site allows the public to enter comments on any **Federal Register** notice issued by any agency.
- *Fax:* 1–202–493–2251.
- *Mail:* Docket Management System: U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.
- *Hand Delivery:* Docket Management System: U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE,

Washington, DC 20590, between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays.

Instructions: You should identify the docket number for the special permit request you are commenting on at the beginning of your comments. If you submit your comments by mail, please submit two copies. To receive confirmation that PHMSA has received your comments, please include a self-addressed stamped postcard. Internet users may submit comments at *http://www.Regulations.gov*.

Note: There is a privacy statement published on *https://www.Regulations.gov*. Comments, including any personal information provided, are posted without changes or edits to *https://www.Regulations.gov*.

FOR FURTHER INFORMATION CONTACT: General: Ms. Kay McIver by telephone at 202–366–0113, or email at *kay.mciver@dot.gov.*

Technical: Mr. Vincent Holohan by telephone at 202–366–1933, or email at *vincent.holohan@dot.gov.*

SUPPLEMENTARY INFORMATION: PHMSA has received a special permit request from TransCanada (present owner and operator of the Columbia Pipeline Group (CPG) Dundee Storage Field, which was formerly owned and operated by Columbia Gas Transmission) for the extension of a previously issued special permit. On March 3, 2005, PHMSA issued a special permit to Columbia Gas Transmission for the installation, operation, and testing of approximately 4,200 feet of 4-inch diameter fiberglass reinforced polyethylene known as Fiberspar® spooled, non-metallic, composite line pipe in its CPG Dundee Storage Field, located in Schuyler County, New York. The special permit provided variance from 49 CFR 192.53(c), 192.121, 192.123, and 192.619(a). TransCanada has requested a continuation of the existing special permit variances and conditions contingent upon the continued testing of sample pipe as set forth in the original special permit. The maximum allowable operating pressure (MAOP) of the CPG Dundee Storage Field Fiberspar pipeline remains at 825 pounds per square inch gauge. There have been no changes in the MAOP or class location, and no high consequence areas have developed on the CPG Dundee Storage Field Fiberspar pipeline.

The proposed special permit renewal and Draft Environmental Assessment (DEA) for TransCanada's request for the CPG Dundee Storage Field pipeline is available in Docket Number PHMSA–RSPA–2004–18757, at *https://www.Regulations.gov*. We invite interested persons to participate by reviewing the special permit renewal request and DEA at *https://www.Regulations.gov*, and by submitting written comments, data, or other views. Please include any comments on potential safety and environmental impacts that may result if the special permit is renewed.

Before issuing a decision on the special permit renewal request, PHMSA will evaluate all comments received on or before the comment closing date. Comments received after the closing date will be evaluated if it is possible to do so without incurring additional expense or delay. PHMSA will consider each relevant comment we receive in making our decision to grant a special permit renewal or deny a request.

Issued in Washington, DC, on July 8, 2019, under authority delegated in 49 CFR 1.97.

Alan K. Mayberry,

Associate Administrator for Pipeline Safety.

[FR Doc. 2019–15386 Filed 7–18–19; 8:45 am]

BILLING CODE 4910–60–P

UNIFIED CARRIER REGISTRATION PLAN

Sunshine Act Meeting Notice; Unified Carrier Registration Plan Board of Directors Meeting

TIME AND DATE: August 1, 2019, from 9:00 a.m. to 12:00 p.m., Eastern daylight time.

PLACE: National Press Building, 2nd Floor Conference Room, 529 14th Street NW, Washington, DC. This meeting will also be accessible via conference call. Any interested person may call 1–866–210–1669, passcode 5253902#, to listen and participate in the open portions of the meeting.

STATUS: Parts of this meeting will be open to the public. Parts of this meeting will be closed to the public pursuant to Government in the Sunshine Act exemptions (c)(9)(B) and (c)(10) (see agenda below for further information).

MATTERS TO BE CONSIDERED: The Unified Carrier Registration Plan Board of Directors (the ''Board'') will continue its work in developing and implementing the Unified Carrier Registration Plan and Agreement. The subject matter of the meeting will include:

Agenda

Portions Open to the Public

I. Welcome, Call to Order, and Introductions—UCR Acting Chair

UCR Chair will welcome attendees and call the meeting to order.

II. Verification of Publication of Meeting Notice—UCR Acting Chair

UCR Chair will report the date of meeting notice publication in **Federal Register**.

III. Review and Approval of Agenda and Setting of Ground Rules—UCR Chair

For Discussion and Possible Board Action

Agenda will be reviewed and the Board will consider adoption.

Ground Rules

- Board action only to be taken in designated areas on agenda.
- Please MUTE your telephone.
- Do NOT place call on hold.

IV. Approval of Minutes of the June 4, 2019 UCR Board Meeting—UCR Acting Chair

For Discussion and Possible Board Action

- Minutes of the June 4, 2019 Board meeting will be reviewed and the Board will consider approval.

V. Subcommittee Reports—Subcommittee Chairs

Finance Subcommittee Report

A. Proposal for Funding Unbudgeted Expense Reserve—Subcommittee Chair

For Discussion and Possible Board Action

Proposal for establishing an amount to fund the unbudgeted expense reserve at a level of $1.5 million to $2.5 million will be reviewed and the Board will consider action.

B. Closing 2018 Registration Year on Sept. 30—Subcommittee Chair

For Discussion and Possible Board Action

Proposal to close the 2018 UCR registration year on September 30, 2019 will be reviewed and the Board will consider action.

C. Subcommittee Reports & Updates—Subcommittee Chair

(No Board action to be taken)

- Update on the UCR-related audit conducted by the state of Texas in connection with its effort to obtain an increase in its UCR entitlement cap will be presented to the Board.
- Report on the status of the preparation of a fee recommendation for the 2020–21 UCR registration year will be presented to the Board.

Audit Subcommittee Report

Subcommittee Reports & Updates—Subcommittee Chair

(No Board action to be taken)

- Update on plan for rollout of new module in National Registration System that will enable the 41 participating states to conduct

annual carrier audits will be presented to the Board.

- Report on the timeline for conducting the remaining compliance reviews scheduled for 2019 in Kansas, Minnesota and Wisconsin will be presented to the Board.
- Report on the status of the Subcommittee's plan to select eight (8) states scheduled in 2020 for UCR compliance reviews will be presented to the Board.

Registration System Subcommittee Report

Subcommittee Reports & Updates—Subcommittee Chair

(No Board action to be taken)

- Report on the status of retaining a third-party to conduct security testing of National Registration System will be presented to the Board.
- Report on the Subcommittee's efforts to determine additional technology requirements needed to integrate independent state registration systems with National Registration System will be presented to the Board.

Education and Training Subcommittee Report

Subcommittee Reports & Updates—Subcommittee Chair

(No Board action to be taken)

- Report on the results of a recent focus group meeting to prioritize education topics for initial rollout of the new UCR education/training program will be presented to the Board.

Industry Advisory Subcommittee Report

Subcommittee Reports & Updates—Subcommittee Chair

(No Board action to be taken)

- Status of the Subcommittee's efforts to solicit feedback from carriers on performance of National Registration System will be presented to the Board.

VI. Updates Concerning UCR Legislation—UCR Acting Chair

UCR Chair will call for any updates regarding UCR Legislation since the last Board meeting.

VII. Report of FMCSA—FMCSA

FMC FMCSA will provide a report on any relevant activity or rulemaking, including the status of the 2020 UCR fee rulemaking and pending appointments for Board seats and Chair.SA will provide updates on any relevant activity or rulemaking.

VIII. Contractor Reports

- *UCR Administrator (Kellen)*

UCR Administrator will provide management report covering recent activity for the Depository, Operations, and Communications activities.

- *DSL Transportation Services, Inc.*

DSL will report on the latest data on state collections based on reporting from the Focused Anomalies Review (FARs) program.

- *Seikosoft*

Seikosoft will report on recent development-enhancements to the National Registration System.

Portions Closed to the Public

IX. Update Board RE: Data Investigation—UCR Acting Chair, Scott Morris, and Chief Legal Officer

Board will receive an update concerning the status of the data investigation reported to the Board at its June 4, 2019 meeting.

X. Update on Twelve Percent Logistics Litigation—UCR Acting Chair, Scott Morris, and Chief Legal Officer

Board will receive an update on the status of the ongoing litigation reported to the Board at its June 4, 2019 meeting.

Portions Open to the Public

XI. Old/New Matters—UCR Acting Chair

UCR Acting Chair will call for any business requiring possible Board action for inclusion on the August 1, 2019 Board agenda. UCR Chair will call for any old or new business from the floor.

XII. Future UCR Meetings—UCR Acting Chair

UCR Acting Chair will review the schedule for upcoming Board and Subcommittee meetings.

XIII. Adjourn

UCR Chair will adjourn the meeting.

This agenda will be available no later than 5:00 p.m. Eastern daylight time, July 19, 2019 at: *https://plan.ucr.gov.*

CONTACT PERSON FOR MORE INFORMATION: Elizabeth Leaman, Acting Chair, Unified Carrier Registration Plan Board of Directors, (617) 305–3783, *elizabeth.leaman@state.ma.us.*

Alex B. Leath,

Chief Legal Officer, Unified Carrier Registration Plan.

[FR Doc. 2019–15522 Filed 7–17–19; 4:15 pm]

BILLING CODE 4910–YL–P

Reader Aids

Federal Register

Vol. 84, No. 139

Friday, July 19, 2019

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