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

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

[Docket No. FAA-2019-0632; Special Conditions No. 25-19-08-SC]

Special Conditions: The Boeing Company Model 747-8 Series Airplane; Certification of Cooktops

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final special conditions; request for comments.

SUMMARY: These special conditions are issued for the The Boeing Company (Boeing) Model 747-8 series airplane. This airplane, as modified by Boeing will have a novel or unusual design feature when compared to the state of technology envisioned in the airworthiness standards for transport category airplanes. This design feature is associated with the replacement and re-certification of existing cooktops with advanced technology induction coil cooktops in the main deck galleys on a Boeing Model 747-8 series airplane. The proposed modification is limited to removing the existing cooktops and replacing them with new technology cooktops. No changes to the galley surfaces, smoke detection system, ventilation system, warning systems, and fire suppression systems are included in this modification. The applicable airworthiness regulations do not contain adequate or appropriate safety standards for this design feature. These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

DATES: This action is effective on The Boeing Company on August 20, 2019. Send comments on or before October 4, 2019.

ADDRESSES: Send comments identified by Docket No. FAA-2019-0632 using any of the following methods:

- **Federal eRegulations Portal:** Go to <http://www.regulations.gov/> and follow the online instructions for sending your comments electronically.

- **Mail:** Send comments to Docket Operations, M-30, U.S. Department of Transportation (DOT), 1200 New Jersey Avenue SE, Room W12-140, West Building Ground Floor, Washington, DC, 20590-0001.

- **Hand Delivery or Courier:** Take comments to Docket Operations in Room W12-140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

- **Fax:** Fax comments to Docket Operations at 202-493-2251.

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

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

FOR FURTHER INFORMATION CONTACT:

Alan Sinclair, FAA, Airframe/Cabin Safety Branch, AIR-675, Transport Standards Branch, Policy and Innovation Division, Aircraft Certification Service, Federal Aviation Administration, 2200 South 216th Street, Des Moines, Washington 98198; telephone and fax 206-231-3215; email alan.sinclair@faa.gov.

SUPPLEMENTARY INFORMATION: The substance of these special conditions has been published in the **Federal Register** for public comment in several prior instances with no substantive

comments received. Therefore, the FAA has determined that prior public notice and comment are unnecessary, and finds that, for the same reason, good cause exists for adopting these special conditions upon publication in the **Federal Register**.

Comments Invited

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

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

Background

On July 2, 2018, Boeing applied for a supplemental type certificate for the replacement of existing cooktops in the Boeing Model 747-8 series airplane. The Boeing Model 747-8 currently approved under Type Certificate No. A20WE, is an extended range passenger version of the Boeing Model 747-400 series airplanes with four General Electric engines having changes to increase its strength and fuel capacity.

The modification incorporates the installation of an electrically heated surface, called a cooktop. Cooktops introduce high heat, smoke, and the possibility of fire into the passenger cabin environment. These potential hazards to the airplane and its occupants must be satisfactorily addressed. Since existing airworthiness regulations do not contain safety standards addressing cooktops, special conditions are therefore needed.

Type Certification Basis

Under the provisions of title 14, Code of Federal Regulations (14 CFR) 21.101, Boeing must show that the Model 747-8 series airplane, as changed, continues to meet the applicable provisions of the regulations listed in Type Certificate No. A20WE or the applicable regulations in effect on the date of application for the change, except for earlier amendments as agreed upon by the FAA.

If the Administrator finds that the applicable airworthiness regulations (*i.e.*, 14 CFR part 25) do not contain adequate or appropriate safety standards

for the Boeing Model 747–8 airplane because of a novel or unusual design feature, special conditions are prescribed under the provisions of § 21.16.

Special conditions are initially applicable to the model for which they are issued. Should the applicant apply for a supplemental type certificate to modify any other model included on the same type certificate to incorporate the same novel or unusual design feature, these special conditions would also apply to the other model under § 21.101.

In addition to the applicable airworthiness regulations and special conditions, the Boeing Model 747–8 airplane must comply with the fuel vent and exhaust emission requirements of 14 CFR part 34 and the noise certification requirements of 14 CFR part 36.

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

Novel or Unusual Design Features

The modification of the Boeing Model 747–8 series airplane will incorporate a novel or unusual design feature, which is the installation of cooktops in the passenger cabin. Cooktops introduce high heat, smoke, and the possibility of fire into the passenger cabin environment. The current airworthiness standards of part 25 do not contain adequate or appropriate safety standards to protect the airplane and its occupants from these potential hazards.

Discussion

Currently, ovens are the prevailing means of heating food on airplanes. Ovens are characterized by an enclosure that contains both the heat source and the food being heated. The hazards represented by ovens are thus inherently limited, and are well understood through years of service experience. Cooktops, on the other hand, are characterized by exposed heat sources and the presence of relatively unrestrained hot cookware and heated food, which may represent unprecedented hazards to both occupants and the airplane. Cooktops could have serious passenger and airplane safety implications if appropriate requirements are not established for their installation and use. These special conditions apply to cooktops with electrically powered burners. The use of an open flame cooktop (for example, natural gas) is beyond the scope of these special conditions and would require separate rulemaking action. The requirements

identified in these special conditions are in addition to those considerations identified in Advisory Circular (AC) 20–168, *Certification Guidance for Installation of Non-Essential, Non-Required Aircraft Cabin Systems & Equipment (CS&E)*, dated July 22, 2010, and those in AC 25–17A, *Transport Airplane Cabin Interiors Crashworthiness Handbook*, Change 1, dated May 24, 2016. The intent of these special conditions is to provide a level of safety that is consistent with that on similar airplanes without cooktops.

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

Applicability

As discussed above, these special conditions are applicable to the Boeing 747–8 series airplane as modified by Boeing. Should Boeing apply at a later date for a supplemental type certificate to modify any other model included on Type Certificate No. A20WE to incorporate the same novel or unusual design feature, these special conditions would apply to that model as well.

Conclusion

This action affects only a certain novel or unusual design feature on the Boeing Model 747–8 series airplane. It is not a rule of general applicability and affects only the applicant who applied to the FAA for approval of these features on the airplane.

List of Subjects in 14 CFR Part 25

Aircraft, Aviation safety, Reporting and recordkeeping requirements.

Authority Citation

The authority citation for these special conditions is as follows:

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

The Special Conditions

Accordingly, pursuant to the authority delegated to me by the Administrator, the following special conditions are issued as part of the type certification basis for the Boeing Model 747–8 series airplane, as modified by The Boeing Company:

Cooktop Installations With Electrically-Powered Burner

1. Means, such as conspicuous burner-on indicators, physical barriers, or handholds, must be installed to minimize the potential for inadvertent personnel contact with hot surfaces of both the cooktop and cookware.

Conditions of turbulence must be considered.

2. Sufficient design means must be included to restrain cookware while in place on the cooktop, as well as representative contents, e.g., soup, sauces, etc., from the effects of flight loads and turbulence. Restraints must be provided to preclude hazardous movement of cookware and contents. These restraints must accommodate any cookware that is identified for use with the cooktop. Restraints must be designed to be easily utilized and effective in service. The cookware restraint system should also be designed so that it will not be easily disabled, thus rendering it unusable. Placarding must be installed which prohibits the use of cookware that can not be accommodated by the restraint system.

3. Placarding must be installed which prohibits the use of cooktops (i.e., power on any burner) during taxi, takeoff, and landing.

4. One of the following options must be provided to address the possibility of a fire occurring on or in the immediate vicinity of the cooktop:

a. Placarding must be installed that prohibits any burner from being powered when the cooktop is unattended (*Note:* That this would prohibit a single person from cooking on the cooktop and intermittently serving food to passengers while any burner is powered). A fire detector must be installed in the vicinity of the cooktop, which provides an audible warning in the passenger cabin, and a fire extinguisher of appropriate size and extinguishing agent must be installed in the immediate vicinity of the cooktop. Access to the extinguisher must not be blocked by a fire on or around the cooktop.

b. An automatic, thermally activated fire suppression system must be installed to extinguish a fire at the cooktop and immediately adjacent surfaces. The agent used in the system must be an approved total flooding agent suitable for use in an occupied area. The fire suppression system must have a manual override. The automatic activation of the fire suppression system must also automatically shut off power to the cooktop.

5. The surfaces of the galley surrounding the cooktop, which could be exposed to a fire on the cooktop surface or in cookware on the cooktop must be constructed of materials that comply with the flammability requirements of Part III of Appendix F of part 25. This requirement is in addition to the flammability requirements typically required of the materials in these galley surfaces.

During the selection of these materials, consideration must also be given to ensure that the flammability characteristics of the materials will not be adversely affected by the use of cleaning agents and utensils used to remove cooking stains.

6. The cooktop must be ventilated with a system independent of the airplane cabin and cargo ventilation system. Procedures and time intervals must be established to inspect and clean or replace the ventilation system to prevent a fire hazard from the accumulation of flammable oils and be included in the instructions for continued airworthiness. [Note: The applicant may find additional useful information in Society of Automotive Engineers, Aerospace Recommended Practice 85, Rev. E, entitled "Air Conditioning Systems for Subsonic Airplanes," dated August 1, 1991.]

7. Means must be provided to contain spilled foods or fluids in a manner that will prevent the creation of a slipping hazard to occupants and will not lead to the loss of structural strength due to corrosion.

8. Cooktop installations must provide adequate space for the user to immediately escape a hazardous cockpit condition.

9. A means to shut off power to the cooktop must be provided at the galley containing the cooktop and in the cockpit. If additional switches are introduced in the cockpit, revisions to smoke or fire emergency procedures of the AFM will be required.

10. If the cooktop is required to have a lid to enclose the cooktop, there must be a means to automatically shut off power to the cooktop when the lid is enclosed.

Issued in Des Moines, Washington, on August 13, 2019

Mary A. Schooley,

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

[FR Doc. 2019-17696 Filed 8-19-19; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2019-0607; Product Identifier 2019-NM-135-AD; Amendment 39-19709; AD 2019-16-06]

RIN 2120-AA64

Airworthiness Directives; Airbus SAS Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for all Airbus SAS Model A320-251N and A320-271N airplanes. This AD was prompted by analysis and laboratory testing of the behavior of the flight control laws, which identified reduced efficiency of the angle of attack (AoA) protection that may result in excessive pitch attitude in certain configurations in combination with specific maneuvers commanded by the flight crew. This AD requires revising the existing airplane flight manual (AFM) to incorporate operational limitations, as specified in a European Union Aviation Safety Agency (EASA) AD, which is incorporated by reference. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD becomes effective September 4, 2019.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of September 4, 2019.

The FAA must receive comments on this AD by October 4, 2019.

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

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

- **Fax:** 202-493-2251.

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

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

For the material incorporated by reference (IBR) in this AD, contact the

EASA, at Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 89990 1000; email ADs@easa.europa.eu; internet www.easa.europa.eu. You may find this IBR material on the EASA website at <https://ad.easa.europa.eu>. You may view this IBR material 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 in the AD docket on the internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA-2019-0607.

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-2019-0607; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the 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: Sanjay Ralhan, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206-231-3223.

SUPPLEMENTARY INFORMATION:

Discussion

The EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2019-0189, dated July 31, 2019 ("EASA AD 2019-0189") (also referred to as the Mandatory Continuing Airworthiness Information, or "the MCAI"), to correct an unsafe condition for all Airbus SAS Model A320-251N and A320-271N airplanes. The MCAI states:

Analysis and laboratory testing of the behaviour of the flight control laws of the A320neo identified a reduced efficiency of the angle of attack protection when the aeroplane is set in certain flight configurations and in combination with specific manoeuvres commanded by the flight crew, as described through Section 2 of Airbus Flight Operations Transmission 999.0059/19.

This condition, although never encountered during operations, if not corrected, could lead to excessive pitch attitude, possibly resulting in increased flight crew workload.

To address this potential unsafe condition, Airbus issued the AFM TR [temporary revision], limiting the centre of gravity

envelope, which prevents the aforementioned condition, and the Flight Operations Transmission 999.0059/19, providing aeroplane loading recommendations.

For the reason described above, this [EASA] AD requires amendment of the applicable AFM by incorporating the applicable AFM TR.

This [EASA] AD is considered to be an interim action and further AD action may follow.

The potential unsafe condition addressed by this [EASA] AD and related required actions are different from those addressed by EASA AD 2019–0171R1 for A321neo aeroplanes.

Related IBR Material Under 1 CFR Part 51

EASA AD 2019–0189 describes procedures for revising the existing AFM to incorporate operational limitations and updated procedures related to center of gravity.

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

FAA’s Determination

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to the FAA’s bilateral agreement with the State of Design Authority, the agency has been notified of the unsafe condition described in the MCAI referenced above. The FAA is issuing this AD because it has evaluated all pertinent information and determined the unsafe condition exists and is likely to exist or develop on other products of the same type design.

Requirements of This AD

This AD requires accomplishing the actions specified in EASA AD 2019–0189 described previously, as incorporated by reference, except for any differences identified as exceptions in the regulatory text of this AD.

Explanation of Required Compliance Information

In the FAA’s ongoing efforts to improve the efficiency of the AD

process, the FAA worked with Airbus and EASA to develop a process to use certain EASA ADs as the primary source of information for compliance with requirements for corresponding FAA ADs. As a result, EASA AD 2019–0189 will be incorporated by reference in the FAA final rule. This AD, therefore, requires compliance with EASA AD 2019–0189 in its entirety, through that incorporation, except for any differences identified as exceptions in the regulatory text of this AD. Using common terms that are the same as the heading of a particular section in the EASA AD does not mean that operators need comply only with that section. For example, where the AD requirement refers to “all required actions and compliance times,” compliance with this AD requirement is not limited to the section titled “Required Action(s) and Compliance Time(s)” in the EASA AD. Service information specified in EASA AD 2019–0189 that is required for compliance with EASA AD 2019–0189 will be available on the internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA–2019–0607 after the FAA final rule is published.

Justification for Immediate Adoption and Determination of the Effective Date

Section 553(b)(3)(B) of the Administrative Procedure Act (APA) (5 U.S.C.) authorizes agencies to dispense with notice and comment procedures for rules when the agency, for “good cause,” finds that those procedures are “impracticable, unnecessary, or contrary to the public interest.” Under this section, an agency, upon finding good cause, may issue a final rule without seeking comment prior to the rulemaking. Similarly, Section 553(d) of the APA authorizes agencies to make rules effective in less than thirty days, upon a finding of good cause.

As noted above and in EASA AD 2019–0189, these airplanes are subject to reduced efficiency of the AoA protection that may result in excessive pitch attitude in certain configurations in combination with specific maneuvers commanded by the flight crew resulting

in reduced control of the airplane. The FAA considers the prevention of this unsafe condition to be an urgent safety issue. Accordingly, notice and opportunity for prior public comment are impracticable and contrary to the public interest pursuant to 5 U.S.C. 553(b)(3)(B). In addition, the FAA finds that good cause exists pursuant to 5 U.S.C. 553(d) for making this amendment effective in less than 30 days.

Regulatory Flexibility Act (RFA)

The requirements of the RFA do not apply when an agency finds good cause pursuant to 5 U.S.C. 553 to adopt a rule without prior notice and comment. Because the FAA has determined that it has good cause to adopt this rule without notice and comment, RFA analysis is not required.

Comments Invited

This AD is a final rule that involves requirements affecting flight safety, and the FAA did not precede it by notice and opportunity for public comment. The FAA invites you to send any written relevant data, views, or arguments about this AD. Send your comments to an address listed under the ADDRESSES section. Include “Docket No. FAA–2019–0607; Product Identifier 2019–NM–135–AD” at the beginning of your comments. The FAA specifically invites comments on the overall regulatory, economic, environmental, and energy aspects of this AD. The FAA will consider all comments received by the closing date and may amend this AD based on 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 AD.

Costs of Compliance

The FAA estimates that this AD affects 69 airplanes of U.S. registry. The FAA estimates the following costs to comply with this AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Labor cost	Parts cost	Cost per product	Cost on U.S. operators
1 work-hour × \$85 per hour = \$85	\$0	\$85	\$5,865

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

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

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

(1) Is not a “significant regulatory action” under Executive Order 12866, and

(2) Will not affect intrastate aviation in Alaska.

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):

2019–16–06 Airbus SAS: Amendment 39–19709; Docket No. FAA–2019–0607; Product Identifier 2019–NM–135–AD.

(a) Effective Date

This AD becomes effective September 4, 2019.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all Airbus SAS Model A320–251N and A320–271N airplanes, certificated in any category.

(d) Subject

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

(e) Reason

This AD was prompted by analysis and laboratory testing of the behavior of the flight control laws, which identified reduced efficiency of the angle of attack (AoA) protection that may result in excessive pitch attitude in certain configurations in combination with specific maneuvers commanded by the flight crew. The FAA is issuing this AD to address such reduced efficiency of the AoA protection, which could result in reduced control of the airplane.

(f) Compliance

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

(g) Requirements

Except as specified in paragraph (h) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, European Union Aviation Safety Agency (EASA) AD 2019–0189, dated July 31, 2019 (“EASA AD 2019–0189”).

(h) Exceptions to EASA AD 2019–0189

(1) For purposes of determining compliance with the requirements of this AD: Where EASA AD 2019–0189 refers to its effective date, this AD requires using the effective date of this AD.

(2) The “Remarks” section of EASA AD 2019–0189 does not apply to this AD.

(i) Other FAA AD Provisions

The following provisions also apply to this AD:

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

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

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

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

(j) Related Information

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

(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) European Union Aviation Safety Agency (EASA) AD 2019–0189, dated July 31, 2019.

(ii) [Reserved]

(3) For EASA AD 2019–0189, contact the EASA, at Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 89990 6017; email ADs@easa.europa.eu; internet www.easa.europa.eu. You may find this EASA AD on the EASA website at <https://ad.easa.europa.eu>.

(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. EASA AD 2019–0189 may be found in the AD docket on the internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA–2019–0607.

(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 August 8, 2019.

Michael Millage,

*Acting Director, System Oversight Division,
Aircraft Certification Service.*

[FR Doc. 2019-17905 Filed 8-19-19; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA-2019-0355; **Airspace**
Docket No. 19-AGL-15]

RIN 2120-AA66

Amendment of Class E Airspace; Marion, OH

AGENCY: Federal Aviation
Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends the Class E airspace extending upward from 700 feet above the surface at Marion Municipal Airport, Marion, OH. This action is due to an airspace review caused by the decommissioning of the Marion localizer/distance measuring equipment (LOC/DME) navigation aid, which provided navigation information to the instrument procedures at this airport. Airspace redesign is necessary for the safety and management of instrument flight rules (IFR) operations at this airport.

DATES: Effective 0901 UTC, December 5, 2019. The Director of the Federal Register approves this incorporation by reference action under Title 1 Code of Federal Regulations part 51, subject to the annual revision of FAA Order 7400.11 and publication of conforming amendments.

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

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

FOR FURTHER INFORMATION CONTACT:

Jeffrey Claypool, Federal Aviation Administration, Operations Support Group, Central Service Center, 10101 Hillwood Parkway, Fort Worth, TX 76177; telephone (817) 222-5711.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it amends the Class E airspace extending upward from 700 feet above the surface at Marion Municipal Airport, Marion, OH, to support IFR operations at this airport.

History

The FAA published a notice of proposed rulemaking in the **Federal Register** (84 FR 26376; June 6, 2019) for Docket No. FAA-2019-0355 to amend the Class E airspace extending upward from 700 feet above the surface at Marion Municipal Airport, Marion, OH. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received.

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

Availability and Summary of Documents for Incorporation by Reference

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

The Rule

This amendment to Title 14 Code of Federal Regulations (14 CFR) part 71 by amending the Class E airspace extending upward from 700 feet above the surface to within a 6.5-mile radius (reduced from a 7-mile radius) of Marion Municipal Airport, Marion, OH; adding an extension 9.6 miles north and 6 miles south of the 081° radial from the Buckeye VOR extending from the 6.5-mile radius to 7 miles from the Buckeye VOR; and removing the exclusion verbiage as it is no longer required.

This action is the result of an airspace review caused by the decommissioning of the Marion LOC/DME VOR, which provided navigation information for the instrument procedures at this airport.

Regulatory Notices and Analyses

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

Environmental Review

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

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

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

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

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

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

§ 71.1 [Amended]

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

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

* * * * *

AGL OH E5 Marion, OH [Amended]

Marion Municipal Airport, OH
(Lat. 40°36'59" N, long. 83°03'49" W)
Buckeye VOR
(Lat. 40°37'00" N, long. 83°03'50" W)

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Marion Municipal Airport, and within 9.6 miles north and 6 miles south of the 081° radial from the Buckeye VOR extending from the 6.5-mile radius to 7 miles east of the Buckeye VOR.

Issued in Fort Worth, Texas, on August 12, 2019.

Johanna Forkner,

*Acting Manager, Operations Support Group,
ATO Central Service Center.*

[FR Doc. 2019–17797 Filed 8–19–19; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF DEFENSE

Department of the Navy

32 CFR Part 701

[Docket ID: USN–2017–HQ–0008]

RIN 0703–AB17

Availability of Department of the Navy Records and Publication of Department of the Navy Documents Affecting the Public

AGENCY: Department of the Navy, DoD.

ACTION: Final rule.

SUMMARY: This final rule amends the CFR by removing DoD's regulation concerning the Department of the Navy (DoN) Privacy Program. On April 11, 2019, DoD published a revised DoD-level Privacy Program rule, which contains the necessary information for an agency-wide Privacy Program regulation under the Privacy Act and

now serves as the single Privacy Program rule for the Department. That revised Privacy Program rule also includes all DoD component exemption rules. Therefore, subparts F through G of part 701 are now unnecessary and may be removed from the CFR.

DATES: This rule is effective on August 20, 2019.

FOR FURTHER INFORMATION CONTACT:

Steven Daughety at 703–697–0045.

SUPPLEMENTARY INFORMATION: DoD now has a single DoD-level Privacy Program rule at 32 CFR part 310 (84 FR 14728) that contains all the codified information required for the Department. The DoN Privacy program regulations in subparts F through G of 32 CFR part 701, last updated on November 16, 2007 (72 FR 64538), are no longer required and can be removed.

It has been determined that publication of the removal of these CFR subparts for public comment is impracticable, unnecessary, and contrary to public interest because it is based on the removal of policies and procedures that are either now reflected in another CFR part, 32 CFR 310, or are publicly available on the Department's website. To the extent that DON internal guidance concerning the implementation of the Privacy Act within the DON is necessary, it will continue to be published in SECNAVINST 5211.5F, "Department of the Navy Privacy Program," available at <https://www.doncio.navy.mil/ContentView.aspx?id=799>, dated May 20, 2019.

This rule is one of 20 separate component Privacy rules. With the finalization of the DoD-level Privacy rule at 32 CFR part 310, the Department eliminated the need for this component Privacy rule, thereby reducing costs to the public as explained in the preamble of the DoD-level Privacy rule published on April 11, 2019, at 84 FR 14728–14811.

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

List of Subjects in 32 CFR Part 701

Privacy.

Accordingly, 32 CFR part 701 is amended as follows:

PART 701—AVAILABILITY OF DEPARTMENT OF THE NAVY RECORDS AND PUBLICATION OF DEPARTMENT OF THE NAVY DOCUMENTS AFFECTING THE PUBLIC

■ 1. The authority citation for part 701 continues to read as follows:

Authority: 5 U.S.C. 552.

Subparts F and G—[Removed and Reserved]

■ 2. Amend part 701 by removing and reserving subparts F through G, consisting of §§ 701.100 through 701.129.

Dated: August 12, 2019.

D.J. Antenucci,

*Commander, Judge Advocate General's Corps,
U.S. Navy, Federal Register Liaison Officer.*

[FR Doc. 2019–17872 Filed 8–19–19; 8:45 am]

BILLING CODE 3810–FF–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2019–0442]

RIN 1625–AA09

Drawbridge Operation Regulation; Bronx River, Bronx, NY

AGENCY: Coast Guard, DHS.

ACTION: Final rule.

SUMMARY: The Coast Guard is removing the existing drawbridge operation regulation for the Bruckner Boulevard Bridge across the Bronx River, mile 1.1, Bronx, New York. The drawbridge was replaced with a fixed bridge in December 2014 and the operating regulation is no longer applicable or necessary.

DATES: This rule is effective August 20, 2019.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to <http://www.regulations.gov>, type USCG–2019–0442. In the "SEARCH" box and click "SEARCH." Click on Open Docket Folder on the line associated with this rulemaking.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Ms. Stephanie Lopez, Bridge Management Specialist, First Coast Guard District Bridge Program, telephone 212–514–4335, email Stephanie.E.Lopez@USCG.MIL.

SUPPLEMENTARY INFORMATION:**I. Table of Abbreviations**

CFR Code of Federal Regulations
 DHS Department of Homeland Security
 FR Federal Register
 Pub. L. Public Law
 § Section
 U.S.C. United States Code

II. Background Information and Regulatory History

Under 5 U.S.C. 553(b), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because the Bruckner Boulevard Bridge, that once required draw operations in 33 CFR 117.771(a), was replaced with a fixed bridge in December 2014. Therefore, the regulation 33 CFR 117.771 (a) is no longer applicable and shall be removed from publication. It is unnecessary to publish an NPRM because this regulatory action does not purport to place any restrictions on mariners but rather removes a restriction that has no further use or value.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective in less than 30 days after publication in the **Federal Register**. The bridge has been a fixed bridge over Bronx River for 54 months and this rule merely requires an administrative change to the **Federal Register**, in order to omit a regulatory requirement that is no longer applicable or necessary. The modification has already taken place and the removal of the regulation will not affect mariners currently operating on this waterway. Therefore, a delayed effective date is unnecessary.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority 33 U.S.C. 499.

The Bruckner Boulevard Bridge across the Bronx River, mile 1.1 was modified with a fixed bridge in December 2014. It has come to the attention of the Coast Guard that the governing regulation for this drawbridge was never removed subsequent to the completion of the fixed bridge that replaced the Bruckner Boulevard Bridge. The elimination of this drawbridge necessitates the removal of the drawbridge operation regulation, 33 CFR 117.771(a) and the modification of 33 CFR 117.771(c), that pertain to the former drawbridge.

The purpose of this rule is to remove the no longer applicable section of 33 CFR 117.771(a) and modify 33 CFR 117.771(c), which refers to the Bruckner Boulevard Bridge at mile 1.1, from the Code of Federal Regulations since it

governs a bridge that is no longer able to be opened.

IV. Discussion of Final Rule

The Coast Guard is changing the regulation in 33 CFR 117.771 by removing restrictions and eliminating regulatory burden related to draw operations for this bridge that is no longer a drawbridge. The change removes the section 33 CFR 117.771(a) of the regulation governing the Bruckner Boulevard Bridge since the bridge has been modified to a fixed bridge. This rule also modifies section 33 CFR 117.771(c) by removing reference to the requirement that the Bruckner Boulevard Bridge maintain clearance gauges. This Final Rule seeks to update the Code of Federal Regulations by removing language that governs the operation of the Bruckner Boulevard Bridge, which is no longer a drawbridge. This change does not affect waterway or land traffic. This change does not affect nor does it alter the operating schedules in § 33 CFR 117.771 that govern the remaining active drawbridge on Bronx River and connecting waterways.

V. Regulatory Analyses

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

A. Regulatory Planning and Review

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

The Coast Guard does not consider this rule to be “significant” under that Order because it is an administrative change and does not affect the way vessels operate on the waterway. This regulatory action determination is based on the fact that the bridge was replaced by a fixed bridge and no longer operates as a drawbridge. The removal of the operating schedule from 33 CFR 117 Subpart B will have no effect on the movement of waterway or land traffic.

B. Impact on Small Entities

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

For the reasons stated in section V.A above this final rule would not have a significant economic impact on any vessel owner or operator.

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this rule. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** 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 calls for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

D. Federalism and Indian Tribal Government

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

have determined that it is consistent with the fundamental federalism principles and preemption requirements described in Executive Order 13132.

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

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this rule under Department of Homeland Security Management 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 which do not individually or cumulatively have a significant effect on the human environment. This rule simply promulgates the operating regulations or procedures for drawbridges. It is categorically excluded from further review under paragraph A3 in Table 3–1 of U.S. Coast Guard Environmental Planning Implementing Procedures 5090.1.

A preliminary Record of Environmental Consideration and a Memorandum for the Record are not required for this rule.

G. Protest Activities

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

jeopardizing the safety or security of people, places or vessels.

List of Subjects in 33 CFR Part 117

Bridges.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 117 as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

■ 1. The authority citation for part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 33 CFR 1.05–1; Department of Homeland Security Delegation No. 0170.1.

§ 117.771 [Amended]

■ 2. In § 117.771:

- A. Remove paragraph (a) and redesignate paragraph (b) as paragraph (a), and;
- B. Redesignate paragraph (c) as paragraph (b), and;
- C. In the newly redesignated paragraph (b), remove “Bruckner Boulevard Bridge, mile 1.1 and the” and “both”.

Dated: July 29, 2019.

A.J. Tionsgon,

Rear Admiral, U.S. Coast Guard, Commander, First Coast Guard District.

[FR Doc. 2019–17938 Filed 8–19–19; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2019–0721]

Safety Zones; Recurring Events in Captain of the Port Duluth Zone—Lake Superior Dragon Boat Festival Fireworks

AGENCY: Coast Guard, DHS.

ACTION: Notice of enforcement of regulation.

SUMMARY: The Coast Guard will enforce the safety zone for the Lake Superior Dragon Boat Festival Fireworks in Superior, WI from 08:30 p.m. through 10:00 p.m. on August 23, 2019. This action is necessary to protect participants and spectators during the Lake Superior Dragon Boat Festival Fireworks. During the enforcement period, entry into, transiting, or anchoring within the safety zone is prohibited unless authorized by the Captain of the Port Duluth or their designated on-scene representative.

DATES: The regulations in Table 1 to § 165.943(10) of 33 CFR 165.943 for the Lake Superior Dragon Boat Festival Fireworks safety zone will be enforced from 8:30 p.m. through 10:00 p.m. on August 23, 2019.

FOR FURTHER INFORMATION CONTACT: If you have questions on this document, call or email LT Abbie Lyons, Chief of Waterways Management, Coast Guard; telephone (218) 725–3818, email DuluthWWM@uscg.mil.

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce the safety zone for the annual Lake Superior Dragon Boat Festival Fireworks in Table 1 to § 165.943(10) of 33 CFR 165.943 from 08:30 p.m. through 10:00 p.m. on August 23, 2019, on all waters of Superior Harbor bounded by the arc of a circle with a 300-foot radius from the fireworks launch site with its center in position 46°43′28″ N, 092°03′47″ W.

Entry into, transiting, or anchoring within the safety zone is prohibited unless authorized by the Captain of the Port Duluth or their designated on-scene representative. The Captain of the Port's designated on-scene representative may be contacted via VHF Channel 16.

This document is issued under authority of 33 CFR 165.943 and 5 U.S.C. 552 (a). In addition to this publication in the **Federal Register**, the Coast Guard will provide the maritime community with advance notification of the enforcement of this safety zone via Broadcast Notice to Mariners. The Captain of the Port Duluth or their on-scene representative may be contacted via VHF Channel 16.

Dated: August 14, 2019.

F.M. Smith,

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

[FR Doc. 2019–17893 Filed 8–19–19; 8:45 am]

BILLING CODE 9110–04–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 1 and 30

[AU Docket No. 19–59; GN Docket No. 14–177; FCC 19–63]

Incentive Auction of Upper Microwave Flexible Use Service Licenses in the Upper 37 GHz, 39 GHz, and 47 GHz Bands for Next-Generation Wireless Services; Notice and Filing Requirements, Minimum Opening Bids, Upfront Payments, and Other Procedures for Auction 103; Bidding in Auction 103 Scheduled To Begin December 10, 2019

AGENCY: Federal Communications Commission.

ACTION: Final action; requirements and procedures.

SUMMARY: This document summarizes procedures for the upcoming auction of Upper Microwave Flexible Use Service licenses in the 37 GHz, 39 GHz, and 47 GHz bands (Auction 103). The *Auction 103 Procedures Public Notice* summarized here is intended to familiarize applicants with the procedures and other requirements governing participation in Auction 103 by providing details regarding the procedures, terms, conditions, dates, and deadlines, as well as an overview of the post-auction application and payment processes.

DATES: Applications to participate in Auction 103 must be submitted prior to 6:00 p.m. ET on September 9, 2019. Upfront payments for Auction 103 must be received by 6:00 p.m. ET on October 22, 2019. Bidding in Auction 103 is scheduled to begin on December 10, 2019.

FOR FURTHER INFORMATION CONTACT: For auction legal questions, Mark Montano or Erik Beith in the Auctions Division of the Office of Economics and Analytics at (202) 418–0660. For general auction questions, the Auctions Hotline at (717) 338–2868. For Upper Microwave Flexible Use Service questions, Simon Banyai in the Broadband Division of the Wireless Telecommunications Bureau at (202) 418–2487.

SUPPLEMENTARY INFORMATION: This is a summary of the Public Notice (*Auction 103 Procedures Public Notice*), AU Docket No. 19–59, GN Docket No. 14–177, FCC 19–63, adopted on July 10, 2019, and released on July 11, 2019. The complete text of the document, including attachments and any related documents, is available for public inspection and copying from 8:00 a.m.

to 4:30 p.m. ET Monday through Thursday or from 8:00 a.m. to 11:30 a.m. ET on Fridays in the FCC Reference Information Center, 445 12th Street SW, Room CY–A257, Washington, DC 20554. The complete text is also available on the Commission’s website at www.fcc.gov/auction/103/ or by using the search function for AU Docket No. 19–59 on the Commission’s ECFS web page at www.fcc.gov/ecfs/. Alternative formats are available to persons with disabilities by sending an email to FCC504@fcc.gov or by calling the Consumer & Governmental Affairs Bureau at (202) 418–0530 (voice), (202) 418–0432 (TTY).

I. GENERAL INFORMATION

A. Introduction

1. With the *Auction 103 Procedures Public Notice*, the Commission established the procedures for the upcoming incentive auction of Upper Microwave Flexible Use Service (UMFUS) licenses in the Upper 37 GHz (37.6–38.6 GHz), 39 GHz (38.6–40 GHz), and 47 GHz (47.2–48.2 GHz) bands (Auction 103).

2. The bidding for new licenses in Auction 103 is scheduled to commence on December 10, 2019. The *Auction 103 Procedures Public Notice* provides details regarding the procedures, terms, conditions, dates, and deadlines governing participation in Auction 103 bidding, and an overview of the post-auction application and payment processes. Although 39 GHz incumbents that accept modified licenses will not be eligible to bid on new licenses in Auction 103, certain procedures adopted in the document will affect how those modified licenses will be assigned to specific frequencies.

B. Background and Relevant Authority

3. Prospective applicants for the auction should familiarize themselves with the Commission’s general competitive bidding rules, including recent amendments and clarifications, as well as Commission decisions in proceedings regarding competitive bidding procedures, application requirements, and obligations of Commission licensees. Prospective applicants should also familiarize themselves with the Commission’s UMFUS rules and competitive bidding requirements contained in part 30 of the Commission’s rules, as well as Commission orders concerning competitive bidding for UMFUS licenses. Applicants must also be thoroughly familiar with the procedures, terms, and conditions contained in the document and any

future public notices that may be released in proceeding 19–59.

4. The terms contained in the Commission’s rules, relevant orders, and public notices are not negotiable. The Commission may amend or supplement the information contained in its public notices at any time and will issue public notices to convey any new or supplemental information to applicants. It is the responsibility of all applicants to remain current with all Commission rules and with all public notices pertaining to Auction 103. Copies of most auctions-related Commission documents, including public notices, can be retrieved from the FCC Auctions internet site at www.fcc.gov/auctions. Additionally, documents are available at the Commission’s headquarters, located at 445 12th Street SW, Washington, DC 20554, during normal business hours.

C. Description of Licenses To Be Offered in Auction 103

5. Auction 103 will offer UMFUS licenses for all available spectrum in the Upper 37 GHz (37.6–38.6 GHz), 39 GHz (38.6–40 GHz), and 47 GHz (47.2–48.2 GHz) bands. Auction 103 will offer 100 megahertz blocks of spectrum licensed by Partial Economic Area (PEA) service area. In combination, the Upper 37 GHz and the 39 GHz bands offer the largest amount of contiguous spectrum in the millimeter wave bands for flexible-use wireless services—a total of 2,400 megahertz—and the 47 GHz band will provide an additional 1,000 megahertz of millimeter wave spectrum for such services. The Commission is limiting Auction 103 to only these bands because licenses for no other UMFUS spectrum bands are ready and/or suitable to be auctioned at this time.

6. The specific number of Upper 37 GHz and 39 GHz licenses to be auctioned in each PEA will be determined by the Initial Commitments of 39 GHz incumbents as described in the *Spectrum Frontiers Fourth Report & Order*, 84 FR 1618, February 2, 2019, and subsequent public notices in the proceeding. The licenses that will be available in the auction depend, in part, on upcoming decisions made by existing 39 GHz licensees (referred to herein as “incumbents”) to either accept modified licenses, reconfigured to conform with the new band plan and service areas, or to relinquish all their existing spectrum usage rights in exchange for a share of the auction proceeds and the opportunity to bid on new licenses in Auction 103. If all incumbents choose to relinquish their licenses, the Commission will offer new licenses for 3,400 megahertz of

spectrum across all three spectrum bands, or 34 licenses in every PEA. Following the deadline for incumbents to submit their binding Initial Commitments, a public notice will announce the specific number of licenses available in each PEA in the Upper 37 GHz and 39 GHz bands for auction. This public notice will be released prior to the deadline for the submission of short-form applications to bid in Auction 103 so that potential applicants can make informed decisions about whether to apply.

7. It is possible that an incumbent that chooses to receive modified licenses will decide to retain its partial PEA holding (resulting in a modified license that will cover less than the full geographic area of a PEA). The remaining portion of the spectrum block will thus have unassigned spectrum usage rights. The Commission will not make this “white space” available in the auction.

8. Each of the bands available in Auction 103 will be licensed on an unpaired basis in 100 megahertz channel blocks by PEA. A licensee in these bands may provide any services permitted under a fixed or mobile allocation, as set forth in the non-Federal Government column of the Table of Frequency Allocations in § 2.106 of the Commission’s rules.

D. Auction Specifics

1. Auction Title and Start Date

9. The auction of licenses in the Upper 37 GHz (37.6–38.6 GHz), 39 GHz (38.6–40 GHz), and 47 GHz (47.2–48.2 GHz) bands will be referred to as Auction 103. Bidding in Auction 103 will begin on Tuesday, December 10, 2019. The initial schedule for bidding rounds in Auction 103 will be announced by public notice at least one week before bidding in the auction starts. Unless otherwise announced, bidding on all licenses will be conducted on each business day until bidding has stopped on all licenses.

2. Auction Dates and Deadlines

10. The following dates and deadlines apply to Auction 103:

Auction Application Tutorial
Available (via internet); August 2, 2019

Short-Form Application (FCC Form 175)
Filing Window Opens; August 26,

2019; 12:00 p.m. Eastern Time (ET)
Short-Form Application (FCC Form 175)
Filing Window Deadline; September

9, 2019; 6:00 p.m. ET
Upfront Payments (via wire transfer);

October 22, 2019; 6:00 p.m. ET
Bidding Tutorial Available (via

internet); No later than November 19, 2019

Mock Auction; Starting week of
December 2, 2019

Bidding Begins in Auction 103;
December 10, 2019

3. Requirements for Participation

11. Those wishing to participate in Auction 103 must: Submit a short-form application (FCC Form 175) electronically prior to 6:00 p.m. ET on September 9, 2019, following the electronic filing procedures set forth in the FCC Form 175 Instructions (available at www.fcc.gov/auction/103/); submit a sufficient upfront payment and an FCC Remittance Advice Form (FCC Form 159) by 6:00 p.m. ET on October 22, 2019, following the procedures and instructions set forth in the FCC Form 159 Instructions; and comply with all provisions outlined in the document and applicable Commission rules.

II. Applying To Participate in Auction 103

A. General Information Regarding Short-Form Applications

12. An application to participate in Auction 103, referred to as a short-form application or FCC Form 175, provides information that the Commission uses to determine whether the applicant has the legal, technical, and financial qualifications to participate in a Commission auction for spectrum licenses. The short-form application is the first part of the Commission’s two-phased auction application process. In the first phase, a party seeking to participate in Auction 103 must file a short-form application in which it certifies, under penalty of perjury, its qualifications. Eligibility to participate in Auction 103 is based on an applicant’s short-form application and certifications, and on the applicant’s submission of a sufficient upfront payment for the auction. In the second phase of the process, each winning bidder must file a more comprehensive post-auction, long-form application (FCC Form 601) for the licenses it wins in the auction, and it must have a complete and accurate ownership disclosure information report (FCC Form 602) on file with the Commission.

13. A party seeking to participate in Auction 103 must file an FCC Form 175 electronically via the Auction Application System prior to 6:00 p.m. ET on September 9, 2019, following the procedures prescribed in the FCC Form 175 Instructions. If an applicant claims eligibility for a bidding credit, the information provided in its FCC Form 175 as of the filing date will be used to

determine whether the applicant may request the claimed bidding credit. An applicant that files an FCC Form 175 for Auction 103 will be subject to the Commission’s rule prohibiting certain communications. An applicant is subject to the prohibition beginning at the deadline for filing short-form applications—6:00 p.m. ET on September 9, 2019. The prohibition will end for applicants on the post-auction down payment deadline for Auction 103.

14. An applicant bears full responsibility for submitting an accurate, complete, and timely short-form application. Each applicant must make a series of certifications under penalty of perjury on its FCC Form 175 related to the information provided in its application and its participation in the auction, and it must confirm that it is legally, technically, financially, and otherwise qualified to hold a license. If an Auction 103 applicant fails to make the required certifications in its FCC Form 175 by the filing deadline, its application will be deemed unacceptable for filing and cannot be corrected after the filing deadline.

15. An applicant should note that submitting an FCC Form 175 (and any amendments thereto) constitutes a representation by the certifying official that he or she is an authorized representative of the applicant with authority to bind the applicant, that he or she has read the form’s instructions and certifications, and that the contents of the application, its certifications, and any attachments are true and correct. Submitting a false certification to the Commission may result in penalties, including monetary forfeitures, license forfeitures, ineligibility to participate in future auctions, and/or criminal prosecution.

16. Applicants are cautioned that because the required information submitted in FCC Form 175 bears on each applicant’s qualifications, requests for confidential treatment will not be routinely granted. The Commission has held generally that it may publicly release confidential business information where the party has put that information at issue in a Commission proceeding or where the Commission has identified a compelling public interest in disclosing the information. The Commission has specifically held that information submitted in support of receiving bidding credits in auction proceedings should be made available to the public.

17. The same party may not bid based on more than one auction application, *i.e.*, as more than one applicant. If a party submits multiple short-form

applications for an auction, only one application may be the basis for that party to become qualified to bid in that auction.

18. A party is generally permitted to participate in a Commission auction only through a single bidding entity. The filing of applications in Auction 103 by multiple entities controlled by the same individual or set of individuals will generally not be permitted.

19. A party that is a 39 GHz incumbent is eligible to submit FCC Form 175 to participate in Auction 103 only if the party submitted an Initial Commitment to relinquish its spectrum usage rights under all its 39 GHz licenses in exchange for an incentive payment. If an incumbent submits such an Initial Commitment and wishes to offset any payments for new licenses with incentive payments, the same entity, using the same FCC Registration Number (FRN), that filed FCC Form 175–A must also file FCC Form 175. In all other cases, regardless of any relationship between an FCC Form 175 applicant and an FCC Form 175–A applicant, a winning bidder will be obligated to pay its gross winning bids, *i.e.*, without reduction by any incentive payment.

20. After the initial short-form application filing deadline, Commission staff will review all timely submitted applications for Auction 103 to determine whether each application complies with the application requirements and whether it has provided all required information concerning the applicant's qualifications for bidding. After this review is completed, a public notice will be released announcing the status of applications and identifying the applications that are complete and those that are incomplete because of minor defects that may be corrected. That public notice also will establish an application resubmission filing window, during which an applicant may make permissible minor modifications to its application to address identified deficiencies. The public notice will include the deadline for resubmitting modified applications. To become a qualified bidder, an applicant must have a complete application (*i.e.*, have timely corrected any identified deficiencies) and make a timely and sufficient upfront payment. Qualified bidders will be identified by public notice at least 10 days prior to the mock auction.

21. An applicant should consult the Commission's rules to ensure that all required information is included in its short-form application. To the extent the information in the document does not address a potential applicant's specific

operating structure, or if the applicant needs additional information or guidance concerning the following disclosure requirements, the applicant should review the educational materials for Auction 103 and/or use the contact information provided to consult with Commission staff to better understand the information it must submit in its short-form application.

B. License Area Selection

22. An applicant must select all the license areas on which it may want to bid from the list of available PEAs on its FCC Form 175. An applicant must carefully review and verify its PEA selections before the FCC Form 175 filing deadline because those selections cannot be changed after the auction application filing deadline. The FCC Auction Bidding System (bidding system) will not accept bids for blocks in PEAs that were not selected on the applicant's FCC Form 175.

C. Disclosure of Agreements and Bidding Arrangements

23. An applicant must provide in its FCC Form 175 a brief description of, and identify each party to, any partnerships, joint ventures, consortia or agreements, arrangements, or understandings of any kind relating to the licenses being auctioned, including any agreements that address or communicate directly or indirectly bids (including specific prices), bidding strategies (including the specific licenses on which to bid or not to bid), or the post-auction market structure, to which the applicant, or any party that controls or is controlled by the applicant, is a party. A controlling interest includes all individuals or entities with positive or negative *de jure* or *de facto* control of the licensee. The applicant must certify under penalty of perjury in its FCC Form 175 that it has described, and identified each party to, any such agreements, arrangements, or understandings into which it has entered. An auction applicant that enters into any agreement relating to the licenses being auctioned during an auction is subject to the same disclosure obligations it would be for agreements existing at the FCC Form 175 filing deadline, and it must maintain the accuracy and completeness of the information in its pending auction application.

24. If parties agree in principle on all material terms prior to the application filing deadline, each party to the agreement that is submitting an auction application must provide a brief description of, and identify the other party or parties to, the agreement on its

respective FCC Form 175, even if the agreement has not been reduced to writing. If the parties have not agreed in principle by the FCC Form 175 filing deadline, they should not describe, or include the names of parties to, the discussions on their applications.

25. The Commission's rules generally prohibit joint bidding and other arrangements involving auction applicants (including any party that controls or is controlled by such applicants). Joint bidding arrangements include arrangements relating to the licenses being auctioned that address or communicate, directly or indirectly, bidding at the auction, bidding strategies, including arrangements regarding price or the specific licenses on which to bid, and any such arrangements relating to the post-auction market structure.

26. This prohibition applies to joint bidding arrangements involving two or more nationwide providers, as well as joint bidding arrangements involving a nationwide provider and one or more non-nationwide providers, where any party to the arrangement is an applicant for the auction. The Commission considers AT&T, Sprint, T-Mobile, and Verizon Wireless to be nationwide providers for the purpose of implementing its competitive bidding rules in Auction 103. The prohibition applies to joint bidding arrangements between an applicant and an incumbent that files an FCC Form 175–A (or any party that controls or is controlled by it) as part of the process for it to make an Initial Commitment.

27. Non-nationwide providers may enter into agreements to form a consortium or a joint venture (as applicable) that result in a single party applying to participate in an auction. A designated entity (DE) can participate in only one consortium or joint venture in an auction, which shall be the exclusive bidding vehicle for its members in that auction, and non-nationwide providers that are not designated entities may participate in an auction through only one joint venture, which also shall be the exclusive bidding vehicle for its members in that auction. The general prohibition of joint bidding arrangements excludes certain agreements, including those that are solely operational in nature.

28. The Commission's rules require each applicant to certify in its short-form application that it has disclosed any arrangements or understandings of any kind relating to the licenses being auctioned to which it (or any party that controls or is controlled by it) is a party. The applicant must also certify that it (or any party that controls or is

controlled by it) has not entered and will not enter into any arrangement or understanding of any kind relating directly or indirectly to bidding at auction with, among others, “any other applicant” or a nationwide provider.

29. Although the Commission’s rules do not prohibit auction applicants from communicating about matters that are within the scope of an excepted agreement that has been disclosed in an FCC Form 175, certain discussions or exchanges could nonetheless touch upon impermissible subject matters, and compliance with the Commission’s rules will not insulate a party from enforcement of the antitrust laws.

30. A winning bidder will be required to disclose in its FCC Form 601 post-auction application the specific terms, conditions, and parties involved in any agreement relating to the licenses being auctioned into which it had entered prior to the time bidding was completed. This applies to any bidding consortium, joint venture, partnership, or other agreement, arrangement, or understanding of any kind entered into relating to the competitive bidding process, including any agreements relating to the licenses being auctioned that address or communicate directly or indirectly bids (including specific prices), bidding strategies (including the specific licenses on which to bid or not to bid), or the post-auction market structure, to which the applicant, or any party that controls or is controlled by the applicant, is a party.

D. Ownership Disclosure Requirements

31. Each applicant must comply with the applicable part 1 ownership disclosure requirements and provide information required by §§ 1.2105 and 1.2112, and, where applicable, § 1.2110, of the Commission’s rules. In completing FCC Form 175, an applicant must fully disclose information regarding the real party- or parties-in-interest in the applicant or application and the ownership structure of the applicant, including both direct and indirect ownership interests of 10% or more. Each applicant is responsible for ensuring that information submitted in its short-form application is complete and accurate.

32. In certain circumstances, an applicant may have previously filed an FCC Form 602 ownership disclosure information report or filed an auction application for a previous auction in which ownership information was disclosed. The most current ownership information contained in any FCC Form 602 or previous auction application on file with the Commission that used the same FRN the applicant is using to

submit its FCC Form 175 will automatically be pre-filled into certain ownership sections on the applicant’s FCC Form 175, if such information is in an electronic format compatible with FCC Form 175. Applicants are encouraged to submit an FCC Form 602 ownership report or update any ownership information on file with the Commission in an FCC Form 602 ownership report prior to starting an application for Auction 103 to ensure that their most recent ownership information is pre-filled into their short-form applications. Each applicant must carefully review any ownership information automatically entered into its FCC Form 175, including any ownership attachments, to confirm that all information supplied on FCC Form 175 is complete and accurate as of the application filing deadline. Any information that needs to be corrected or updated must be changed directly in FCC Form 175.

E. Foreign Ownership Disclosure Requirements

33. Section 310 of the Communications Act requires the Commission to review foreign investment in radio station licenses and imposes specific restrictions on who may hold certain types of radio licenses. Section 310 applies to applications for initial radio licenses, applications for assignments and transfers of control of radio licenses, and spectrum leasing arrangements under the Commission’s secondary market rules. In completing FCC Form 175, an applicant is required to disclose information concerning foreign ownership of the applicant. If an applicant has foreign ownership interests in excess of the applicable limit or benchmark set forth in section 310(b), it may seek to participate in Auction 103 as long as it has filed a petition for declaratory ruling with the Commission prior to the FCC Form 175 filing deadline. An applicant must certify in its FCC Form 175 that, as of the deadline for filing its application to participate in the auction, the applicant either is in compliance with the foreign ownership provisions of section 310 or has filed a petition for declaratory ruling requesting Commission approval to exceed the applicable foreign ownership limit or benchmark in section 310(b) that is pending before, or has been granted by, the Commission.

F. Information Procedures During the Auction Process

34. The Commission is limiting information available in Auction 103 in order to prevent the identification of bidders placing particular bids until

after the bidding has closed. The Commission will not make public until after bidding has closed: (1) The license areas that an applicant selects for bidding in its short-form application, (2) the amount of any upfront payment made by or on behalf of an applicant, (3) any applicant’s bidding eligibility, and (4) any other bidding-related information that might reveal the identity of the bidder placing a bid.

35. Once the bidding in Auction 103 starts, under the limited information procedures (sometimes also referred to as anonymous bidding), information to be made public after each round of bidding will include for each category of license in each geographic area, the supply, the aggregate demand, the price at the end of the last completed round, and the price for the next round. The identities of bidders placing specific bids and the net bid amounts (reflecting bidding credits or incentive payments) will not be disclosed until after the close of bidding.

36. Bidders will have access to additional information related to their own bidding and bid eligibility. For example, bidders will be able to view their own level of eligibility, before and during the auction, through the FCC auction bidding system. Each incumbent bidder will also be apprised of the size of its potential incentive payment on a round-by-round basis during the clock phase.

37. After the close of bidding, bidders’ PEA selections, upfront payment amounts, bidding eligibility, bids, and other bidding-related actions will be made publicly available.

38. The direct or indirect communication to other applicants or the public disclosure of non-public information (e.g., reductions in eligibility, identities of bidders) could violate the Commission’s rule prohibiting certain communications. To the extent an applicant believes that such a disclosure is required by law or regulation, including regulations issued by the U.S. Securities and Exchange Commission, the applicant should consult with the Commission staff in the Auctions Division before making such disclosure.

G. Prohibited Communications and Compliance With Antitrust Laws

39. The rules prohibiting certain communications set forth in § 1.2105(c) apply to each applicant that files a short-form application (FCC Form 175) in Auction 103. Section 1.2105(c)(1) of the Commission’s rules provides that, subject to specified exceptions, after the short-form application filing deadline, all applicants are prohibited from

cooperating or collaborating with respect to, communicating with or disclosing, to each other or any nationwide provider of communications services that is not an applicant, or, if the applicant is a nationwide provider, any non-nationwide provider that is not an applicant, in any manner the substance of their own, or each other's, or any other applicants' bids or bidding strategies (including post-auction market structure), or discussing or negotiating settlement agreements, until after the down payment deadline.

1. Entities Subject to § 1.2105(c)

40. An applicant for purposes of this rule includes all controlling interests in the entity submitting the FCC Form 175 auction application, as well as all holders of interests amounting to 10% or more of the entity, and all officers and directors of that entity. A party that submits an application becomes an applicant under the rule at the application deadline, and that status does not change based on later developments.

41. The prohibited communications rule shall apply to communications between a short-form applicant and an incumbent that files an application (FCC Form 175-A) as part of the Initial Commitment process for Auction 103. The rule applies even if such an incumbent chooses not to file FCC Form 175 to bid for licenses in Auction 103.

2. Prohibition Applies Until Down Payment Deadline

42. Section 1.2105(c)'s prohibition of certain communications begins at an auction's short-form application filing deadline and ends at the auction's down payment deadline after the auction closes, which will be announced in a future public notice. In addition, for an incumbent that files and/or is identified in an FCC Form 175-A, the Incumbent 39 GHz Licensee Short-Form Application, the prohibition of certain communications began at the FCC Form 175-A filing deadline on July 15, 2019.

3. Scope of Prohibition of Communications; Prohibition of Joint Bidding Agreements

43. The Commission amended § 1.2105(c) in 2015 to extend the prohibition of communications to cover all applicants for an auction regardless of whether the applicants seek permits or licenses in the same geographic area, or market. In addition, the rule now applies to communications by applicants with non-applicant nationwide providers of communications services and by nationwide applicants with non-

applicant non-nationwide providers. The Commission now prohibits a joint bidding arrangement, including arrangements relating to the permits or licenses being auctioned that address or communicate, directly or indirectly, bidding at the auction, bidding strategies, including arrangements regarding price or the specific permits or licenses on which to bid, and any such arrangements relating to the post-auction market structure. The revised rule provides limited exceptions for a communication within the scope of any arrangement consistent with the exclusion from the rule prohibiting joint bidding, provided such arrangement is disclosed on the applicant's auction application. Applicants may continue to communicate pursuant to any pre-existing agreements, arrangements, or understandings that are solely operational or that provide for the transfer or assignment of licenses, provided that such agreements, arrangements, or understandings are disclosed on their applications and do not both relate to the licenses at auction and address or communicate bids (including amounts), bidding strategies, or the particular permits or licenses on which to bid or the post-auction market structure.

44. The prohibition against communicating in any manner includes public disclosures as well as private communications and indirect or implicit communications. Consequently, an applicant must take care to determine whether its auction-related communications may reach another applicant.

45. Parties subject to § 1.2105(c) should take special care in circumstances where their officers, directors, and employees may receive information directly or indirectly relating to any applicant's bids or bidding strategies. Such information may be deemed to have been received by the applicant under certain circumstances. For example, Commission staff have found that, where an individual serves as an officer and director for two or more applicants, the bids and bidding strategies of one applicant are presumed conveyed to the other applicant through the shared officer, which creates an apparent violation of the rule.

46. Section 1.2105(c)(1) prohibits applicants from communicating with specified other parties only with respect to their own, or each other's, or any other applicant's bids or bidding strategies. A communication conveying bids or bidding strategies (including post-auction market structure) must also relate to the licenses being auctioned in

order to be covered by the prohibition. Thus, the prohibition is limited in scope and does not apply to all communications between or among the specified parties. The Commission consistently has made clear that application of the rule prohibiting communications has never required total suspension of essential ongoing business. Entities subject to the prohibition may negotiate agreements during the prohibition period, provided that the communications involved do not relate both (1) to the licenses being auctioned and (2) to bids or bidding strategies or post-auction market structure.

47. Business discussions and negotiations that are unrelated to bidding in Auction 103 and that do not convey information about the bids or bidding strategies, including the post-auction market structure, of an applicant are not prohibited by the rule. Moreover, not even all auction-related information is covered by the prohibition. For example, communicating merely whether a party has or has not applied to participate in Auction 103 will not violate the rule. In contrast, communicating how a party will participate, including specific geographic areas selected, specific bid amounts, and/or whether or not the party is placing bids, would convey bids or bidding strategies and would be prohibited.

48. Each applicant must remain vigilant not to communicate, directly or indirectly, information that affects, or could affect, bids or bidding strategies. Certain discussions might touch upon subject matters that could convey price or geographic information related to bidding strategies. Such subject areas include, but are not limited to, management, sales, local marketing agreements, and other transactional agreements.

49. Bids or bidding strategies may be communicated outside of situations that involve one party subject to the prohibition communicating privately and directly with another such party. For example, the Commission has warned that prohibited communications concerning bids and bidding strategies may include communications regarding capital calls or requests for additional funds in support of bids or bidding strategies to the extent such communications convey information concerning the bids and bidding strategies directly or indirectly. The Commission found a violation of the rule against prohibited communications when an applicant used the Commission's bidding system to disclose its bidding strategy in a manner

that explicitly invited other auction participants to cooperate and collaborate in specific markets and has placed auction participants on notice that the use of its bidding system to disclose market information to competitors will not be tolerated and will subject bidders to sanctions.

50. When completing a short-form application, each applicant should avoid any statements or disclosures that may violate § 1.2105(c). An applicant should avoid including any information in its short-form application that might convey information regarding its PEA selections, such as referring to certain markets in describing agreements, including any information in application attachments that will be publicly available that may otherwise disclose the applicant's PEA selections, or using applicant names that refer to licenses being offered.

51. Applicants also should be mindful that communicating non-public application or bidding information publicly or privately to another applicant may violate § 1.2105(c) even though that information subsequently may be made public during later periods of the application or bidding processes.

4. Communicating With Third Parties

52. Section 1.2105(c) does not prohibit an applicant from communicating bids or bidding strategies to a third-party, such as a consultant or consulting firm, counsel, or lender. The applicant should take appropriate steps, however, to ensure that any third party it employs for advice pertaining to its bids or bidding strategies does not become a conduit for prohibited communications to other specified parties, as that would violate the rule. For example, an applicant might require a third party, such as a lender, to sign a non-disclosure agreement before the applicant communicates any information regarding bids or bidding strategy to the third party. Within third-party firms, separate individual employees, such as attorneys or auction consultants, may advise individual applicants on bids or bidding strategies, as long as such firms implement firewalls and other compliance procedures that prevent such individuals from communicating the bids or bidding strategies of one applicant to other individuals representing separate applicants. Although firewalls and/or other procedures should be used, their existence is not an absolute defense to liability if a violation of the rule has occurred.

53. In the case of an individual, the objective precautionary measure of a

firewall is not available. An individual that is privy to bids or bidding information of more than one applicant presents a greater risk of becoming a conduit for a prohibited communication. Whether a prohibited communication has taken place in a given case will depend on all the facts pertaining to the case, including who possessed what information, what information was conveyed to whom, and the course of bidding in the auction.

54. Potential applicants may discuss the short-form application or bids for specific licenses or license areas with the counsel, consultant, or expert of their choice before the short-form application deadline. The same third-party individual could continue to give advice after the short-form deadline regarding the application, provided that no information pertaining to bids or bidding strategies, including PEAs selected on the short-form application, is conveyed to that individual. To the extent potential applicants can develop bidding instructions prior to the short-form deadline that a third party could implement without changes during bidding, the third party could follow such instructions for multiple applicants provided that those applicants do not communicate with the third party during the prohibition period.

55. Applicants also should use caution in their dealings with other parties, such as members of the press, financial analysts, or others who might become conduits for the communication of prohibited bidding information. For example, even though communicating that it has applied to participate in the auction will not violate the rule, an applicant's statement to the press that it intends to stop bidding in an auction could give rise to a finding of a § 1.2105 violation. Similarly, an applicant's public statement of intent not to place bids during bidding in Auction 103 could also violate the rule.

5. Section 1.2105(c) Certifications

56. By electronically submitting its FCC Form 175 auction application, each applicant certifies its compliance with § 1.2105(c) of the rules. If an applicant has a non-controlling interest with respect to more than one application, the applicant must certify that it has established internal control procedures to preclude any person acting on behalf of the applicant from possessing information about the bids or bidding strategies of more than one applicant or communicating such information with respect to either applicant to another person acting on behalf of and possessing such information regarding

another applicant. However, the mere filing of a certifying statement as part of an application will not outweigh specific evidence that a prohibited communication has occurred, nor will it preclude the initiation of an investigation when warranted. Any applicant found to have violated these communication prohibitions may be subject to sanctions.

6. Duty To Report Prohibited Communications

57. Section 1.2105(c)(4) requires that any applicant that makes or receives a communication that appears to violate § 1.2105(c) must report such communication in writing to the Commission immediately, and in no case later than five business days after the communication occurs. Each applicant's obligation to report any such communication continues beyond the five-day period after the communication is made, even if the report is not made within the five-day period.

7. Procedures for Reporting Prohibited Communications

58. A party reporting any information or communication pursuant to § 1.65, § 1.2105(a)(2), or § 1.2105(c)(4) must take care to ensure that any report of a prohibited communication does not itself give rise to a violation of § 1.2105(c). For example, a party's report of a prohibited communication could violate the rule by communicating prohibited information to other parties specified under the rule through the use of Commission filing procedures that allow such materials to be made available for public inspection.

59. Parties must file only a single report concerning a prohibited communication and must file that report with the Commission personnel expressly charged with administering the Commission's auctions. This rule is designed to minimize the risk of inadvertent dissemination of information in such reports. Any reports required by § 1.2105(c) must be filed consistent with the instructions set forth in the document. Such reports must be filed with Margaret W. Wiener, the Chief of the Auctions Division, Office of Economics and Analytics, by the most expeditious means available. Any such report should be submitted by email to Ms. Wiener and sent to auction103@fcc.gov. If you choose instead to submit a report in hard copy, any such report must be delivered only to: Margaret W. Wiener, Chief, Auctions Division, Office of Economics and Analytics, Federal Communications Commission, 445 12th Street SW, Room 6-C466, Washington, DC 20554.

60. A party seeking to report such a prohibited communication should consider submitting its report with a request that the report or portions of the submission be withheld from public inspection by following the procedures specified in § 0.459 of the Commission's rules. Such parties should coordinate with the Auctions Division staff about the procedures for submitting such reports.

8. Winning Bidders Must Disclose Terms of Agreements

61. Each applicant that is a winning bidder will be required to provide as part of its long-form application any agreement or arrangement it has entered into and a summary of the specific terms, conditions, and parties involved in any agreement it has entered into. Such agreements must have been entered into prior to the filing of short-form applications. This applies to any bidding consortia, joint venture, partnership, or agreement, understanding, or other arrangement entered into relating to the competitive bidding process, including any agreement relating to the post-auction market structure. Failure to comply with the Commission's rules can result in enforcement action.

9. Additional Information Concerning Prohibition of Certain Communications in Commission Auctions

62. A summary listing of documents issued by the Commission and the Wireless Telecommunications Bureau/Office of Economics and Analytics addressing the application of § 1.2105(c) is available on the Commission's auction web page at www.fcc.gov/summary-listing-documents-addressing-application-rule-prohibiting-certain-communications/.

10. Antitrust Laws

63. Applicants remain subject to the antitrust laws. Compliance with the disclosure requirements of § 1.2105(c)(4) will not insulate a party from enforcement of the antitrust laws. For instance, a violation of the antitrust laws could arise out of actions taking place well before any party submits a short-form application. The Commission has cited a number of examples of potentially anticompetitive actions that would be prohibited under antitrust laws: for example, actual or potential competitors may not agree to divide territories in order to minimize competition, regardless of whether they split a market in which they both do business, or whether they merely reserve one market for one and another market for the other.

64. To the extent the Commission becomes aware of specific allegations that suggest that violations of the federal antitrust laws may have occurred, it may refer such allegations to the United States Department of Justice for investigation. If an applicant is found to have violated the antitrust laws or the Commission's rules in connection with its participation in the competitive bidding process, it may be subject to a forfeiture and may be prohibited from participating further in Auction 103 and in future auctions, among other sanctions.

H. Provisions for Small Businesses and Rural Service Providers

65. The Commission's designated entity rules apply to all licenses acquired with bidding credits, including those won in Auction 103. A bidding credit represents an amount by which a bidder's winning bid will be discounted.

66. In Auction 103, bidding credits will be available to applicants demonstrating eligibility for a small business or a rural service provider bidding credit and subsequently winning license(s). Bidding credits will not be cumulative—an applicant is permitted to claim either a small business bidding credit or a rural service provider bidding credit, but not both. Each applicant must also certify that it is eligible for the claimed bidding credit in its FCC Form 175. Each applicant should review carefully the Commission's decisions regarding the designated entity provisions as well as the part 1 rules.

67. Applicants applying for designated entity bidding credits should take due account of the requirements of the Commission's rules and implementing orders regarding de jure and de facto control of such applicants. These rules include a prohibition, which applies to all applicants (whether or not seeking bidding credits), against changes in ownership of the applicant that would constitute an assignment or transfer of control. Any substantial change in ownership or control is classified as a major amendment. Applicants should not expect to receive any opportunities to revise their ownership structure after the filing of their short- and long-form applications, including making revisions to their agreements or other arrangements with interest holders, lenders, or others in order to address potential concerns relating to compliance with the designated entity bidding credit requirements.

68. An incumbent bidding in Auction 103 and claiming a bidding credit may

receive a bidding credit discount only on winning bid amounts that exceed any incentive payment to that incumbent. This limitation applies even if the incumbent uses different entities that are commonly controlled to submit FCC Form 175-A and FCC Form 175. The ownership information that an applicant is required to submit at both the short-form and long-form application stages will permit Commission staff to uncover any controlling interest in common in the two entities and ensure that bidding credit discounts are properly calculated when determining payments due.

1. Small Business Bidding Credit

69. For Auction 103, bidding credits will be available to eligible small businesses and consortia thereof. Under the service rules applicable to the UMFUS licenses to be offered in Auction 103, the level of bidding credit available is determined as follows: A bidder with attributed average annual gross revenues that do not exceed \$55 million for the preceding three years is eligible to receive a 15% discount on its winning bid; and a bidder with attributed average annual gross revenues that do not exceed \$20 million for the preceding three years is eligible to receive a 25% discount on its winning bid.

70. Small business bidding credits are not cumulative; an eligible applicant may receive either the 15% or the 25% bidding credit on its winning bid, but not both. The Commission's unjust enrichment provisions also apply to a winning bidder that uses a bidding credit and subsequently seeks to assign or transfer control of its license within a certain period to an entity not qualifying for the same level of small business bidding credit.

71. Each applicant claiming a small business bidding credit must disclose the gross revenues for the preceding three years for each of the following: (1) The applicant, (2) its affiliates, (3) its controlling interests, and (4) the affiliates of its controlling interests. The applicant must also submit an attachment that lists all parties with which the applicant has entered into any spectrum use agreements or arrangements for any licenses that may be won by the applicant in Auction 103. In addition, to the extent that an applicant has an agreement with any disclosable interest holder for the use of more than 25% of the spectrum capacity of any license that may be won in Auction 103, the identity and the attributable gross revenues of any such disclosable interest holder must be disclosed. This attribution rule will be

applied on a license-by-license basis. As a result, an applicant may be eligible for a bidding credit on some, but not all, of the licenses for which it is bidding in Auction 103. If an applicant is applying as a consortium of small businesses, the disclosures described in this paragraph must be provided for each consortium member.

2. Rural Service Provider Bidding Credit

72. An eligible applicant may request a 15% discount on its winning bid using a rural service provider bidding credit, subject to the \$10 million cap. To be eligible for a rural service provider bidding credit, an applicant must (1) be a service provider that is in the business of providing commercial communications services and, together with its controlling interests, affiliates, and the affiliates of its controlling interests, has fewer than 250,000 combined wireless, wireline, broadband, and cable subscribers; and (2) serve predominantly rural areas, defined as counties with a population density of 100 or fewer persons per square mile. These eligibility requirements must be satisfied by the FCC Form 175 filing deadline. Additionally, an applicant may count any subscriber as a single subscriber even if that subscriber receives more than one service. For instance, a subscriber receiving both wireline and telephone service and broadband would be counted as a single subscriber.

73. Each applicant seeking a rural service provider bidding credit must disclose the number of subscribers it has, along with the number of subscribers of its affiliates, controlling interests, and the affiliates of its controlling interests. The applicant must also submit an attachment that lists all parties with which the applicant has entered into any spectrum use agreements or arrangements for any licenses that be may won by the applicant in Auction 103. To the extent that an applicant has an agreement with any disclosable interest holder for the use of more than 25% of the spectrum capacity of any license that may be won in Auction 103, the identity and the attributable subscribers of any such disclosable interest holder must be disclosed. Eligible rural service providers may also form a consortium. If an applicant is applying as a consortium of rural service providers, the disclosures described in this paragraph, including the certification, must be provided for each consortium member.

3. Caps on Bidding Credits

74. Eligible applicants claiming either a small business or rural service provider bidding credit will be subject to certain caps on the total amount of bidding credit discounts that any eligible applicant may receive. The Commission adopts a \$25 million cap on the total amount of bidding credit discounts that may be awarded to an eligible small business in Auction 103. The Commission adopts a \$10 million cap on the total amount of bidding credit discounts that may be awarded to an eligible rural service provider in Auction 103. An entity is not eligible for a rural service provider bidding credit if it has already claimed a small business bidding credit. No winning designated entity bidder will be able to obtain more than \$10 million in bidding credit discounts in total for licenses won in markets with a population of 500,000 or less. To the extent an applicant seeking a small business bidding credit does not claim the full \$10 million in bidding credits in those smaller markets, it may apply the remaining balance to its winning bids on licenses in larger markets, up to the aggregate \$25 million cap.

4. Attributable Interests

a. Controlling Interests and Affiliates

75. An applicant's eligibility for designated entity benefits is determined by attributing the gross revenues (for those seeking small business benefits) or subscribers (for those seeking rural service provider benefits) of the applicant, its affiliates, its controlling interests, and the affiliates of its controlling interests. Controlling interests of an applicant include individuals and entities with either *de facto* or *de jure* control of the applicant. Typically, ownership of greater than 50% of an entity's voting stock evidences *de jure* control. *De facto* control is determined on a case-by-case basis based on the totality of the circumstances. The following are some common indicia of *de facto* control: the entity constitutes or appoints more than 50% of the board of directors or management committee; the entity has authority to appoint, promote, demote, and fire senior executives that control the day-to-day activities of the licensee; and the entity plays an integral role in management decisions.

76. Applicants should refer to § 1.2110(c)(2) of the Commission's rules and the FCC Form 175 Instructions to understand how certain interests are calculated in determining control for purposes of attributing gross revenues. For example, officers and directors of an

applicant are considered to have a controlling interest in the applicant.

77. Affiliates of an applicant or controlling interest include an individual or entity that (1) directly or indirectly controls or has the power to control the applicant, (2) is directly or indirectly controlled by the applicant, (3) is directly or indirectly controlled by a third party that also controls or has the power to control the applicant, or (4) has an "identity of interest" with the applicant. The Commission's definition of an affiliate of the applicant encompasses both controlling interests of the applicant and affiliates of controlling interests of the applicant.

78. An applicant seeking a small business bidding credit must demonstrate its eligibility for the bidding credit by (1) meeting the applicable small business size standard, based on the controlling interest and affiliation rules, and (2) retaining control, on a license-by-license basis, over the spectrum associated with the licenses for which it seeks small business benefits. Control and affiliation may arise through, among other things, ownership interests, voting interests, management and other operating agreements, or the terms of any other types of agreements—including spectrum lease agreements—that independently or together create a controlling, or potentially controlling, interest in the applicant's or licensee's business as a whole. Except under the limited provisions provided for spectrum manager lessors, the Commission's decision to discontinue its policy requiring designated entity licensees to operate as primarily facilities-based providers of service directly to the public does not alter the rules that require the Commission to consider whether any particular use agreement may confer control of or create affiliation with the applicant. Once an applicant demonstrates eligibility as a small business under the first prong, it must also be eligible for benefits on a license-by-license basis under the second prong. As part of making the FCC Form 175 certification that it is qualified as a designated entity under § 1.2110, an applicant is certifying that it does not have any spectrum use or other agreements that would confer *de jure* and *de facto* control of any license it seeks to acquire with bidding credits.

79. If an applicant executes a spectrum use agreement that does not comply with the Commission's relevant standard of *de facto* control, it will be subject to unjust enrichment obligations for the benefits associated with that particular license, as well as the

penalties associated with any violation of section 310(d) of the Communications Act and related regulations, which require Commission approval of transfers of control. If that spectrum use agreement (either alone or in combination with the designated entity controlling interest and attribution rules), goes so far as to confer control of the applicant's overall business, the gross revenues of the additional interest holders will be attributed to the applicant, which could render the applicant ineligible for all current and future small business benefits on all licenses. The Commission applies the same *de facto* control standard to designated entity spectrum manager lessors that is applied to non-designated entity spectrum manager lessors.

b. Limitation on Spectrum Use

80. The Commission determined that a new attribution rule will apply going forward under which the gross revenues (or the subscribers, in the case of a rural service provider) of an applicant's disclosable interest holder are attributable to the applicant, on a license-by-license basis, if the disclosable interest holder has an agreement with the applicant to use, in any manner, more than 25% of the spectrum capacity of any license won by the applicant and acquired with a bidding credit during the five-year unjust enrichment period for the applicable license. A disclosable interest holder of an applicant seeking designated entity benefits is defined as any individual or entity holding a 10% or greater interest of any kind in the applicant, including but not limited to, a 10% or greater interest in any class of stock, warrants, options or debt securities in the applicant or licensee. Any applicant seeking a bidding credit for licenses won in Auction 103 will be subject to this attribution rule and must make the requisite disclosures.

81. The Commission also determined that certain disclosable interest holders may be excluded from this attribution rule. An applicant claiming the rural service provider bidding credit may have spectrum license use agreements with a disclosable interest holder, without having to attribute the disclosable interest holder's subscribers, so long as the disclosable interest holder is independently eligible for a rural service provider credit and the use agreement is otherwise permissible under the Commission's existing rules. If applicable, the applicant must attach to its FCC Form 175 any additional information as may be required to indicate any license (or license area) that may be subject to this attribution

rule or to demonstrate its eligibility for the exception from this attribution rule. The Commission intends to withhold from public disclosure all information contained in any such attachments until after the close of Auction 103.

c. Exceptions From Attribution Rules for Small Businesses and Rural Service Providers

82. Applicants claiming designated entity benefits may be eligible for certain exceptions from the Commission's attribution rules. For example, in calculating an applicant's gross revenues under the controlling interest standard, it will not attribute to the applicant the personal net worth, including personal income, of its officers and directors. To the extent that the officers and directors of the applicant are controlling interest holders of other entities, the gross revenues of those entities will be attributed to the applicant. Moreover, if an officer or director operates a separate business, the gross revenues derived from that separate business would be attributed to the applicant, although any personal income from such separate business would not be attributed. The Commission has also exempted from attribution to the applicant the gross revenues of the affiliates of a rural telephone cooperative's officers and directors, if certain conditions specified in § 1.2110(b)(4)(iii) of the Commission's rules are met. An applicant claiming this exemption must provide, in an attachment, an affirmative statement that the applicant, affiliate and/or controlling interest is an eligible rural telephone cooperative within the meaning of § 1.2110(b)(4)(iii), and the applicant must supply any additional information as may be required to demonstrate eligibility for the exemption from the attribution rule.

83. An applicant claiming a rural service provider bidding credit may be eligible for an exception from the Commission's attribution rules as an existing rural partnership. To qualify for this exception, an applicant must be a rural partnership providing service as of July 16, 2015, and each member of the rural partnership must individually have fewer than 250,000 combined wireless, wireline, broadband, and cable subscribers. The Commission will evaluate eligibility for an existing rural wireless partnership on the same basis as it would for an applicant applying for a bidding credit as a consortium of rural service providers. A partnership that includes a nationwide provider as a member will not be eligible for the benefit. Members of such partnerships that fall under this exception may also

apply as individual applicants or members of a consortium (to the extent that it is otherwise permissible to do so under the Commission's rules) and seek eligibility for a rural service provider bidding credit.

84. A consortium of small businesses or rural service providers may seek an exception from the Commission's attribution rules. A consortium of small businesses or rural service providers is a conglomerate organization composed of two or more entities, each of which individually satisfies the definition of small business or rural service provider. A consortium must provide additional information for each member demonstrating each member's eligibility for the claimed bidding credit in order to show that the applicant satisfies the eligibility criteria for the bidding credit. The gross revenue or subscriber information of each consortium member will not be aggregated for purposes of determining the consortium's eligibility for the claimed bidding credit. This information must be provided to ensure that each consortium member qualifies for the bidding credit sought by the consortium.

I. Provisions Regarding Former and Current Defaulters

85. Each applicant must make certifications regarding whether it is a current or former defaulter or delinquent. A current defaulter or delinquent is not eligible to participate in Auction 103, but a former defaulter or delinquent may participate so long as it is otherwise qualified and makes an upfront payment that is 50% more than would otherwise be necessary. An applicant is considered a current defaulter or a current delinquent when it, any of its affiliates, any of its controlling interests, or any of the affiliates of its controlling interests, is in default on any payment for any Commission construction permit or license (including a down payment) or is delinquent on any non-tax debt owed to any Federal agency as of the filing deadline for auction applications. Non-tax debt owed to any Federal agency includes, within the meaning of the rule, all amounts owed under Federal programs, including contributions to the Universal Service Fund, Telecommunications Relay Services Fund, and the North American Numbering Plan Administration, notwithstanding that the administrator of any such fund may not be considered a Federal "agency" under the Debt Collection Improvement Act of 1996. For example, an applicant with a past due USF contribution as of the auction application filing deadline would be

disqualified from participating in Auction 103 under the Commission's rules. If the applicant cures the overdue debt prior to the auction application filing deadline (and such debt does not fall within one of the exclusions described in § 1.2105(a)(2)(xii)), it may be eligible to participate in Auction 103 as a former defaulter. Each applicant must certify under penalty of perjury on its FCC Form 175 that it, its affiliates, its controlling interests, and the affiliates of its controlling interests are not in default on any payment for a Commission construction permit or license (including down payments) and that it is not delinquent on any non-tax debt owed to any Federal agency. Additionally, an applicant must certify under penalty of perjury whether it (along with its controlling interests) has ever been in default on any payment for a Commission construction permit or license (including down payments) or has ever been delinquent on any non-tax debt owed to any Federal agency, subject to the exclusions. The term controlling interest is defined in § 1.2105(a)(4)(i) of the Commission rules.

86. An applicant is considered a former defaulter or a former delinquent when, as of the FCC Form 175 deadline, the applicant or any of its controlling interests has defaulted on any Commission construction permit or license or has been delinquent on any non-tax debt owed to any Federal agency, but has since remedied all such defaults and cured all of the outstanding non-tax delinquencies. The applicant may exclude from consideration any cured default on a Commission construction permit or license or cured delinquency on a non-tax debt owed to a Federal agency for which any of the following criteria are met: (1) The notice of the final payment deadline or delinquency was received more than seven years before the FCC Form 175 filing deadline, (2) the default or delinquency amounted to less than \$100,000, (3) the default or delinquency was paid within two quarters (*i.e.*, six months) after receiving the notice of the final payment deadline or delinquency, or (4) the default or delinquency was the subject of a legal or arbitration proceeding and was cured upon resolution of the proceeding. Notice to a debtor may include notice of a final payment deadline or notice of delinquency and may be express or implied depending on the origin of any Federal non-tax debt giving rise to a default or delinquency. The date of receipt of the notice of a final default deadline or delinquency by the

intended party or debtor will be used for purposes of verifying receipt of notice. A debt will not be deemed to be in default or delinquent until after the expiration of a final payment deadline. To the extent that the rules providing for payment of a specific federal debt permit payment after an original payment deadline accompanied by late fee(s), such debts would not be in default or delinquent for purposes of applying the former defaulter rules until after the late payment deadline. Any winning bidder that fails to timely pay its post-auction down payment or the balance of its final winning bid amount(s) or is disqualified for any reason after the close of an auction will be in default and subject to a default payment. Commission staff provide individual notice of the amount of such a default payment as well as procedures and information required by the Debt Collection Improvement Act of 1996, including the payment due date and any charges, interest, and/or penalties that accrue in the event of delinquency. Such notice provided by Commission staff assessing a default payment arising out of a default on a winning bid, constitutes notice of the final payment deadline with respect to a default on a Commission license.

87. Applicants are encouraged to review previous guidance on default and delinquency disclosure requirements in the context of the auction short-form application process. Parties are also encouraged to consult with Auctions Division staff if they have any questions about default and delinquency disclosure requirements.

88. The Commission considers outstanding debts owed to the United States Government, in any amount, to be a serious matter. The Commission adopted rules, including a provision referred to as the red light rule that implement its obligations under the Debt Collection Improvement Act of 1996, which governs the collection of debts owed to the United States. Under the red light rule, applications and other requests for benefits filed by parties that have outstanding debts owed to the Commission will not be processed. The Commission's adoption of the red light rule does not alter the applicability of any of its competitive bidding rules, including the provisions and certifications of §§ 1.2105 and 1.2106, with regard to current and former defaults or delinquencies.

89. The Commission's Red Light Display System, which provides information regarding debts currently owed to the Commission, may not be determinative of an auction applicant's ability to comply with the default and

delinquency disclosure requirements of § 1.2105. While the red light rule ultimately may prevent the processing of long-form applications by auction winners, an auction applicant's lack of current red light status is not necessarily determinative of its eligibility to participate in an auction (or whether it may be subject to an increased upfront payment obligation). A prospective applicant in Auction 103 should note that any long-form applications filed after the close of bidding will be reviewed for compliance with the Commission's red light rule, and such review may result in the dismissal of a winning bidder's long-form application. Applicants that have their long-form applications dismissed will be deemed to have defaulted and will be subject to default payments under §§ 1.2104(g) and 1.2109(c) of the Commission's rules. Each applicant should carefully review all records and other available Federal agency databases and information sources to determine whether the applicant, or any of its affiliates, or any of its controlling interests, or any of the affiliates of its controlling interests, owes or was ever delinquent in the payment of non-tax debt owed to any Federal agency. To access the Commission's Red Light Display System, go to: <https://apps.fcc.gov/redlight/login.cfm>.

J. Optional Applicant Status Identification

90. Applicants owned by members of minority groups and/or women, as defined in § 1.2110(c)(3), and rural telephone companies, as defined in § 1.2110(c)(4), may identify themselves regarding this status in filling out their FCC Form 175 applications. This applicant status information is collected for statistical purposes only and assists the Commission in monitoring the participation of various groups in its auctions.

K. Modifications to FCC Form 175

1. Only Minor Modifications Allowed

91. After the initial FCC Form 175 filing deadline, an Auction 103 applicant will be permitted to make only minor changes to its application consistent with the Commission's rules. Minor amendments include any changes that are not major, such as correcting typographical errors and supplying or correcting information as requested to support the certifications made in the application. Examples of minor changes include the deletion or addition of authorized bidders (to a maximum of three); the revision of addresses and telephone numbers of the applicant, its

responsible party, and its contact person; and change in the applicant's selected bidding option (electronic or telephonic). Major modification to an FCC Form 175 (e.g., change of PEA selection, certain changes in ownership that would constitute an assignment or transfer of control of the applicant, change in the required certifications, change in applicant's legal classification that results in a change in control, or change in claimed eligibility for a higher percentage of bidding credit) will not be permitted after the initial FCC Form 175 filing deadline. If an amendment reporting changes is a "major amendment," as described in § 1.2105(b)(2), the major amendment will not be accepted and may result in the dismissal of the application. Any change in control of an applicant will be considered a major modification, and the application will consequently be dismissed. Even if an applicant's FCC Form 175 is dismissed, the applicant would remain subject to the communication prohibitions of § 1.2105(c) until the down-payment deadline for Auction 103.

2. Duty To Maintain Accuracy and Completeness of FCC Form 175

92. Each applicant has a continuing obligation to maintain the accuracy and completeness of information furnished in a pending application, including a pending application to participate in Auction 103. An applicant's FCC Form 175 and associated attachments will remain pending until the release of a public notice announcing the close of the auction. Auction 103 applicants remain subject to the § 1.2105(c) prohibition of certain communications until the post-auction deadline for making down payments on winning bids in Auction 103. An applicant's post-auction application (FCC Form 601) is considered pending from the time it is accepted for filing by the Commission until a Commission grant or denial of the application is no longer subject to reconsideration by the Commission or to review by any court. An applicant for Auction 103 must furnish additional or corrected information to the Commission within five business days after a significant occurrence or amend its FCC Form 175 no more than five business days after the applicant becomes aware of the need for the amendment. An applicant is obligated to amend its pending application(s) even if a reported change may result in the dismissal of the application because it is subsequently determined to be a major modification.

3. Modifying an FCC Form 175

93. A party seeking to participate in Auction 103 must file an FCC Form 175 electronically via the FCC's Auction Application System. During the initial filing window, an applicant will be able to make any necessary modifications to its FCC Form 175 in the Auction Application System. An applicant that has certified and submitted its FCC Form 175 before the close of the initial filing window may continue to make modifications as often as necessary until the close of that window; the applicant must re-certify and re-submit its FCC Form 175 before the close of the initial filing window to confirm and effect its latest application changes. After each submission, a confirmation page will be displayed stating the submission time and submission date.

94. An applicant will also be allowed to modify its FCC Form 175 in the Auction Application System, except for certain fields, during the resubmission filing window and after the release of the public notice announcing the qualified bidders for an auction. An applicant will not be allowed to modify electronically in the Auction Application System the applicant's legal classification, the applicant's name, or the certifying official. During these times, if an applicant needs to make permissible minor changes to its FCC Form 175 or must make changes in order to maintain the accuracy and completeness of its application pursuant to §§ 1.65 and 1.2105(b)(4), it must make the change(s) in the Auction Application System and then re-certify and re-submit its application to confirm and effect the change(s).

95. An applicant's ability to modify its FCC Form 175 in the Auction Application System will be limited between the closing of the initial filing window and the opening of the application resubmission filing window, and between the closing of the resubmission filing window and the release of the public notice announcing the qualified bidders for an auction. During these periods, an applicant will be able to view its submitted application, but it will be permitted to modify only the applicant's address, responsible party address, contact information (e.g., name, address, telephone number, etc.), and bidding preference (telephonic or electronic) in the Auction Application System. An applicant will not be able to modify any other pages of the FCC Form 175 in the Auction Application System during these periods. If, during these periods, an applicant needs to make other permissible minor changes to its FCC

Form 175, or changes to maintain the accuracy and completeness of its application, the applicant must submit a letter briefly summarizing the changes to its FCC Form 175 via email to auction103@fcc.gov. The email summarizing the changes must include a subject line referring to Auction 103 and the name of the applicant, for example, Re: Changes to Auction 103 Auction Application of XYZ Corp. Any attachments to the email must be formatted as Adobe® Acrobat® (PDF) or Microsoft® Word documents. An applicant that submits its changes in this manner must subsequently modify, certify, and submit its FCC Form 175 application(s) electronically in the Auction Application System once it is again open and available to applicants.

96. Applicants should also note that even at times when the Auction Application System is open and available to applicants, the system will not allow an applicant to make certain other permissible changes itself (e.g., correcting a misstatement of the applicant's legal classification). If an applicant needs to make a permissible minor change of this nature, it must submit a written request by email to auction103@fcc.gov, requesting that the Commission manually make the change on the applicant's behalf. Once Commission staff has informed the applicant that the change has been made in the Auction Application System, the applicant must then re-certify and re-submit its FCC Form 175 in the Auction Application System to confirm and effect the change(s).

97. Any amendment(s) to the application and related statements of fact must be certified by an authorized representative of the applicant with authority to bind the applicant. Submission of any such amendment or related statement of fact constitutes a representation by the person certifying that he or she is an authorized representative with such authority and that the contents of the amendment or statement of fact are true and correct.

98. Applicants must not submit application-specific material through the Commission's Electronic Comment Filing System. Parties submitting information related to their applications should use caution to ensure that their submissions do not contain confidential information or communicate information that would violate § 1.2105(c) or the limited information procedures adopted for Auction 103. An applicant seeking to submit, outside of the Auction Application System, information that might reflect non-public information, such as an applicant's PEA selection(s), upfront

payment amount, or bidding eligibility, should consider including in its email a request that the filing or portions of the filing be withheld from public inspection until the end of the prohibition of certain communications.

99. Questions about FCC Form 175 amendments should be directed to the Auctions Division at (202) 418-0660.

III. Preparing for Bidding in Auction 103

A. Due Diligence

100. Each potential bidder is solely responsible for investigating and evaluating all technical and marketplace factors that may have a bearing on the value of the licenses that it is seeking in Auction 103. The Commission makes no representations or warranties about the use of this spectrum or these licenses for particular services. Each applicant should be aware that a Commission auction represents an opportunity to become a Commission licensee, subject to certain conditions and regulations. This includes the established authority of the Commission to alter the terms of existing licenses by rulemaking, which is equally applicable to licenses awarded by auction. A Commission auction does not constitute an endorsement by the Commission of any particular service, technology, or product, nor does a Commission license constitute a guarantee of business success.

101. An applicant should perform its due diligence research and analysis before proceeding, as it would with any new business venture. Each potential bidder should perform technical analyses and/or refresh its previous analyses to assure itself that, should it become a winning bidder for any Auction 103 license, it will be able to build and operate facilities that will fully comply with all applicable technical and legal requirements. Each applicant should inspect any prospective sites for communications facilities located in, or near, the geographic area for which it plans to bid, confirm the availability of such sites, and familiarize itself with the Commission's rules regarding the National Environmental Policy Act.

102. Each applicant in Auction 103 should continue to conduct its own research throughout the auction to determine the existence of pending or future administrative or judicial proceedings that might affect its decision on continued participation in the auction. Each applicant is responsible for assessing the likelihood of the various possible outcomes and for considering the potential impact on

licenses available in an auction. The due diligence considerations mentioned in the document do not constitute an exhaustive list of steps that should be undertaken prior to participating in Auction 103. The burden is on the potential bidder to determine how much research to undertake, depending upon the specific facts and circumstances related to its interests.

103. Applicants are solely responsible for identifying associated risks and for investigating and evaluating the degree to which such matters may affect their ability to bid on, otherwise acquire, or make use of the licenses available in Auction 103. Each potential bidder is responsible for undertaking research to ensure that any licenses won in the auction will be suitable for its business plans and needs. Each potential bidder must undertake its own assessment of the relevance and importance of information gathered as part of its due diligence efforts.

104. The Commission makes no representations or guarantees regarding the accuracy or completeness of information in its databases or any third-party databases, including, for example, court docketing systems. To the extent the Commission's databases may not include all information deemed necessary or desirable by an applicant, it must obtain or verify such information from independent sources or assume the risk of any incompleteness or inaccuracy in said databases. Furthermore, the Commission makes no representations or guarantees regarding the accuracy or completeness of information that has been provided by incumbent licensees and incorporated into its databases.

B. Licensing Considerations

1. Incumbency and Sharing Issues

105. Potential applicants in Auction 103 should consider carefully the operations of incumbent licensees currently in the 39 GHz band when developing business plans, assessing market conditions, and evaluating the availability of equipment for mmW services. Each applicant should follow closely releases from the Commission concerning these issues and consider carefully the technical and economic implications for commercial use of the UMFUS bands.

106. Potential applicants in Auction 103 should consider carefully the implications of the Commission's sharing schemes for the Upper 37 GHz band. This includes satellite/terrestrial sharing in the Upper 37 GHz, 39 GHz, and 47 GHz bands. Licensees operating in the Upper 37 GHz band near specific

Federal sites must coordinate with those Federal operations. The Commission established a coordination process to accommodate the military's potential need for additional sites in the Upper 37 GHz band, while protecting the interests of non-Federal licensees.

2. International Coordination

107. Potential bidders seeking licenses for geographic areas adjacent to the Canadian and Mexican border should be aware that the use of some or all of the upper microwave frequencies they acquire in Auction 103 are subject to international agreements with Canada and Mexico. The Commission routinely works with the United States Department of State and Canadian and Mexican government officials to ensure the efficient use of the spectrum as well as interference-free operations in the border areas near Canada and Mexico. Until such time as any adjusted agreements, as needed, between the United States, Mexico and/or Canada can be agreed to, operations in the upper microwave bands must not cause harmful interference across the border, consistent with the terms of the agreements currently in force.

3. Environmental Review Requirements

108. Licensees must comply with the Commission's rules regarding implementation of the National Environmental Policy Act (NEPA), the National Historic Preservation Act (NHPA), and other environmental statutes. Licensees and other applicants that propose to build certain types of communications facilities for licensed service must follow Commission procedures implementing obligations under NEPA and NHPA prior to constructing the facilities. Under NEPA, a licensee or applicant must assess if certain environmentally sensitive conditions specified in the Commission's rules are relevant to the proposed facilities and prepare an environmental assessment (EA) when applicable. If an EA is required, facilities may not be constructed until environmental processing is completed. Under the NHPA, a licensee or applicant must follow the procedures in § 1.1320 of the Commission's rules, the *Nationwide Programmatic Agreement Regarding the Section 106 National Historic Preservation Act Review Process*, and the *Nationwide Programmatic Agreement for the Collocation of Wireless Antennas*. Compliance with section 106 of the NHPA requires tribal consultation, and if construction of the communications facilities would have adverse effects on

historic or tribally significant properties, an EA must be prepared.

4. Mobile Spectrum Holdings Policies

109. Bidders should be aware of the Commission's mobile spectrum holding policies applicable to the mmW bands. For purposes of reviewing proposed secondary market transactions, the Commission adopted a threshold of 1850 megahertz of combined mmW spectrum in the 24 GHz, 28 GHz, 37 GHz, 39 GHz, and 47 GHz bands. The Commission will conduct an *ex post* case-by-case review of the acquisition through auction of spectrum in the UMFUS bands. The Commission found that it is in the public interest to review applications for initial licenses filed post-auction on a case-by-case basis using the same 1850 megahertz threshold it uses for reviewing applications for secondary market transactions.

C. Bidder Education

110. Before the opening of the short-form filing window for Auction 103 on August 26, 2019, detailed educational information will be provided in various formats to would-be participants on the Auction 103 web page. The Commission has directed the Office of Economics and Analytics (Office) to provide various materials on the pre-bidding processes in advance of the opening of the short-form application window, beginning with the release of step-by-step instructions for completing the FCC Form 175. The Office will also provide an online application procedures tutorial for the auction covering information on pre-bidding preparation, completing short-form applications, and the application review process.

111. In advance of the start of the mock auction, the Office will provide educational materials on the bidding processes for Auction 103, beginning with release of a user guide for the bidding system and bidding system file formats, followed by an online bidding procedures tutorial. The educational materials shall be released as soon as reasonably possible to provide potential applicants and bidders with time to understand them and ask any questions before having to make material decisions about their participation in the auction.

112. Parties interested in participating in Auction 103 will find the interactive, online tutorials an efficient and effective way to further their understanding of the application and bidding processes. The online tutorials will allow viewers to navigate the presentation outline, review written notes, listen to audio of the notes, and search for topics using a

text search function. Additional features of this web-based tool include links to auction-specific Commission releases, email links for contacting Commission staff, and screen shots of the online application and bidding systems. The online tutorials will be accessible in the Education section of the Auction 103 website at www.fcc.gov/auction/103. Once posted, the tutorials will be accessible anytime.

D. Short-Form Applications: Due Before 6:00 p.m. ET on September 9, 2019

113. In order to be eligible to bid in Auction 103, an applicant must first follow the procedures to submit a short-form application (FCC Form 175) electronically via the Auction Application System, following the instructions set forth in the FCC Form 175 Instructions. The short-form application will become available with the opening of the initial filing window and must be submitted prior to 6:00 p.m. ET on September 9, 2019. Late applications will not be accepted. No application fee is required.

114. Applications may be filed at any time beginning at noon ET on August 26, 2019, until the filing window closes at 6:00 p.m. ET on September 9, 2019. Applicants should file early and are responsible for allowing adequate time for filing their applications. There are no limits or restrictions on the number of times an application can be updated or amended until the initial filing deadline on September 9, 2019.

115. An applicant must always click on the CERTIFY & SUBMIT button on the "Certify & Submit" screen to successfully submit its FCC Form 175 and any modifications; otherwise, the application or changes to the application will not be received or reviewed by Commission staff. Additional information about accessing, completing, and viewing the FCC Form 175 is provided in the FCC Form 175 Instructions. Applicants requiring technical assistance should contact FCC Auctions Technical Support at (877) 480-3201, option nine; (202) 414-1250; or (202) 414-1255 (text telephone (TTY)); hours of service are Monday through Friday, from 8:00 a.m. to 6:00 p.m. ET. All calls to Technical Support are recorded.

E. Application Processing and Minor Modifications

1. Public Notice of Applicant's Initial Application Status and Opportunity for Minor Modifications

116. After the deadline for filing auction applications, the Commission will process all timely submitted

applications to determine whether each applicant has complied with the application requirements and provided all information concerning its qualifications for bidding. The Office will issue a public notice with applicants' initial application status identifying (1) those that are complete and (2) those that are incomplete or deficient because of defects that may be corrected. The public notice will include the deadline for resubmitting corrected applications, and a paper copy will be sent to the contact address listed in the FCC Form 175 for each applicant by overnight delivery. In addition, each applicant with an incomplete application will be sent information on the nature of the deficiencies in its application, along with the name and phone number of a Commission staff member who can answer questions specific to the application.

117. After the initial application filing deadline on September 9, 2019, applicants can make only minor modifications to their applications. Major modifications (e.g., change of license or PEA selection, certain changes in ownership that would constitute an assignment or transfer of control of the applicant, change in the required certifications, change in applicant's legal classification that results in a change in control, or change in claimed eligibility for a higher percentage of bidding credit) will not be permitted. After the deadline for resubmitting corrected applications, an applicant will have no further opportunity to cure any deficiencies in its application or provide any additional information that may affect Commission staff's ultimate determination of whether and to what extent the applicant is qualified to participate in Auction 103.

118. Commission staff will communicate only with an applicant's contact person or certifying official, as designated on the applicant's FCC Form 175, unless the applicant's certifying official or contact person notifies Commission staff in writing that another representative is authorized to speak on the applicant's behalf. Authorizations may be sent by email to auction103@fcc.gov.

2. Public Notice of Applicant's Final Application Status After Upfront Payment Deadline

119. After Commission staff review resubmitted applications, the Office will release a public notice identifying applicants that have become qualified bidders for that auction. A *Qualified Bidders Public Notice* will be issued before bidding in the auction begins.

Qualified bidders are those applicants with submitted FCC Form 175 applications that are deemed timely filed and complete.

F. Upfront Payments

120. In order to be eligible to bid in Auction 103, a sufficient upfront payment and a complete and accurate FCC Remittance Advice Form (FCC Form 159, Revised 2/03) must be submitted before 6:00 p.m. ET on October 22, 2019. After completing its short-form application, an applicant will have access to an electronic pre-filled version of the FCC Form 159. An accurate and complete FCC Form 159 must accompany each payment. Proper completion of this form is critical to ensuring correct crediting of upfront payments. Payers using the pre-filled FCC Form 159 are responsible for ensuring that all the information on the form, including payment amounts, is accurate.

1. Making Upfront Payments by Wire Transfer for Auction 103

121. Upfront payments for Auction 103 must be wired to, and will be deposited in, the U.S. Treasury. Wire transfer payments for Auction 103 must be received before 6:00 p.m. ET on October 22, 2019. An applicant must initiate the wire transfer through its bank, authorizing the bank to wire funds from the applicant's account to the proper account at the U.S. Treasury. No other payment method is acceptable. To avoid untimely payments, applicants should discuss arrangements (including bank closing schedules and other specific bank wire transfer requirements, such as an in-person written request before a specified time of day) with their bankers several days before they plan to make the wire transfer, and must allow sufficient time for the transfer to be initiated and completed before the deadline. The information needed to place an order for a wire transfer is set forth in the document.

122. At least one hour before placing the order for the wire transfer (but on the same business day), applicants must print and fax a completed FCC Form 159 (Revised 2/03) to the FCC at (202) 418-2843. Alternatively, the completed form can be scanned and sent as an attachment to an email to RROGWireFaxes@fcc.gov. On the fax cover sheet or in the email subject header, write "Wire Transfer—Auction Payment for Auction 103". To meet the upfront payment deadline, an applicant's payment must be credited to the Commission's account for Auction 103 before the deadline.

123. Each applicant is responsible for ensuring timely submission of its upfront payment and for timely filing of an accurate and complete FCC Form 159. An applicant should coordinate with its financial institution well ahead of the due date regarding its wire transfer and allow sufficient time for the transfer to be initiated and completed prior to the deadline. The Commission repeatedly has cautioned auction participants about the importance of planning ahead to prepare for unforeseen last-minute difficulties in making payments by wire transfer. Each applicant also is responsible for obtaining confirmation from its financial institution that its wire transfer to the U.S. Treasury was successful and from Commission staff that its upfront payment was timely received and that it was deposited into the proper account. To receive confirmation from Commission staff, contact Scott Radcliffe of the Office of Managing Director's Revenue & Receivables Operations Group/Auctions at (202) 418-7518, Theresa Meeks at (202) 418-2945, or Gail Glasser at (202) 418-0578.

124. All payments must be made in U.S. dollars. All payments must be made by wire transfer. Upfront payments for Auction 103 go to an account number different from the accounts used in previous FCC auctions.

125. Failure to deliver a sufficient upfront payment as instructed by the upfront payment deadline will result in dismissal of the short-form application and disqualification from participation in the auction.

2. Completing and Submitting FCC Form 159

126. Information that supplements the standard instructions for FCC Form 159 (Revised 2/03) is provided to help ensure correct completion of FCC Form 159 for upfront payments for Auction 103. Applicants need to complete FCC Form 159 carefully because mistakes may affect bidding eligibility and the lack of consistency between information provided in FCC Form 159 (Revised 2/03), FCC Form 175, long-form application, and correspondence about an application may cause processing delays.

3. Upfront Payments and Bidding Eligibility

127. The Commission has authority to determine appropriate upfront payments for each license being auctioned, taking into account such factors as the efficiency of the auction process and the potential value of similar licenses. An upfront payment is

a refundable deposit made by each applicant seeking to participate in bidding to establish its eligibility to bid on licenses. Upfront payments that are related to the inventory of licenses being auctioned protect against frivolous or insincere bidding and provide the Commission with a source of funds from which to collect payments owed at the close of bidding.

128. Applicants that are former defaulters must pay upfront payments 50% greater than non-former defaulters. For purposes of this classification as a former defaulter or a former delinquent, defaults and delinquencies of the applicant itself and its controlling interests are included.

129. An applicant must make an upfront payment sufficient to obtain bidding eligibility on the generic blocks on which it will bid. Upfront payments are based on MHz-pops, and the amount of the upfront payment submitted by an applicant will determine its initial bidding eligibility, the maximum number of bidding units on which a bidder may place bids in any single round. In order to bid for a block, qualified bidders must have a current eligibility level that meets or exceeds the number of bidding units assigned to that generic block in a PEA. At a minimum, an applicant's total upfront payment must be enough to establish eligibility to bid on at least one block in one of the PEAs selected on its FCC Form 175 for Auction 103, or else the applicant will not be eligible to participate in the auction. The total upfront payment does not affect the total dollar amount the bidder may bid.

130. The Commission adopts upfront payments for a generic block in a PEA based on \$0.00025 per weighted MHz-pop for PEAs 1–50, \$0.00005 per weighted MHz-pop for PEAs 51–100, and \$0.00025 per weighted MHz-pop in other PEAs, with a minimum upfront payment amount of \$250 per generic block in a PEA. The upfront payment amount per block in each PEA is set forth in Attachment A of the document, available at www.fcc.gov/auction/103/. The upfront payment amounts are approximately one-fourth the minimum opening bid amounts.

131. The Commission will assign each generic block in a PEA a specific number of bidding units, equal to one bidding unit per \$10 of the upfront payment. The number of bidding units for a given license or generic block in a PEA is fixed and does not change during an auction as prices change. Thus, in calculating its upfront payment amount, an applicant should determine the maximum number of bidding units on which it may wish to bid in any

single round and submit an upfront payment amount for that auction covering that number of bidding units. In order to make this calculation, an applicant should add together the bidding units for the number of blocks in PEAs on which it seeks to be active in any given round. Applicants should check their calculations carefully, as there is no provision for increasing a bidder's eligibility after the upfront payment deadline.

132. If an applicant is a former defaulter, it must calculate its upfront payment for all of its selected generic blocks in PEAs by multiplying the number of bidding units on which it wishes to be active by 1.5. In order to calculate the number of bidding units to assign to former defaulters, the Commission will divide the upfront payment received by 1.5 and round the result up to the nearest bidding unit.

G. Auction Registration

133. All qualified bidders for Auction 103 are automatically registered for the auction. Registration materials will be distributed prior to the auction by overnight delivery. The mailing will be sent only to the contact person at the contact address listed in the FCC Form 175 and will include the SecurID® tokens that will be required to place bids and the Auction Bidder Line phone number.

134. Qualified bidders that do not receive this registration mailing will not be able to submit bids. Therefore, any qualified bidder for Auction 103 that has not received this mailing by noon on November 27, 2019, should call the Auctions Hotline at (717) 338-2868. Receipt of this registration mailing is critical to participating in the auction, and each applicant is responsible for ensuring it has received all the registration materials.

135. If SecurID® tokens are lost or damaged, only a person who has been designated as an authorized bidder, the contact person, or the certifying official on the applicant's short-form application may request replacements. To request replacement of these items, call the Auction Bidder Line at the telephone number provided in the registration materials or the Auction Hotline at (717) 338-2868.

H. Remote Electronic Bidding via the FCC Auction Bidding System

136. Bidders will be able to participate in Auction 103 over the internet using the FCC Auction Bidding System (bidding system). Only qualified bidders are permitted to bid. Each authorized bidder must have his or her own SecurID® token, which the

Commission will provide at no charge. Each applicant with one authorized bidder will be issued two SecurID® tokens, while applicants with two or three authorized bidders will be issued three tokens. A bidder cannot bid without his or her SecurID tokens. For security purposes, the SecurID® tokens and a telephone number for bidding questions are only mailed to the contact person at the contact address listed on the FCC Form 175. Each SecurID® token is tailored to a specific auction. SecurID® tokens issued for other auctions or obtained from a source other than the FCC will not work for Auction 103. The SecurID® tokens can be recycled, and the Commission encourages bidders to return the tokens to the FCC. Pre-addressed envelopes will be provided to return the tokens once the auction has ended.

137. The Commission makes no warranties whatsoever and shall not be deemed to have made any warranties, with respect to the bidding system, including any implied warranties of merchantability or fitness for a particular purpose. In no event shall the Commission, or any of its officers, employees, or agents, be liable for any damages whatsoever (including, but not limited to, loss of business profits, business interruption, loss of use, revenue, or business information, or any other direct, indirect, or consequential damages) arising out of or relating to the existence, furnishing, functioning, or use of the bidding system. Moreover, no obligation or liability will arise out of the Commission's technical, programming, or other advice or service provided in connection with the bidding system.

138. To the extent an issue arises with the bidding system itself, the Commission will take all appropriate measures to resolve such issues quickly and equitably. Should an issue arise that is outside the bidding system or attributable to a bidder, including, but not limited to, a bidder's hardware, software, or internet access problem that prevents the bidder from submitting a bid prior to the end of a round, the Commission shall have no obligation to resolve or remediate such an issue on behalf of the bidder. Similarly, if an issue arises due to bidder error using the bidding system, the Commission shall have no obligation to resolve or remediate such an issue on behalf of the bidder. Accordingly, after the close of a bidding round, the results of bid processing will not be altered absent evidence of any failure in the bidding system.

I. Mock Auction

139. All qualified bidders will be eligible to participate in a mock auction for the clock phase, which will begin during the week of December 2, 2019. The mock auction will enable qualified bidders to become familiar with the bidding system and to practice submitting bids prior to the auction. All qualified bidders, including all their authorized bidders, should participate to assure that they can log in to the bidding system and gain experience with the bidding procedures. Participating in the mock auction may reduce the likelihood of a bidder making a mistake during the auction. Details regarding the mock auction will be announced in the *Qualified Bidders Public Notice*.

140. After the clock phase of the auction concludes, a separate mock auction for the assignment phase will be held for those qualified bidders that won generic blocks in the clock phase.

J. Fraud Alert

141. As is the case with many business investment opportunities, some unscrupulous entrepreneurs may attempt to use Auction 103 to deceive and defraud unsuspecting investors. Common warning signals of fraud include the following:

- The first contact is a "cold call" from a telemarketer or is made in response to an inquiry prompted by a radio or television infomercial.
- The offering materials used to invest in the venture appear to be targeted at IRA funds, for example, by including all documents and papers needed for the transfer of funds maintained in IRA accounts.
- The amount of investment is less than \$25,000.
- The sales representative makes verbal representations that (a) the Internal Revenue Service, Federal Trade Commission (FTC), Securities and Exchange Commission (SEC), FCC, or other government agency has approved the investment; (b) the investment is not subject to state or federal securities laws; or (c) the investment will yield unrealistically high short-term profits. In addition, the offering materials often include copies of actual FCC releases, or quotes from FCC personnel, giving the appearance of FCC knowledge or approval of the solicitation.

142. Information about deceptive telemarketing investment schemes is available from the FCC as well as the FTC and SEC. Additional sources of information for potential bidders and investors may be obtained from the following sources:

- The FCC's Consumer Call Center at (888) 225-5322 or by visiting www.fcc.gov/general/frauds-scams-and-alerts-guides.

- the FTC at (877) FTC-HELP ((877) 382-4357) or by visiting <http://ftc.gov/bcp/edu/pubs/consumer/invest/inv03.shtm>.

- the SEC at (202) 942-7040 or by visiting <https://www.sec.gov/investor>.

143. Complaints about specific deceptive telemarketing investment schemes should be directed to the FTC, the SEC, or the National Fraud Information Center at (202) 835-0618.

IV. Bidding in Auction 103

A. Auction Structure

1. Clock and Assignment Phases

144. Auction 103 will use an ascending clock auction design with two phases. In the first phase of the auction—the clock phase—bidders will indicate their demands for a number of generic license blocks in specific categories and geographic areas (*i.e.*, PEAs). In the second phase—the assignment phase—winning clock-phase bidders will have the opportunity to bid for their preferred combinations of frequency-specific licenses, consistent with their clock-phase winnings, in a series of single sealed-bid rounds conducted by PEA or, in some cases, PEA group.

145. The Office, in conjunction with the Wireless Telecommunications (Bureau) has prepared and released updated technical guides that provide the mathematical details of the adopted auction design and algorithms for the clock and assignment phases of Auction 103. The guides may be found on the Commission's website at www.fcc.gov/auction/103.

2. Generic Blocks and Bidding Categories

146. In the clock phase, the Commission will conduct bidding for two categories of generic blocks in all PEAs. The first category will consist of the available blocks in 37.6–40 GHz. This category, designated Category M/N, will comprise a total of 24 blocks: 10 in the Upper 37 GHz band (Blocks M1–M10) and 14 in the 39 GHz band (Blocks N1–N14). Fewer generic blocks may be available in Category M/N in some PEAs depending on whether incumbents submit Initial Commitment(s) to accept modified licenses for full or partial PEAs (Option 1 or Option 2). A second category, Category P, will consist of the 10 blocks in 47.2–48.2 GHz (Blocks P1–P10). The final auction inventory will be announced on August 23, 2019, after the deadline for submitting Initial

Commitments. Bidding in the auction will determine a single final clock phase price for the generic blocks in each category in each PEA.

147. Frequency block assignments for any licensee—whether an incumbent electing to receive modified licenses or an incumbent relinquishing licenses and participating in this auction—will be made in the assignment phase using the entire 37.6–40 GHz band as a single contiguous swath of spectrum. Incumbents that do not bid in the auction and instead receive modified licenses may, under certain circumstances, be assigned frequencies not subject to site-specific Federal coordination, however. For incumbents choosing to receive modified licenses instead of bidding in Auction 103, their existing licenses will be modified in accordance with the Commission's Section 316 authority. To the extent that an incumbent can demonstrate that the assignment of frequencies where Federal coordination is required pursuant to the specific coordination sites listed under § 30.205 of the Commission's rules would fundamentally change the nature of operations authorized under its license, it may be eligible for a waiver seeking assurance that its modified licenses will be assigned to frequencies not subject to Federal coordination. The Commission anticipates that granting relief will only be necessary in those circumstances in which the petitioner can provide a specific explanation of why Federal coordination in a particular geographic area would hamper its existing operations in such a way as to effect a fundamental change in the incumbent's spectrum usage rights. Conclusory assertions that an incumbent will be harmed by frequency assignments in the PEAs in which coordination zones exist will not be sufficient.

148. The Commission has directed the Bureau to address any such waiver petitions expediently to ensure the auction process can move forward. To facilitate expedient action by the Bureau, incumbents seeking this type of waiver must file a request no later than 11:59 p.m. ET on August 16, 2019, the day after the Initial Commitment deadline, by submitting the request—along with a request for confidential treatment—via email to 39ghzreconfiguration@fcc.gov.

3. Incentive Payments

149. The final clock phase price for a generic license block in Category M/N in a given PEA will determine the incentive payment associated with 100 megahertz of relinquished spectrum rights in that PEA. An incumbent that

relinquishes a partial license will be entitled to an incentive payment equal to the final clock phase price for a Category M/N block times the fraction of its relinquished rights, measured in weighted MHz-pops, relative to the full number of weighted MHz-pops in the PEA.

150. An incumbent that both relinquishes holdings equivalent to a full block of spectrum rights in Category M/N in a PEA and wins a generic block in the category in the same PEA will, in effect, receive an incentive payment credit equal to the final clock phase price and incur an obligation in the same amount, for a net clock phase payment of zero. If an incumbent chooses to bid for specific frequencies in the assignment phase, the incumbent will be obligated for any additional payment.

151. An incumbent that is eligible for bidding credits and that both relinquishes spectrum and bids for new licenses will receive a bidding credit discount only on its net cash payment for new licenses.

4. Net Revenue Requirement

152. The Commission will consider bids on licenses in the Upper 37 GHz, 39 GHz, and 47 GHz bands in determining whether net revenues are sufficient to cover incentive payments to incumbents. The Commission will consider only clock phase bids, net of an estimate of bidding credit discounts, in determining whether the requirement is met. The Commission will make available to bidders an estimate of the current shortfall for meeting the net revenue requirement, updated after each round of bidding, until the requirement is met. The Commission will indicate whether the requirement has been met on the Public Reporting System (PRS).

153. The revenue estimate that the bidding system considers and the shortfall figure the Commission makes available before the net revenue requirement has been met will be conservative estimates. It will not be known whether the clock phase winners will be designated entities that can claim a bidding credit until the clock phase bidding has ended. Consequently, the revenue estimate that is used to calculate the shortfall for rounds before the net revenue requirement has been met will assume, for a category in a PEA with excess demand, that blocks are won by the bidders with the highest bidding credit percentages, to the extent that designated entities are among the bidders still demanding blocks in the category in the PEA. This includes a check to consider bidding credit caps. In so doing, the Commission avoids a

potential situation whereby the net revenue requirement appears to be met, but then actual net revenues are insufficient to cover incentive payments when bidding credits are considered. If the net revenue requirement has not been met after a round, the estimated shortfall will be calculated as the incentive payments across all incumbents after the round minus the revenue estimate across all categories and PEAs, rounded up to the nearest \$1 million.

154. If the net revenue requirement has been satisfied at the time that the clock phase bidding stops for both categories of blocks, the bidding system will determine the winning bidders of generic blocks, and the auction will proceed to the assignment phase. If the net revenue requirement has not been satisfied at the time bidding stops in the clock phase, the auction will end, and no new licenses will be assigned. Incumbents in the 39 GHz band will retain their original licenses pending further decisions by the Commission.

5. FCC Auction Bidding System

155. The Commission will conduct Auction 103 over the internet using the bidding system. Bidders will have the option of placing bids by telephone through a dedicated auction bidder line. There will be no on-site bidding during Auction 103. Telephonic bid assistants are required to use a script when entering bids placed by telephone. Telephonic bidders are therefore reminded to allow sufficient time to bid by placing their calls well in advance of the close of a round. The length of a call to place a telephonic bid may vary, but allow a minimum of 10 minutes. The toll-free telephone number for the auction bidder line will be provided to qualified bidders prior to the start of bidding in the auction.

156. In order to access the bidding function of the bidding system, bidders must be logged in during the bidding round using the passcode generated by the SecurID® token and a personal identification number (PIN) created by the bidder. Bidders are strongly encouraged to print a bid summary for each round after they have completed all their activity for that round.

157. An Auction 103 bidder's ability to bid on generic license blocks in specific PEAs is determined by two factors: (1) The PEA(s) selected on the bidder's FCC Form 175 and (2) the bidder's eligibility. The bid submission screens will allow bidders to submit bids only on blocks in the PEA(s) the bidder selected on its FCC Form 175.

158. In the first round of the clock phase, an eligible bidder will indicate

how many blocks in a bidding category in a PEA it demands at the minimum opening bid price. A bidder must have sufficient eligibility to place a bid on the particular license block(s). In each subsequent round, an eligible bidder will be able to express its demand for blocks in a category in a specific PEA at the clock price or at a price between the previous round's price and the new clock price. The bidding system also includes an upload function that allows bid files in the CSV format to be uploaded.

159. During each round of the clock phase, a bidder may also remove bids placed in the current bidding round. If a bidder modifies its bids for blocks in a category in a PEA in a round, the system takes the last bid submission as that bidder's bid for the round.

160. After the clock phase concludes but before bidding begins in the assignment phase, the bidding system will provide to each clock phase winner a menu of assignment phase bidding options consisting of possible configurations of frequency-specific licenses on which it can bid in each category in each PEA in which it holds winning clock phase bids. A bidder can assign a price using a sealed bid to one or more possible frequency assignment options for which it wishes to express a preference, consistent with its winning bids for generic blocks in the clock phase. Participation in the assignment phase is voluntary. Incumbents that submit an Initial Commitment to accept modified licenses will have frequencies assigned in the assignment phase but will not be eligible to bid for frequency assignment options.

6. Stopping Rule

161. The Commission will use a simultaneous stopping rule for the clock phase of Auction 103, under which all categories of blocks in all PEAs will remain available for bidding until the bidding stops on every category in every PEA. The clock phase of bidding will close for all categories of blocks in all PEAs after the first round in which there is no excess demand in any category in any PEA. Bidding will remain open on all categories of licenses in all PEAs until bidding stops on every category. Consequently, it is not possible to determine in advance how long the bidding in Auction 103 will last.

162. The assignment phase of Auction 103 will close after frequency-specific licenses in all PEAs have been assigned.

7. Availability of Bidding Information

163. The Commission will make public after each round of the clock

phase of Auction 103, for each category of blocks in each PEA: The supply; the aggregate demand; the posted price of the last completed round; and the clock price for the next round. The identities of bidders demanding blocks in a specific category or PEA will not be disclosed until after Auction 103 concludes (*i.e.*, after the close of bidding in the assignment phase).

164. Each bidder will have access to additional information related to its own bidding and bid eligibility. After the bids of a round have been processed, the bidding system will inform each bidder of the number of blocks it holds after the round (its processed demand) for every category and PEA, its eligibility for the next round, and the value of the potential incentive payment.

165. After the clock phase concludes but before bidding begins in the assignment phase, the bidding system will provide to each assignment phase bidder a menu of bidding options consisting of possible configurations of frequency-specific licenses on which it can bid in each category in each PEA in which it holds winning clock-phase bids. These bidding options will be consistent with the bidder's clock-phase winnings. The bidding system will also announce the order in which assignment rounds will take place and indicate which PEAs will be grouped together for bidding. The bidding system will provide clock phase winning bidders with this information as soon as possible and will announce a schedule of assignment phase rounds that will commence no sooner than five business days later.

166. After each assignment round, the bidding system will inform each bidder of its own assignment and assignment payment for each PEA or PEA group assigned in the round. The bidding system will also provide each bidder with its current total payment (gross and net) for the PEAs for which an assignment round has already completed, as well as its corresponding capped and uncapped bidding credit discounts. This information, together with the total of any incentive payments from the clock phase, will provide the bidder a running estimate during the assignment rounds of the dollar amount it will owe or receive as a net incentive payment at the end of the auction.

8. Auction Delay, Suspension, or Cancellation

167. At any time before or during the bidding process, the Office, in conjunction with the Bureau, may delay, suspend, or cancel bidding in Auction 103 in the event of a natural

disaster, technical obstacle, network interruption, administrative or weather necessity, evidence of an auction security breach or unlawful bidding activity, or for any other reason that affects the fair and efficient conduct of competitive bidding. The Office will notify participants of any such delay, suspension, or cancellation by public notice and/or through the bidding system's announcement function. If the bidding is delayed or suspended, the Office may, in its sole discretion, elect to resume the auction starting from the beginning of the current round or from some previous round, or cancel the auction in its entirety. The Office and Bureau will exercise this authority at their discretion.

B. Clock Phase Bid Collection and Bid Processing Procedures

1. Round Structure

168. The Commission will conduct the clock phase of Auction 103 in a series of rounds, with bidding conducted simultaneously for all spectrum blocks available in the auction. During the clock phase, the bidding system will announce clock prices for blocks in each category in each geographic area, and qualified bidders will submit quantity bids for the number of blocks they seek. Bidding rounds will be open for predetermined periods of time, during which bidders will indicate their demands for blocks at the prices associated with the current round. The round's clock price is the highest price associated with the round. The lowest price associated with a round is the posted price of the previous round. Bidders will be subject to activity and eligibility rules that govern the pace at which they participate in the auction.

169. In each geographic area, the clock price for a category of generic blocks will increase from round to round if bidders indicate aggregate demand that exceeds the number of blocks available in the category. The clock rounds will continue until, for all categories of blocks in all geographic areas, the number of blocks demanded does not exceed the supply of available blocks. At that point, those bidders indicating demand in a category in a PEA at the final clock phase price will be deemed winning bidders.

170. The initial bidding schedule will be announced in a public notice to be released at least one week before the start of bidding. The bidding schedule may be changed to foster an auction pace that reasonably balances speed with the bidders' need to study round results and adjust their bidding

strategies. Such changes may include the amount of time for bidding rounds, the amount of time between rounds, or the numbers of rounds per day, depending upon bidding activity and other factors. Any changes to the bidding schedule will be announced several rounds before the change occurs.

2. Eligibility and Activity Rule

171. Bidders are required to maintain a minimum, high level of activity in each clock round in order to maintain bidding eligibility, which will help ensure that the auction moves quickly and promote a sound price discovery process. The activity requirement is between 90 and 100% of a bidder's bidding eligibility in all clock rounds. The initial activity requirement is 95%. Failure to maintain the requisite activity level will result in a reduction in the bidder's eligibility, possibly curtailing or eliminating the bidder's ability to place additional bids in the auction.

172. Upfront payments will be used to determine initial (maximum) eligibility in terms of bidding units. Each spectrum block in a PEA will be assigned a specific number of bidding units based on the number of weighted MHz-pops in the PEA. Each block available in a PEA will have the same number of bidding units. A bidder's upfront payment will determine the maximum number of blocks as measured by their associated bidding units that a bidder can demand at the start of the auction.

173. The activity rule will be satisfied when a bidder has bidding activity on blocks with bidding units that total at least the activity requirement (set between 90 and 100%) of its eligibility in the round. If the activity rule is met, then the bidder's eligibility will not change in the next round. Bidding eligibility will be reduced as the auction progresses if a bidder does not meet the activity requirement.

174. A bidder's activity in a round for purposes of the activity rule will be the sum of the bidding units associated with the bidder's processed demands, which may not be equal to its submitted demands. For instance, if a bidder requests a reduction in the quantity of blocks it demands in a category, but the bidding system does not accept the request because demand for the category would fall below the available supply, the bidder's activity will reflect its unreduced demand.

175. Bidders are required to indicate their demands in every round, even if their demands at the new round's prices are unchanged from the previous round. Missing bids—bids that are not reconfirmed—are treated by the bidding

system as requests to reduce to a quantity of zero blocks for the category. If these requests are applied, or applied partially, a bidder's bidding activity, and hence its bidding eligibility for the next round, will be reduced.

176. The Office will retain the discretion to change the activity requirement before and/or during the auction within the 90–100% range, as circumstances warrant. Any changes to the activity requirement will be announced in advance via the bidding system, giving bidders sufficient notice to adjust their bidding strategies if needed.

177. The Commission will not provide for activity rule waivers to preserve a bidder's eligibility in the event that its bidding activity does not meet the activity requirement in a round.

3. Acceptable Bid Amounts

a. Reserve Price or Minimum Opening Bids

178. The Commission establishes minimum opening bid amounts for Auction 103. In Round 1 of the clock phase, a bidder will indicate how many blocks in a bidding category in a PEA it demands at the minimum opening bid price. The bidding system will not accept bids lower than these amounts.

179. Minimum opening bid amounts will be calculated using a formula based on 100 megahertz of bandwidth and license area population, weighted using an index of relative prices from past auctions. For PEAs 1–50, minimum opening bid amounts are based on \$0.001 per MHz-pop; for PEAs 51–100, minimum opening bid amounts are based on \$0.0002 per MHz-pop; and for all other PEAs, minimum opening bid amounts are based on \$0.0001 per MHz-pop, with a minimum of \$1,000. The minimum opening bid amount per block in each PEA is set forth in a separate Attachment A of the document, available at www.fcc.gov/auction/103/.

b. Clock Price Increments

180. After bidding in the first round and before each later round, the bidding system will announce a clock price for the next round, which is the highest price to which bidders can respond during the round. For each round, the bidding system will set the clock price for each category in each PEA by adding a fixed percentage increment to the posted price for the previous round. As long as aggregate demand for blocks in a category exceeds the supply of blocks, the percentage increment will be added to the clock price from the prior round. If demand equaled supply at an intra-

round bid price in a previous round, then the clock price for the next round will be set by adding the percentage increment to the intra-round bid price.

181. The initial increment will be set at 10%. The Office may adjust the increment as rounds continue, and if it does so, it will provide advance notice to bidders. The 5%–20% increment range will allow the Office to set a percentage that manages the auction pace, taking into account bidders' needs to evaluate their bidding strategies while moving the auction along quickly.

c. Intra-Round Bids

182. A bidder may make intra-round bids by indicating a price between the previous round's posted price and the new clock price at which its demand for blocks in a category in a PEA changes. In placing an intra-round bid, a bidder will indicate a specific price and a quantity of blocks it demands if the price for blocks in the category in the PEA should increase beyond that price.

183. Intra-round bids are optional; a bidder may choose to express its demands only at the clock prices.

184. Intra-round bidding allows the bidding system to use relatively large clock increments, thereby speeding the clock phase, without running the risk that a jump in the clock price will overshoot the market clearing price—the point at which demand for blocks equals the available supply.

d. Bid Removal and Bid Withdrawal

185. The bidding system allows a bidder to remove any of the bids it placed in a round before the close of that round. By removing a bid placed within a round, a bidder effectively “unsubmits” the bid. A bidder removing a bid placed in the same round is not subject to withdrawal payments. Removing a bid will affect a bidder's activity because a removed bid no longer counts toward bidding activity for the round. Once a round closes, a bidder may no longer remove a bid.

186. Bid withdrawals, analogous to withdrawals of provisionally winning bids in an SMR auction, are not available in Auction 103. However, bidders in Auction 103 may request to reduce demand for generic blocks in a bidding category.

e. No Bidding Aggregation

187. The Commission does not adopt any package bidding procedures for the clock phase of Auction 103. A bidder may bid for multiple blocks in a bidding category in a PEA and may submit bids for multiple PEAs. The assignment phase will assign contiguous blocks to winners of multiple blocks in a category

in a PEA and give bidders an opportunity to express their preferences for specific frequency blocks, thereby facilitating aggregations of licenses.

4. Changing Demand, Bid Types, and Bid Processing

188. For each category in each PEA, a bidder can either bid to maintain its processed demand from the previous round at the current round's clock price or bid to change its demand at a price associated with the round. A bid to change demand can involve either a decrease or an increase in the demanded quantity.

189. Bids to maintain demand are always applied during bid processing. However, if a bidder demands fewer blocks in a category than its processed demand from the previous round, the bidding system will treat the bid as a request to reduce demand that will be implemented only if aggregate demand would not fall below the available supply of blocks in the category. If a bidder demands more blocks in a category than its processed demand from the previous round, the bidding system will treat the bid as a request to increase demand that will be implemented only if that would not cause the bidder's processed activity to exceed its eligibility.

190. The bidding system will process bids after a round ends in order of price point, where the price point represents the percentage of the bidding interval for the round. Once a round ends, the bidding system will process bids in ascending order of price point, first considering intra-round bids in order of price point and then bids at the clock price. The system will consider bids at the lowest price point for all categories in all PEAs, then look at bids at the next price point, and so on. In processing the bids submitted in the round, the bidding system will determine the extent to which there is excess demand for each category in each PEA in order to determine whether a bidder's requested reduction(s) in demand can be implemented. In processing the bids submitted in the round, the bidding system will also determine the bidding units associated with a bidder's most recent processed demand in order to determine whether the bidder's requested increase(s) in demand can be implemented.

191. For a given category in a given PEA, the uniform price for all of the blocks in the category will stop increasing when aggregate demand no longer exceeds the available supply of blocks in the category. If no further bids are placed, the final clock phase price

for the category will be the stopped price.

192. In order to facilitate bidding for multiple blocks in a PEA, bidders will be permitted to make two types of bids: Simple bids and switch bids. A “simple” bid indicates a desired quantity of licenses in a category at a price (either the clock price or an intra-round price). Simple bids may be applied partially. A simple bid that involves a reduction from the bidder's previous demands may be implemented partially if aggregate excess demand is insufficient to support the entire reduction. A simple bid to increase a bidder's demand in a category may be applied partially if the total number of bidding units associated with the bidder's full increase in demand exceeds the bidder's bidding eligibility for the round. A “switch” bid allows the bidder to request to move its demand for a quantity of licenses from the M/N category to the P category, or vice versa, within the same PEA. A switch bid may be applied partially, but the increase in demand in the “to” category will always match in quantity the reduction in the “from” category.

193. These bid types will allow bidders to express their demand for blocks in the next clock round without running the risk that they will be forced to purchase more spectrum at a higher price than they wish. When a bid to reduce demand can be applied only partially, the uniform price for the category will stop increasing at that point, since the partial application of the bid results in demand falling to equal supply. Hence, a bidder that makes a simple bid or a switch bid that cannot be applied fully will not face a price that is higher than its bid price.

194. Because bids are processed in order of price point, and aggregate demand for a category in a PEA can change from price point to price point, the price point at which a bid is considered by the bidding system can affect whether the bid is accepted. However, bids not accepted because of insufficient aggregate demand or insufficient eligibility at a given price point will be held in a queue and considered, again in order, if there should be excess demand or sufficient eligibility later in the processing after other bids are processed.

195. Once a round closes, the bidding system will process the bids by first considering the bid submitted at the lowest price point and determine whether it can be accepted given aggregate demand as determined most recently and the bidder's current eligibility. If the bid can be accepted, or partially accepted, the number of

licenses the bidder demands will be adjusted, and aggregate demand will be recalculated accordingly. If the bid cannot be accepted in part or in full, the unfulfilled bid, or portion thereof, will be held in a queue to be considered later during bid processing for that round. The bidding system will then consider the bid submitted at the next highest price point, accepting it in full, in part, or not at all, given recalculated aggregate demand and given the bidder's eligibility. Any unfulfilled requests will again be held in a queue, and aggregate demand will again be recalculated. Every time a bid or part of a bid is accepted and aggregate demand has been recalculated, the unfulfilled bids held in queue will be reconsidered, in the order of their original price points (and by pseudo-random number, in the case of tied price points). The bidding system will not carry over unfulfilled bid requests to the next round, however. The bidding system will inform bidders of the status of their bids when round results are released.

196. After the bids are processed in each round, the bidding system will announce, for each bidding category in each PEA: The aggregate demand; the posted price; and the clock price for the next round, to indicate a range of acceptable bids for the next round. If demand fell to equal supply during the round, the posted price will be equal to the intra-round price at which that occurred. Each bidder will also be informed of its own processed demand for every category and PEA and of its own eligibility for the next round.

5. Winning Bids in the Clock Phase

197. Bidders that hold processed demand in a category in a PEA at the time the stopping rule is met will, provided that the net revenue requirement is satisfied, become winning bidders and will be assigned frequency-specific licenses in the assignment phase.

198. The final clock phase price is the posted price of the final round. This will be the price at which a reduction caused demand for the blocks to equal the supply of blocks in the category in the PEA. For categories in PEAs where supply exceeds demand, the final clock phase price will be the opening price.

C. Assignment Phase Bid Collection and Bid Processing Procedures

199. The assignment phase will determine which frequency-specific licenses will be won by the winning bidders of generic blocks during the clock phase. In the assignment phase, winning bidders will have the opportunity to bid for preferred

combinations of frequency-specific licenses. A bidder can assign a price using a sealed bid to one or more possible frequency assignments for which it wishes to express a preference, consistent with its winning bids for generic blocks in the clock phase. The bid prices will represent the maximum payment that the bidder is willing to pay for the frequency-specific license assignment, in addition to the final price established in the clock phase for the generic blocks. The procedures will determine the optimal assignment of licenses within each category in each PEA based on bid amounts in the assignment phase.

200. Participation in the assignment phase is voluntary; a winning bidder in the clock phase of Auction 103 need not bid in order to be assigned a number of licenses corresponding to the outcome of the clock phase. Moreover, a bidder that wins multiple blocks in a category in a PEA will be assigned contiguous blocks of licenses, even without bidding in the assignment phase.

201. Each incumbent that submits an Initial Commitment to accept modified licenses will be assigned specific frequencies in the assignment phase, but only clock phase winners will be able to bid for their frequency preferences. Subject to the waiver process, incumbents accepting modified licenses as well as clock phase winners may be assigned frequency-specific licenses anywhere in the Upper 37 GHz/39 GHz band, depending upon bidding in each assignment round.

1. Round Structure: Sequencing and Grouping of Rounds

202. *Sequencing of rounds.* The Commission will conduct assignment rounds for the largest markets first. This sequencing will enable bidders to establish a "footprint," making it easier for a bidder to incorporate frequency assignments from previously assigned areas into its bid preferences for other areas and recognizes that a bidder winning blocks in multiple PEAs may prefer contiguous blocks across adjacent PEAs.

203. The Commission will conduct a separate assignment round for each of the top 20 PEAs sequentially, beginning with the largest PEAs. Once the top 20 PEAs have been assigned, the Commission will conduct, for each Regional Economic Area Grouping (REAG), a series of assignment rounds for the remaining PEAs within that region. The Commission will sequence the assignment rounds within a REAG in descending order of population for a PEA group or individual PEA.

204. *Grouping of PEAs.* To reduce the total amount of time required to complete the assignment phase, the Commission will group into a single market for assignment any non-top 20 PEAs within a region in which the same entities (winning bidders and incumbents keeping modified licenses) must be assigned the same number of blocks in each category, and all are subject to the small markets bidding cap or all are not subject to the cap, which will also help maximize contiguity across PEAs. Accordingly, in markets where these criteria are met, a bidder will submit a single set of bids for assignment options that will apply to all the PEAs in the group and will be assigned the same frequency-specific licenses in each PEA.

205. In addition, the Commission will conduct the bidding for the different REAGs in parallel. That is, bidding for assignments in multiple PEAs or PEA groups will take place during the same timed bidding round. This will also help reduce the length of the assignment phase.

2. Acceptable Bids and Bid Processing

206. Prior to the start of the assignment phase, the bidding system will provide each bidder with bidding options for all possible contiguous frequency assignments for each category in each PEA in which the bidder won blocks in the clock phase. In each assignment round, a bidder will be asked to assign a price to one or more of the bidding options for which it wishes to express a preference, consistent with its winning bid(s) for generic blocks in the clock phase. The price will represent the maximum payment that the bidder is willing to pay, in addition to the base price established in the clock phase for the generic blocks, for the frequency-specific license or licenses in its bid.

207. A bidder will submit separate preferences for blocks it won in the Upper 37 and 39 GHz bands and blocks it won in the 47 GHz band, rather than submitting bids for preferences that include blocks in both categories. That is, if a bidder won one block in Category M/N and two blocks in Category P, it would not be able to submit a single bid amount for an assignment that included all three blocks. Instead, it would bid separately for assignments in Category M/N and assignments in Category P.

208. An optimization approach will be used to determine the winning frequency assignment for each category in each PEA or PEA group. The bidding system will select the assignment that maximizes the sum of bid amounts among all assignments where every

bidder and every incumbent that accepts modified licenses is assigned contiguous spectrum. The bidding system will consider all assignment options of incumbents accepting modified licenses as though the incumbent had submitted bids of \$0.

209. Further, the additional price a bidder will pay for a specific frequency assignment (above the final clock phase price) will be calculated consistent with a generalized “second price” approach—that is, the winner will pay a price that would be just sufficient to result in the bidder receiving that same winning frequency assignment while ensuring that no group of bidders is willing to pay more for an alternative assignment in which every bidder is assigned contiguous spectrum. This price will be less than or equal to the price the bidder indicated it was willing to pay for the assignment. Determining prices in this way encourages bidders to bid their full value for the assignment, knowing that if the assignment is selected, they will pay no more than would be necessary to ensure that the outcome is competitive.

3. Assignment Phase Payment Calculations

210. When all assignment rounds have been completed, a bidder’s final net total payment takes into account the sum of final clock phase prices across all licenses that it won, its assignment payments across all assignment phase markets, any incentive payments accruing to the bidder, and any claimed bidding credits. Specifically, if a bidder is not claiming a bidding credit, its final net total payment is determined by summing the final clock phase prices across all licenses that it won and its assignment payments across all assignment phase markets and subtracting its total incentive payments across all licenses from the total.

211. If a bidder claims a bidding credit, a bidding credit discount is calculated by applying the bidder’s bidding credit percentage to the total net payment obligations as set forth above, capping the bidding credit discount if it exceeds the applicable caps for small businesses, rural service providers, and small markets. The resulting bidding credit discount is subtracted from the bidder’s total net payment obligations to determine the final net total payment for a bidder with a bidding credit.

D. Calculating Individual License Prices

212. While final auction payments for winning bidders will be calculated with bidding credit caps and assignment payments applied on an aggregate basis, rather than to individual licenses, the

bidding system will also calculate a per-license price for each license. Such individual prices may be needed if a licensee later incurs license-specific obligations, such as unjust enrichment payments.

213. After the assignment phase, the bidding system will determine a net and gross price for each license that was won by a bidder by apportioning assignment payments and any bidding credit discount (which was calculated based on total net payment obligations taking account of any caps) across all the licenses that the bidder won. To calculate the gross per-license price, the bidding system will apportion the assignment payment to licenses in proportion to the final clock phase prices of the licenses that the bidder is assigned in that category and market. To calculate the net price, the bidding system will first apportion any applicable bidding credit discounts to each category and assignment phase market in proportion to the gross payment for that category and that market. Then, for each assignment phase market, the bidding system will apportion the assignment payment and the discount to licenses in proportion to the final clock phase price of the licenses that the bidder is assigned in that category for that market.

E. Auction Results

214. The bidding system will determine winning bidders and their assigned licenses. After the Office announces the auction results, it will provide a means for the public to view and download bidding and results data.

F. Auction Announcements

215. The Commission and/or Office will use auction announcements to report necessary information to bidders, such as schedule changes. All auction announcements will be available by clicking a link in the bidding system.

V. Post-Auction Procedures

216. Shortly after bidding has ended in Auction 103, the Commission will issue a public notice declaring that the auction closed and establishing the deadlines for submitting down payments, final payments, and the long-form applications (FCC Form 601) for the auction.

A. Down Payments

217. Within 10 business days after release of the auction closing public notice for Auction 103, each winning bidder must submit sufficient funds (in addition to its upfront payment) to bring its total amount of money on deposit with the Commission to 20% of the net

amount of its winning bids (gross winning bids less any incentive payment, then less any bidding credits, if applicable).

B. Final Payments

218. Each winning bidder will be required to submit the balance of the net amount for each of its winning bids within 10 business days after the deadline for submitting down payments.

C. Long-Form Application (FCC Form 601)

219. The Commission’s rules provide that, within 10 business days after release of the auction closing public notice, winning bidders must electronically submit a properly completed post-auction application (FCC Form 601) for the license(s) they won through the auction.

220. A winning bidder claiming eligibility for a small business bidding credit or a rural service provider bidding credit must demonstrate its eligibility in its FCC Form 601 post-auction application for the bidding credit sought. Further instructions on these and other filing requirements will be provided to winning bidders in the auction closing public notice for Auction 103.

221. Winning bidders organized as bidding consortia must comply with the FCC Form 601 post-auction application procedures set forth in § 1.2107(g) of the Commission’s rules. Specifically, license(s) won by a consortium must be applied for as follows: (a) An individual member of the consortium or a new legal entity comprising two or more individual consortium members must file for licenses covered by the winning bids; (b) each member or group of members of a winning consortium seeking separate licenses will be required to file a separate FCC Form 601 for its/their respective license(s) in their legal business name; (c) in the case of a license to be partitioned or disaggregated, the member or group filing the applicable FCC Form 601 shall include the parties’ partitioning or disaggregation agreement with the FCC Form 601; and (d) if a DE credit is sought (either small business or rural service provider), the applicant must meet the applicable eligibility requirements in the Commission’s rules for the credit.

D. Ownership Disclosure Information Report (FCC Form 602)

222. Within 10 business days after release of the auction closing public notice for Auction 103, each winning bidder must also comply with the ownership reporting requirements in

§§ 1.913, 1.919, and 1.2112 of the Commission's rules by submitting an ownership disclosure information report for wireless telecommunications services (FCC Form 602) with its FCC Form 601 post-auction application.

223. If a winning bidder already has a complete and accurate FCC Form 602 on file in the FCC's Universal Licensing System (ULS), it is not necessary to file a new report, but the winning bidder must certify in its FCC Form 601 application that the information on file with the Commission is complete and accurate. If the winning bidder does not have an FCC Form 602 on file, or if it is not complete and accurate, it must submit one.

224. When a winning bidder submits an FCC Form 175, ULS automatically creates an ownership record. This record is not an FCC Form 602, but it may be used to pre-fill the FCC Form 602 with the ownership information submitted on the winning bidder's FCC Form 175 application. A winning bidder must review the pre-filled information and confirm that it is complete and accurate as of the filing date of the FCC Form 601 post-auction application before certifying and submitting the FCC Form 602. Further instructions will be provided to winning bidders in the auction closing public notice.

E. Tribal Lands Bidding Credit

225. A winning bidder that intends to use its license(s) to deploy facilities and provide services to federally recognized tribal lands that are unserved by any telecommunications carrier or that have a wireline penetration rate equal to or below 85% is eligible to receive a tribal lands bidding credit as set forth in §§ 1.2107 and 1.2110(f) of the Commission's rules. A tribal lands bidding credit is in addition to, and separate from, any other bidding credit for which a winning bidder may qualify.

226. Unlike other bidding credits that are requested prior to the auction, a winning bidder applies for the tribal lands bidding credit after the auction when it files its FCC Form 601 post-auction application. When initially filing the post-auction application, the winning bidder will be required to inform the Commission whether it intends to seek a tribal lands bidding credit, for each license won in the auction, by checking the designated box(es). After stating its intent to seek a tribal lands bidding credit, the winning bidder will have 180 days from the close of the post-auction application filing window to amend its application to select the specific tribal lands to be served and provide the required tribal government certifications. Licensees

receiving a tribal lands bidding credit are subject to performance criteria as set forth in § 1.2110(f)(3)(vii). For additional information on the tribal lands bidding credit, including how the amount of the credit is calculated, applicants should review the Commission's rulemaking proceeding regarding tribal lands bidding credits and related public notices.

F. Default and Disqualification

227. Any winning bidder that defaults or is disqualified after the close of an auction (*i.e.*, fails to remit the required down payment by the specified deadline, fails to submit a timely long-form application, fails to make a full and timely final payment, or is otherwise disqualified) is liable for default payments as described in § 1.2104(g)(2). This payment consists of a deficiency payment, equal to the difference between the amount of the bidder's winning bid and the amount of the winning bid the next time a license covering the same spectrum is won in an auction, plus an additional payment equal to a percentage of the defaulter's bid or of the subsequent winning bid, whichever is less.

228. The percentage of the applicable bid to be assessed as an additional payment for defaults in a particular auction is established in advance of the auction. The additional default payment for Auction 103 is 15% of the applicable bid.

229. In case they are needed for post-auction administrative purposes, the bidding system will calculate individual per-license prices that are separate from final auction payments, which are calculated on an aggregate basis. The bidding system will apportion to individual licenses any assignment phase payments and any capped bidding credit discounts, since in both cases, a single amount may apply to multiple licenses.

230. Finally, in the event of a default, the Commission has the discretion to re-auction the license or offer it to the next highest bidder (in descending order) at its final bid amount. In addition, if a default or disqualification involves gross misconduct, misrepresentation, or bad faith by an applicant, the Commission may declare the applicant and its principals ineligible to bid in future auctions and may take any other action that it deems necessary, including institution of proceedings to revoke any existing authorizations held by the applicant.

G. Refund of Remaining Upfront Payment Balance

231. All refunds of upfront payment balances will be returned to the payer of record as identified on the FCC Form 159 unless the payer submits written authorization instructing otherwise. Bidders are encouraged to use the Refund Information icon found on the *Auction Application Manager* page or the Refund Form link available on the *Auction Application Submit Confirmation* page in the FCC Auction Application System to access the form. After the required information is completed on the blank form, the form should be printed, signed, and submitted to the Commission by mail, fax, or email as instructed in the document. Bidders may also provide the relevant information for a refund request in writing and fax it to Commission staff.

VI. Supplemental Final Regulatory Flexibility Analysis

232. As required by the Regulatory Flexibility Act of 1980, as amended (RFA), a Supplemental Initial Regulatory Flexibility Analysis (Supplemental IRFA) was incorporated in the *Auction 103 Comment Public Notice* released in April 2019. The Commission sought public comment on the proposals in the *Auction 103 Comment Public Notice*, including comments on the Supplemental IRFA. No comments were filed addressing the Supplemental IRFA. The *Auction 103 Procedures Public Notice* establishes the procedures to be used for Auction 103 and supplements the Initial and Final Regulatory Flexibility Analyses completed by the Commission in the *Spectrum Frontiers Fourth Report & Order* and other Commission orders pursuant to which Auction 103 will be conducted. This present Supplemental Final Regulatory Flexibility Analysis (Supplemental FRFA) conforms to the RFA.

233. *Need for, and Objectives of, the Rules.* The *Auction 103 Procedures Public Notice* implements auction procedures for those entities that seek to bid to acquire licenses in Auction 103. Auction 103 will be the third auction of high-band spectrum in furtherance of the deployment of fifth-generation (5G) wireless, the Internet of Things (IoT), and other advanced spectrum-based services. The document adopts procedural rules and terms and conditions governing Auction 103, the post-auction application and payment processes, as well as setting the minimum opening bid amount for Upper Microwave Flexible Use Service

(UMFUS) licenses in the Upper 37 GHz (37.6–38.6 GHz), 39 GHz (38.6–40 GHz), and 47 GHz (47.2–48.2 GHz) bands that will be offered in Auction 103.

234. To promote the efficient and fair administration of the competitive bidding process for all Auction 103 participants, the Commission adopts the following procedures:

- Establishment of bidding credit caps for eligible small businesses and rural service providers in Auction 103;
- use of a clock auction format for Auction 103 under which each qualified bidder will indicate in successive clock bidding rounds its demands for categories of generic blocks in specific geographic areas;
- a specific minimum opening bid amount for generic blocks in each PEA available in Auction 103;
- a specific upfront payment amount for generic blocks in each PEA available in Auction 103;
- establishment of a bidder's initial bidding eligibility in bidding units based on that bidder's upfront payment;
- use of an activity rule that would require bidders to bid actively during the auction rather than waiting until late in the auction before participating;
- a requirement that bidders be active on between 90% and 100% of their bidding eligibility in all regular clock rounds;
- establishment of acceptable bid amounts, including clock price increments and intra-round bids, along with a proposed methodology for calculating such amounts;
- a proposed methodology for processing bids and requests to reduce demand;
- a procedure for breaking ties if identical high bid amounts are submitted on a license in a given round;
- establishment of an assignment phase that will determine which frequency-specific licenses will be won by the winning bidders of generic blocks during the clock phase;
- establishment of an additional default payment of 15% under § 1.2104(g)(2) of the rules in the event that a winning bidder defaults or is disqualified after the auction.

235. *Summary of Significant Issues Raised by Public Comments in Response to the IRFA.* There were no comments filed that specifically address the procedures and policies proposed in the Supplemental IFRA.

236. *Response to Comments by the Chief Counsel for Advocacy of the Small Business Administration.* Pursuant to the Small Business Jobs Act of 2010, which amended the RFA, the Commission is required to respond to any comment filed by the Chief Counsel

for Advocacy of the Small Business Administration (SBA) and to provide a detailed statement of any change made to the proposed procedures as a result of those comments. The Chief Counsel did not file any comments in response to the procedures that were proposed.

237. *Description and Estimate of the Number of Small Entities to Which the Rules Will Apply.* The RFA directs agencies to provide a description of, and, where feasible, an estimate of the number of small entities that may be affected by the rules and policies adopted herein. The RFA generally defines the term “small entity” as having the same meaning as the terms “small business,” “small organization,” and “small governmental jurisdiction.” In addition, the term “small business” has the same meaning as the term “small business concern” under the Small Business Act. A “small business concern” is one which: (1) Is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the SBA.

238. Regulatory Flexibility Analyses were incorporated into prior Commission orders on this subject. In those analyses, the Commission described in detail the small entities that might be significantly affected. The Commission hereby incorporates by reference the descriptions and estimates of the number of small entities from the previous Regulatory Flexibility Analyses. Based on the information available in the Commission's public Universal Licensing System (ULS), the Commission estimates that there are currently 16 incumbent 39 GHz licensees. Of these incumbent 39 GHz licensees, the Commission estimates that up to 8 could be considered a “small entity” under the RFA.

239. *Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements for Small Entities.* The Commission designed the auction application process itself to minimize reporting and compliance requirements for applicants, including small business applicants. In the first part of the Commission's two-phased auction application process, parties desiring to participate in an auction file streamlined, short-form applications in which they certify under penalty of perjury as to their qualifications. Eligibility to participate in bidding is based on an applicant's short-form application and certifications, as well as its upfront payment. In the second phase of the process, winning bidders file a more comprehensive long-form application. Thus, an applicant which fails to become a winning bidder does

not need to file a long-form application and provide the additional showings and more detailed demonstrations required of a winning bidder.

240. The Commission does not expect that the processes and procedures adopted in the *Auction 103 Procedures Public Notice* will require small entities to hire attorneys, engineers, consultants, or other professionals to participate in Auction 103 and comply with the procedures adopted because of the information, resources, and guidance the Commission makes available to potential and actual participants. The Commission cannot quantify the cost of compliance with the procedures; however, the Commission does not believe that the costs of compliance will unduly burden small entities that choose to participate in the auction. Processes and procedures are consistent with existing Commission policies and procedures used in prior auctions. Thus, some small entities may already be familiar with such procedures and have the processes and procedures in place to facilitate compliance resulting in minimal incremental costs to comply. For those small entities that may be new to the Commission's auction process, the various resources that will be made available, including, but not limited to, the mock auction, remote electronic or telephonic bidding, and access to hotlines for both technical and auction assistance, should help facilitate participation without the need to hire professionals. For example, an online tutorial will be released that will help applicants understand the procedures for filing the auction short-form applications. The Commission will offer other educational opportunities for applicants in Auction 103 to familiarize themselves with the FCC auction application system and the bidding system. The Commission expects small business entities that utilize the available resources to experience lower participation and compliance costs.

241. *Steps Taken to Minimize the Significant Economic Impact on Small Entities, and Significant Alternatives Considered.* The RFA requires an agency to describe any significant, specifically small business, alternatives that it has considered in reaching its approach, which may include the following four alternatives (among others): (1) The establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance and reporting requirements under the rule for such small entities; (3) the use of performance rather than

design standards; and (4) an exemption from coverage of the rule, or any part thereof, for such small entities.

242. The Commission has taken steps to minimize any economic impact of its auction procedures on small businesses through among other things, the many free resources it provides potential auction participants. Consistent with the past practices in prior auctions, small entities that are potential participants will have access to detailed educational information and Commission personnel to help guide their participation in Auction 103, which should alleviate any need to hire professionals. More specifically, small entities and other auction participants may seek clarification of or guidance on complying with competitive bidding rules and procedures, reporting requirements, and using the bidding system. Additionally, an FCC Auctions Hotline will provide small entities one-on-one access to Commission staff for information about the auction process and procedures. Further, the FCC Auctions Technical Support Hotline is another resource which provides technical assistance to applicants, including small business entities, on issues such as access to or navigation within the electronic FCC Form 175 and use of the bidding system. Small entities and other would-be participants will also be provided various materials on the pre-bidding process in advance of the short-form application filing window, which includes step-by-step instructions on how to complete FCC Form 175. In addition, small entities will have access to the web-based, interactive online tutorial produced by Commission staff to familiarize themselves with auction procedures, filing requirements, bidding procedures, and other matters related to an auction.

243. Various databases and other sources of information, including the Auctions program websites, and copies of Commission decisions, will be available to the public without charge, providing a low-cost mechanism for small businesses to conduct research prior to and throughout the auction. Prior to and at the close of Auction 103, the Commission and Office will post public notices on the Auctions website, which articulate the procedures and deadlines for the auction. The Commission will make this information easily accessible and without charge to benefit all Auction 103 applicants, including small businesses, thereby lowering their administrative costs to comply with the Commission's competitive bidding rules.

244. Eligible bidders will be given an opportunity to become familiar with

auction procedures and the bidding system by participating in a mock auction. Eligible bidders will have access to a user guide for the bidding system, bidding file formats, and an online bidding procedures tutorial in advance of the mock auction. Further, the Commission will conduct Auction 103 electronically over the internet using a web-based auction system that eliminates the need for small entities and other bidders to be physically present in a specific location. Qualified bidders will also have the option to place bids by telephone. These mechanisms are made available to facilitate participation in Auction 103 by all eligible bidders and may result in significant cost savings for small business entities that use these alternatives. Moreover, the adoption of bidding procedures in advance of the auction, consistent with statutory directive, is designed to ensure that the auction will be administered predictably and fairly for all participants, including small businesses.

245. Another step taken to minimize the economic impact for small entities participating in Auction 103 is the Commission's adoption of bidding credits for small businesses. In accordance with the service rules applicable to the UMFUS licenses to be offered in Auction 103, bidding credit discounts will be available to eligible small businesses and small business consortiums on the following basis: (1) A bidder with attributed average annual gross revenues that do not exceed \$55 million for the preceding three years is eligible to receive a 15% discount on its winning bid, or (2) a bidder with attributed average annual gross revenues that do not exceed \$20 million for the preceding three years is eligible to receive a 25% discount on its winning bid. Eligible applicants can receive only one of the available bidding credits—not both. This two-tier approach has proven successful for small businesses in past auctions.

246. The total amount of bidding credit discounts that may be awarded to an eligible small business is capped at \$25 million, and there is a \$10 million cap on the total amount of bidding credit discounts that may be awarded to a rural service provider. The Commission adopts a \$10 million cap on the overall amount of bidding credits that any winning small business bidder may apply to winning licenses in markets with a population of 500,000 or less. Based on the technical characteristics of the UMFUS bands and an analysis of past auction data, the Commission anticipates that the caps

will allow the majority of small businesses to take full advantage of the bidding credit program, thereby lowering the relative costs of participation for small businesses. Furthermore, the Commission adopts upfront payment amounts that are one-fourth of the amounts proposed in the *Auction 103 Comment Public Notice*, which will minimize the economic impact on small entities.

247. These procedures for the conduct of Auction 103 constitute the more specific implementation of the competitive bidding rules contemplated by parts 1 and 30 of the Commission's rules and the underlying rulemaking orders, and are fully consistent therewith.

248. *Report to Congress.* The Commission will send a copy of the *Auction 103 Procedures Public Notice*, including the Supplemental FRFA, in a report to Congress pursuant to the Congressional Review Act. In addition, the Commission will send a copy of the *Auction 103 Procedures Public Notice*, including the Supplemental FRFA to the Chief Counsel for Advocacy of the SBA. A copy of the *Auction 103 Procedures Public Notice*, and Supplemental FRFA (or summaries thereof), will also be published in the **Federal Register**.

Federal Communications Commission.

Marlene Dortch,

Secretary.

[FR Doc. 2019-17792 Filed 8-19-19; 8:45 am]

BILLING CODE 6712-01-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 180713633-9174-02]

RIN 0648-XY003

Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Bering Sea and Aleutian Islands Management Area

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS is prohibiting directed fishing for Pacific ocean perch in the Western Aleutian district (WAI) of the Bering Sea and Aleutian Islands management area (BSAI) by vessels

participating in the BSAI trawl limited access sector fishery. This action is necessary to prevent exceeding the 2019 total allowable catch (TAC) of Pacific ocean perch in the WAI allocated to vessels participating in the BSAI trawl limited access sector fishery.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), August 15, 2019, through 2400 hrs, A.l.t., December 31, 2019.

FOR FURTHER INFORMATION CONTACT: Steve Whitney, 907-586-7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the BSAI exclusive economic zone according to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

The 2019 TAC of Pacific ocean perch, in the WAI, allocated to vessels participating in the BSAI trawl limited

access fishery was established as a directed fishing allowance of 178 metric tons by the final 2019 and 2020 harvest specifications for groundfish in the BSAI (84 FR 9000, March 13, 2019).

In accordance with § 679.20(d)(1)(iii), the Regional Administrator finds that this directed fishing allowance has been reached. Consequently, NMFS is prohibiting directed fishing for Pacific ocean perch in the WAI by vessels participating in the BSAI trawl limited access fishery. While this closure is effective, the maximum retainable amounts at § 679.20(e) and (f) apply at any time during a trip.

Classification

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA, (AA) finds good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B) as such a requirement is impracticable and contrary to the public interest. This requirement is impracticable and contrary to the public

interest as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would delay the closure of the Pacific ocean perch directed fishery in the WAI for vessels participating in the BSAI trawl limited access fishery. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of August 15, 2019.

The AA also finds good cause to waive the 30-day delay in the effective date of this action under 5 U.S.C. 553(d)(3). This finding is based upon the reasons provided above for waiver of prior notice and opportunity for public comment.

This action is required by § 679.20 and is exempt from review under Executive Order 12866.

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

Dated: August 15, 2019.

Alan D. Risenhoover,

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

[FR Doc. 2019-17912 Filed 8-15-19; 4:15 pm]

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Proposed Rules

Federal Register

Vol. 84, No. 161

Tuesday, August 20, 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 ENERGY

10 CFR Part 430

[EERE-2016-BT-TP-0012]

Energy Conservation Program: Test Procedure for Dishwashers

AGENCY: Office of Energy Efficiency and Renewable Energy, Department of Energy.

ACTION: Request for information.

SUMMARY: The U.S. Department of Energy ("DOE") is initiating a data collection process through this request for information ("RFI") to consider whether to amend DOE's test procedure for consumer dishwashers. As part of this RFI, DOE seeks comment on whether there have been changes in product testing methodology or new products on the market since the last test procedure update that may create the need to make amendments to the test procedure for dishwashers. Specifically, DOE seeks data and information that could enable the agency to propose that the current test procedure produces results that are representative of an average use cycle for the product and is not unduly burdensome to conduct, and therefore does not need amendment. To inform interested parties and to facilitate this process, DOE has also gathered data, identifying several issues associated with the currently applicable test procedures on which DOE is interested in receiving comment. The issues outlined in this document mainly concern consumer usage patterns; appropriate testing conditions and methods; efficiency metrics; and any additional topics that may inform DOE's decision whether to conduct a future test procedure rulemaking. DOE welcomes written comments from the public on any subject within the scope of this document (including topics not raised in this RFI).

DATES: Written comments and information are requested and will be

accepted on or before September 19, 2019.

ADDRESSES: Interested persons are encouraged to submit comments using the Federal eRulemaking Portal at <http://www.regulations.gov>. Follow the instructions for submitting comments. Alternatively, interested persons may submit comments, identified by docket number EERE-2016-BT-TP-0012, by any of the following methods:

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

2. *Email:* ResDishwasher2016TP0012@ee.doe.gov. Include docket number EERE-2016-BT-TP-0012 in the subject line of the message.

3. *Postal Mail:* Appliance and Equipment Standards Program, U.S. Department of Energy, Building Technologies Office, Mailstop EE-5B, 1000 Independence Avenue SW, Washington, DC 20585-0121. Telephone: (202) 287-1445. If possible, please submit all items on a compact disc ("CD"), in which case it is not necessary to include printed copies.

4. *Hand Delivery/Courier:* Appliance and Equipment Standards Program, U.S. Department of Energy, Building Technologies Office, 950 L'Enfant Plaza SW, Suite 600, Washington, DC 20024. Telephone: (202) 287-1445. If possible, please submit all items on a CD, in which case it is not necessary to include printed copies.

No telefacsimilies (faxes) will be accepted. For detailed instructions on submitting comments and additional information on this process, see section III of this document.

Docket: The docket for this activity, which includes **Federal Register** notices, comments, and other supporting documents/materials, is available for review at <http://www.regulations.gov>. All documents in the docket are listed in the <http://www.regulations.gov> index. However, some documents listed in the index, such as those containing information that is exempt from public disclosure, may not be publicly available.

The docket web page can be found at https://www1.eere.energy.gov/buildings/appliance_standards/standards.aspx?productid=38&action=viewlive. The docket web page contains simple instructions on how to access all documents, including public comments,

in the docket. See section III for information on how to submit comments through <http://www.regulations.gov>.

FOR FURTHER INFORMATION CONTACT: Mr. Bryan Berringer, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Building Technologies Office, EE-5B, 1000 Independence Avenue SW, Washington, DC 20585-0121. Telephone: (202) 586-0371. Email: ApplianceStandardsQuestions@ee.doe.gov.

Ms. Elizabeth Kohl, U.S. Department of Energy, Office of the General Counsel, GC-33, 1000 Independence Avenue SW, Washington, DC 20585-0121. Telephone: (202) 586-7796. Email: Elizabeth.Kohl@hq.doe.gov.

For further information on how to submit a comment or review other public comments and the docket, contact the Appliance and Equipment Standards Program staff at (202) 287-1445 or by email: ApplianceStandardsQuestions@ee.doe.gov.

SUPPLEMENTARY INFORMATION:

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I. Introduction

Consumer dishwashers are included in the list of "covered products" for which DOE is authorized to establish and amend energy conservation standards and test procedures. (42

U.S.C. 6292(a)(6)) DOE's test procedures for consumer dishwashers are prescribed at Title 10 of the Code of Federal Regulations ("CFR") part 430, subpart B, appendix C1 ("appendix C1"). The following sections discuss DOE's authority to establish and amend test procedures for consumer dishwashers, as well as relevant background information regarding DOE's consideration of test procedures for this product.

A. Authority and Background

The Energy Policy and Conservation Act of 1975, as amended ("EPCA"),¹ among other things, authorizes DOE to regulate the energy efficiency of a number of consumer products and certain industrial equipment. (42 U.S.C. 6291–6317) Title III, Part B² of EPCA established the Energy Conservation Program for Consumer Products Other Than Automobiles, which sets forth a variety of provisions designed to improve energy efficiency. These products include consumer dishwashers, the subject of this RFI. (42 U.S.C. 6292(a)(6))

Under EPCA, DOE's energy conservation program consists essentially of four parts: (1) Testing, (2) labeling, (3) Federal energy conservation standards, and (4) certification and enforcement procedures. Relevant provisions of the Act specifically include definitions (42 U.S.C. 6291), energy conservation standards (42 U.S.C. 6295), test procedures (42 U.S.C. 6293), labeling provisions (42 U.S.C. 6294), and the authority to require information and reports from manufacturers (42 U.S.C. 6296).

Federal energy efficiency requirements for covered products established under EPCA generally supersede State laws and regulations concerning energy conservation testing, labeling, and standards. (42 U.S.C. 6297) DOE may, however, grant waivers of Federal preemption for particular State laws or regulations, in accordance with the procedures and other provisions of EPCA. (42 U.S.C. 6297(d))

The Federal testing requirements consist of test procedures that manufacturers of covered products must use as the basis for: (1) Certifying to DOE that their products comply with the applicable energy conservation standards adopted pursuant to EPCA (42 U.S.C. 6295(s)), and (2) making representations about the efficiency of

those consumer products (42 U.S.C. 6293(c)). Similarly, DOE must use these test procedures to determine whether the products comply with relevant standards promulgated under EPCA. (42 U.S.C. 6295(s))

Under 42 U.S.C. 6293, EPCA sets forth the criteria and procedures DOE must follow when prescribing or amending test procedures for covered products. EPCA requires that any test procedures prescribed or amended under this section be reasonably designed to produce test results which measure energy efficiency, energy use or estimated annual operating cost of a covered product during a representative average use cycle or period of use and not be unduly burdensome to conduct. (42 U.S.C. 6293(b)(3))

In addition, EPCA requires that DOE amend its test procedures for all covered products to integrate measures of standby mode and off mode energy consumption into the overall energy efficiency, energy consumption, or other energy descriptor, taking into consideration the most current versions of Standards 62301 and 62087 of the International Electrotechnical Commission ("IEC"), unless the current test procedure already incorporates the standby mode and off mode energy consumption, or if such integration is technically infeasible. (42 U.S.C. 6295(gg)(2)(A)) If an integrated test procedure is technically infeasible, DOE must prescribe separate standby mode and off mode energy use test procedures for the covered product, if a separate test is technically feasible. (*Id.*)

EPCA also requires that, at least once every 7 years, DOE evaluate test procedures for each type of covered product, including consumer dishwashers, to determine whether amended test procedures would more accurately or fully comply with the requirements for the test procedures to not be unduly burdensome to conduct and be reasonably designed to produce test results that reflect energy efficiency, energy use, and estimated operating costs during a representative average use cycle or period of use. (42 U.S.C. 6293(b)(1)(A)) If the Secretary determines, on his own behalf or in response to a petition by any interested person, that a test procedure should be prescribed or amended, the Secretary shall promptly publish in the **Federal Register** proposed test procedures and afford interested persons an opportunity to present oral and written data, views, and arguments with respect to such procedures. The comment period on a proposed rule to amend a test procedure shall be at least 60 days and may not exceed 270 days. In prescribing or

amending a test procedure, the Secretary shall take into account such information as the Secretary determines relevant to such procedure, including technological developments relating to energy use or energy efficiency of the type (or class) of covered products involved. (42 U.S.C. 6293(b)(2)) If DOE determines that test procedure revisions are not appropriate, DOE must publish its determination not to amend the test procedures. DOE is publishing this RFI to collect data and information to inform its decision in satisfaction of the 7-year review requirement specified in EPCA. (42 U.S.C. 6293(b)(1)(A))

B. Rulemaking History

DOE originally established its test procedure for consumer dishwashers in 1977 at 10 CFR part 430, subpart B, appendix C ("appendix C"). 42 FR 39964 (Aug. 8, 1977). Since that time, the test procedure has undergone a number of amendments. In 1983, DOE amended the test procedure to revise the representative average-use cycles to more accurately reflect consumer use and to address consumer dishwashers that use 120 degree Fahrenheit ("°F") inlet water. 48 FR 9202 (March 3, 1983). DOE amended the test procedure again in 1984 to redefine the term "water heating dishwasher." 49 FR 46533 (Nov. 27, 1984). In 1987, DOE amended the test procedure to address models that use 50 °F inlet water. 52 FR 47549 (Dec. 15, 1987). In 2001, DOE revised the test procedure's testing specifications to improve testing repeatability, amended the definitions of "compact dishwasher" and "standard dishwasher," and reduced the average number of use cycles per year from 322 to 264. 66 FR 65091 (Dec. 18, 2001). In 2003, DOE again revised the test procedure to more accurately measure consumer dishwasher efficiency, energy use, and water use. 68 FR 51887 (Aug. 29, 2003) ("August 2003 final rule"). The August 2003 final rule amendments included the following revisions: (1) The addition of a method to rate the efficiency of soil-sensing products, (2) the addition of a method to measure standby power, and (3) a reduction in the average-use cycles per year from 264 to 215. *Id.* On October 31, 2012, DOE established a new test procedure for consumer dishwashers in appendix C1. 77 FR 65941 ("October 2012 final rule"). Appendix C1 follows the same general procedures as those included in the previously used appendix C, with updates to: (1) Revise the provisions for measuring energy consumption in standby mode or off mode; (2) add requirements for consumer dishwashers with water softeners to account for

¹ All references to EPCA in this document refer to the statute as amended through America's Water Infrastructure Act of 2018, Public Law 115–270 (October 23, 2018).

² For editorial reasons, upon codification in the U.S. Code, Part B was redesignated Part A.

regeneration cycles; (3) require an additional preconditioning cycle; (4) include clarifications regarding certain definitions, test conditions, and test setup; and (5) replace obsolete test load items and soils. *Id.* at 65982–65987.

The current version of the test procedure includes provisions for determining estimated annual energy use (“EAEU”) in kilowatt-hours per year (“kWh/year”), estimated annual operating cost (“EAOC”) in dollars per year, and water consumption in gallons per cycle (“gal/cycle”). 10 CFR 430.23(c).

As of May 30, 2013, manufacturers must use appendix C1 to demonstrate compliance with DOE’s energy conservation standards for dishwashers, which are set forth at 10 CFR 430.32(f)(3). The current energy conservation standards for consumer dishwashers are consistent with recommendations submitted to DOE by groups representing manufacturers, energy and environmental advocates, and consumer groups on July 30, 2010.³ 77 FR 31918, 31919 (May 30, 2012).

On December 19, 2014, DOE published notice of proposed rulemaking (“NOPR”) proposing amended energy conservation standards for dishwashers (“December 2014 NOPR”). 79 FR 76142. In response to the December 2014 NOPR, manufacturers and the Association of Home Appliance Manufacturers (“AHAM”) commented that issues with the existing appendix C1 resulted in a flawed analysis for the proposed standards. (AHAM, No. 21 at pp. 12–14)⁴ AHAM’s comment, as well as other comments received on the issues with the test procedure, are addressed in greater detail in the relevant later sections of this document.

³ This collective set of comments, titled “Agreement on Minimum Federal Efficiency Standards, Smart Appliances, Federal Incentives and Related Matters for Specified Appliances” (the “Joint Petition”), recommended specific energy conservation standards for consumer dishwashers that, in the commenters’ view, would satisfy the EPCA requirements. DOE conducted a rulemaking analysis on multiple consumer dishwasher efficiency levels, including those suggested in the Joint Petition. The Joint Petition is located in the DOE docket for the consumer dishwasher energy conservation standards rulemaking, Docket No. EERE–2011–BT–STD–0060, document number 1 and available for review at <https://www.regulations.gov/document?D=EERE-2011-BT-STD-0060-0001>.

⁴ A notation in the form “AHAM, No. 21 at pp. 21–24” identifies a written comment: (1) Made by the Association of Home Appliance Manufacturers; (2) recorded in document number 21 that is filed in the docket of that energy conservation standards rulemaking (Docket No. EERE–2014–BT–STD–0021) and available for review at <http://www.regulations.gov>; and (3) which appears on pages 12 through 14 of document number 21.

After considering comments received on the December 2014 NOPR and additional information, DOE conducted further analysis through which it concluded that amended standards for consumer dishwashers would not be economically justified. 81 FR 90072 (Dec. 13, 2016) (“December 2016 final determination”). In the December 2016 final determination, DOE also removed the obsolete version of appendix C. Based on consideration of the concerns raised by interested parties on certain aspects of the consumer dishwasher test procedure, DOE agreed in the December 2016 final determination that it would seek additional information on these issues. 81 FR 90072, 90076. DOE is publishing this RFI to solicit public information, data, and comments from all interested parties on these topics.

II. Request for Information

As an initial matter, DOE seeks comment on whether there have been changes in product testing methodology or new products on the market since the last test procedure update that may necessitate amendments to the test procedure for dishwashers. Specifically, DOE seeks data and information that could enable the agency to propose that the current test procedure produces results that are representative of an average use cycle for the product and is not unduly burdensome to conduct, and therefore does not need amendment. DOE also seeks information on whether an existing private-sector developed test procedure would produce such results and should be adopted by DOE rather than DOE establishing its own test procedure, either entirely or by adopting only certain provisions of one or more private-sector developed tests.

In the following sections, DOE has also identified a variety of issues on which it seeks input to determine whether amended test procedures for consumer dishwashers would more accurately or fully comply with the requirements in EPCA that test procedures: (1) Be reasonably designed to produce test results which measure energy use during a representative average use cycle or period of use; and (2) not be unduly burdensome to conduct. (42 U.S.C. 6293(b)(3))

Additionally, DOE welcomes comments on other issues relevant to the conduct of this process that may not specifically be identified in this document. In particular, DOE notes that under Executive Order 13771, “Reducing Regulation and Controlling Regulatory Costs,” Executive Branch agencies such as DOE are directed to manage the costs associated with the imposition of expenditures required to

comply with Federal regulations. See 82 FR 9339 (Feb. 3, 2017). Consistent with that Executive Order, DOE encourages the public to provide input on measures DOE could take to lower the cost of its regulations applicable to consumer dishwashers consistent with the requirements of EPCA.

A. Scope and Definitions

A consumer dishwasher is a cabinet-like appliance which with the aid of water and detergent, washes, rinses, and dries (when a drying process is included) dishware, glassware, eating utensils, and most cooking utensils by chemical, mechanical and/or electrical means and discharges to the plumbing drainage system. 10 CFR 430.2. Products meeting this definition are subject to DOE’s regulations for testing, certifying, and complying with energy conservation standards.

B. Energy and Water Consumption Test Procedure

As described, DOE’s current energy conservation standards for consumer dishwashers are expressed in terms of EAEU, in kWh/year, and water consumption, in gal/cycle. 10 CFR 430.32(f)(1). The current test procedure at 10 CFR 430.23(c) includes provisions for determining these values as well as EAOC, based upon testing procedures in appendix C1.

In response to the December 2014 NOPR, DOE received a number of comments raising concern that certain aspects of the test procedure may not be reasonably designed to measure the energy use of dishwashers during a representative average use cycle or period of use. DOE also received feedback on concerns with repeatability and reproducibility of the appendix C1 test procedure. The following sections discuss each of these issues in greater detail.

1. Representativeness

In accordance with 42 U.S.C. 6293(b)(3), DOE’s consumer dishwasher test procedure must be reasonably designed to produce test results that measure energy use, water use, and estimated annual operating cost of dishwashers during a representative average use cycle or period of use. In this RFI, DOE is requesting information on multiple aspects of the test procedure and whether these aspects appropriately reflect that of a representative average use cycle.

a. Cycle Selections

Sections 2.6.1, 2.6.2, and 2.6.3 of appendix C1 currently require testing of a dishwasher on the “normal” cycle,

which is defined as the cycle recommended in the manufacturer's instructions for daily, regular, or typical use to completely wash a full load of normally soiled dishes including the power-dry feature. Section 1.12, appendix C1. Most consumer dishwashers available on the market offer multiple cycle selections. In response to the December 2014 NOPR, AHAM commented that were energy conservation standards to be set at more stringent levels, consumers may be more likely to select more energy and water-intensive cycle selections (e.g., pots and pans) rather than the normal cycle to ensure the best cleaning performance. (AHAM, No. 21 at p. 9)

In response to AHAM's comment, DOE is requesting any available consumer usage data describing how frequently consumers select the normal cycle and other cycle types. DOE notes the availability of data gathered in the U.S. Energy Information Agency's ("EIA") 2015 *Residential Energy Consumption Survey* ("RECS"), which surveyed consumer use of normal (both with and without heated dry), heavy, light, and energy-saver cycle settings. DOE also seeks information on whether cycle selection varies based on a specific product's energy and water consumption.

Testing of the normal cycle requires testing with the manufacturer-recommended washing and drying temperature options. Section 1.12, appendix C1. DOE also requests information on additional cycle options that may be available with the normal cycle, including any temperature or drying options other than those recommended by the manufacturer, the means for consumers to select additional cycle options, and the frequency with which consumers select the options.

This information will also help DOE determine whether current or amended energy conservation standards, established based on the DOE test procedure, affect (or would affect) consumers' cycle selections. Using this information will help DOE ensure that DOE does not set standards such that energy and water use levels for the normal cycle result in consumers selecting more energy and water-intensive cycle options. In DOE's view, such standards would not meet the ECPA requirements for establishing standards that are technologically feasible and economically justified, and would save a significant amount of energy.

b. Power-Dry Feature

Appendix C1 accounts for operation of a dishwasher on the normal cycle with the power-dry feature selected. Appendix C1 also accounts for the option to eliminate use of the power-dry feature following the final rinse operation, i.e., a truncated normal cycle. Section 1.22 of appendix C1 defines "truncated normal cycle" as the normal cycle interrupted to eliminate the power-dry feature after the termination of the last rinse operation. Section 1.14 of appendix C1 defines the "power-dry feature" as a feature that introduces electrically-generated heat into the washing chamber to improve the drying performance of the dishwasher. The drying energy consumption calculations in section 5.3 of appendix C1 account for the energy consumed by the power-dry feature after the termination of the last rinse option of the normal cycle.

The typical implementation of a power-dry feature had been to utilize an exposed resistance heater to heat the air inside the washing chamber after the final rinse to evaporate the water from the dishware. However, manufacturers have innovated additional technologies to improve drying.

Some consumer dishwasher models do not use a resistance heater to heat the air, but instead achieve drying by raising the temperature of the final rinse water. This increase in the temperature of the final rinse water is not addressed in the truncated normal cycle or drying energy consumption provisions, as it occurs as part of the final rinse and not after the final rinse.

DOE requests information and data on the extent to which manufacturers increase the temperature of the final rinse water as a means to improve drying performance. DOE further requests information on the extent to which manufacturers implement such a drying strategy as part of the normal cycle, and whether and to what extent such units provide an option to eliminate this drying function. DOE also requests data and information on the energy use associated with increasing the temperature of the final rinse water as a means to improve drying performance, including any available options.

c. Test Load Items

Appendix C1 requires testing with four or eight place settings for compact and standard dishwashers, respectively.⁵ Sections 2.6.2, 2.6.3.1,

2.6.3.2, 2.6.3.3, appendix C1. A place setting includes the following items: One cup, one saucer, one dinner plate, one bread and butter plate, one fruit bowl, one iced tea glass, one dinner fork, one salad fork, one knife, and two teaspoons. Section 2.7.2, appendix C1. Both compact and standard dishwashers are also loaded with six serving pieces: Two serving bowls, one platter, one serving fork, and two serving spoons. Section 2.7.3, appendix C1. The place setting and serving piece specifications required in appendix C1 are consistent with those provided in American National Standards Institute ("ANSI")/AHAM Standard DW-1-2010, *Household Electric Dishwashers* ("ANSI/AHAM DW-1-2010").

Based on consumer dishwasher models certified in DOE's Compliance Certification Database as of March 2019, among a total of 895 standard-size models, 11 percent have a reported capacity of eight place settings, 70 percent have a capacity of 12 place settings, and 16 percent have a capacity that is greater than 12 place settings. Because appendix C1 specifies testing with eight place settings for a standard-size dishwasher, almost 89 percent of standard-size consumer dishwashers (i.e. dishwashers with a capacity equal to or greater than eight place settings) are tested with a load that is smaller than the certified capacity. For example, a consumer dishwasher that is certified with a capacity of 12 place settings is classified as a standard dishwasher and is tested with eight place settings. DOE requests information on the typical number of place settings washed by consumers in each dishwasher cycle, as well as how the typical number of place settings relates to a dishwasher's overall capacity. DOE also requests information on whether the number of place settings affects energy and water consumption under appendix C1.

Additionally, DOE received feedback that the test load composition of place settings and serving pieces defined in section 2.7.1 of appendix C1 may not represent typical consumer loads. For example, the appendix C1 test load does not include any plastic items. DOE is aware of one industry test method, IEC Standard 60436, *Electric dishwashers for household use—Methods for measuring the performance* ("IEC 60436"), which includes a melamine bowl as one of the serving pieces in the test load. DOE requests information on whether introduction of plastic items

⁵ Section 1.4 of appendix C1 defines a "compact dishwasher" as having a capacity of less than eight place settings plus six serving pieces, as specified in ANSI/AHAM DW-1-2010. Section 1.20 of

appendix C1 defines a "standard dishwasher" as having a capacity equal to or greater than eight place settings plus six serving pieces as specified in ANSI/AHAM DW-1-2010.

could have an impact on energy or water use, as well as on the typical composition of place setting items, serving pieces, and flatware that are washed in consumer dishwashers, including the types of items (e.g., cups, bowls, and plates) and their characteristics (e.g., size and material).

d. Annual Number of Cycles

DOE's current test procedure calculates EAEU using 215 annual cycles. In the December 2014 NOPR and chapter 7 of its accompanying technical support document ("TSD"),⁶ DOE discussed the sources for this annual number of cycles as part of the energy and water use analysis. 79 FR 76142, 76156. DOE noted that the consumer dishwasher test procedure amendments in the August 2003 final rule relied on compiled survey data of consumers' dishwasher usage habits from a number of sources, including the 1997 *RECS*, several consumer dishwasher manufacturers, detergent manufacturers, energy and consumer interest groups, independent researchers, and government agencies. *Id.* These data yielded the average usage of 215 cycles per year. *Id.* DOE considered survey data from the 2009 version of *RECS*, but determined that because of the large data set used to develop the 215 cycle value, it would retain use of that value. *Id.* DOE also noted that 215 cycles per year is the number of cycles on which the EnergyGuide label administered by the Federal Trade Commission is based. *Id.*

In response to the December 2014 NOPR, AHAM commented that several newer editions of *RECS* data are available, including most recently (at that time) from the 2009 *RECS*. AHAM also noted that the 2009 *RECS* data include 12,100 households with 7,382 dishwashers, as compared to the 5,900 households in the 1997 *RECS*. Additionally, AHAM stated that the EIA has instituted a number of improvements to its methodology to increase the sample size and data accuracy of the 2009 survey. AHAM stated that as a result, the 2009 *RECS* data would be more appropriate to use than the 1997 *RECS* data. (AHAM, No. 21 at pp. 24–25) The Mercatus Center at George Mason University ("Mercatus Center") commented that the number of cycles per year used for the December 2014 NOPR analysis relied on a survey from 2001, which occurred during an extended period of decreasing household sizes and reduction in food

preparation. (Mercatus Center, No. 11 at p. 7)

As discussed in chapter 7 of the final rule TSD accompanying the December 2016 final determination, the 2009 *RECS* data provide information on the number of cycles per week for each household using a consumer dishwasher, categorized in the following bins: (1) Less than once per week, (2) once per week, (3) 2–3 times per week, (4) 4–6 times per week, and (5) at least once per day. Because the *RECS* data do not include point estimates of usage, DOE considered survey data it used to develop the amendments in the August 2003 final rule, which included data from a 2001 Arthur D. Little survey,⁷ and that were analyzed again as part of the October 2012 final rule to estimate the average number of consumer dishwasher cycles per year.⁸ DOE converted the information from the 2009 *RECS* to annual values. The data from the 2009 *RECS* indicate an average of 204 annual cycles (rather than 245 as derived from the 1997 *RECS*). Incorporating this value with the additional survey data used in the August 2003 final rule suggests a value of 207 average annual cycles.

DOE requests any additional information on annual consumer use of dishwashers, including on the appropriateness of the analysis that incorporates the 2009 *RECS* data and whether it results in a representative annual usage estimate. DOE also seeks feedback on the suitability of data from the 2015 *RECS*, which directly asks for the typical number of dishwasher cycles per week rather than providing binned response options.

e. Soils

The August 2003 final rule amended the consumer dishwasher test procedure to account for the varying energy and water performance of units that include soil sensors. 68 FR 51887, 51890, 51893. In that rulemaking, DOE relied on survey data gathered by Arthur D. Little ("ADL")⁹ to characterize the quantity of soils that consumers load into a dishwasher. Using the soil loads from an earlier version of AHAM DW–1¹⁰ as a reference point, the ADL report defined a light soil load as half the quantity of a single soiled place setting as defined in AHAM DW–1. A medium soil load was equivalent to two soiled

AHAM DW–1 place settings and a heavy soil load was approximately equal to four soiled AHAM DW–1 place settings. With these load size definitions, ADL found that consumers most frequently washed lightly soiled loads (62 percent of loads), with medium (33 percent) and heavy (5 percent) soil loads making up the remainder. The appendix C1 test procedure assumes the same distribution of soil loads as identified in the ADL report.

In response to the December 2014 NOPR, Samsung Electronics America, Inc. ("Samsung") commented that the soil loads in the current DOE test procedure, including the heavy soil load, appear to reflect consumer pre-rinsing. Samsung proposed that the DOE test procedure be updated to reflect the soiling condition without pre-rinsing to encourage consumer dishwasher cycles to be designed for the soiling condition without pre-rinsing. Samsung suggested soiling levels per AHAM DW–1–2009¹¹ could represent soiling condition without pre-rinsing. Samsung asserted that adopting more stringent standards without amending the test procedure accordingly would drive consumer dishwasher cycle designs that use less energy and water under the DOE soil condition, but use significantly more water and energy under consumer usage with no pre-rinsing. (Samsung, No. 19 at pp. 1–2) AHAM asserted that under the standards proposed in the December 2014 NOPR, consumers would pre-rinse dishes before placing them in the dishwasher, significantly increasing water use. (AHAM, No. 21 at p. 9)

DOE requests information on whether consumer loads have changed since the survey data gathered in support of the August 2003 final rule. Specifically, DOE requests data or survey information regarding soiling conditions and the frequency of pre-rinsing to inform whether any changes to the current soil loads are warranted.

In addition to the quantity of soils loaded into the dishwasher, DOE seeks information on whether the types of soil required in appendix C1 result in a test method that measures energy and water use during a representative use cycle or period of use. The soil types are defined by ANSI/AHAM DW–1–2010; however, appendix C1 does not require flatware or serving pieces to be soiled. These soils include: Eggs, corn, oatmeal, potatoes, a ground beef mixture, raspberry preserves, coffee (including coffee grounds), and tomato juice. DOE notes that the ANSI/AHAM DW–1–2010 soil load also includes peanut butter,

⁷ 68 FR 51887, 51889–51890.

⁸ 77 FR 31918, 31932.

⁹ ADL survey data are available at <https://www.regulations.gov/document?D=EERE-2006-TP-0096-0055>.

¹⁰ Although not identical to the soil loads in ANSI/AHAM DW–1–2010, they are substantially similar.

¹¹ The soil loads in AHAM DW–1–2009 are identical to those in ANSI/AHAM DW–1–2010.

⁶ Available at <https://www.regulations.gov/document?D=EERE-2014-BT-STD-0021-0005>.

which is not used in appendix C1 testing. Appendix C1 requires drying the soils on the test load items for approximately 2 hours before loading into the dishwasher. DOE notes that other industry test procedures, such as IEC 60436, include different soil types, soiling methods, and longer drying or baking-on periods for the soils.

In response to the December 2014 NOPR, AHAM and a group of its members gathered data on soils and cleaning performance and presented the information to DOE in a meeting on July 8, 2015.¹² An AHAM member tested three consumer dishwashers with varying energy and water consumptions, one at the current baseline, one at the standard level proposed in the December 2014 NOPR, and one at an intermediate level (at 255 kWh/year and 3.1 gal/cycle). The three dishwashers were evaluated by the manufacturer on their ability to remove adhered ANSI/AHAM DW-1-2010 soils and additional fats and grease. The information AHAM provided indicated that the dishwashers with energy and water consumptions less than the baseline may have more difficulty removing certain grease and adhered soils compared to dishwashers that just meet the current standard level. (AHAM, No. 27 at pp. 2-13)

DOE requests information on the typical mix of soils consumers load into their dishwashers, on the appropriateness of the current composition of soil loads in appendix C1, and on whether the appendix C1 soil loads should be updated to incorporate different types of soils, including any additional fats or greases.

f. Loading Pattern

Section 2.6 of appendix C1 references section 5.8 of ANSI/AHAM DW-1-2010 for loading instructions. That section requires loading in accordance with the manufacturer's recommendation. AHAM stated that appendix C1's lack of loading specificity is a source of test procedure uncertainty. (AHAM, No. 21 at pp. 13-14) The test load in appendix C1 includes a mix of soiled and unsoiled items, whereas every item in an ANSI/AHAM DW-1-2010 test load is soiled. Manufacturers do not provide instructions for loading a mix of soiled and clean items. The positioning of soiled items relative to unsoiled items may impact the rate at which soils are removed from the test load items, which may impact soil sensor responses.

DOE requests feedback on whether any additional instructions are needed

beyond referencing a manufacturer's loading recommendation.

DOE also requests information on how consumers typically load dishwashers. Although manufacturer instructions may optimize loading patterns to maximize loading capacity and dishwasher performance, consumers may use other loading positions and alignment, leading to variability in dishwasher performance.

g. Preconditioning Cycles

Section 2.9 of appendix C1 specifies that two preconditioning cycles must be run prior to the energy and water consumption test cycles. The purpose of the pre-conditioning cycles is to ensure that the water lines and sump area of the pump are primed, as well as to ensure that the soil sensors are calibrated for soil-sensing dishwashers. Section 2.9 also specifies that the prewash, if any, and main wash fill water volumes from the second preconditioning cycle must be measured to calculate the detergent amounts to be used during the energy and water consumption tests. DOE requests comment on whether two preconditioning cycles are adequate or more than is necessary to calibrate the soil sensors on all soil-sensing dishwashers. DOE also requests comment on whether using the water volumes from the second preconditioning cycle would be appropriate for determining the detergent amounts if the sensors are still being calibrated during this second preconditioning cycle.

h. Detergent

The detergent formulation used in appendix C1 is Cascade with the Grease Fighting Power of Dawn powder. Section 2.10, appendix C1. Appendix C1 specifies that the amount of detergent to be used for testing is half of the quantity specified in ANSI/AHAM DW-1-2010, calculated based on the pre-wash and main wash fill volumes. *Id.* DOE introduced specifications for detergent quantity at the time it incorporated soiled loads into the DOE test procedure. 68 FR 51887, 51890-51891. In that rulemaking, interested parties commented that detergent dosing impacts a consumer dishwasher's cleaning performance but not energy consumption. *Id.* Identification of the specific detergent was subsequently added in the October 2012 final rule. 77 FR 65941, 65965.

In response to the December 2014 NOPR, AHAM commented that the detergent quantity requirements are subject to different interpretations

between test laboratories, as observed during AHAM's round robin testing. Specifically, AHAM described difficulty in distinguishing pre-wash and main wash fills from each other and from any subsequent rinse fills. AHAM stated that this leads to test laboratories using different fill volumes in the detergent concentration calculations, resulting in different detergent dosing that will impact both energy and cleaning performance test results. (AHAM, No. 21 at p. 13) DOE has observed that some consumer dishwashers use a combination of fills and partial drains during the initial wash portions of the cycle, creating potential difficulty in distinguishing between the pre-wash and main wash portions of the cycle and the corresponding quantities of water remaining in the test unit.

DOE has also received feedback that consumers are increasingly moving from powder or liquid detergents to single-dose detergents (e.g., capsules or pods). Therefore, basing the detergent dosing on the wash fill volumes may not be representative of consumer use if consumers more frequently use a single dose or fixed quantity of powder or liquid detergent for every dishwasher cycle regardless of the cycle selection or soil load.

DOE requests information on whether the current powder detergent results in a test procedure reasonably designed to measure energy or water use during a representative use cycle or period of use. DOE also requests comment on whether the test procedure should continue to require calculating the detergent dosing based on the measured water fill volumes, or whether specifying a fixed amount of detergent, either in powder or single-dose form, would be more appropriate. If calculated detergent dosages are appropriate, DOE requests information on methods to differentiate between the different portions of a wash cycle and how to appropriately calculate the corresponding detergent dosing. DOE notes that certain manufacturers include dosing recommendations in their user guides and requests feedback on whether the detergent dosing for testing should reference any such recommendations.

Additionally, DOE has received feedback from manufacturers that the formulations of commercially available detergents often change significantly. Detergent manufacturers may make periodic adjustments to detergent composition, resulting in different performance characteristics depending on when and where the detergent was purchased. To address this issue, IEC 60436 specifies the use of a reference

¹² A summary of the meeting and the materials presented at this meeting are available at document ID EERE-2014-BT-STD-0021-0027 on <http://www.regulations.gov>.

detergent formulation. DOE requests information on whether the use of a reference detergent would be appropriate for the DOE test procedure.

i. Rinse Aid

Appendix C1 currently requires that testing be conducted without the use of rinse aid, and that any rinse aid reservoirs remain empty for testing. As part of the August 2003 final rule, DOE considered using rinse aid for testing that included soiled loads in the test procedure. 68 FR 51887, 51890–51891. Interested parties commented that rinse aid affects drying performance but would not impact a consumer dishwasher's energy performance. *Id.*

DOE notes that IEC 60436 specifies the use of a standard rinse aid formulation rather than a commercially marketed brand. DOE requests information on consumer use of rinse aid, and on whether the use of rinse aid has any effect on measured energy and water consumption.

j. Water Hardness

Appendix C1 does not currently specify any water hardness requirement for testing. The water hardness requirement in The ENERGY STAR *Test Method for Determining Dishwasher Cleaning Performance*¹³ is consistent with the requirement in ANSI/AHAM DW-1-2010, specifying a maximum water hardness of 85 parts per million (“ppm”) of calcium carbonate.

In response to the December 2014 NOPR, AHAM commented that the lack of a water hardness requirement in the DOE test procedure may lead to variability in test results between test laboratories. (AHAM, No. 21 at p. 14)

DOE requests information on how water hardness may impact consumer dishwasher energy and water performance, and on the burden associated with including a water hardness requirement in the DOE test procedure. DOE also requests information on the hardness level of water used in current testing as compared to the water hardness level specified in ANSI/AHAM DW-1-2010, and the degree to which the water hardness level impacts whether the test procedure is reasonably designed to measure energy or water use during a representative use cycle or period of use.

k. Water Softener Regeneration Cycles

The dishwasher test procedure at appendix C1 specifies certain

calculations for energy and water consumption, including calculations for dishwashers with water softener regeneration cycles.¹⁴ Sections 5.1.3, 5.4.3, 5.5.1.2, 5.5.2.2, 5.6.1.2, and 5.6.2.2, appendix C1. In its review of these calculations, DOE observed that if a dishwasher has a water softener regeneration event at every or nearly every cycle (or, for the purposes of appendix C1, the dishwasher is certified to have approximately 215 regeneration cycles per year), the additional energy and water consumption associated with the water softener regeneration would likely already be accounted for in the measured energy and water use of the dishwasher. However, according to appendix C1, such a dishwasher would still be required to certify additional energy and water use associated with regeneration. DOE requests comment on whether such dishwashers exist that would run a regeneration at every or nearly every cycle, and whether any additional instructions should be specified in appendix C1 for such dishwashers.

l. Standby Testing

In response to the December 2014 NOPR, AHAM stated that appendix C1 does not currently specify whether standby testing is to be conducted with the door open or closed. AHAM believes this will have a significant impact on variability of the measured energy. (AHAM, No. 21 at p. 13) Section 4.2 of appendix C1 states to follow the test procedure in Section 5, Paragraph 5.3.2 of IEC 62301, which specifies setup according to the manufacturer's instructions for use. If no manufacturer instructions for use are provided, the factory or default settings shall be used. When there are no indications of factory or default settings, the product is tested as supplied.

DOE requests comment on whether testing with the door closed is representative of energy use in standby mode or off mode during a representative average use cycle or period of use (*i.e.*, the door is closed

when the dishwasher is not in active mode). DOE also requests feedback on whether energy is consumed when the door is open, and if so, whether the energy consumption with the door open is significantly different from the energy consumed with the door closed.

m. Ambient Temperature

Section 2.5.1 of Appendix C1 currently specifies an ambient temperature of 75 °F ± 5 °F for active mode testing. In response to the December 2014 NOPR, AHAM commented that varying ambient temperatures can lead to different thermal hold times, which can lead to different measured energy results. AHAM stated that it was studying whether it is possible to tighten the allowable ambient temperature range in order to improve repeatability and reproducibility. (AHAM, No. 21 at p. 14) DOE welcomes input regarding the impacts of narrowing the allowable ambient temperature range on consumer dishwasher energy and water consumption, and whether this change would represent a burden for test facilities, and if so the extent of the burden.

n. Relative Humidity

Appendix C1 does not currently specify an ambient relative humidity for testing. In response to the December 2014 NOPR, AHAM noted that relative humidity can cause variation in energy testing results, and suggested that the DOE test procedure incorporate the relative humidity specification in ANSI/AHAM DW-1-2010, which according to AHAM is current industry practice. (AHAM, No. 21 at p. 14) DOE seeks input on whether ambient relative humidity affects energy or water consumption, and whether test facilities already maintain an ambient relative humidity of 20 to 50 percent, as specified in ANSI/AHAM DW-1-2010. DOE requests information on what, if any, additional test burden would result from a relative humidity specification and the extent of any such burden.

2. Repeatability and Reproducibility

In response to the December 2014 NOPR, AHAM suggested that the repeatability and reproducibility of appendix C1 are not sufficient for the test procedure to be used as the basis for an energy conservation standards rulemaking. AHAM commented that its round robin testing demonstrated that appendix C1's repeatability and reproducibility needs to be improved. AHAM stated that it had been working over the past several years to identify potential sources of variation in the

¹³ The ENERGY STAR Cleaning Performance Test Method is available at https://www.energystar.gov/products/spec/residential_dishwashers_specification_pd.

¹⁴ Hard water (water having calcium ion concentrations higher than 180 parts per million) prevents soaps and detergents from properly sudsing. To address this issue for those consumers that have hard water, some consumer dishwashers have a built-in water softening system. The water softener system may rely on a sodium resin that must be periodically recharged by flushing a saline solution over it, a process which is referred to as regeneration. During a cycle that includes a regeneration process, additional water is mixed with salt supplied by the consumer in a compartment separate from the detergent compartment to create the saline solution, and this incremental water consumption requires energy to heat it to the same temperature as is used for the active cycle.

energy test, and to develop potential amendments to the DOE test procedure and ANSI/AHAM DW-1-2010 to address them. AHAM commented that repeatability and reproducibility would become more critical at more stringent standard levels. (AHAM, No. 21 at pp. 12–14)

In the December 2016 final determination, DOE stated that it would seek information on stakeholders' concerns regarding appendix C1. 81 FR 90072, 90076. In addition to the topics addressed in section II.B.1 of this document, DOE has observed in its testing that appendix C1 produces more consistent results from test to test for non-soil-sensing dishwashers than for soil-sensing dishwashers. For soil-sensing dishwashers, the sensor response for a given cycle appears to be the primary factor in the resulting variation in energy and water use results.

As discussed in section II.B.1.d of this document, survey data from ADL indicate that consumers typically load only a small amount of soils into their dishwashers. According to the ADL report, even the heaviest consumer soil loads (representing 5 percent of consumer dishwasher cycles) correspond to the equivalent of only four soiled place settings under the DOE test procedure. DOE observed in its tests under appendix C1 that this soil level typically triggers the lightest cycle response in soil-sensing dishwashers. However, DOE has occasionally observed a given soil load trigger a heavier cycle response (*i.e.* “outlier” cycle responses that use higher energy and/or water consumption), which can have a more pronounced impact when the heavier response occurs with the light or medium soil loads because those cycles are weighted more heavily in the overall calculations.

DOE is requesting information on the extent to which variable cycle responses for soil-sensing dishwashers are an issue with the DOE consumer dishwasher test procedure, and if so, how to address this issue. Specifically, DOE seeks information on whether variable cycle responses are an issue that may be addressed by further specifying test conditions, or if there is a certain amount of variability inherent to the dishwasher control schemes and whether such variability would also occur as part of a representative average use cycle or period of use. DOE is also interested in feedback on any other amendments to the test procedure that would ensure that the procedure is reasonably designed to measure the energy and water use of the dishwasher

during a representative average use cycle or period of use.

C. Efficiency Metrics

DOE's test procedures in 10 CFR 430.23(c) and appendix C1 provide results for energy consumption in kWh/year and water consumption in gal/cycle. In response to the December 2014 NOPR, DOE received feedback that its existing product class structure may not be appropriate for consumer dishwasher regulations. The Mercatus Center stated that the current separation of consumer dishwashers into product classes on the basis of capacity without an identification of product characteristics that provide consumer utility is overly broad. (Mercatus Center, No. 11 at p. 5) The People's Republic of China (“China”) stated that the standards proposed in the December 2014 NOPR are fixed values for the standard product class, and that these values may be too stringent for larger consumer dishwashers within the standard product class. China suggested a specific standard for these larger products. (China, No. 25 at p. 3)

One potential approach to address the comments raised by the Mercatus Center and China would be an energy and water use metric on a per-place setting basis. Such an approach would also eliminate the need for separate product classes based on capacity. DOE is requesting feedback on such a potential approach, including any data characterizing how the energy use of dishwashers on the market in the United States could be impacted by it.

D. Other Test Procedure Topics

1. Test Procedure Waivers

DOE has granted two test procedure waivers for the current consumer dishwasher test procedure. On April 10, 2017, DOE granted Miele, Inc. a test procedure waiver to allow for testing a specified basic model intended for a 208-volt power supply rather than the 115 volts or 240 volts specified in appendix C1.¹⁵ 82 FR 17227. On November 1, 2013, DOE granted Whirlpool Corporation a test procedure waiver to allow for testing specified basic models equipped with a water use system, in which water from the final rinse cycle is stored for use in the next subsequent cycle, with periodic draining and cleaning events.¹⁶ 78 FR 65629.

The test procedure waivers for these consumer dishwasher basic models provide alternate test provisions that are reasonably designed to measure energy

and water use during a representative average use cycle or period of use for the basic models specified in the respective Orders. DOE requests feedback on whether the test procedure waiver approaches are generally appropriate for testing basic models with these features.

2. Other Topics

In addition to the issues identified earlier in this document, DOE welcomes comment on any other aspect of the existing test procedures for consumer dishwashers not already addressed by the specific areas identified in this document. DOE particularly seeks information to ensure that the test procedure is designed to measure energy and water use during a representative average use cycle or period of use, and is not unduly burdensome to conduct. DOE also requests information that would help DOE create a procedure that would limit manufacturer test burden through streamlining or simplifying testing requirements.

DOE also requests feedback on any potential amendments to the existing test procedure that could be considered to address impacts on manufacturers, including small businesses. DOE requests comment on the benefits and burdens of adopting any industry/voluntary consensus-based or other appropriate test procedure, without modification.

DOE recently published an RFI on the emerging smart technology appliance and equipment market. 83 FR 46886 (Sept. 17, 2018). In that RFI, DOE sought information to better understand market trends and issues in the emerging market for appliances and commercial equipment that incorporate smart technology. DOE's intent in issuing the RFI was to ensure that DOE did not inadvertently impede such innovation in fulfilling its statutory obligations in setting efficiency standards for covered products and equipment. DOE seeks comments, data, and information on the issues presented in the “smart products” RFI as they may be applicable to dishwashers.

DOE also recently issued an RFI to seek more information on whether its test procedures are reasonably designed, as required by EPCA, to produce results that measure the energy use or efficiency of a product during a representative average use cycle or period of use. 84 FR 9721 (Mar. 18, 2019). DOE seeks comment on this issue as it pertains to the test procedure for dishwashers.

¹⁵ See case No. DW-012.

¹⁶ See case No. DW-011.

III. Submission of Comments

DOE invites all interested parties to submit in writing by September 19, 2019, comments and information on matters addressed in this notice and on other matters relevant to DOE's consideration of amended test procedures for consumer dishwashers. These comments and information will aid in the development of a test procedure NOPR for consumer dishwashers if DOE determines that amended test procedures may be appropriate for these products.

Submitting comments via <http://www.regulations.gov>. The <http://www.regulations.gov> web page will require you to provide your name and contact information. Your contact information will be viewable to DOE Building Technologies staff only. Your contact information will not be publicly viewable except for your first and last names, organization name (if any), and submitter representative name (if any). If your comment is not processed properly because of technical difficulties, DOE will use this information to contact you. If DOE cannot read your comment due to technical difficulties and cannot contact you for clarification, DOE may not be able to consider your comment.

However, your contact information will be publicly viewable if you include it in the comment or in any documents attached to your comment. Any information that you do not want to be publicly viewable should not be included in your comment, nor in any document attached to your comment. Persons viewing comments will see only first and last names, organization names, correspondence containing comments, and any documents submitted with the comments.

Do not submit to <http://www.regulations.gov> information for which disclosure is restricted by statute, such as trade secrets and commercial or financial information (hereinafter referred to as Confidential Business Information ("CBI")). Comments submitted through <http://www.regulations.gov> cannot be claimed as CBI. Comments received through the website will waive any CBI claims for the information submitted. For information on submitting CBI, see the Confidential Business Information section.

DOE processes submissions made through <http://www.regulations.gov> before posting. Normally, comments will be posted within a few days of being submitted. However, if large volumes of comments are being processed simultaneously, your

comment may not be viewable for up to several weeks. Please keep the comment tracking number that <http://www.regulations.gov> provides after you have successfully uploaded your comment.

Submitting comments via email, hand delivery, or postal mail. Comments and documents submitted via email, hand delivery/courier, or postal mail also will be posted to <http://www.regulations.gov>. If you do not want your personal contact information to be publicly viewable, do not include it in your comment or any accompanying documents. Instead, provide your contact information on a cover letter. Include your first and last names, email address, telephone number, and optional mailing address. The cover letter will not be publicly viewable as long as it does not include any comments.

Include contact information each time you submit comments, data, documents, and other information to DOE. If you submit via postal mail or hand delivery/courier, please provide all items on a CD, if feasible. It is not necessary to submit printed copies. No facsimiles (faxes) will be accepted.

Comments, data, and other information submitted to DOE electronically should be provided in PDF (preferred), Microsoft Word or Excel, WordPerfect, or text (ASCII) file format. Provide documents that are not secured, written in English and free of any defects or viruses. Documents should not contain special characters or any form of encryption and, if possible, they should carry the electronic signature of the author.

Campaign form letters. Please submit campaign form letters by the originating organization in batches of between 50 to 500 form letters per PDF or as one form letter with a list of supporters' names compiled into one or more PDFs. This reduces comment processing and posting time.

Confidential Business Information. According to 10 CFR 1004.11, any person submitting information that he or she believes to be confidential and exempt by law from public disclosure should submit via email, postal mail, or hand delivery two well-marked copies: One copy of the document marked confidential including all the information believed to be confidential, and one copy of the document marked "non-confidential" with the information believed to be confidential deleted. Submit these documents via email to ResDishwasher2016TTP0012@ee.doe.gov or on a CD, if feasible. DOE will make its own determination about the confidential status of the information

and treat it according to its determination.

Factors of interest to DOE when evaluating requests to treat submitted information as confidential include (1) a description of the items, (2) whether and why such items are customarily treated as confidential within the industry, (3) whether the information is generally known by or available from other sources, (4) whether the information has previously been made available to others without obligation concerning its confidentiality, (5) an explanation of the competitive injury to the submitting person which would result from public disclosure, (6) when such information might lose its confidential character due to the passage of time, and (7) why disclosure of the information would be contrary to the public interest.

It is DOE's policy that all comments may be included in the public docket, without change and as received, including any personal information provided in the comments (except information deemed to be exempt from public disclosure).

DOE considers public participation to be a very important part of the process for developing test procedures and energy conservation standards. DOE actively encourages the participation and interaction of the public during the comment period in each stage of this process. Interactions with and between members of the public provide a balanced discussion of the issues and assist DOE in the process. Anyone who wishes to be added to the DOE mailing list to receive future notices and information about this process should contact Appliance and Equipment Standards Program staff at (202) 287-1445 or via email at ApplianceStandardsQuestions@ee.doe.gov.

Signed in Washington, DC, on August 6, 2019.

Alexander N. Fitzsimmons,

Acting Deputy Assistant Secretary for Energy Efficiency, Energy Efficiency and Renewable Energy.

[FR Doc. 2019-17762 Filed 8-19-19; 8:45 am]

BILLING CODE 6450-01-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2019–0605; Product Identifier 2019–NM–093–AD]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for all The Boeing Company Model 757 airplanes and Model 767–200, –300, and –300F series airplanes. This proposed AD was prompted by reports of excessively high flight deck or cabin temperatures. This proposed AD would require revising certificate limitations and operating procedures of the existing airplane flight manual (AFM), to provide the flightcrew with procedures for hot flight deck or cabin temperatures to follow under certain conditions. 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 October 4, 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.

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–2019–0605; 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 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: Susan L. Monroe, Aerospace Engineer, Cabin Safety and Environmental Systems Section, FAA, Seattle ACO Branch, 2200 South 216th St., Des Moines, WA 98198; phone and fax: 206–231–3570; email: susan.l.monroe@faa.gov.

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under the **ADDRESSES** section. Include “Docket No. FAA–2019–0605; Product Identifier 2019–NM–093–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 NPRM.

Discussion

The FAA has received reports of excessively high flight deck or cabin temperatures caused by a loss of power or open circuit breaker on the pack flow control assembly combined with a PACK OFF selection. This combination can drive a single pack into full hot output, which results in the pack operating hot without indication, and without overheat protection. This condition, if not addressed, could result in excessively high flight deck temperatures, which may inhibit safe operation of the airplane by the flightcrew and contribute to loss of continued safe flight and landing. It could also result in excessively high cabin temperatures, which may cause physiological distress to passengers and cabin crew.

FAA’s Determination

We are proposing this AD because we 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 require revising certificate limitations and operating procedures of the existing AFM, to provide the flightcrew with procedures for hot flight deck or cabin temperatures to follow under certain conditions.

Costs of Compliance

The FAA estimates that this proposed AD affects 866 airplanes of U.S. registry. 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
AFM Revision	1 work-hour × \$85 per hour = \$85	\$0	\$85	\$73,610

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 proposed 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

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

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

- (1) Is not a “significant regulatory action” under Executive Order 12866,
- (2) 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 adding the following new airworthiness directive (AD):

The Boeing Company: Docket No. FAA–2019–0605; Product Identifier 2019–NM–093–AD.

(a) Comments Due Date

The FAA must receive comments by October 4, 2019.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all The Boeing Company airplanes specified in paragraphs

(c)(1) and (2) of this AD, certificated in any category.

(1) Model 757–200, –200PF, –200CB, and –300 series airplanes.

(2) Model 767–200, –300, and –300F series airplanes.

(d) Subject

Air Transport Association (ATA) of America Code 21, Air conditioning.

(e) Unsafe Condition

This AD was prompted by reports of excessively high flight deck or cabin temperatures. The FAA is issuing this AD to address this condition, which may inhibit safe operation of the airplane by the flightcrew and contribute to loss of continued safe flight and landing, or may cause physiological distress to passengers and cabin crew.

(f) Compliance

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

(g) Airplane Flight Manual (AFM) Revisions

Within 60 days after the effective date of this AD, do the actions specified in paragraphs (g)(1) and (2) of this AD.

(1) Revise the “Certificate Limitations” chapter of the existing AFM to include the information specified in figures 1 through 3 to paragraph (g)(1) of this AD, as applicable.

BILLING CODE 4910–13–P

Figure 1 to paragraph (g)(1) – Model 757 Freighter Airplanes Certificate Limitation

In the event of excessively hot flight deck temperature, the flight crew must comply with the Cabin Temperature Hot Procedures in the Operating Procedures chapter of this manual.

Figure 2 to paragraph (g)(1) – Model 767 Freighter Airplanes Certificate Limitation

In the event of excessively hot flight deck or main deck cargo compartment temperature, the flight crew must comply with the Cabin Temperature Hot Procedures in the Operating Procedures chapter of this manual.

Figure 3 to paragraph (g)(1) – Model 757 and 767 Passenger Airplanes Certificate Limitation

In the event of excessively hot flight deck or passenger cabin temperature, the flight crew must comply with the Cabin Temperature Hot Procedures in the Operating Procedures chapter of this manual.

(2) Revise the “Operating Procedures” chapter of the existing AFM to include the

information specified in figures 4 through 7 to paragraph (g)(2) of this AD, as applicable.

Figure 4 to paragraph (g)(2) – Model 757 Freighter Operating Procedures

Required by AD ****-**-**

AFM Cabin Temperature Hot Procedures

757 Freighter

If flight deck temperature is excessively hot and could cause incapacitation:

Trim Air Switch.....OFF

If outlet air stays excessively hot after one minute:

Trim Air Switch ON

Pack Control Selectors (Both) STBY-N

If outlet air stays excessively hot after one minute:

Left Pack Control Selector OFF

If outlet air stays excessively hot after one minute:

Left Pack Control Selector AUTO

Right Pack Control Selector OFF

If outlet air stays excessively hot after one minute, descend to 10,000 ft. or minimum safe altitude, whichever is higher.

Reduce heat sources:

Utility Bus Switches (Both) OFF

Shoulder Heaters and Foot Heaters (All) OFF

When at level off, maintain 290 knots or greater.

If level off above 10,000 ft.:

Oxygen Masks and Regulators ON, 100%

Crew Communications ESTABLISH

Left Pack Control Selector.....OFF

Manually depressurize and open outflow valve.

Figure 5 to paragraph (g)(2) – Model 757 Passenger Operating Procedures

Required by AD ****-**-**

AFM Cabin Temperature Hot Procedures**757 Passenger**

If flight deck or passenger cabin temperature is excessively hot and could cause incapacitation:

Trim Air Switch OFF

If outlet air stays excessively hot after one minute:

Trim Air Switch..... ON

Pack Control Selectors (Both)..... STBY-N

If outlet air stays excessively hot after one minute:

Left Pack Control Selector..... OFF

If outlet air stays excessively hot after one minute:

Left Pack Control Selector..... AUTO

Right Pack Control Selector..... OFF

If outlet air stays excessively hot after one minute, descend to 10,000 ft. or minimum safe altitude, whichever is higher.

Reduce heat sources:

Utility Bus Switches (Both) OFF

Shoulder Heaters and Foot Heaters (All) OFF

When at level off, maintain 290 knots or greater.

If level off above 10,000 ft.:

Oxygen Masks and Regulators ON, 100%

Crew Communications ESTABLISH

Left Pack Control Selector OFF

Manually depressurize and open outflow valve.

Figure 6 to paragraph (g)(2) – Model 767 Freighter Operating Procedures

Required by AD ****-**-**

AFM Cabin Temperature Hot Procedures

767 Freighter

If flight deck or main deck cargo compartment temperature is excessively hot and could cause incapacitation:

Trim Air Switch OFF

If outlet air stays excessively hot after one minute:

 Trim Air Switch..... ON

 Pack Control Selectors (Both)..... STBY-N

If outlet air stays excessively hot after one minute:

 Left Pack Control Selector..... OFF

If outlet air stays excessively hot after one minute:

 Left Pack Control Selector..... AUTO

 Right Pack Control Selector..... OFF

If outlet air stays excessively hot after one minute, descend to 10,000 ft. or minimum safe altitude, whichever is higher.

 Reduce heat sources:

 Utility Bus Switches (Both) OFF

 Shoulder Heaters and Foot Heaters (All) OFF

When at level off, maintain 290 knots or less.

 If level off above 10,000 ft.:

 Oxygen Masks and Regulators ON, 100%

 Crew Communications ESTABLISH

Left Pack Control Selector OFF

Manually depressurize and open outflow valve.

Figure 7 to paragraph (g)(2) – Model 767 Passenger Operating Procedures

Required by AD ****-**-**

AFM Cabin Temperature Hot Procedures**767 Passenger**

If flight deck or passenger cabin temperature is excessively hot and could cause incapacitation:

Trim Air Switch OFF

If outlet air stays excessively hot after one minute:

Trim Air Switch ON

Pack Control Selectors (Both) STBY-N

If outlet air stays excessively hot after one minute:

Left Pack Control Selector OFF

If outlet air stays excessively hot after one minute:

Left Pack Control Selector AUTO

Right Pack Control Selector OFF

If outlet air stays excessively hot after one minute, descend to 10,000 ft. or minimum safe altitude, whichever is higher.

Reduce heat sources:

Shoulder Heaters and Foot Heaters (All) OFF

Select galley equipment, IFE and main cabin door heaters off.

When at level off, maintain 290 knots or less.

If level off above 10,000 ft.:

Oxygen Masks and Regulators ON, 100%

Crew Communications ESTABLISH

Left Pack Control Selector OFF

Manually depressurize and open outflow valve.

(h) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Seattle 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 (i) of this AD. Information may be emailed to: 9-ANM-Seattle-ACO-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, Seattle 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.

(i) Related Information

For more information about this AD, contact Susan L. Monroe, Aerospace Engineer, Cabin Safety and Environmental Systems Section, FAA, Seattle ACO Branch, 2200 South 216th St., Des Moines, WA 98198; phone and fax: 206-231-3570; email: susan.l.monroe@faa.gov.

Issued in Des Moines, Washington, on August 7, 2019.

Dionne Palermo,

Acting Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2019-17500 Filed 8-19-19; 8:45 am]

BILLING CODE 4910-13-C

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Part 39**

[Docket No. FAA-2019-0589; Product Identifier 2017-SW-020-AD]

RIN 2120-AA64

Airworthiness Directives; Bell Helicopter Textron Canada Limited Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to supersede Airworthiness Directive (AD) 2016-02-06 for Bell Helicopter Textron Canada Limited (Bell) Model 429 helicopters. AD 2016-02-06 requires inspecting certain tail rotor (T/R) pitch link bearing bores for corrosion and pitting. AD 2016-02-06 also requires a repetitive inspection of the sealant and

repeating the inspections for corrosion and pitting if any sealant is missing. Since the FAA issued AD 2016-02-06, the FAA determined additional part-numbered T/R pitch link assemblies (links) are affected by the same unsafe condition and an additional repetitive inspection is necessary to address the unsafe condition. This proposed AD would retain the requirements of AD 2016-02-06, expand the applicability, and add a repetitive inspection. The actions of this proposed AD are intended to address an unsafe condition on these products.

DATES: The FAA must receive comments on this proposed AD by October 21, 2019.

ADDRESSES: You may send comments by any of the following methods:

- *Federal eRulemaking Docket:* Go to <http://www.regulations.gov>. Follow the online instructions for sending your comments electronically.
- *Fax:* 202-493-2251.
- *Mail:* Send comments to the U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE, Washington, DC 20590-0001.
- *Hand Delivery:* Deliver to the "Mail" address between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

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-2019-0589; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the Transport Canada AD, the economic evaluation, any comments received, and other information. The street address for Docket Operations is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

For service information identified in this NPRM, contact Bell Helicopter Textron Canada Limited, 12,800 Rue de l'Avenir, Mirabel, Quebec J7J1R4; telephone (450) 437-2862 or (800) 363-8023; fax (450) 433-0272; or at <http://www.bellcustomer.com/files/>. You may review the referenced service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N-321, Fort Worth, TX 76177.

FOR FURTHER INFORMATION CONTACT:

Scott Franke, Aviation Safety Engineer, Safety Management Section, Rotorcraft Standards Branch, FAA, 10101 Hillwood Pkwy., Fort Worth, TX 76177;

telephone (817) 222-5110; email scott.franke@faa.gov.

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to participate in this rulemaking by submitting written comments, data, or views. The FAA also invites comments relating to the economic, environmental, energy, or federalism impacts that might result from adopting the proposals in this document. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. To ensure the docket does not contain duplicate comments, commenters should send only one copy of written comments, or if comments are filed electronically, commenters should submit them only one time.

The FAA will file in the docket all comments that the FAA receives, as well as a report summarizing each substantive public contact with FAA personnel concerning this proposed rulemaking. Before acting on this proposal, the FAA will consider all comments received on or before the closing date for comments. The FAA will consider comments filed after the comment period has closed if it is possible to do so without incurring expense or delay. The FAA may change this proposal in light of the comments received.

Discussion

The FAA issued Emergency AD 2016-02-06 which was published in the **Federal Register** as a Final rule; request for comments on February 2, 2016, at 81 FR 5367 ("AD 2016-02-06"). AD 2016-02-06 applies to Bell Model 429 helicopters with a T/R link part number (P/N) 429-012-112-101, -101FM, -103, or -103FM installed. AD 2016-02-06 requires inspecting P/N 429-012-112-101 and 429-012-112-103 T/R link bearing bores for any aluminum oxide corrosion and then cleaning the affected area of the T/R link and inspecting for any pitting. If there is any corrosion or any pitting, AD 2016-02-06 requires replacing the T/R link. If there is no corrosion or pitting, AD 2016-02-06 requires applying corrosion preventative sealant. AD 2016-02-06 also requires, for all applicable T/R links, repetitively inspecting the bearing bore for missing sealant.

AD 2016-02-06 was prompted by AD No. CF-2016-01, dated January 5, 2016, issued by Transport Canada, which is the aviation authority for Canada, to correct an unsafe condition for Bell Model 429 helicopters. Transport Canada advised of an incident in which

a T/R link on a Model 429 helicopter failed, causing vibration and difficulty controlling the helicopter. According to Transport Canada, the failure was caused by a crack that had initiated at a corrosion pit between the roll staked lip of the bearing and the beveled edge of the link. Transport Canada stated deficiencies in the application of corrosion resistant finishes to the link during manufacturing caused the corrosion.

Transport Canada further advised that this condition, if not detected, could result in failure of a link and loss of control of the helicopter. For these reasons, the Transport Canada AD required inspection of the T/R link and replacement of any link with corrosion. The Transport Canada AD also required application of corrosion preventative sealant and re-identification of the T/R link.

Actions Since AD 2016-02-06 Was Issued

Since the FAA issued AD 2016-02-06, Transport Canada revised its AD and issued AD No. CF-2016-01R1, dated February 10, 2016, and AD No. CF-2016-01R2, dated April 12, 2017 (AD CF-2016-01R2). Both revised Transport Canada ADs clarify the applicable P/Ns, address spare parts, and address parts installed on-condition prior to December 7, 2015. AD CF-2016-01R2 includes a terminating action for the repetitive inspections.

Since the FAA issued AD 2016-02-06, improved T/R link P/N 429-012-112-111 and -113 have been developed that include the corrosion preventative sealant installed; however, recurring inspections of the sealant of these T/R links are still necessary since they are subject to the same unsafe condition due to design similarity. Some T/R links P/N 429-012-112-101 and -103 have also been field modified and re-identified as T/R links P/N 429-012-112-111FM and -113FM, and continue to need recurring inspections of the sealant as they are also subject to the same unsafe condition due to design similarity. Accordingly, the FAA proposes adding T/R link P/Ns 429-012-112-111, -111FM, -113, and -113FM to the applicability.

Additionally, because the corrosion preventative sealant could become damaged, not maintain seal, or wear away with use of the helicopter, this proposed AD includes a repetitive 12-month inspection with the corrosion preventative sealant removed. This proposed requirement is a more in-depth inspection for corrosion and pitting, due to any potential loss of the

seal and build up of corrosion underneath the sealant over time.

This proposed AD would also change the visual inspection of each cleaned T/R link for pitting by requiring use of 10X or higher power magnification as specified in Bell Helicopter's related service information.

Comments on AD 2016-02-06

After our Final rule; request for comments was published, the FAA received comments from one commenter.

Request

Bell requested the FAA clarify its statement in the preamble of AD 2016-02-06 explaining that AD 2016-02-06 requires inspecting each T/R link bearing bore for pitting after cleaning while the Transport Canada AD requires inspecting for corrosion after cleaning. The FAA determined that an inspection for pitting instead of corrosion after cleaning was a more effective method of detecting the unsafe condition. While the cleaning process may remove corrosion, it will not remove pitting in the metal.

Bell also disagreed that a 10X or higher magnification is necessary for the inspection and stated that a visual inspection of the sealant is sufficient. The FAA disagrees. Corrosion can start in any small opening of the sealant and may be undetectable without magnification.

Lastly, Bell disagreed with AD 2016-02-06 not requiring re-identification of the link P/N. Bell stated that a modified part requires a distinct identification and that not mandating the re-identification could cause confusion among operators. The FAA disagrees that re-identification of the link P/N is necessary to correct the unsafe condition. If an owner or operator would like to add "FM" to the P/N to indicate that corrosive preventative sealant has been applied, then they may. However, the AD requires repetitive inspections for all applicable parts, including those with "FM" in the P/N. Accordingly, re-identification is not necessary and does not affect compliance with the AD.

FAA's Determination

This helicopter has been approved by the aviation authority of Canada and is approved for operation in the United States. Pursuant to our bilateral agreement with Canada, Transport Canada, its technical representative, has notified us of the unsafe condition described in the Canadian AD. The FAA is proposing this AD because the FAA 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.

Related Service Information Under 1 CFR Part 51

The FAA reviewed Bell Helicopter Alert Service Bulletin 429-15-26, dated December 7, 2015 (ASB 429-15-26), which advises of reports of corrosion on T/R links between the roll staked lip of bearing P/N 429-312-107-103 and the beveled edge of T/R link P/Ns 429-012-112-101/-103. ASB 429-15-26 specifies inspecting each T/R link bearing bore between the roll staked lip of the bearing outer race and the link bearing bore with 10X magnification for corrosion and if there is corrosion, replacing the link. If there is no corrosion, ASB 429-15-26 specifies cleaning the area and performing a second inspection with 10X magnification for corrosion. If there is corrosion, ASB 429-15-26 specifies replacing the link. If there is no corrosion, ASB 429-15-26 specifies removing the torque stripe, cleaning the area, and applying corrosion preventative sealant. ASB 429-15-26 also specifies re-identifying the P/Ns as 429-012-112-101FM/-103FM. Further, ASB 429-15-26 specifies a repetitive inspection of the sealant and reapplication if the sealant is damaged.

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.

Proposed AD Requirements

This proposed AD would retain the requirements of AD 2016-02-06 and would add P/Ns 429-012-112-111, -111FM, -113, and -113FM to the applicability. This proposed AD would also add use of 10X or higher power magnification to the visual inspection of each cleaned T/R link for pitting and a repetitive 12-month inspection with the corrosion preventative sealant removed.

Differences Between This Proposed AD and the Transport Canada AD

This proposed AD applies to helicopters with certain link P/Ns installed, whereas the Transport Canada AD applies to helicopters with certain serial numbers instead. This proposed AD requires inspecting the bearing bores for any pitting after cleaning the T/R link, while the Transport Canada AD requires inspecting for corrosion after cleaning the T/R link. This proposed AD requires performing the inspections with 10X or higher magnification, while the Transport Canada AD does not

specify any magnification. This proposed AD does not require re-identifying the P/N of the link, whereas the Transport Canada AD does. The Transport Canada AD also provides a terminating action to the repetitive sealant inspection, while this proposed AD does not. This proposed AD also requires a repetitive inspection with the corrosion preventative sealant removed and reapplied, whereas the Transport Canada AD does not.

Interim Action

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

Costs of Compliance

The FAA estimates that this proposed AD would affect 93 helicopters of U.S. Registry. The FAA estimates that operators may incur the following costs in order to comply with this AD. Labor costs are estimated at \$85 per work-hour.

Inspecting the set of T/R links (eight bearings) for corrosion would take about one work-hour for an estimated cost of \$85 per helicopter and \$7,905 for the U.S. fleet per inspection cycle. Cleaning and inspecting the set of T/R links for pitting would take about one work-hour for an estimated cost of \$85 per helicopter. Replacing a T/R link would require no additional work-hours after inspection and required parts cost \$2,739 for an estimated replacement cost of \$2,739 per T/R link. Removing the torque stripe, cleaning, and applying sealant to the set of T/R links would take about one work-hour with a negligible parts cost for an estimated cost of \$85 per helicopter. Inspecting the sealant on a set of T/R links would take about one work-hour for an estimated cost of \$85 per helicopter and \$7,905 for the U.S. fleet per inspection cycle.

According to Bell Helicopter's service information 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 by Bell Helicopter. Accordingly, the FAA has included all 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.

Regulatory Findings

The FAA 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, I certify that this 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.

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

List of Subjects in 14 CFR Part 39

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

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)

2016–02–06, Amendment 39–18387 (81 FR 5367, February 2, 2016), and adding the following new airworthiness directive (AD):

Bell Helicopter Textron Canada Limited:
Docket No. FAA–2019–0589; Product Identifier 2017–SW–020–AD.

(a) Applicability

This AD applies to Bell Helicopter Textron Canada Limited Model 429 helicopters with a tail rotor (T/R) pitch link assembly (link) part number (P/N) 429–012–112–101, –101FM, –103, –103FM, –111, –111FM, –113, or –113FM installed, certificated in any category.

(b) Unsafe Condition

This AD defines the unsafe condition as failure of a T/R link. This condition could result in loss of T/R flight control and subsequent loss of control of the helicopter.

(c) Affected ADs

This AD replaces AD 2016–02–06, Amendment 39–18387 (81 FR 5367, February 2, 2016).

(d) Comments Due Date

The FAA must receive comments by October 21, 2019.

(e) Compliance

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

(f) Required Actions

(1) For T/R link P/N 429–012–112–101 and –103, within 10 hours time-in-service (TIS):

(i) Remove each T/R link. Prior to cleaning the T/R link bearing bores, using 10X or higher power magnification, inspect each T/R link bearing bore for aluminum oxide corrosion extruding from between the roll staked lip of the bearing outer race and the link bearing bore. Aluminum oxide corrosion appears as a white crystalline material in contrast with the black finish and any accumulated soot. An example of this corrosion is shown in Figure 1 of Bell Helicopter Alert Service Bulletin 429–15–26, dated December 7, 2015 (ASB 429–15–26).

(ii) If there is any aluminum oxide corrosion, replace the T/R link before further flight.

(iii) If there is no aluminum oxide corrosion, clean each T/R link bearing bore with isopropyl alcohol, and using 10X or higher power magnification, inspect each cleaned T/R link for pitting.

(A) If there is any pitting, replace the T/R link before further flight.

(B) If there is no pitting, apply corrosion preventative sealant by following the Accomplishment Instructions, paragraph 5. of Part I, of ASB 429–15–26.

(2) For all T/R link P/Ns listed in paragraph (a) of this AD, within 50 hours TIS, and thereafter at intervals not to exceed 50 hours TIS, using 10X or higher power magnification, inspect each T/R link bearing bore for missing corrosion preventative sealant. If any corrosion preventative sealant is missing, perform the actions in paragraphs

(f)(3)(i) and (f)(3)(ii) of this AD before further flight.

(3) For all T/R link P/Ns listed in paragraph (a) of this AD, within 12 months since date of manufacture, except if paragraphs (f)(1)(i) through (f)(1)(iii) of this AD have already been done for T/R link P/N 429–012–112–101 or –103 within the last 12 months and except if paragraph (f)(3)(i) and (f)(3)(ii) of this AD have already been done for T/R link P/N 429–012–112–101FM, –103FM, –111, –111FM, –113, or –113FM within the last 12 months; and thereafter for all T/R link P/Ns listed in paragraph (a) of this AD at intervals not to exceed 12 months:

(i) Remove each T/R link; and
(ii) Remove all corrosion preventative sealant, and perform the actions in paragraphs (f)(1)(i) through (f)(1)(iii) of this AD.

(4) After the effective date of this AD:

(i) Do not install T/R link P/N 429–012–112–101 or –103 on any helicopter before complying with the actions in paragraphs (f)(1)(i) through (f)(1)(iii) of this AD.

(ii) Do not install T/R link P/N 429–012–112–101FM, 103FM, –111, 111FM, –113, or –113FM on any helicopter before complying with the actions in paragraph (f)(2) of this AD.

(g) Alternative Methods of Compliance (AMOCs)

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

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

(h) Additional Information

The subject of this AD is addressed in Transport Canada AD No. CF-2016-01R2, dated April 12, 2017. You may view the Transport Canada AD on the internet at <http://www.regulations.gov> in the AD Docket.

(i) Subject

Joint Aircraft Service Component (JASC)
Code: 6400, Tail Rotor System.

Issued in Fort Worth, Texas, on August 13, 2019.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2019–17904 Filed 8–19–19; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Part 71**

[Docket No. FAA-2019-0613; Airspace
Docket No. 19-ASW-9]

RIN 2120-AA66

**Proposed Revocation and Amendment
of the Class E Airspace; Lafayette, LA**

AGENCY: Federal Aviation
Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking
(NPRM).

SUMMARY: This action proposes to revoke the Class E airspace designated as an extension to a Class C surface area at Lafayette Regional Airport/Paul Fournet Field, Lafayette, LA, and amend the Class E airspace extending upward from 700 feet above the surface at Lafayette Regional Airport/Paul Fournet Field and Acadiana Regional Airport, New Iberia, LA, which is contained within the Lafayette, LA, airspace legal description. The FAA is proposing this action as the result of the decommissioning of the Acadi non-directional beacon (NDB), which provided navigation information for the instrument procedures at Acadiana Regional Airport, and the development of new instrument procedures at Lafayette Regional Airport/Paul Fournet Field. The geographic coordinates of Lafayette Regional Airport/Paul Fournet Field and the names of Lafayette Regional Airport/Paul Fournet Field, Acadiana Regional Airport, and Abbeville Chris Crusta Memorial Airport, Abbeville, LA, which is contained within the Lafayette, LA, airspace legal description, would also be updated to coincide with the FAA's aeronautical database.

DATES: Comments must be received on or before October 4, 2019.

ADDRESSES: Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE, Washington, DC 20590; telephone (202) 366-9826, or (800) 647-5527. You must identify FAA Docket No. FAA-2019-0613; Airspace Docket No. 19-ASW-9, at the beginning of your comments. You may also submit comments through the internet at <http://www.regulations.gov>. You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays.

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

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

FOR FURTHER INFORMATION CONTACT: Jeffrey Claypool, Federal Aviation Administration, Operations Support Group, Central Service Center, 10101 Hillwood Parkway, Fort Worth, TX 76177; telephone (817) 222-5711.

SUPPLEMENTARY INFORMATION:**Authority for This Rulemaking**

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would revoke the Class E airspace designated as an extension to a Class C surface area at Lafayette Regional Airport/Paul Fournet Field, Lafayette, LA, and amend the Class E airspace extending upward from 700 feet above the surface at Lafayette Regional Airport/Paul Fournet Field and Acadiana Regional Airport, New Iberia, LA, to support instrument flight rule operations at these airports.

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory

decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify both docket numbers and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. FAA-2019-0613/Airspace Docket No. 19-ASW-9." The postcard will be date/time stamped and returned to the commenter.

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

Availability of NPRMs

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

You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office (see the **ADDRESSES** section for the address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An informal docket may also be examined during normal business hours at the Federal Aviation Administration, Air Traffic Organization, Central Service Center, Operations Support Group, 10101 Hillwood Parkway, Fort Worth, TX 76177.

**Availability and Summary of
Documents for Incorporation by
Reference**

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

The Proposal

The FAA is proposing an amendment to Title 14 Code of Federal Regulations (14 CFR) part 71 by:

Removing the Class E airspace designated as an extension to a Class C surface area at Lafayette Regional Airport/Paul Fournet Field, Lafayette, LA, as it is no longer required;

And amending the Class E airspace extending upward from 700 feet above the surface to within a 7.5-mile radius (decreasing from a 7.7-mile radius) of the Lafayette Regional Airport/Paul Fournet Field; within a 6.7-mile radius (decreased from a 6.9-mile radius) of Acadiana Regional Airport, New Iberia, LA; updating the names of Lafayette Regional Airport/Paul Fournet Field (previously Lafayette Regional Airport), Abbeville Chris Crusta Memorial Airport (previously Abbeville Municipal Airport), and Acadiana Regional Airport (previously Acadiana Regional) to coincide with the FAA's aeronautical database; and updating the geographic coordinates of Lafayette Regional Airport/Paul Fournet Field to coincide with the FAA's aeronautical database; and removing the city associated with the Acadiana Regional Airport from the airspace legal description to comply with a change to FAA Order 7400.2M, Procedures for Handling Airspace Matters.

This action is the result of an airspace review caused by the decommissioning of the Acadi NDB, which provided navigation information for the instrument procedures at Acadiana Regional Airport and the development of new instrument procedures at Lafayette Regional Airport/Paul Fournet Field.

Class E airspace designations are published in paragraph 6003 and 6005, respectively, of FAA Order 7400.11C, dated August 13, 2018, and effective September 15, 2018, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designations listed in this document will be published subsequently in the Order.

Regulatory Notices and Analyses

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current, is non-controversial and unlikely to result in adverse or negative comments. It, therefore: (1) Is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3)

does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, would not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

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

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

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

■ 1. The authority citation for 14 CFR part 71 continues to read as follows:

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

§ 71.1 [Amended]

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

Paragraph 6003 Class E Airspace Areas Designated as an Extension to a Class C Surface Area.

* * * * *

ASW LA E3 Lafayette, LA [Removed]

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

* * * * *

ASW LA E5 Lafayette, LA [Amended]

Lafayette Regional Airport/Paul Fournet Field, LA
(Lat. 30°12'18" N, long. 91°59'16" W)
Abbeville Chris Crusta Memorial Airport, LA
(Lat. 29°58'33" N, long. 92°05'03" W)
Acadiana Regional Airport, LA
(Lat. 30°02'16" N, long. 91°53'02" W)

That airspace extending upward from 700 feet above the surface within a 7.5-mile radius of Lafayette Regional Airport/Paul

Fournet Field, and within a 6.4-mile radius of Abbeville Chris Crusta Memorial Airport, and within a 6.7-mile radius of Acadiana Regional Airport.

Issued in Fort Worth, Texas, on August 12, 2019.

Johanna Forkner,

Acting Manager, Operations Support Group, ATO Central Service Center.

[FR Doc. 2019–17791 Filed 8–19–19; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket Number USCG–2019–0231]

RIN 1625–AA08

Special Local Regulation; Kaskaskia River MM 10–11, Evansville, IL

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard is proposing to establish temporary special local regulations for certain waters of the Kaskaskia River. This action is necessary to provide for the safety of life near Evansville, IL on the Kaskaskia River from mile marker 10 to mile marker 11 during drag boat races on September 14 and 15, 2019. This proposed rulemaking would prohibit persons and vessels from being in the regulated area unless authorized by the Captain of the Port Sector Upper Mississippi River or a designated representative. We invite your comments on this proposed rulemaking.

DATES: Comments and related material must be received by the Coast Guard on or before September 4, 2019.

ADDRESSES: You may submit comments identified by docket number USCG–2019–0231 using the Federal eRulemaking Portal at <https://www.regulations.gov>. See the "Public Participation and Request for Comments" portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: If you have questions about this proposed rulemaking, call or email Lieutenant Commander Christian Barger, Waterways Management Division, Sector Upper Mississippi River, U.S. Coast Guard; telephone 314–269–2560, email Christian.j.barger@uscg.mil.

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
 COTP Captain of the Port Sector Upper
 Mississippi River
 DHS Department of Homeland Security
 FR Federal Register
 NPRM Notice of proposed rulemaking
 § Section
 U.S.C. United States Code

II. Background, Purpose, and Legal Basis

The Kentucky Drag Boat Association notified the Coast Guard that it would be conducting drag boat races from 8 a.m. to 6 p.m. on September 14 and 15, 2019. The drag boat races will take place between Mile Marker (MM) 10 and MM 11 on the Kaskaskia River in Evansville, IL. The Captain of the Port Sector Upper Mississippi River (COTP) has determined that potential hazards associated with the drag boat races would be a safety concern for anyone within a one-mile range of the race course area.

The purpose of this rulemaking is to ensure the safety of vessels and the navigable waters before, during, and after the scheduled event. The Coast Guard is proposing this rulemaking under authority in 46 U.S.C. 70041 (previously 33 U.S.C. 1233).

The Coast Guard is issuing this notice of proposed rulemaking (NPRM) with a 15-day prior notice and opportunity to comment pursuant to section (b)(3) of the Administrative Procedure Act (APA) (5 U.S.C. 553). This provision authorizes an agency to publish a rule in less than 30 days before its effective date for “good cause found and published with the rule.” Under 5 U.S.C. 553(b)(3)(B), the Coast Guard finds that good cause exists for publishing this NPRM with a 15-day comment period because it is impractical to provide a 30-day comment period. This proposed special local regulation is necessary to ensure the safety of vessels and persons during the marine events. It is impracticable to publish an NPRM with a 30-day comment period because we must establish this regulated area by September 14, 2019. A 15-day comment period would allow the Coast Guard to provide for public notice and comment, but also update the proposed regulation soon enough that the length of the notice and comment period does not compromise public safety.

III. Discussion of Proposed Rule

The COTP is proposing to establish a Special Local Regulation on the Kaskaskia River located near Evansville, IL from Mile Marker (MM) 10 to MM 11 to all vessel traffic, except for these vessels involved in the marine event,

from 8 a.m. to 6 p.m. on September 14 and 15, 2019. The duration of the closure is intended to ensure the safety of vessels and these navigable waters before, during, and after the scheduled event. No vessel or person would be permitted to enter the regulated area without obtaining permission from the COTP or a designated representative. A designated representative may be a Patrol Commander (PATCOM). The PATCOM may be aboard either a Coast Guard or Coast Guard Auxiliary vessel. The PATCOM may be contacted on Channel 16 VHF-FM (156.8 MHz) by the call sign “PATCOM” or by calling (314) 269-2332.

All persons and vessels not registered with the sponsor as participants or official patrol vessels are considered spectators. The “official patrol vessels” consist of any Coast Guard, state, or local law enforcement and sponsor provided vessels assigned or approved by the COTP or a designated representative to patrol the regulated area.

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

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

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

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

The COTP or a designated representative may terminate the event or the operation of any vessel at any

time it is deemed necessary for the protection of life or property.

The COTP or a designated representative will terminate enforcement of the special local regulations at the conclusion of the event.

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

IV. Regulatory Analyses

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

A. Regulatory Planning and Review

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

This regulatory action determination is based on the size, location and duration for the special local regulation. This special local regulation covers only the one-mile stretch of the Kaskaskia River near Evansville, IL on which the drag boat race will take place. The duration of this event is only two days, encompassing 10 hours each day. Moreover, the Coast Guard will publish details of this event via the Local Notice to Mariners (LNMs), Broadcast Notice to Mariners (BNM), and/or Marine Safety Information Bulletins (MSIBs) as appropriate.

B. Impact on Small Entities

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

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

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

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this proposed rule. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. The Coast Guard will not retaliate against small entities that question or complain about this proposed rule or any policy or action of the Coast Guard.

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

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

in the **FOR FURTHER INFORMATION CONTACT** section.

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this proposed rule under Department of Homeland Security Directive 023–01 and 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 made a preliminary determination that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This proposed rule involves the establishment of special local regulation for a 10-hour period that would prohibit entry into the regulated area for two days. Normally such actions are 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 preliminary Record of Environmental Consideration supporting this determination is available in the docket where indicated under **ADDRESSES**. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

G. Protest Activities

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

V. Public Participation and Request for Comments

We view public participation as essential to effective rulemaking, and will consider all comments and material received during the comment period. Your comment can help shape the

outcome of this rulemaking. If you submit a comment, please include the docket number for this rulemaking, indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation.

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

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

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

List of Subjects in 33 CFR Part 100

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

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

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

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

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

■ 2. Add § 100.T08–0231 to read as follows:

§ 100.T08–0231 Special Local Regulation; Kaskaskia River MM 10–11, Evansville, IL.

(a) *Location.* The following area is a special local regulation: All navigable waters of the Kaskaskia River between mile markers (MM) 10 and MM 11 in Evansville, IL.

(b) *Effective period.* This section is effective each day from 8 a.m. through 6 p.m. on September 14 and 15, 2019.

(c) *Regulations.* (1) In accordance with the general regulations in § 100.35, entry into this regulated area is prohibited unless authorized by the Captain of the Port Sector Upper Mississippi River

(COTP) or a designated representative. A designated representative may be a Patrol Commander (PATCOM). The PATCOM may be aboard either a Coast Guard or Coast Guard Auxiliary vessel. The PATCOM may be contacted on Channel 16 VHF-FM (156.8 MHz) by the call sign "PATCOM" or by calling (314) 269-2332.

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

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

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

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

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

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

(8) The COTP or a designated representative will terminate enforcement of the special local regulations at the conclusion of the event.

(d) *Information broadcasts.* The COTP or a designated representative will

inform the public of the enforcement times and date for this regulated area through Local Notice to Mariners (LNMs), Broadcast Notice to Mariners (BNM), and/or Marine Safety Information Bulletins (MSIBs) as appropriate.

Dated: August 14, 2019.

S.A. Stoermer,

Captain, U.S. Coast Guard, Captain of the Port Sector Upper Mississippi River.

[FR Doc. 2019-17875 Filed 8-19-19; 8:45 am]

BILLING CODE 9110-04-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG-2019-0545]

RIN 1625-AA09

Drawbridge Operation Regulation; Niantic River, Niantic, CT

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard is proposing to modify the operating schedule that governs the S156 Bridge across the Niantic River, mile 0.1 at Niantic, CT. The bridge owner, the Connecticut Department of Transportation, submitted a request to allow six hours' notice for night time transits during the months of November and April due to infrequent bridge openings. This proposed rule would align the regulations for the S156 Bridge with other Connecticut Department of Transportation bridges.

DATES: Comments and related material must reach the Coast Guard on or before October 21, 2019.

ADDRESSES: You may submit comments identified by docket number USCG-2019-0545 using the Federal eRulemaking Portal at <http://www.regulations.gov>.

See the "Public Participation and Request for Comments" portion of the **SUPPLEMENTARY INFORMATION** section below for instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: If you have questions on this proposed rule, call or email Mr. Jeffrey Stieb, First Coast Guard District Bridge Management Specialist; telephone 617-223-8364, email Jeffrey.D.Stieb@uscg.mil.

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
CT DOT Connecticut Department of Transportation
DHS Department of Homeland Security
FR Federal Register
OMB Office of Management and Budget
NPRM Notice of Proposed Rulemaking (Advance, Supplemental)
§ Section
U.S.C. United States Code

II. Background, Purpose and Legal Basis

The S156 Bridge at mile 0.1 over the Niantic River at Niantic, Connecticut, has a vertical clearance of 9 feet at mean high water and 12 feet at mean low water. Vertical clearance is unlimited when the draw is open. Horizontal clearance is approximately 65 feet. Waterway users include recreational and small commercial vessels.

The existing regulation, 33 CFR 117.215(b), requires that from December 1 through March 31, from 8 p.m. to 4 a.m. the draw shall open on signal if at least six hours' notice is given. CT DOT has requested that the start of the winter schedule begin one month sooner and end one month later than presently allowed by the regulation. This rule change will align the winter operation and staffing of the three CT DOT drawbridges located in the same operational area by extending the range of months during which six hours' notice is required to include November and April. This rule change will allow for more efficient and economic operation of the bridge while meeting the reasonable needs of navigation.

III. Discussion of Proposed Rule

The bridge logs show that during the last three years only three requests to open occurred between 8 p.m. and 4 a.m. in November and no request to open were received between 8 p.m. and 4 a.m. in April. None of the requests were from commercial vessels. CT DOT and the Coast Guard have conducted outreach to stakeholders with no objections received. The Coast Guard proposes to permanently modify the operating regulation.

The proposed rule would provide that, from November 1 through April 30, between the hours of 8:00 p.m. and 4:00 a.m., the draw shall open on signal if at least six hours' notice is given. It is our opinion that the proposed rule meets reasonable needs of marine traffic.

IV. Regulatory Analyses

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

based on these statutes and Executive Orders and we discuss First Amendment rights of protestors.

A. Regulatory Planning and Review

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

This regulatory action determination is based on the fact that only three vessel transits would have been affected over the past three years. We believe that this proposed change to the drawbridge operation regulation at 33 CFR 117.215(b) will meet the reasonable needs of navigation.

B. Impact on Small Entities

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

The bridge will continue to open on signal with six hours’ notice between the hours of 8 p.m. and 4 a.m. during the months of November and April. Based on the last three years of records, an average of one vessel annually will be affected by the proposed change.

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

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this proposed rule. If the rule would affect your small business,

organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT**, above. The Coast Guard will not retaliate against small entities that question or complain about this proposed rule or any policy or action of the Coast Guard.

C. Collection of Information

This proposed rule would call for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520.).

D. Federalism and Indian Tribal Government

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

Also, this proposed rule does not have tribal implications under Executive Order 13175 (Consultation and Coordination with Indian Tribal Governments) because it would not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes. If you believe this proposed rule has implications for federalism or Indian tribes, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section 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 proposed rule will not result in such an expenditure, we do discuss the effects of this proposed rule elsewhere in this preamble.

F. Environment

We have analyzed this proposed rule under Department of Homeland

Security Management 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 (NEPA) (42 U.S.C. 4321–4370f), and have made a preliminary determination that this action is one of a category of actions which do not individually or cumulatively have a significant effect on the human environment. This proposed rule simply promulgates the operating regulations or procedures for drawbridges. Normally such actions are categorically excluded from further review, under paragraph L49 of Chapter 3, Table 3–1 of U.S. Coast Guard Environmental Planning Implementing Procedures 5090.1A preliminary Record of Environmental Consideration and a Memorandum for the Record are not required for this proposed rule. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

G. Protest Activities

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

V. Public Participation and Request for Comments

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

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

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

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

List of Subjects in 33 CFR Part 117

Bridges.

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR part 117 as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

■ 1. The authority citation for part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 33 CFR 1.05–1; Department of Homeland Security Delegation No. 0170.1.

■ 2. Revise § 117.215(b) to read as follows:

§ 117.215 Niantic River.

* * * * *

(b) The draw of the S156 Bridge, mile 0.1, at Niantic, shall open on signal; except that, from 7 a.m. to 8 a.m., and 4 p.m. to 5 p.m., Monday through Friday, except holidays, the draw shall open only for the passage of commercial vessels. From November 1 through April 30, from 8 p.m. to 4 a.m., the draw shall open on signal if at least six hours' notice is given by calling the number posted at the bridge.

Dated: July 26, 2019.

A.J. Tiongson,

Rear Admiral, U.S. Coast Guard, Commander, First Coast Guard District.

[FR Doc. 2019–17937 Filed 8–19–19; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2019–0661]

RIN 1625–AA00

Safety Zone, Swim Around Charleston; Charleston, SC

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to establish a temporary moving safety zone during the Swim Around Charleston, a swimming race occurring

on the Wando River, the Cooper River, Charleston Harbor, and the Ashley River, in Charleston, South Carolina. The temporary moving safety zone is necessary to protect swimmers, participant vessels, spectators, and the general public during the event. Persons and vessels would be prohibited from entering the safety zone unless authorized by the Captain of the Port Charleston or a designated representative. We invite your comments on this proposed rulemaking.

DATES: Comments and related material must be received by the Coast Guard on or before September 19, 2019.

ADDRESSES: You may submit comments identified by docket number USCG–2019–0661 using the Federal eRulemaking Portal at <https://www.regulations.gov>. See the “Public Participation and Request for Comments” portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: If you have questions about this proposed rulemaking, call or email Lieutenant Chad Ray, Sector Charleston Office of Waterways Management, Coast Guard; telephone (843) 740–3184, email Chad.L.Ray@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, Purpose, and Legal Basis

On July 24, 2019, Kathleen Wilson notified the Coast Guard that she will be sponsoring the Swim Around Charleston occurring October 6, 2019. The race will impact waters of the Wando River, Cooper River, Charleston Harbor, and Ashley River, in Charleston, South Carolina. The Captain of the Port Charleston (COTP) has determined that potential hazards associated with the event would be a safety concern for race participants, spectators, and others on the navigable waters around the event.

The purpose of this rulemaking is to ensure the safety of persons, vessels, and the marine environment before, during, and after the scheduled event. The Coast Guard is proposing this rulemaking under authority in 46 U.S.C. 70034.

III. Discussion of Proposed Rule

The COTP proposes to establish a temporary safety zone on the waters of

the Wando River, Cooper River, Charleston Harbor, and Ashley River, in Charleston, South Carolina during Swim Around Charleston from 8:00 a.m. to 2:45 p.m. on October 6, 2019.

Approximately 50 swimmers are anticipated to participate in the race. Persons and vessels desiring to enter, transit through, anchor in, or remain within the regulated area may contact the COTP by telephone at (843) 740–7050, or a designated representative via VHF radio on channel 16, to request authorization. If authorization to enter, transit through, anchor in, or remain within the regulated area is granted, all persons and vessels receiving such authorization must comply with the instructions of the COTP or a designated representative. The COTP will provide notice of the safety zone by Local Notice to Mariners, Broadcast Notice to Mariners, and on-scene designated representatives. The regulatory text we are proposing appears at the end of this document.

IV. Regulatory Analyses

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

A. Regulatory Planning and Review

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

This regulatory action determination is based on: (1) Non-participant persons and vessels may enter, transit through, anchor in, or remain within the regulated area during the enforcement periods if authorized by Sector Charleston COTP or a designated representative; (2) vessels not able to enter, transit through, anchor in, or remain within the regulated area without authorization from Sector Charleston COTP or a designated representative may operate in the surrounding areas during the enforcement period; (3) the Coast Guard

will provide advance notification of the safety zone to the local maritime community by Local Notice to Mariners and Broadcast Notice to Mariners; (4) the regulated area will be limited in time, scope, and only impact small designated areas of Wando River, Cooper River, and Charleston Harbor; and (5) the moving safety zone will only impact the main shipping channel for approximately 30 minutes as the swimmers cross the Cooper River at the beginning of the race.

B. Impact on Small Entities

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

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

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

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this proposed rule. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. The Coast Guard will not retaliate against small entities that question or complain about this proposed rule or any policy or action of the Coast Guard.

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

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

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this proposed rule under Department of Homeland Security Directive 023–01 and 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 made a preliminary determination that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This proposed rule involves a safety zone lasting less than 7 hours that would prohibit entry within the safety zone. Normally such actions are categorically excluded from further review under paragraph L60(a)

in Table 3–1 of U.S. Coast Guard Environmental Planning Implementing Procedures 5090.1. A preliminary Record of Environmental Consideration supporting this determination is available in the docket where indicated under **ADDRESSES**. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

G. Protest Activities

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

V. Public Participation and Request for Comments

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

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

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

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

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping

requirements, Security measures, Waterways.

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add § 165.T07–0661 to read as follows:

§ 165.T07–0661 Safety Zone; Swim Around Charleston, Charleston, SC.

(a) *Regulated area.* The following regulated area is a moving safety zone: All waters 50 yards in front of the lead safety vessel preceding the first race participants, 50 yards behind the safety vessel trailing the last race participants, and at all times extend 100 yards on either side of safety vessels. The Swim Around Charleston swimming race consists of a 12 mile course that starts at Remley's Point on the Wando River in approximate position 32°48'49" N, 79°54'27" W, crosses the main shipping channel under the main span of the Ravenel Bridge, and finishes at the I–526 bridge and boat landing on the Ashley River in approximate position 32°50'14" N, 80°01'23" W. All coordinates are North American Datum 1983.

(b) *Definition.* As used in this section, “designated representative” means Coast Guard Patrol Commanders, including Coast Guard coxswains, petty officers, and other officers operating Coast Guard vessels, and Federal, state, and local officers designated by or assisting the COTP in the enforcement of the regulated areas.

(c) *Regulations.* (1) All persons and vessels are prohibited from entering, transiting through, anchoring in, or remaining within the regulated area, except persons and vessels participating in the Swim Around Charleston, or serving as safety vessels.

(2) Persons and vessels desiring to enter, transit through, anchor in, or remain within the regulated area may contact the COTP by telephone at (843) 740–7050, or a designated representative via VHF radio on channel 16, to request authorization. If authorization to enter, transit through, anchor in, or remain within the regulated area is granted, all persons and vessels receiving such authorization must comply with the instructions of

the COTP or a designated representative.

(3) The Coast Guard will provide notice of the regulated area by Marine Safety Information Bulletins, Local Notice to Mariners, Broadcast Notice to Mariners, and on-scene designated representatives.

(d) *Enforcement period.* This rule will be enforced on October 6, 2019 from 8:00 a.m. until 2:45 p.m.

Dated: August 2, 2019.

J.W. Reed,

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

[FR Doc. 2019–17892 Filed 8–19–19; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

49 CFR Part 395

[Docket No. FMCSA–2018–0248]

RIN 2126–AC19

Hours of Service of Drivers

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of public listening sessions.

SUMMARY: The FMCSA announces that it will hold two public listening sessions concerning potential changes to its hours-of-service rules for truck drivers. On August 19, 2019, FMCSA published a Notice of Proposed Rulemaking (NPRM) seeking comment on proposed changes to its hours-of-service (HOS) requirements to provide greater flexibility for drivers who are subject to the HOS rules without adversely affecting safety. The listening sessions will be held in Dallas, TX, and Washington, DC. The listening sessions will allow interested persons to present comments, views, and relevant research on topics mentioned above. All comments will be transcribed and placed in the rulemaking docket for the FMCSA's consideration. The sessions will be webcast to allow interested parties to participate remotely.

DATES: The first listening session will be held on August 23, 2019, in Dallas, TX, at the Kay Bailey Hutchison Convention Center, 650 S Griffin St., Dallas, TX 75202. A subsequent listening session will be held in September 2019, at the U.S. Department of Transportation, Media Center in Washington, DC. FMCSA will publish a separate notice announcing the headquarters session in

the **Federal Register**. All listening sessions will begin at 10:00 a.m. local time and end at 12:00 noon or earlier, if all participants wishing to express their views have done so.

DATES: The August 23, 2019, session will be held at the Kay Bailey Hutchison Convention Center, 650 S Griffin St. Dallas, TX 75202. The September 2019, session will be held at the U.S.

Department of Transportation, Media Center (date TBD), 1200 New Jersey Avenue SE, Washington, DC 20590.

You may submit comments identified by Docket Number FMCSA–2018–248 using any of the following methods:

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

- *Mail:* Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Ground Floor, Room W12–140, Washington, DC 20590–0001.

- *Hand Delivery or Courier:* West Building, Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

- *Fax:* 202–493–2251.

- *Submissions Containing Confidential Business Information (CBI):* Mr. Brian Dahlin, Chief, Regulatory Analysis Division, 1200 New Jersey Avenue SE, Washington, DC 20590.

To avoid duplication, please use only one of these four methods. See the “Public Participation and Request for Comments” portion of the

SUPPLEMENTARY INFORMATION section for instructions on submitting comments, including collection of information comments for the Office of Information and Regulatory Affairs, OMB.

FOR FURTHER INFORMATION CONTACT: For special accommodations for any of these HOS listening sessions, such as sign language interpretation, contact Shannon L. Watson, Senior Policy Advisor, (202) 385–2395 or at FMCSAregs@dot.gov to allow us to arrange for such services. For information concerning the hours-of-service rules, contact Ms. La Tonya Mimms, Chief, Driver and Carrier Operations Division, (202) 366–4325, mcpsd@dot.gov.

SUPPLEMENTARY INFORMATION:

I. Public Participation and Request for Comments

A. Submitting Comments

If you submit a comment, please include the docket number for this NPRM (Docket No. FMCSA–2018–0248), indicate the specific section of this document to which each section

applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so that FMCSA can contact you if there are questions regarding your submission.

To submit your comment online, go to <http://www.regulations.gov>, put the docket number, FMCSA–2018–0248, in the keyword box, and click “Search.” When the new screen appears, click on the “Comment Now!” button and type your comment into the text box on the following screen. Choose whether you are submitting your comment as an individual or on behalf of a third party and then submit.

If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope.

FMCSA will consider all comments and material received during the comment period for the NPRM. Late comments will be considered to the extent practicable.

Confidential Business Information

Confidential Business Information (CBI) is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your submission contains commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to the listening session, it is important that you clearly designate the submitted comments as CBI. Please mark any page of your submission that constitutes CBI as “PROPIN” to indicate it contains proprietary information. FMCSA will treat such marked

submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM and associated listening sessions. Submissions containing CBI should be sent to Brian Dahlin, Chief, Regulatory Analysis Division, 1200 New Jersey Avenue SE, Washington, DC 20590. Any commentary that FMCSA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

FMCSA will consider all comments and material received during the comment period for the NPRM.

B. Viewing Comments and Documents

To view comments, as well as any documents mentioned in this preamble as being available in the docket, go to <http://www.regulations.gov>. Insert the docket number, FMCSA–2018–0248, in the keyword box, and click “Search.” Next, click the “Open Docket Folder” button and choose the document to review. If you do not have access to the internet, you may view the docket online by visiting the Docket Management Facility in Room W12–140 on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590, between 9 a.m. and 5 p.m., *e.t.*, Monday through Friday, except Federal holidays.

C. Privacy Act

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to www.regulations.gov, as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at www.dot.gov/privacy.

II. Background

On August 14, 2019, FMCSA issued an NPRM concerning amendments to its hours-of-service (HOS) requirements to provide greater flexibility for drivers who are subject to the HOS rules without adversely affecting safety. First, the Agency proposed to change the short-haul exception to the record of duty status (RODS) requirement

available to certain commercial motor vehicle (CMV) drivers by lengthening the drivers’ maximum on-duty period from 12 to 14 hours and extending the distance limit within which the driver may operate from 100 air miles (115.08 statute miles) to 150 air miles (172.6 statute miles). Second, the Agency proposed to modify the adverse driving conditions exception by extending by 2 hours the maximum window during which driving is permitted. Third, the Agency proposed to increase flexibility for the 30-minute break rule by requiring a break after 8 hours of driving time (instead of on-duty time), and allowing the requirement to be satisfied by an on-duty break from driving, rather than requiring an off-duty break. Fourth, the Agency proposed to modify the sleeper-berth exception to allow drivers to split their required 10-hours off duty into two periods: One period of at least 7 consecutive hours in the sleeper berth and the other period of not less than 2 consecutive hours, either off duty or in the sleeper berth. Neither period would count against the driver’s 14-hour driving window. Fifth, the Agency proposed to allow one off-duty break of at least 30 minutes, but not more than 3 hours, that would pause a truck driver’s 14-hour driving window, provided the driver takes 10 consecutive hours off-duty at the end of the work shift. The NPRM also posed questions about other HOS-related topics the Agency is considering as part of this rulemaking.

The listening sessions will provide interested persons the opportunity to share their views on these topics with representatives of the Agency.

III. Meeting Participation

The listening sessions are open to the public. Speakers’ remarks will be limited to 10 minutes each. The public may submit material to the FMCSA staff at each session for inclusion in the public docket, FMCSA–2018–0248.

Issued on: August 14, 2019.

Raymond P. Martinez,
Administrator.

[FR Doc. 2019–17837 Filed 8–15–19; 11:15 am]

BILLING CODE 4910–EX–P

Notices

Federal Register

Vol. 84, No. 161

Tuesday, August 20, 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

Animal and Plant Health Inspection Service

[Docket No. APHIS-2019-0048]

Notice of Availability of an Environmental Assessment for the Release of *Sericothrips staphylinus* for Biological Control of Gorse

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice of availability.

SUMMARY: We are advising the public that the Animal and Plant Health Inspection Service has prepared an environmental assessment relative to permitting the release of *Sericothrips staphylinus* for the biological control of gorse, a spiny shrub, within the contiguous United States. Based on the environmental assessment and other relevant data, we have reached a preliminary determination that the release of this control agent will not have a significant impact on the quality of the human environment. We are making the environmental assessment available to the public for review and comment.

DATES: We will consider all comments that we receive on or before September 19, 2019.

ADDRESSES: You may submit comments by either of the following methods:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov/#!docketDetail;D=APHIS-2019-0048>.
- *Postal Mail/Commercial Delivery:* Send your comment to Docket No. APHIS-2019-0048, Regulatory Analysis and Development, PPD, APHIS, Station 3A-03.8, 4700 River Road, Unit 118, Riverdale, MD 20737-1238.

Supporting documents and any comments we receive on this docket may be viewed at <http://www.regulations.gov/#!docketDetail;D=APHIS-2019-0048> or in our

reading room, which is located in Room 1141 of the USDA South Building, 14th Street and Independence Avenue SW, Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 7997039 before coming.

FOR FURTHER INFORMATION CONTACT: Dr. Colin D. Stewart, Assistant Director, Pests, Pathogens, and Biocontrol Permits, Permitting and Compliance Coordination, PPQ, APHIS, 4700 River Road, Unit 133, Riverdale, MD 20737-1231; (301) 851-2327, email: Colin.Stewart@usda.gov.

SUPPLEMENTARY INFORMATION: During the late 1800s, gorse was introduced into North America from Western Europe. Gorse (*Ulex europaeus*) is a spiny shrub found in eastern States, Washington, Oregon, California, and Hawaii. This plant is most often a pest of disturbed sites in open wild or less-developed areas where management is minimal or non-existent. Gorse's invasiveness is most prolific in the maritime climate within a few miles of the ocean, where sandy soils and rocky outcrops are especially vulnerable to invasion. Gorse's impacts include displacement of native plants, including forest tree saplings, reduction in the quality of wildlife habitats, increased fire hazard, interference in rights-of-way and recreation sites, and reduced livestock forage production.

The insect *Sericothrips staphylinus* was chosen as a potential biological control agent. Although specific information as to the extent of its range has been difficult to obtain, the native distribution of the agent is assumed to overlap with the majority of the range of gorse in Europe.

The Animal and Plant Health Inspection Service's (APHIS') review and analysis of the potential environmental impacts associated with the proposed release are documented in detail in an environmental assessment (EA) entitled "Field Release of the thrips *Sericothrips staphylinus* (Thysanoptera: Thripidae) for biological control of gorse, *Ulex europaeus* (Fabaceae), in the contiguous United States" (July 2019). We are making the EA available to the public for review and comment. We will consider all comments that we receive on or before the date listed under the heading **DATES** at the beginning of this notice.

The EA may be viewed on the *Regulations.gov* website or in our reading room (see **ADDRESSES** above for a link to *Regulations.gov* and information on the location and hours of the reading room). You may also request paper copies of the EA by calling or writing to the person listed under **FOR FURTHER INFORMATION CONTACT**. Please refer to the title of the EA when requesting copies.

The EA has been prepared in accordance with: (1) The National Environmental Policy Act of 1969 (NEPA), as amended (42 U.S.C. 4321 *et seq.*), (2) regulations of the Council on Environmental Quality for implementing the procedural provisions of NEPA (40 CFR parts 1500-1508), (3) USDA regulations implementing NEPA (7 CFR part 1b), and (4) APHIS' NEPA Implementing Procedures (7 CFR part 372).

Done in Washington, DC, this 14th day of August 2019.

Kevin Shea,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2019-17809 Filed 8-19-19; 8:45 am]

BILLING CODE 3410-34-P

DEPARTMENT OF AGRICULTURE

Rural Housing Service

Information Collection Activity; Comment Request

AGENCY: Rural Housing Service (RHS), USDA.

ACTION: Notice and request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the United States Department of Agriculture (USDA) Rural Housing Service (RHS) invites comments on this information collection for which approval from the Office of Management and Budget (OMB) will be requested.

DATES: Comments on this notice must be received by October 21, 2019.

FOR FURTHER INFORMATION CONTACT: Thomas P. Dickson, Rural Development Innovation Center—Regulatory Team 2, USDA, 1400 Independence Avenue SW, STOP 1522, South Building, Washington, DC 20250-1522. Telephone: (202) 690-4492. Email thomas.dickson@usda.gov.

SUPPLEMENTARY INFORMATION:

Title: Section 515 Multifamily Preservation and Revitalization (MPR) Demonstration Program.

OMB Control Number: 0575–0190.

Type of Request: Extension of currently approved information collection.

Abstract: The Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriation Act, 2006 (Pub. L. 109–97) provides funding for, and authorizes Rural Development to conduct a demonstration program for the preservation and revitalization of the Section 515 Multi-Family Housing portfolio. Section 515 of the Housing Act of 1949 (42 U.S.C. 1485) provides Rural Development the authority to make loans for low-income Multi-Family Housing and related facilities.

Rural Development refers to this program as Multifamily Preservation and Revitalization (MPR) Demonstration Program. A Notice of Solicitation for Applications (NOSA) sets forth the eligibility and application requirements. Information will be collected from applicants and grant recipients by Rural Development staff in its Local, Area, State, and National Offices. This information will be used to determine applicant eligibility for this demonstration program. If an applicant proposal is selected, that applicant will be notified of the selection and given the opportunity to submit a formal application.

This MPR demonstration program continues to adjust the various opportunities available to demonstrate effective methods of providing the needed financial resources not otherwise available to current owners and transferees. Using alternative forms of financing, these owners will preserve existing Agency-financed Rural Rental Housing and Farm Labor Housing and extend the property's useful life for tenants meeting RD eligibility requirements. Since the inception of the MPR demonstration program in 2006, revisions and adjustments in the nature of the program have necessitated certain revisions in the context, formatting and use of the original forms in this package to permit RD's ability to provide these needed financial opportunities. To meet current Agency NOSA, regulatory and industry standards, the following forms are being revised, reformatted and/or renamed in some instances to provide clarity and consistency in their practical use and application:

- MPR Pre-Application
- Debt Deferral Agreement
- Restrictive-Use Covenant
- Restrictive-Use Subordination Agreement

- MPR Grant Agreement
- MPR Loan and Grant Resolution (non-profit corporation)
- Restructuring Conditional Commitment (renamed: MPR Offer and Conditional Commitment)
- Addendum to Debt Deferral Agreement
- Subordination Agreement

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 1 hour per response.

Respondents: Individuals, partnerships, public and private non-profit corporations, agencies, institutions, organizations, and Indian tribes.

Estimated Number of Respondents: 1,500.

Estimated Number of Responses per Respondent: 1.

Estimated Total Annual Burden on Respondents: 18,701 hours.

Copies of this information collection can be obtained from Taylor Abens, Rural Development Innovation Center—Regulatory Team 2, USDA, 1400 Independence Avenue SW, STOP 1522, Room 4233, South Building, Washington, DC 20250–1522. Telephone: (712) 203–5625. Email taylor.abens@usda.gov. All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Bruce W. Lammers,

Administrator, Rural Housing Service.

[FR Doc. 2019–17799 Filed 8–19–19; 8:45 am]

BILLING CODE 3410–XV–P

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

[Docket No. ATBCB–2019–0002]

Advisory Guidelines for Aircraft Onboard Wheelchairs

AGENCY: Architectural and Transportation Barriers Compliance Board.

ACTION: Invitation for public comment on proposed advisory guidelines for aircraft onboard wheelchairs.

SUMMARY: The Architectural and Transportation Barriers Compliance Board (hereafter, “Access Board,” “Board,” or “we”) invites public comment on proposed non-binding advisory guidelines for wheelchairs used within aircraft cabins primarily to transport individuals with disabilities between seat and lavatory, which we refer to as “onboard wheelchairs.” The

Access Board is developing these advisory guidelines as technical assistance to air carriers by providing one example of how they might satisfy performance standards for onboard wheelchairs on covered aircraft, which the Department of Transportation (DOT) expects to establish in a forthcoming rulemaking under the Air Carrier Access Act. Even if adopted by the Access Board, these guidelines will not be legally binding on any regulated entity. Whether, or to what extent, DOT subsequently references, incorporates, or adopts these guidelines falls under the department's exclusive authority.

DATES: Submit comments by October 21, 2019.

Public hearing: September 12, 2019, 9:30 a.m. to 4:00 p.m.

Public testimony: Send requests to present oral testimony by September 5, 2019.

ADDRESSES: *Public hearing:* The public hearing location is 1331 F Street NW, Suite 800, Washington DC 20004.

Witnesses can testify in person or by telephone. Call-in information and a communication access real-time translation (CART) web streaming link will be posted on the Access Board's website at <http://www.access-board.gov/onboard>. The hearing will be accessible to persons with disabilities. An assistive listening system, communication access real-time translation, and sign language interpreters will be provided. Persons attending the hearing are requested to refrain from using perfume, cologne, and other fragrances for the comfort of other participants (see www.access-board.gov/about/policies/fragrance.htm for more information).

Comments: Submit comments identified by docket number ATBCB–2019–0002, by any of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.
- *Email:* docket@access-board.gov. Include docket number ATBCB–2019–0002 in the subject line of the message.
- *Fax:* 202–272–0081.
- *Mail/Hand Delivery/Courier:* Office of Technical and Information Services, Access Board, 1331 F Street NW, Suite 1000, Washington, DC 20004–1111.

Instructions: All submissions received must include the agency name and docket number for this notice. 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>.

Public testimony: Send requests to present oral testimony to Rose Marie Bunales at (202) 272-0006 (voice) or bunales@access-board.gov.

FOR FURTHER INFORMATION CONTACT: Wendy Marshall, Access Board, 1331 F Street NW, Suite 1000, Washington, DC 20004-1111; Telephone: (202) 272-0043 (voice); Email: marshall@access-board.gov; or Mario Damiani, Access Board, 1331 F Street NW, Suite 1000, Washington, DC 20004-1111; Telephone: (202) 272-0050 (voice); Email: damiani@access-board.gov.

SUPPLEMENTARY INFORMATION:

I. Purpose

The purpose of these advisory guidelines for onboard wheelchairs is to provide air carriers and onboard wheelchair manufacturers with technical assistance in meeting their obligations under the Air Carrier Access Act, 49 U.S.C. 41705. The Department of Transportation has indicated an intent to issue regulations under the Air Carrier Access Act that seek to implement the final resolution of a negotiated rulemaking, described in more detail below. See Resolution of the Department of Transportation Access Committee, Annex A (Nov. 22, 2016), available at <https://www.transportation.gov/sites/dot.gov/files/docs/ACCESSCommitteeFinalResolution.11.21.16.pdf>. The agreed-upon terms include a requirement for an onboard wheelchair of enhanced functionality on specified commercial aircraft of more than 125 passenger seats. The Department of Transportation has sought technical assistance from the Access Board in providing specifications that would meet a future mandatory performance standard, issued by the Department, for such onboard wheelchairs.

Similar to the existing onboard wheelchair regulations at 14 CFR 382.65(c), it is expected that the new standards the Department of Transportation intends to issue as a result of the negotiated rulemaking will be performance standards. This means that the contemplated regulations would require onboard wheelchairs to have certain features and meet established functional criteria but would not specify technical requirements such as dimensions for specific features. The Access Board's advisory guidelines would serve as technical assistance for covered air carriers, providing one example of how covered air carriers might satisfy the performance standard for onboard wheelchairs established by DOT in its forthcoming rulemaking. These advisory guidelines contain recommended dimensions and other

technical specifications that would help manufacturers optimize the design of a comfortable and functional chair and assist air carriers in the selection of onboard wheelchair models that best serve passengers with disabilities. Even if adopted by the Access Board, these guidelines will not be legally binding on any regulated entity. Whether or to what extent DOT subsequently references, incorporates, or adopts these guidelines falls under the department's exclusive authority. Nonetheless, it is the Access Board's understanding that DOT does not intend to issue any regulatory standards that would make non-conformance with these advisory guidelines a separate basis for affirmative enforcement action or imposition of administrative penalties.

II. Background

In 2016, the Department of Transportation established an Advisory Committee on Accessible Air Transportation (hereafter, "ACCESS Advisory Committee" or "Committee") to negotiate and develop a proposed rule concerning various accommodations for air travelers with disabilities, including the accessibility of lavatories on new single-aisle aircraft. See Nondiscrimination on the Basis of Disability in Air Travel; Establishment of a Negotiated Rulemaking Committee, 81 FR 20265 (Apr. 7, 2016). The Committee consisted of airline representatives, aircraft manufacturing representatives, representatives from disability rights advocacy organizations, and other stakeholders.¹

The Committee agreed to specific incremental accessibility solutions with respect to aircraft lavatories. The accessibility solutions culminate in the requirement for installation on certain single-aisle aircraft of a lavatory of sufficient size to allow individuals with mobility disabilities to transfer from an onboard wheelchair to the toilet (and vice versa). However, by the terms of the Committee's agreement, it will be at least twenty years before these lavatories are installed in single-aisle aircraft. See Resolution of the Department of Transportation Access Committee, Annex A (Nov. 22, 2016), available at <https://www.transportation.gov/sites/dot.gov/files/docs/ACCESSCommitteeFinalResolution.11.21.16.pdf>.

In the interim, the Committee agreed to pursue improvements to the onboard wheelchairs that individuals with certain types of mobility disabilities

must use to move between the aircraft seat and the lavatory. See *Id.* DOT currently requires air carriers to provide onboard wheelchairs on most aircraft with more than sixty passenger seats that have an accessible lavatory and when requested by a passenger with a disability even if the aircraft does not have an accessible lavatory. 14 CFR 382.65(b). DOT specifies certain features that onboard wheelchairs must have and performance criteria that they must meet. 14 CFR 382.65(c). Because of the general nature of these performance criteria, there is little standardization across manufacturers with respect to the design of onboard wheelchairs. The Committee agreed to pursue an onboard wheelchair design that, if feasible, could be positioned over a closed toilet to allow for better use of the other features of a lavatory, including the privacy afforded by a closed door. The Committee also acknowledged the existence of safety and usability challenges with traditional onboard wheelchair models. The Committee thus agreed that DOT should develop new standards for onboard wheelchairs, and that, in the future, certain aircraft² would be required to provide an onboard wheelchair that meets those standards.

In response to the Committee's agreement, DOT requested technical assistance from the Access Board in developing advisory guidelines that would address the Committee's concerns. The Access Board proposes the below advisory guidelines in response to this request.

III. Legal Authority

The Air Carrier Access Act permits the Department of Transportation to seek assistance from the Access Board for the provision of "technical assistance to air carriers and individuals with disabilities in understanding the rights and responsibilities" under the Act. 49 U.S.C. 41705.

In addition, Section 502 of the Rehabilitation Act of 1973, as amended, tasks the Access Board with statutory authorities relating to transportation barriers confronting persons with disabilities. See 29 U.S.C. 792. Specifically, the Board is directed to "investigate and examine alternative

² By the terms of the ACCESS Committee's final resolution, the new requirements for onboard wheelchairs would apply to "New covered single aisle aircraft with 125 FAA maximum certified passenger seats entering service 3 years after the effective date of the Final Rule." Resolution of the U.S. Department of Transportation Access Committee, Annex A (Nov. 22, 2016), available at <https://www.transportation.gov/sites/dot.gov/files/docs/ACCESSCommitteeFinalResolution.11.21.16.pdf>.

¹ Full membership of the Committee can be viewed at DOT's Notice of Negotiated Rulemaking (Reg-Neg) Committee Membership and Public Meeting, 81 FR 26178 (May 2, 2016).

approaches to the architectural, transportation, communication, and attitudinal barriers confronting individuals with disabilities, particularly with respect to telecommunications devices, public buildings and monuments, parks and parklands, public transportation (including air, water, and surface transportation, whether interstate, foreign, intrastate, or local), and residential and institutional housing,” and to “ensure that public conveyances, including rolling stock, are readily accessible to, and usable by, individuals with physical disabilities.” Id. at 792(b)(5) and (b)(10). Further, the Access Board is charged with promoting accessibility throughout all segments of society. Id. at (b)(4).

IV. Discussion of Proposed Guidelines

A. Design Considerations

1. Over-Toilet Position

In these advisory guidelines, the Access Board proposes that the onboard wheelchair be designed such that it can fully enter the aircraft lavatory in a backward orientation, where the seat of the onboard wheelchair slides over the closed toilet allowing the lavatory door to be completely closed with the occupied onboard wheelchair inside. The purpose of allowing the onboard wheelchair to be positioned over the toilet is to provide both privacy and sufficient space for movement so that the occupant can accomplish non-toileting personal hygiene and medically needed tasks in private. In this use, the occupant is not using the toilet. In order to use the toilet, the onboard wheelchair occupant would need to transfer from the onboard wheelchair to the toilet, typically by standing and pivoting 180 degrees. Owing to the small size of lavatories on single-aisle aircraft, such a transfer is typically accomplished with the door to the lavatory open, and the onboard wheelchair partially or fully outside the lavatory. However, many people are unable to perform a stand-and-pivot transfer; the proposed over-toilet positioning would allow these individuals the opportunity to use the lavatory for non-toileting personal hygiene or medically needed tasks that require the privacy afforded by a closed lavatory door.

Over-toilet positioning of the onboard wheelchair was of interest to the members of DOT’s ACCESS Advisory Committee and was included in the Committee’s final agreement to the extent that such a design is feasible. The Board seeks comment on whether such a design is feasible. The Board is not

aware of any commercially available onboard wheelchair that can be positioned over a toilet; however, researchers from Hamburg University of Applied Sciences (Germany) have been developing a prototype with a cantilever design that could be positioned over the toilet.³ The Board notes that any such design is “feasible” in this context only if it meets all other technical requirements (including collapsibility for storage) and does not involve modification of the aircraft lavatory.

Question 1. Is it feasible to design an onboard wheelchair that can be positioned over a toilet without modification to the aircraft lavatory? Please explain the design and engineering considerations that would impact the ability of the onboard wheelchair to maneuver over the toilet.

Question 2. If feasible, would this onboard wheelchair also be capable of folding and being stored in an FAA-certified stowage space?

Question 3. What are the cost implications associated with the design and manufacture of an onboard wheelchair that can be positioned over a toilet without modification to the aircraft lavatory?

2. Loads

The loads that commercially available onboard wheelchairs support vary widely. For example, the overall weight capacity of currently available models varies from approximately 200 to 800 pounds. In the Access Board’s 1987 publication *Guidelines for Aircraft Boarding Chairs*,⁴ we recommended that seats support at least 723 pounds (weight of a 99th percentile male with a 3.0 safety factor). See <https://www.access-board.gov/research/completed-research/guidelines-for-aircraft-boarding-chairs>. Using updated anthropometrics, the weight of a 99th

³ The prototype developed by Hamburg University features a hole in the seat of the onboard wheelchair so that an occupant could remain in the onboard wheelchair while using the toilet. These guidelines do not contemplate such a use for the onboard wheelchair, as these guidelines call for the onboard wheelchair to be positioned over a closed toilet. We reference the Hamburg University design for its over-toilet positioning capability.

⁴ After receiving reports of accidents and near accidents involving the use of aircraft boarding chairs, the Access Board sought public comment on the development of voluntary standards for boarding chairs. 49 FR 36210 (Sep. 14, 1984). Based on public comments and various other research, the Board published a proposed advisory standard in 1986 that contained technical specifications for chairs used to board and deplane individuals with mobility disabilities. 51 FR 17762 (May 15, 1986). The Board published the final technical paper, *Guidelines for Aircraft Boarding Chairs* in 1987. The FAA subsequently adopted portions of the guidelines in its Advisory Circular on Aircraft Boarding Equipment, AC No: 150/5220-21C (6/29/2012).

percentile male with a 3.0 safety factor would be 826 pounds. See Department of Health and Human Service Centers for Disease Control and Prevention’s Anthropometric Reference Data for Children and Adults: United States, 2011–2014, Table 6, Line 1 (Aug. 2016). SAE International, in its standard Foldable On-Board Wheelchairs for Passengers with Disabilities, ARP 4120C (Stabilized 2013), requires a different overall load. In the proposed guidelines, the Board reserves provisions for loads related to the seat, arm supports, foot support, casters, and assist handles, pending further information as to what loads are appropriate for an onboard wheelchair design that accomplishes the proposed functions. Specifically, the Board is unaware of any existing industry standards for onboard wheelchairs that are designed to allow over-the-toilet positioning, and therefore does not propose incorporation by reference of the loads of any existing standard, including the loads from the Board’s 1987 *Guidelines for Aircraft Boarding Chairs*, absent further engineering information.

Question 4. If the over-the-toilet positioning is feasible, what should the respective loads be for the seat, arm supports, foot support, casters, and assist handles?

Question 5. If the over-the-toilet positioning is not feasible, what should the respective loads be for the seat, arm supports, foot support, casters, and assist handles?

B. Section 1: Application and Administration

In the proposed guidelines, Section 1 establishes the purpose and the general requirements for application of the onboard wheelchair guidelines.

101.1 Purpose

The purpose of these technical specifications is to provide technical assistance for the design of an onboard wheelchair with enhanced safety and stability, and that improves the ability of persons with mobility disabilities to have access to and use of the lavatory for toileting and non-toileting privacy needs, such as administering medication or conducting hygiene related tasks in a safe manner.

101.2 Voluntary Application

These Advisory Guidelines for Aircraft Onboard Wheelchairs establish voluntary, non-binding technical guidance for use by airlines and manufacturers of onboard wheelchairs.

101.3 Dimensions

These technical specifications take into consideration adult anthropometrics. For anthropometrics, the Board consulted data from the Department of Transportation Federal Aviation Administration Human Factors Design Standard, HF-STD-001B (Dec. 30, 2016), and the Department of Health and Human Services Centers for Disease Control and Prevention's Anthropometric Reference Data for Children and Adults: United States, 2011–2014 (Aug. 2016). In addition, due to the lack of available updated anthropometrics on feet and seated hip breadth, the Board used data from our 1987 *Guidelines for Aircraft Boarding Chairs* (which references Wesley Woodson's 1981 Human Factors Design Handbook).

The dimensions of the onboard wheelchair must also account for the aircraft dimensions necessary to ensure that the onboard wheelchair fits through the aisle of the aircraft, into the lavatory, and over the toilet. We therefore seek information on the relevant aircraft measurements necessary to determine the appropriate dimensions of an onboard wheelchair that can fully enter an aircraft lavatory and be positioned over the toilet.

Question 6. Is there recent anthropometric data on adult male feet and seated hip breadth that the Access Board should consider?

Question 7. Please provide information on aisle width for single-aisle aircraft with more than 125 passenger seats.

Question 8. Please provide dimensions for lavatories on single-aisle aircraft with more than 125 passenger seats, including: Width of the doorway opening, height of the lavatory doorway threshold, interior width and depth of the lavatory, clear floor space aside the toilet, and available clearances below the toilet bowl.

101.4 Dimensional Tolerances

Dimensions are subject to conventional industry tolerances for manufacturing processes, material properties, and field conditions.

Question 9. What information or resources are available concerning conventional industry tolerances for manufactured equipment such as onboard wheelchairs?

102 Definitions

The following terms are defined in the advisory guidelines: Attendant, caster, and onboard wheelchair. These advisory guidelines rely on the definition of other terms as defined by regulations issued

by the Department of Transportation under the Air Carrier Access Act. All other terms should be given their ordinary accepted meaning as implied by the context in which the term is used.

Question 10. What other terms, if any, should be defined in this section?

C. Section 2 Technical Specifications

201.1 Occupied Movement

The technical criteria in 201.1 address the required functionality of an onboard wheelchair while occupied by a passenger. The onboard wheelchair must be designed such that it can move both forward and backward through the aisle of the aircraft. The purpose of requiring movement in both directions is to ensure that a forward entry into a lavatory for transfer, as well as a backward entry into the lavatory if the occupant intends to remain in the onboard wheelchair while inside the lavatory, is possible.

Question 11. What concerns are there, if any, about a design that allows for the onboard wheelchair to be maneuvered in both a forward approach and a backward approach to the lavatory?

201.1.1 Lavatory Transfer

The purpose of this provision is to ensure that the onboard wheelchair can be maneuvered close enough to the lavatory toilet in a forward orientation such that an occupant who is capable of a stand-and-pivot transfer is able to transfer to the toilet.

In a forward approach to the lavatory, the attendant would push the onboard wheelchair partially into the lavatory using the rear assist handles. Once close enough to the toilet for transfer, the attendant or occupant would apply the wheel locks, and the occupant would then stand and pivot to transfer to the toilet.⁵

201.1.2 Over-Toilet Positioning

The purpose of this requirement is to ensure that the onboard wheelchair can successfully maneuver into the lavatory and over the closed toilet in a manner that permits the lavatory door to close completely, providing the occupant with privacy. In this use, the attendant would push the onboard wheelchair backward into the lavatory using the assist handles on the front of the chair.

⁵ The ACCESS Advisory Committee's agreement indicates that specified aircraft would be required to provide a visual barrier to be used where the door to the lavatory must remain open during transfer. See Resolution of the Department of Transportation Access Committee, Annex A (Nov. 22, 2016), available at <https://www.transportation.gov/sites/dot.gov/files/docs/ACCESSCommitteeFinalResolution.11.21.16.pdf>.

The attendant would push the onboard wheelchair over the closed toilet, which would permit the lavatory door to close completely.

Question 12. What space constraints exist within aircraft lavatories that would prevent the onboard wheelchair from completely entering the lavatory?

Question 13. Are there any protruding objects inside aircraft lavatories that would impede over-toilet positioning? If so, please describe the protruding objects.

201.2 Unoccupied Movement

When folded, the onboard wheelchair must be maneuverable on its wheels to allow an attendant to transport and stow an unoccupied onboard wheelchair without having to carry it.

Question 14. The Access Board is aware that, in practice, unoccupied onboard wheelchairs are sometimes carried by an attendant as opposed to being pushed on their own wheels. Should the onboard wheelchair be required to be maneuverable on its own wheels when unoccupied?

202 Stowage

The onboard wheelchair must be collapsible for stowage in one of the spaces certified by the FAA for stowage of onboard wheelchairs (such as a closet or overhead luggage compartment).

Question 15. What are the FAA-certified stowage spaces on commercial passenger aircraft with over 125 passenger seats, and what are their respective dimensions?

Question 16. Would these proposed technical specifications result in an onboard wheelchair that will fit in at least one of the FAA-certified spaces for onboard wheelchair stowage? If not, how should the specifications be altered so that the onboard wheelchair will fit into such spaces?

203 Stability

This provision requires the onboard wheelchair to be stable throughout transport and transfer of the occupant. The purpose of this provision is to ensure that the onboard wheelchair will not tip or fall in any direction during use, which could result in injury to the occupant, attendant, or other passengers.

Question 17. What are the stability concerns regarding existing onboard wheelchair models?

Question 18. Would a design for over-toilet positioning affect the stability of the onboard wheelchair? Please explain.

Question 19. What additional requirements, if any, could be provided to ensure that the onboard wheelchair is stable during use?

204 Surface Hazards

The purpose of this provision is to reduce the risk of injury by requiring that the onboard wheelchair be free from sharp or abrasive components and have eased edges. Sharp edges or abrasive elements may cause a direct contact injury or result in an occupant or attendant losing his or her grip during positioning or transfer.

205 Instructions

In order to ensure the proper operation of the onboard wheelchair, the operation instructions must be prominently displayed. Providing instructions on the onboard wheelchair itself will ensure that any attendant using it will have access to the instructions and understand its proper operation.

206.1 (Seat) Height

For ease of transfer, the seat height of the onboard wheelchair should be as close to the height of the aircraft seat as possible to permit lateral transfer. See *The Impact of Transfer Setup on the Performance of Independent Transfers: Final Report*, <https://www.herl.pitt.edu/ab/>. The Access Board seeks information on aircraft passenger seat heights and aircraft toilet heights. In the Board's Americans with Disabilities Act (ADA) Accessibility Guidelines for Buildings and Facilities, 36 CFR part 1191, and ADA Accessibility Guidelines for Transportation Vehicles, 36 CFR part 1192, we have routinely required a fixed height of 17 to 19 inches for transfer surfaces (See e.g., 36 CFR 1191, Appendix D, 604.4 (toilet seat), 610.2 (bathtub seats), 610.3 (shower compartment seats), and 903.5 (benches) and 36 CFR 1192.107 and 1192.123 (toilet seat in commuter and intercity rail cars). We are unable to propose a seat height without further information regarding the height of passenger seats and the height of aircraft toilets.⁶

Question 20. What is the height of seats on single aisle aircraft with more than 125 passenger seats? Please provide the airline, the type of aircraft, class of seating (if there is a difference among classes), and the height of the seats measured from the floor to the

uncompressed top of the cushion or padding.

Question 21. Please provide the following dimensions of the height of aircraft toilets: Height of the bowl measured from the floor; height of the toilet seat measured from the rim of the bowl; and height of the closed toilet seat lid measured from the surface upon which it sits.

Question 22. What are the design and engineering considerations of an onboard wheelchair with an adjustable seat height?

206.2 (Seat) Size and 206.3 Padding

The seat size of the onboard wheelchair is restricted by the width of the aircraft aisle and the doorway opening of the aircraft lavatory. The purpose of this provision is to provide access to the largest number of individuals with disabilities, while also ensuring the onboard wheelchair can function as intended. We propose a seat size of at least 15 inches wide and at least 16 inches deep. These dimensions are consistent with the size required in our *Guidelines for Aircraft Boarding Chairs*. See <https://www.access-board.gov/research/completed-research/guidelines-for-aircraft-boarding-chairs/1987>. In that technical paper, we opined that the "narrowest part of the aircraft aisle is generally at the aircraft seat armrest" and is 17 inches. *Id.* at 22. Additionally, we referenced Wesley Woodson's 1981 Human Factors Design Handbook, which noted that the 95th percentile male seat width was 15.9 inches. *Id.* Based on both the confines of the aircraft dimensions and human factors, we have determined that 15 inches wide is still a valid width requirement for the onboard wheelchair. Additionally, the Board is proposing that the onboard wheelchair seat be padded or cushioned to preserve skin integrity, minimize injury, prevent spasticity, and provide greater safety and comfort.

Question 23. What recent human factors research provides data on seated hip breadth for the 95th percentile male?

Question 24. On single-aisle aircraft with more than 125 passenger seats, is there any part of the aircraft aisle that is narrower than 17 inches through which the onboard wheelchair would need to pass to transport a passenger from her seat to the lavatory?

Question 25. What are the cost implications, if any, of the proposed seat size?

207 Back Support

In determining the proposed height for the onboard wheelchair's back

support, we looked to the current Department of Transportation Federal Aviation Administration Human Factors Design Standard, which indicates that the 95th percentile male for shoulder sitting height is 25.4 inches and the shoulder sitting height for a 5th percentile female is 20 inches. HF-STD001B (Dec. 30, 2016). These measurements reveal an increase in shoulder height from the dimensions used in the Access Board's 1987 *Guidelines for Boarding Chairs*, which recommended a minimum back support height of 25 inches.⁷ Based on this updated anthropometric information, we are proposing that the onboard wheelchair back support be a minimum of 26 inches high above the seat. In addition, we are proposing to allow a gap of no more than 2 inches between the surface of the seat and the bottom of the back support. The purpose of this specification is to ensure that the backrest is positioned low enough to provide support to the occupant, while allowing manufacturing flexibility needed to ensure that the chair can be folded for stowage.

Question 26. Is a two-inch gap between the seat and the back support sufficiently large to allow the chair to be folded?

Question 27. It is important that the onboard wheelchair provide sufficient trunk support to the occupant. Should these guidelines specify a minimum width for the back support? If so, what should the recommended width be?

Question 28. Should these guidelines specify a requirement for head and neck support? What are the design implications of adding head and neck support? Would the onboard wheelchair's functionality be affected?

208.1 (Arm Support) Length and 208.2 (Arm Support) Position and Securement

The Board proposes a requirement of two repositionable arm supports. The purpose of the arm supports on the onboard wheelchair is to provide transfer support to persons using the onboard wheelchair and to allow occupants seated in the chair to reposition themselves. In addition, the arm supports allow onboard wheelchair occupants to stabilize themselves during transport. While both arm supports may be used simultaneously for transfer into and out of the front of the onboard wheelchair, a side transfer from or to an aircraft seat will require the repositioning of one of the arm

⁶ The ACCESS Committee's Agreed Term Sheet indicates that "Tier 1" aircraft will be required to have a lavatory with a toilet height of 17 to 19 inches. Resolution of the Department of Transportation Access Committee, Annex A (Nov. 22, 2016). If this provision is implemented by the Department of Transportation, the Access Board, with additional information regarding the height of a closed toilet lid, could specify an appropriate height for the onboard wheelchair seat. However, because that requirement has not yet been implemented, the Access Board seeks information on existing aircraft toilet dimensions.

⁷ At that time, the Access Board relied on anthropometrics from Wesley Woodson's Human Factors Design Handbook (1981) indicating a shoulder height of 25 inches for 95th percentile males and 18 inches for 5th percentile females.

supports. For example, if the occupant is transferring into the onboard wheelchair from the left side of the chair, the arm support on the left side of the chair would be repositioned so as not to obstruct the transfer and the occupant would use the arm support on the right side to assist with transfer.

The proposed length of these supports is 15 inches. The proposed length is based on anthropometrics of elbow-grip length, which is the horizontal distance from the back of the elbow to the center of the clenched fist: 15.4 inches for 95th percentile males and 11.8 inches for 5th percentile females. Department of Transportation Federal Aviation Administration Human Factors Design Standard, HF-STD-001B, 5.12.3.2.1.23 (Dec. 30, 2016).

Question 29. Should these guidelines specify a width and shape for the armrests in order to achieve the purpose of this provision? If so, what armrest width and shape would be optimal to provide support during transfer and repositioning?

209.1 (Foot Support) Size and 209.2 Position and Securement

The purpose of the foot support is to provide support and stability for the occupant's feet and legs during transport, as well as to assist the occupant with repositioning and transferring. In determining the appropriate size of the foot support, we considered anthropometric data of the human foot size. As noted above, we were unable to locate recent anthropometric data on feet, and thus relied on data from Wesley Woodson's 1981 Human Factors Design Handbook, which we referenced in our *Guidelines for Aircraft Boarding Chairs* (1987). This research indicates a foot breadth of 4.3 inches and foot length of 11.2 inches for 95th percentile males and a foot breadth of 3.2 inches and foot length of 8.7 inches for 5th percentile females. Based on this information, and taking into consideration additional space for footwear, the Access Board proposes a unitary foot support that is a minimum of 9 inches wide and 12 inches deep. The unitary support allows for more stability as both feet move together. Further, the unitary support design requires fewer moving parts. Finally, the foot support must be repositionable so as not to obstruct transfer to or from the side or front of the onboard wheelchair.

Question 30. Is the proposed size of the foot support sufficient to provide a stable support for both feet?

Question 31. Do the proposed design, size, and repositionability of the foot support present any design or

engineering concerns? Please describe those concerns, if any.

Question 32. Should the footrest fold in a specific direction, such as up or off to one side? If so, what direction should be specified and why?

209.3 (Foot Support) Threshold Clearance

The Access Board proposes that the bottom of the foot support be at least 0.75 inches higher than the highest point of the lavatory doorway threshold. The purpose of this provision is to ensure that the onboard wheelchair can easily and safely maneuver over the lavatory threshold to enter the lavatory in both a forward and backward approach.

Question 33. Are there any other barriers besides the lavatory threshold that would require the foot support to clear a specific height?

210.1 (Caster) Swivel Locks and 210.2 Wheel Locks

The Board proposes that onboard wheelchairs have independent caster wheels for maximum maneuverability in the tight spaces of an aircraft cabin and lavatory. For safety and stability, the Board proposes that each caster provide a swivel lock and a wheel lock. The purpose of the swivel locks is to allow an attendant to lock the wheels in position for linear movement, providing greater stability and directional control as the attendant pushes the chair down the aisle. The wheel locks ensure the onboard wheelchair can be secured in a static position for transfer or for use inside the lavatory.

Question 34. Should these guidelines specify a size of the caster wheels? If so, what size wheel would ensure stability of the onboard wheelchair and allow the chair to easily traverse the lavatory doorway threshold?

Question 35. What would be the cost implications of a requirement that the caster wheels have a five-inch diameter?

Question 36. Is it necessary for safety and stability that each caster have a swivel lock? Would swivel locks on two wheels be sufficient? Please explain.

Question 37. Please explain the design and engineering considerations involved in the provision of a wheel lock system that engages each caster wheel. What are the safety concerns with a chair that has locks on only two caster wheels?

Question 38. What are the engineering and design implications of a requirement for the swivel and wheel locks to be operable by the occupant?

Question 39. What effect on stability, if any, results from a requirement that all wheels be independent casters?

Question 40. Is it necessary for maneuverability that each wheel of the onboard wheelchair be an independent caster? Could an onboard wheelchair easily maneuver through the aisle and into the lavatory in both a forward and backward approach with fewer casters? If so, which wheels should be required to be independent casters and why?

211.1 Rear Assist Handles

The purpose of the rear assist handles is to allow the attendant to push or pull the occupied onboard wheelchair through the aircraft aisle. In addition, the attendant may use the rear assist handles to maneuver the onboard wheelchair into the lavatory in a forward orientation.

Question 41. Is it necessary for the rear assist handles to be repositionable to allow for over-toilet positioning of the onboard wheelchair?

211.2 Front Assist Handles

The purpose of the front assist handles is to allow the attendant to maneuver the occupied onboard wheelchair into the lavatory in a backward approach, position the onboard wheelchair over the toilet, and maneuver the onboard wheelchair out of the lavatory. The front assist handles must be capable of being repositioned so as not to obstruct transfer. The Board envisions that these assist handles would be attached to the onboard wheelchair at seat or knee height, similar to the design of some current models of aircraft boarding chairs.

Question 42. Are there any existing onboard wheelchairs that have front assist handles? If so, where are the assist handles located?

Question 43. Are there any engineering or design concerns regarding front assist handles?

212 Restraints

This provision requires that the onboard wheelchair be equipped with both torso and leg restraints. The torso restraints are intended to secure the upper and lower torso of the occupant in the onboard wheelchair and the leg restraints are intended to maintain the legs of the occupant in the correct position during transport. The purpose of these restraints is to keep the occupant securely seated in the chair and prevent injury during transport through the aircraft. These restraints must be designed such that they can be repositioned so as not to obstruct transfer of the occupant to or from the onboard wheelchair. The fastening mechanisms of the restraints must be operable by the occupant so that the occupant may fasten the restraints

unassisted if desired. Finally, the restraints must be durable. The Access Board is aware of durability issues related to certain types of fasteners, such as hook-and-loop strip fasteners. The Board seeks comment on whether a specific type of fastener should be specified (or prohibited) by these guidelines.

Question 44. Are additional restraints needed to ensure safe use of the onboard wheelchair?

Question 45. Is it feasible to provide retractable restraints that auto-adjust (similar to the retractable seatbelts in cars)?

Question 46. Should specific types of fasteners be required or prohibited to ensure durability?

For the reasons stated in this notice, the Board proposes Advisory Guidelines for Aircraft Onboard Wheelchairs as follows:

Advisory Guidelines for Aircraft Onboard Wheelchairs

Section 1: General

101 General

101.1 Purpose. These recommended specifications for onboard wheelchairs are intended to improve accessibility of a non-accessible lavatory on a single-aisle aircraft with more than 125 passenger seats by improving the functionality and usability of onboard wheelchairs.

101.2 Voluntary Application. This guidance is not legally binding in its own right. Conformity with this guidance document is voluntary only, and nonconformity will not affect rights and obligations under existing statutes and regulations. This guidance provides one example of carriers might satisfy performance standards for onboard wheelchairs on covered aircraft.

101.3 Dimensions. These technical specifications are based on adult dimensions and anthropometrics.

101.4 Dimensional Tolerances. All dimensions are subject to conventional industry tolerances for manufacturing processes, material properties, and field conditions.

101.5 Units of Measurement. Measurements are stated in U.S. customary and metric units. The values stated in each system (U.S. customary and metric units) may not be exact equivalents, and each system should be able to be used independently of the other.

102 Definitions

102.1 Defined Terms. For the purpose of this document, the following terms have the indicated meaning.

Attendant. An individual who is assisting the occupant in using or operating the onboard wheelchair.

Caster. A wheel on a swivel assembly permitting the wheel to freely turn around its vertical axis.

Onboard Wheelchair. A wheelchair that is used to transport a person with a mobility disability between an aircraft seat and an aircraft lavatory.

102.2 Other Defined Terms. Terms defined in regulations issued by the Department of Transportation to implement the Air Carrier Access Act (14 CFR 382) and not defined in 102.1, shall have the meaning as defined in the Department of Transportation's regulations.

102.3 Undefined Terms. Any term not defined in 102.1 or in the Department of Transportation's regulations shall be given its ordinarily accepted meaning in the sense that the context implies.

102.4 Interchangeability. Words, terms, and phrases used in the singular include the plural and those used in the plural include the singular.

Section 2: Technical Specifications

201 Maneuverability. The onboard wheelchair must be maneuverable by an attendant on the aircraft.

201.1 Occupied Movement. The onboard wheelchair shall be designed to be moved both forward and backward through the aircraft aisle by an attendant.

201.1.1 Lavatory Transfer. The onboard wheelchair shall be designed to be maneuvered in a forward orientation partially into at least one aircraft lavatory to permit transfer from the onboard wheelchair to the toilet.

201.1.2 Over-Toilet Positioning. Onboard wheelchairs shall be designed to be maneuvered in a backward orientation to permit positioning over the closed toilet without protruding into the clear space needed to completely close the lavatory door, unless the lavatory already permits the occupant of the onboard wheelchair to enter, close the door, and independently transfer from the onboard wheelchair to the toilet.

201.2 Unoccupied Movement. When folded, the onboard wheelchair shall be capable of being moved on its own wheels.

202 Stowage. Onboard wheelchairs shall fit within at least one of the available certified onboard wheelchair stowage spaces consistent with weight and space limits applicable to each carrier's aircraft models.

203 Stability. When occupied for use, the onboard wheelchair shall not tip or fall in any direction under normal

operating conditions, including when the swivel locks on the casters are engaged or when the wheel locks are applied.

204 Surface Hazards. The onboard wheelchair shall be free of sharp or abrasive components and shall have eased edges.

205 Instructions. The onboard wheelchair shall prominently display instructions for proper operation and stowage.

206 Seat. Onboard wheelchairs shall provide a seat that meets the following specifications:

206.1 Height. The top of the seat of the onboard wheelchair when uncompressed shall align with the height of the top of an aircraft seat when uncompressed to the maximum extent practicable.

206.2 Size. The surface of the seat shall be 15 inches (381 mm) wide minimum and 16 inches (406 mm) deep minimum.

206.3 Padding. The seat shall be a solid surface that is padded or cushioned.

206.4 Load. [Reserved.]

207 Back Support. Onboard wheelchairs shall provide a back support that meets the following recommended specifications:

207.1 Size. The back support shall extend from a point 2 inches (51 mm) maximum above the surface of the seat to a point 26 inches (660 mm) minimum above the surface of the seat.

207.2 Padding. The backrest shall be padded or cushioned.

207.3 Load. [Reserved.]

208 Arm Supports. Onboard wheelchairs shall provide two arm supports that meet the following recommended specifications:

208.1 Length. Arm supports shall have a length of 15 inches (381 mm) minimum.

208.2 Positions and Securement. Arm supports shall be repositionable so as not to obstruct transfer of the occupant to or from the seat of the onboard wheelchair. Arm supports shall be secure in their fittings when in place for transfer.

208.3 Load. [Reserved.]

209 Foot Support. Onboard wheelchairs shall provide foot support that meets the following recommended specifications:

209.1 Size. The foot support shall be unitary and shall be 9 inches (229 mm) wide minimum and 12 inches (305 mm) deep minimum.

209.2 Positions and Securement. The foot support shall be repositionable so as not to obstruct transfer of the occupant to or from the seat of the onboard wheelchair. Foot supports shall

be secure in their fittings when in place for transfer.

209.3 Threshold Clearance. When the onboard wheelchair is unoccupied, the underside of the foot support shall clear the highest point of the lavatory door threshold by 0.75 inches (19 mm) minimum.

209.4 Load. [Reserved.]

210 Casters. Onboard wheelchairs shall provide independent casters that meet the following recommended specifications:

210.1 Swivel Locks. Each caster shall provide a swivel lock that, when engaged, prevents the caster wheel from swiveling on its vertical axis and permits rotation of the wheel only in the direction of travel.

210.2 Wheel Locks. Each caster shall provide wheel locks that, when engaged, prevent rotation of the wheel and permits the onboard wheelchair to be secured in a stationary position.

210.3 *emsp*; Load. [Reserved.]

211 Assist Handles. Onboard wheelchairs shall provide assist handles that meet the following recommended specifications:

211.1 Rear Assist Handles. At least two assist handles shall be provided on the rear of the onboard wheelchair.

211.2 Front Assist Handles. At least two assist handles shall be provided on the front of the onboard wheelchair. The assist handles shall be capable of being repositioned so as not to obstruct transfer of the occupant to or from the onboard wheelchair.

211.3 Load. [Reserved.]

212 Restraints. Onboard wheelchairs shall provide functioning torso restraints and leg restraints that meet the following recommended specifications:

212.1 Torso Restraints. Torso restraints shall secure the upper and lower torso of the occupant of the onboard wheelchair so as to prevent the occupant from falling out of the onboard wheelchair during transport.

212.2 Leg Restraints. Leg restraints shall maintain the legs of the occupant in position during transport.

212.3 Fastening Mechanisms. Fastening mechanisms for restraints shall be durable and operable by the occupant.

212.4 Positions. Restraints and their attachments shall be capable of being repositioned so as not to obstruct transfer of the occupant to or from the seat of the onboard wheelchair.

David M. Capozzi,
Executive Director.

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BILLING CODE 8150-01-P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Wyoming Advisory Committee

AGENCY: U.S. Commission on Civil Rights.

ACTION: Announcement of meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act (FACA) that the meeting of the Wyoming Advisory Committee (Committee) to the Commission will be held at 11:00 a.m. (MDT) Thursday, September 26, 2019. The purpose of this meeting is for the Committee to continue planning briefing on hate crimes.

DATES: Thursday, September 26, 2019 at 11:00 a.m. MDT.

FOR FURTHER INFORMATION CONTACT: Ana Victoria Fortes (DFO) at afortes@usccr.gov or (213) 894-3437.

SUPPLEMENTARY INFORMATION:

Public Call Information: Dial: 800-353-6461; Conference ID: 8263473.

This meeting is available to the public through the following toll-free call-in number: 800-353-6461, conference ID number: 8263473. Any interested member of the public may call this number and listen to the meeting. Callers can expect to incur charges for calls they initiate over wireless lines, and the Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Persons with hearing impairments may also follow the proceedings by first calling the Federal Relay Service at 1-800-877-8339 and providing the Service with the conference call number and conference ID number.

Members of the public are entitled to make comments during the open period at the end of the meeting. Members of the public may also submit written comments; the comments must be received in the Regional Programs Unit within 30 days following the meeting. Written comments may be mailed to the Western Regional Office, U.S. Commission on Civil Rights, 300 North Los Angeles Street, Suite 2010, Los Angeles, CA 90012. They may be faxed to the Commission at (213) 894-0508, or emailed Ana Victoria Fortes at afortes@usccr.gov. Persons who desire additional information may contact the Regional Programs Unit at (213) 894-3437.

Records and documents discussed during the meeting will be available for

public viewing prior to and after the meetings at https://www.facadatabase.gov/FACA/FACA_PublicViewCommitteeDetails?id=a10t0000001gzliAAA.

Please click on "Committee Meetings" tab. Records generated from these meetings may also be inspected and reproduced at the Regional Programs Unit, as they become available, both before and after the meetings. Persons interested in the work of this Committee are directed to the Commission's website, <https://www.usccr.gov>, or may contact the Regional Programs Unit at the above email or street address.

Agenda

- I. Welcome and Roll Call
- II. Approval of Minutes From August 13, 2019 Meeting
- III. Continue Planning Briefing on Hate Crimes
- IV. Next Steps
- V. Public Comment
- VI. Adjournment

Dated: August 14, 2019.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2019-17801 Filed 8-19-19; 8:45 am]

BILLING CODE P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the California Advisory Committee

AGENCY: U.S. Commission on Civil Rights.

ACTION: Announcement of meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act (FACA) that a meeting of the California Advisory Committee (Committee) to the Commission will be held at 2:00 p.m. (Pacific Time) Tuesday, August 27, 2019. The purpose of the meeting is for the Committee to continue planning their October 16, 2019 briefing focused on the impact of immigration enforcement on California children.

DATES: The meeting will be held on Tuesday, August 27, 2019 at 2:00 p.m. PT.

FOR FURTHER INFORMATION CONTACT: Ana Victoria Fortes at afortes@usccr.gov or (213) 894-3437.

SUPPLEMENTARY INFORMATION:

Public Call Information: Dial: 800-367-2403; Conference ID: 1709830.

This meeting is available to the public through the following toll-free call-in number: 800-367-2403, conference ID

number: 1709830. Any interested member of the public may call this number and listen to the meeting. Callers can expect to incur charges for calls they initiate over wireless lines, and the Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Persons with hearing impairments may also follow the proceedings by first calling the Federal Relay Service at 1-800-877-8339 and providing the Service with the conference call number and conference ID number.

Members of the public are entitled to make comments during the open period at the end of the meeting. Members of the public may also submit written comments; the comments must be received in the Regional Programs Unit within 30 days following the meeting. Written comments may be mailed to the Western Regional Office, U.S. Commission on Civil Rights, 300 North Los Angeles Street, Suite 2010, Los Angeles, CA 90012. They may be faxed to the Commission at (213) 894-0508, or emailed Ana Victoria Fortes at afortes@usccr.gov. Persons who desire additional information may contact the Regional Programs Unit at (213) 894-3437.

Records and documents discussed during the meeting will be available for public viewing prior to and after the meeting at <https://www.facadatabase.gov/FACA/FACAPublicViewCommitteeDetails?id=a10t0000001gzkUAAQ>.

Please click on "Committee Meetings" tab. Records generated from this meeting may also be inspected and reproduced at the Regional Programs Unit, as they become available, both before and after the meeting. Persons interested in the work of this Committee are directed to the Commission's website, <https://www.usccr.gov>, or may contact the Regional Programs Unit at the above email or street address.

Agenda

- I. Welcome
- II. Approval of July 23, 2019 Meeting Minutes
- III. Continue Discussion on Planning Briefing
- IV. Public Comment
- V. Next Steps
- VI. Adjournment

Exceptional Circumstance: Pursuant to 41 CFR 102-3.150, the notice for this meeting is given less than 15 calendar days prior to the meeting because of the exceptional circumstances of recovery from the government shutdown.

Dated: August 14, 2019.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2019-17800 Filed 8-19-19; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[XRIN 0648-XX006]

Magnuson-Stevens Act Provisions; General Provisions for Domestic Fisheries; Application for Exempted Fishing Permits

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

ACTION: Notice; request for comments.

SUMMARY: The Assistant Regional Administrator for Sustainable Fisheries, Greater Atlantic Region, NMFS, has made a preliminary determination that an Exempted Fishing Permit application contains all of the required information and warrants further consideration. This Exempted Fishing Permit would exempt four commercial fishing vessels from limited access sea scallop regulations in support of a study looking at how a new gear type in the scallop fishery would reduce bycatch, minimize habitat impacts, and improve fuel efficiency.

Regulations under the Magnuson-Stevens Fishery Conservation and Management Act require publication of this notification to provide interested parties the opportunity to comment on applications for proposed Exempted Fishing Permits.

DATES: Comments must be received on or before September 4, 2019.

ADDRESSES: You may submit written comments by any of the following methods:

- *Email:* nmfs.gar.efp@noaa.gov.

Include in the subject line "DA19-067 CFRF N-Viro Dredge Study EFP."

- *Mail:* Michael Pentony, Regional Administrator, NMFS, Greater Atlantic Regional Fisheries Office, 55 Great Republic Drive, Gloucester, MA 01930. Mark the outside of the envelope "DA19-CFRF N-Viro Dredge Study EFP."

FOR FURTHER INFORMATION CONTACT:

Shannah Jaburek, Fishery Management Specialist, 978-282-8456.

SUPPLEMENTARY INFORMATION: The Commercial Fisheries Research Foundation (CFRF) submitted a complete application for an EFP on June

12, 2019, for a 2019 Scallop Research Set-Aside (RSA) project titled "Piloting a Novel Dredge Type to Reduce Bycatch and Improve Fuel Efficiency in the Southern New England Scallop Fishery." This project was funded under the 2019 Atlantic Sea Scallop RSA Program. Researchers expect to start the first trip for this project as soon as the EFP is issued. This project would look at how the modified dredge (the N-Viro dredge), a new gear type in the scallop fishery, would reduce bycatch, minimize habitat impacts by minimizing dredge penetration into and resistance along the seafloor, and improve fuel efficiency by towing at lower speeds.

Participating vessels would conduct scallop dredging for 12 months from date of issue. The study would use both limited access general category (LAGC) and limited access (LA) vessels. The LA component would consist of one 5-day trip conducting 80 total paired tows with the N-Viro dredge. The N-Viro dredge is a 15-ft (4.57-m) tow bar fitted with five smaller dredges connected to the tow bar. Each smaller dredge is 2 ft (0.61 m) wide with a 10-in (25.4-cm) twine top and 4 rows of rings in the apron. Additionally each smaller dredge would be outfitted with a turtle chain mat. The project would conduct 40 of the 80 tows with the turtle deflector dredge control dredge west of 71° W longitude and the remaining 40 tows with the standard New Bedford style control dredge east of 71° W longitude.

The LAGC component of the project would use three LAGC vessels that would complete a total of 30 research days-at-sea (DAS). Each vessel would complete 10 DAS, with 5 days devoted to fishing with the N-viro dredge and 5 days devoted to carrying either a New Bedford or Provincetown style control dredge. Each LAGC vessel would tow an N-viro dredge that has a 10-ft (3.05-m) tow bar with three smaller dredges connected to it. The construction of each smaller dredge for the LAGC component is identical to the LA component. The LAGC fleet would utilize either a Provincetown or New Bedford style dredge common in the fishery as a control dredge.

All tows for both LA and LAGC vessels would be 10 minutes at varying depths and substrates. Tow time may be adjusted as needed based on dredge performance. For all tows, the entire sea scallop catch would be counted into baskets and weighed. All finfish catch would be sorted by species and then counted and measured. With the exception of samples retained for further processing for scientific purposes, no catch would be retained

for longer than needed to conduct sampling, and no catch would be landed for sale on the LA trip. On LAGC trips, scallop and monkfish catch would be kept for sale in accordance with current regulations, but all other catch will be handled in the same manner as the LA research trip.

CFRF needs these exemptions to allow them to conduct experimental dredge towing without being charged DAS. Participating vessels need crew size waivers to accommodate science personnel. Exemptions are also needed from the turtle deflector dredge requirements for testing of an experimental dredge that has a slightly different configuration that the current gear requirements. Possession waivers would enable researchers to sample finfish catch that exceeds possession limits or prohibitions. The project would be exempt from the sea scallop observer program requirements because activities conducted on the trip are not consistent with normal fishing operations. Researchers from CFRF will accompany each trip taken under the EFP.

If approved, the applicant may request minor modifications and extensions to the EFP throughout the year. EFP modifications and extensions may be granted without further notice if they are deemed essential to facilitate completion of the proposed research and have minimal impacts that do not change the scope or impact of the initially approved EFP request. Any fishing activity conducted outside the scope of the exempted fishing activity would be prohibited.

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

Dated: August 15, 2019.

Alan D. Risenhoover,
Director, Office of Sustainable Fisheries,
National Marine Fisheries Service.

[FR Doc. 2019-17916 Filed 8-19-19; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Science Advisory Board

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC).

ACTION: Notice of public meeting.

SUMMARY: This is a virtual meeting. However, members of the public may also come to 1315 East-West Highway, SSMC3 Room 8836. This notice sets forth the schedule and proposed agenda of a meeting of the NOAA Science

Advisory Board (SAB). The members will discuss issues outlined in the section on Matters to be considered.

DATES: The meeting will be held Monday, September 9, 2019 from 11:50 a.m. to 11:55 p.m. Eastern Daylight Time (EDT). These times and the agenda topic described below are subject to change. For the latest agenda please refer to the SAB website: <http://sab.noaa.gov/SABMeetings.aspx>.

ADDRESSES: Public access is available at: NOAA, SSMC 3 Room 8836, 1315 East-West Highway, Silver Spring, MD. Members of the public may participate virtually by registering at: <https://attendee.gotowebinar.com/register/7316055114512901633>.

FOR FURTHER INFORMATION CONTACT: Dr. Cynthia Decker, Executive Director, SSMC3, Room 11230, 1315 East-West Hwy., Silver Spring, MD 20910; Phone Number: 301-734-1156; Email: Cynthia.Decker@noaa.gov; or visit the SAB website at <http://sab.noaa.gov/SABMeetings.aspx>.

SUPPLEMENTARY INFORMATION: The NOAA Science Advisory Board (SAB) was established by a Decision Memorandum dated September 25, 1997, and is the only Federal Advisory Committee with responsibility to advise the Under Secretary of Commerce for Oceans and Atmosphere on strategies for research, education, and application of science to operations and information services. SAB activities and advice provide necessary input to ensure that National Oceanic and Atmospheric Administration (NOAA) science programs are of the highest quality and provide optimal support to resource management.

Status: The meeting will be open to public participation with a 10-minute public comment period at 11:50 a.m.–11:55 a.m. EST. The SAB expects that public statements presented at its meetings will not be repetitive of previously submitted verbal or written statements. In general, each individual or group making a verbal presentation will be limited to a total time of two (2) minutes. Written comments for the meeting should be received in the SAB Executive Director's Office by August 26, 2019 to provide sufficient time for SAB review. Written comments received after by the SAB Executive Director after these dates will be distributed to the SAB, but may not be reviewed prior to the meeting date.

Special Accommodations: These meetings are physically accessible to people with disabilities. Requests for special accommodations may be directed no later than 12:00 p.m. on

August 26, 2019, to Dr. Cynthia Decker, SAB Executive Director, SSMC3, Room 11230, 1315 East-West Highway, Silver Spring, MD 20910; Email: Cynthia.Decker@noaa.gov.

Matters To Be Considered: The meeting will include a discussion of the recommendations from the SAB Environmental Information Services Working Group regarding the Environmental Prediction Innovation Center (EPIC). The Meeting materials, including work products will be made available on the SAB website: <http://sab.noaa.gov/SABMeetings.aspx>.

Dated: August 14, 2019.

Eric Locklear,

Deputy Chief Financial Officer/
Administrative Officer, Office of Oceanic and Atmospheric Research, National Oceanic and Atmospheric Administration.

[FR Doc. 2019-17895 Filed 8-19-19; 8:45 am]

BILLING CODE 3510-KD-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648-XW006

Magnuson-Stevens Fishery Conservation and Management Act; General Provisions for Domestic Fisheries; Application for Exempted Fishing Permit

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

ACTION: Notice; request for comments.

SUMMARY: NMFS has determined that seventeen exempted fishing permit (EFP) applications warrant further consideration, and requests public comment on the applications. All EFP applicants request an exemption from a prohibition on the use of unauthorized gear to harvest highly migratory species (HMS) under the Fishery Management Plan for U.S. West Coast Fisheries for Highly Migratory Species (HMS FMP), to test the effects and efficacy of using deep-set buoy gear (DSBG), deep-set linked buoy gear (DSLBG), or modified deep-set linked buoy gear set at night, to harvest swordfish and other HMS off of the U.S. West Coast.

DATES: Comments must be submitted in writing by September 19, 2019.

ADDRESSES: You may submit comments on this document, identified by NOAA-NMFS-2019-0079, by any 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-2019-0079, click the "Comment Now!" icon, complete the required fields, and enter or attach your comments.

• **Mail:** Attn: Chris Fanning, NMFS West Coast Region, 501 W. Ocean Blvd., Suite 4200, Long Beach, CA 90802. Include the identifier "NOAA-NMFS-2019-0079" in the comments.

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).

FOR FURTHER INFORMATION CONTACT:

Chris Fanning, NMFS West Coast Region, 562-980-4198.

SUPPLEMENTARY INFORMATION: DSBG fishing trials have occurred for the past eight years (2011–2015, research years; 2015–2019, EFP years) in the U.S. West Coast Exclusive Economic Zone (EEZ) off California. Data collected from these fishing activities have demonstrated DSBG to achieve about a 95 percent marketable catch composition (swordfish, opah, tunas, and sharks). Non-marketable species catch rates have remained low and most non-marketable catch are released alive. Due to DSBG being actively tended, strikes are detected within minutes of a catch on the line. As a result, all catches can be tended quickly, with catch brought onboard the vessel in good condition.

To date, DSBG has had four interactions with protected species. Three interactions were with elephant

seals, which were not seriously injured and were released alive due to the strike detection and quick tending of the gear. These species are protected by the Marine Mammal Protection Act, but are not listed as threatened or endangered under the Endangered Species Act (ESA).

On August 4, 2018, a loggerhead sea turtle was observed entangled in the surface buoy lines of a vessel fishing under an EFP to test standard DSBG. The sea turtle was brought on board, disentangled, and released back to the sea in a lively, uninjured condition. Based on analysis of the incident, NMFS West Coast Region amended the applicable Terms and Conditions to require the following attributes, to minimize the likelihood of future sea turtle entanglements:

1. The surface buoy flotation and strike detection array must be a streamlined inline configuration, with no loops or hanging material, and no more than 6 feet between adjacent buoys, to reduce entanglement potential.

2. The surface buoy flotation and strike detection array must consist of a >40lb flotation non-compressible hard ball, a minimum six pound flotation inline-float, and a sub-surface inline-float, all connected in-line with a minimum of 3/8 inch diameter line, and no more than six feet between adjacent buoys.

3. Use of buoy tether attachments (e.g., non-streamlined gear with loops, nooks, and dangling components) is prohibited.

DSLBG trials have occurred since 2015 and have produced similar results to standard DSBG activities. Swordfish and other marketable species have represented about 97 percent of the catch with very similar catch composition to DSBG. Non-marketable species are released alive due to quick DSLBG strike detection and active gear tending. To date, there have been no protected species interactions with

DSLBG in either EFP fishing or research trials.

At the June 2019 Pacific Fishery Management Council (Council) meeting, the Council received a total of seventeen additional EFP applications for review. Based on recommendations from the Council's HMS Management Team, the Council recommended that NMFS consider issuing EFPs to authorize use of DSBG and/or DSLBG for sixteen of the applications (see Table).

In addition, one application for one vessel to fish modified linked buoy gear at night, was preliminarily approved by the Council, with a final recommendation scheduled for the September 2019 Council meeting. The gear configuration in this application differs from previously approved EFPs in that the applicants propose fishing at night, at a depth of around 300 feet. The array of surface buoys has also been modified to include a green light to aid in the monitoring, strike detection, and retrieval of gear at night. At previous Council meetings, the Pflieger Institute of Environmental Research (PIER) included a brief summary of DSBG gear trials conducted at night. These sets were fished at a depth of less than 100 ft and resulted in a large proportion of blue shark catch. Due to this high rate of interactions with blue sharks, PIER ceased night fishing with DSBG. Mr. Perez and Mr. Carson believe that fishing at a greater depth at night will increase catch of marketable species, including swordfish during their diurnal migration to and from depth, while greatly reducing the occurrence of non-marketable species interactions. The Council's HMS Management Team (HMSMT) agreed (https://www.pcouncil.org/wp-content/uploads/2019/06/J5a_Sup_HMSMT_Rpt1_JUN2019BB.pdf) that this theory is worth allowing a single vessel, operated by a fisherman with several years of DSBG fishing experience under both PIER and his own EFP, to test this new approach.

TABLE 1

Applicant	Applications recommended to NMFS
Barker/McCaffrey	<i>Agenda Item J.5, Attachment 4:</i> DSBG EFP Application from Jordan McCaffrey.
Bateman	<i>Agenda Item J.5, Attachment 15:</i> DSBG EFP Application from John Bateman.
Burke	<i>Agenda Item J.5, Attachment 14:</i> DSBG EFP Application from Sean Burke.
Dirkse	<i>Agenda Item J.5, Attachment 7:</i> DSBG EFP Application from Douglas and Lucas Dirkse.
Doljanin	<i>Agenda Item J.5, Attachment 19:</i> DSBG EFP Application from John Doljanin.
Estrada	<i>Agenda Item J.5, Attachment 12:</i> DSBG EFP Application from Antonio Estrada.
Flynn	<i>Agenda Item J.5, Attachment 10:</i> DSBG EFP Application from Michael Flynn.
Gerritsen	<i>Agenda Item J.5, Attachment 3:</i> DSBG EFP Application from J.J Gerritsen.
Green	<i>Agenda Item J.5, Attachment 13:</i> DSBG EFP Application from Anthony Green.
Grey/Gibbs	<i>Agenda Item J.5, Attachment 9:</i> DSBG EFP Application from John Gibbs and Anthony Grey.
Guglielmo	<i>Agenda Item J.5, Attachment 8:</i> DSBG EFP Application from Nicholas Guglielmo.
Kirkpatrick	<i>Agenda Item J.5, Attachment 18:</i> DSBG EFP Application from John Kirkpatrick.
Lins	<i>Agenda Item J.5, Attachment 2:</i> DSBG EFP Application from Nathan Lins.

TABLE 1—Continued

Applicant	Applications recommended to NMFS
Marvin	<i>Agenda Item J.5, Attachment 16:</i> DSBG EFP Application from Brock Marvin.
Roach	<i>Agenda Item J.5, Attachment 6:</i> DSBG EFP Application from Zachary Roach.
Stephens	<i>Agenda Item J.5, Attachment 11:</i> DSBG EFP Application from Dave Stephens.
Perez/Carson	Application preliminarily approved for Council recommendation: <i>Agenda Item J.5, Attachment 17:</i> DSBG EFP Application from Nathan Perez and Thomas Carson.

All applications are available at the Council June 2019 meeting briefing book website, under agenda item J.5: <https://www.pcouncil.org/resources/archives/briefing-books/june-2019-briefing-book/#hmsJun2019>.

The Council also recommended that NMFS prioritize issuance of these June 2019 EFP applications over previously-approved EFP applications that have not yet been issued, that NMFS extend currently issued DSBG EFPs through 2020, and that NMFS consider any EFP applications previously approved by the Council but not issued by December 31, 2019, due to inaction or abandoned by the applicant, as ineligible for issuance.

NMFS is requesting public comment on the seventeen DSBG/DSLGB EFP applications recommended for consideration by the Council. If all applications are approved, the EFPs would allow up to eighteen vessels to fish with DSBG, four vessels to fish with DSLBG, and one vessel to fish modified linked buoy gear at night, in the U.S. West Coast EEZ. Aside from the exemption described above, vessels fishing under an EFP would be subject to all HMS FMP requirements implemented in NMFS regulations at 50 CFR 660, including measures to protect sea turtles, marine mammals, and seabirds. For up-to-date information on HMS EFPs, please visit NMFS West Coast Region's "Highly Migratory Species—Exempted Fishing Permits" web page: <https://www.fisheries.noaa.gov/west-coast/sustainable-fisheries/highly-migratory-species-exempted-fishing-permits>.

NMFS will consider all public comments submitted in response to this **Federal Register** Notice prior to issuance of any EFP. Additionally, NMFS will analyze the effects of issuing EFPs in accordance with the National Environmental Policy Act and NOAA's Administrative Order 216–6, as well as compliance with other applicable laws, including Section 7(a)(2) of the ESA (16 U.S.C. 1531 *et seq.*), which requires the agency to consider whether the proposed action is likely to jeopardize the continued existence and recovery of any endangered or threatened species or result in the destruction or adverse modification of critical habitat.

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

Dated: August 15, 2019.

Alan D. Risenhoover,

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

[FR Doc. 2019–17919 Filed 8–19–19; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD–2019–OS–0098]

Proposed Collection; Comment Request

AGENCY: Office of the Under Secretary of Defense for Acquisition and Sustainment, DoD.

ACTION: Information collection notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995*, the Office of the Under Secretary of Defense for Acquisition and Sustainment announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; the accuracy of the agency's estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by October 21, 2019.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

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

Mail: Department of Defense, Office of the Chief Management Officer, Directorate for Oversight and Compliance, 4800 Mark Center Drive, Mailbox #24, Suite 08D09, Alexandria, VA 22350–1700.

Instructions: All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at <http://www.regulations.gov> as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the Defense Contract Management Agency, 14501 George Carter Way, 2nd Floor, Chantilly, VA 20151, ATTN: Procurement Center, or call (804) 734–1534.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Department of Defense Application for Priority Rating for Production or Construction Equipment; DD Form 691; OMB Control Number 0704–0055.

Needs and Uses: Executive Order 12919 delegates to DoD authority to require certain contracts and orders relating to approved Defense Programs to be accepted and performed on a preferential basis. This program helps contractors acquire industrial equipment in a timely manner, thereby facilitating development and support of weapons systems and other important Defense Programs.

Affected Public: Business or other For-Profit; Not-for-Profit Institutions.

Annual Burden Hours: 610.

Number of Respondents: 610.

Responses per Respondent: 1.

Annual Responses: 610.

Average Burden per Response: 1 hour.

Frequency: On occasion.

Dated: August 14, 2019.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison
Officer, Department of Defense.

[FR Doc. 2019–17828 Filed 8–19–19; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE**Office of the Secretary****[Docket ID: DoD-2019-OS-0099]****Proposed Collection; Comment Request****AGENCY:** Defense Logistics Agency, DoD.**ACTION:** Information collection notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995*, the Defense Logistics Agency announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; the accuracy of the agency's estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by October 21, 2019.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

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

Mail: Department of Defense, Office of the Chief Management Officer, Directorate for Oversight and Compliance, 4800 Mark Center Drive, Mailbox #24, Suite 08D09, Alexandria, VA 22350-1700.

Instructions: All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at <http://www.regulations.gov> as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the Defense Logistics Agency, Andrew T. McNamara Building, 8725 John J. Kingman Road, Fort Belvoir, VA 22060-6221, ATTN: Karen Bond, or call (571) 767-6871.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB

Number: ASSIST Database; OMB Control Number 0704-0188.

Needs and Uses: The Data Item Descriptions in the ASSIST database, formerly the Acquisition Management Systems and Data Requirements Control List (AMSDL), contain data requirements used in Department of Defense (DoD) contracts. The information collected will be used by DoD personnel and other DoD contractors to support the design, test, manufacture, training, operation, and maintenance of procured items, including weapons systems critical to the national defense.

Affected Public: Business or other For-Profit.

Annual Burden Hours: 29,652,480.

Number of Respondents: 1,040.

Responses per Respondent: 432.

Annual Responses: 449,280.

Average Burden per Response: 66 hours.

Frequency: On occasion.

The Data Item Descriptions in the ASSIST database, formerly the AMSDL, is a collection of data requirements used in Department of Defense contracts. Information collection requests are contained in DoD contract actions for supplies, services, hardware, and software. This information is collected and used by DoD and its component Military Departments and Agencies to support the design, test, manufacture, training, operation, maintenance, and logistical support of procured items, including weapons systems. The collection of such data is essential to accomplishing the assigned mission of the Department of Defense. Failure to collect this information would have a detrimental effect on the DoD acquisition programs and National Security. Information used to determine the burden hours is contained in the ASSIST Online database.

Dated: August 14, 2019.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2019-17840 Filed 8-19-19; 8:45 am]

BILLING CODE 5001-06-P

DEPARTMENT OF DEFENSE**Office of the Secretary****Threat Reduction Advisory Committee; Notice of Federal Advisory Committee Meeting**

AGENCY: Under Secretary of Defense for Acquisitions and Sustainment, Department of Defense.

ACTION: Notice of Federal Advisory Committee meeting.

SUMMARY: The Department of Defense (DoD) is publishing this notice to announce that the following Federal Advisory Committee meeting of the Threat Reduction Advisory Committee (TRAC) will take place.

DATES: Monday, August 26, 2019, from 8:00 a.m. to 4:30 p.m.

ADDRESSES: The Pentagon, Room 3A912A, Washington, DC 20301-1400.

FOR FURTHER INFORMATION CONTACT:

Stephen Polchek, (571) 616-6520 (Voice), 703-767-4206 (Facsimile), stephen.j.polchek.civ@mail.mil (Email). Mailing address is Defense Threat Reduction Agency (DTRA) VDir-PP-STO, 8725 John J. Kingman Road, MS 6201, Fort Belvoir, VA 22060-6201. Website: <http://www.dtra.mil/Home/TRAC.aspx>. The most up-to-date changes to the meeting agenda can be found on the website.

SUPPLEMENTARY INFORMATION: Due to circumstances beyond the control of the Department of Defense (DoD) and the Designated Federal Officer, the Threat Reduction Advisory Committee was unable to provide public notification required by 41 CFR 102-3.150(a) concerning the August 26, 2019 meeting of the Threat Reduction Advisory Committee. Accordingly, the Advisory Committee Management Officer for the Department of Defense, pursuant to 41 CFR 102-3.150(b), waives the 15-calendar day notification requirement. This meeting is being held under the provisions of the Federal Advisory Committee Act (FACA) (5 U.S.C., App.), the Government in the Sunshine Act (5 U.S.C. 552b), and 41 CFR 102-3.140 and 102-3.150.

Purpose of the Meeting: The TRAC will conduct SECRET and higher-level discussions and deliberations on the continued viability of the Chemical Weapons Convention and Biological Weapons Convention, in as far as current international agreements on chemical and biological weapons and the implementation and enforcement of those treaties. Also the consideration of analytic and data-driven frameworks for the evaluation of the current strategic nuclear environment and the assessment of emergent challenges to the U.S. ability to deter threats from peer and near-peer competitors; and providing independent, executive-level advice and recommendations in support of Special Operations Command (SOCOM) efforts as the DoD coordinating authority for countering weapons of mass destruction.

Agenda: Threat Reduction Advisory Committee Plenary Location: Pentagon, Room 3A912A—All discussions will be conducted at or above the Secret classification level.—August 26, 2019, Designated Federal Officer Remarks from Mr. Polchek followed by opening remarks from the Chair, Ambassador Lehman on how he expects the deliberations and recommendation process to occur. The TRAC will then hold classified discussions and final deliberations on all Subcommittee work. After a short lunch break, the TRAC will resume discussion and final deliberations on all Subcommittee recommendations. The TRAC chair and subcommittee leads will then brief their classified recommendations to Under Secretary of Defense for Acquisition and Sustainment (USD (A&S)) Ms. Ellen M. Lord. After providing their recommendations, Ms. Lord will provide instructions for future studies. After USD Lord departs, the TRAC will begin classified discussion of Ms. Lord's instructions and comments. Following the discussions, AMB Lehman will provide a summary of the day, and adjourn the meeting.

Meeting Accessibility: Pursuant to section 10(d) of the FACA, 5 U.S.C. 552b(c), and 41 CFR 102–3.155, the DoD has determined that the meeting shall be closed to the public. The Under Secretary of Defense for Acquisition and Sustainment, in consultation with the DoD FACA Attorney, has determined in writing that all sessions of this meeting are required to be closed to the public because the discussions will contain classified information and matters covered by 5 U.S.C. 552b(c)(1). Such classified matters are inextricably intertwined with the unclassified material and cannot reasonably be segregated into separate discussions without disclosing secret-level or higher material.

Written Statements: Pursuant to section 10(a)(3) of FACA and 41 CFR 102–3.105(j) and 102–3.140, the public or interested organizations may submit written statements to the membership of the TRAC at any time or in response to the stated agenda of a planned meeting. Written statements should be submitted to the TRAC's Designated Federal Officer. The Designated Federal Officer's contact information is listed in this notice, or it can be obtained from the General Services Administration's FACA Database: <http://www.facadatabase.gov/committee/committee.aspx?cid=1663&aid=41>. Written statements that do not pertain to a scheduled meeting of the TRAC may be submitted at any time. However, if individual comments pertain to a

specific topic being discussed at a planned meeting, then these statements must be submitted no later than five business days prior to the meeting in question. The Designated Federal Officer will review all submitted written statements and provide copies to all TRAC members.

Dated: August 15, 2019.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2019–17928 Filed 8–19–19; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD–2019–OS–0100]

Proposed Collection; Comment Request

AGENCY: Defense Logistics Agency, DoD.

ACTION: Information collection notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995*, the Defense Logistics Agency announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; the accuracy of the agency's estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by October 21, 2019.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

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

Mail: Department of Defense, Office of the Chief Management Officer, Directorate for Oversight and Compliance, 4800 Mark Center Drive, Mailbox #24, Suite 08D09, Alexandria, VA 22350–1700.

Instructions: All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make

these submissions available for public viewing on the internet at <http://www.regulations.gov> as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the Defense Logistics Agency, DLA Human Capital Program Development, 8725 John J. Kingman Road, Fort Belvoir, VA 22060–6220, ATTN: Shannon Lewis, or call 571–767–0956.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: DLA Climate Culture Survey; OMB Control Number 0704–0575.

Needs and Uses: The information collection requirement is necessary to obtain and record the perceptions of DLA employees regarding the organizational culture and climate. The DLA Culture/Climate Survey standardizes how organizational culture/climate is measured across the DLA enterprise, focuses leadership attention on culture/climate, and drives actions to improve the overall culture/climate and DLA organizational performance.

Affected Public: Individuals or Households.

Annual Burden Hours: 645.

Number of Respondents: 860.

Responses per Respondent: 1.

Annual Responses: 860.

Average Burden per Response: 45 minutes.

Frequency: Biennially.

Respondents are Foreign Nationals employed by DLA (and thereby considered members of the public). The DLA Culture/Climate Survey provides a confidential mechanism for employees to share feedback on their work environment, resulting in opportunities for DLA employees and leaders to engage in thoughtful, data-driven discussions that lead to informed action and improve the DLA collective performance.

Dated: August 14, 2019.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2019–17842 Filed 8–19–19; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE**Office of the Secretary****[Docket ID: DoD–2019–HA–0062]****Submission for OMB Review;
Comment Request****AGENCY:** Office of the Assistant Secretary of Defense for Health Affairs, DoD.**ACTION:** 30-Day information collection notice.**SUMMARY:** The Department of Defense has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act.**DATES:** Consideration will be given to all comments received by September 19, 2019.**ADDRESSES:** Comments and recommendations on the proposed information collection should be emailed to Mr. Josh Brammer, DoD Desk Officer, at oira_submission@omb.eop.gov. Please identify the proposed information collection by DoD Desk Officer, Docket ID number, and title of the information collection.**FOR FURTHER INFORMATION CONTACT:**Angela James, 571–372–7574, or whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil.**SUPPLEMENTARY INFORMATION:***Title; Associated Form; and OMB Number:* MHS GENESIS Patient Registration Module & Patient Portal; OMB Control Number 0720–XXXX.*Type of Request:* New.*Number of Respondents:* 2,870,338.*Responses per Respondent:* 1.*Annual Responses:* 2,870,338.*Average Burden per Response:* 7 minutes.*Annual Burden Hours:* 334,872.8.*Needs and Uses:* The information collection requirement is necessary to provide and document medical care; determine eligibility for benefits and entitlements; adjudicate claims; determine whether a third party is responsible for the cost of MHS provided healthcare and recover that cost; and evaluate fitness for duty and medical concerns which may have resulted from an occupational or environmental hazard. Obtaining this information is essential for the Department of Defense (DoD) to provide medical care and recover costs.*Affected Public:* Individuals or households.*Frequency:* As required.*Respondent's Obligation:* Voluntary.*OMB Desk Officer:* Mr. Josh Brammer.

You may also submit comments and recommendations, identified by Docket

ID number and title, by the following method:

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

Instructions: All submissions received must include the agency name, Docket ID number, and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at <http://www.regulations.gov> as they are received without change, including any personal identifiers or contact information.*DOD Clearance Officer:* Ms. Angela James.Requests for copies of the information collection proposal should be sent to Ms. James at whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil.

Dated: August 14, 2019.

Aaron T. Siegel,*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

[FR Doc. 2019–17818 Filed 8–19–19; 8:45 am]

BILLING CODE 5001–06–P**DEPARTMENT OF EDUCATION****[Docket No.: ED–2019–ICCD–0067]****Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Pell for Students Who Are Incarcerated Experimental Site Initiative****AGENCY:** Federal Student Aid (FSA), Department of Education (ED).**ACTION:** Notice.**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, ED is proposing a reinstatement of a previously approved information collection.**DATES:** Interested persons are invited to submit comments on or before September 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–0067. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at <http://www.regulations.gov> by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. If the www.regulations.gov site is not available to the public for any reason,ED will temporarily accept comments at ICDocketMgr@ed.gov. Please include the docket ID number and the title of the information collection request when requesting documents or submitting comments. *Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 550 12th Street SW, PCP, Room 9086, Washington, DC 20202–0023.**FOR FURTHER INFORMATION CONTACT:** For specific questions related to collection activities, please contact Beth Grebeldinger, 202–377–4018.**SUPPLEMENTARY INFORMATION:** The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.*Title of Collection:* Pell for Students who are Incarcerated Experimental Site Initiative.*OMB Control Number:* 1845–0139.*Type of Review:* A reinstatement of a previously approved information collection.*Respondents/Affected Public:* State, Local, and Tribal Governments; Private Sector.*Total Estimated Number of Annual Responses:* 170.

Total Estimated Number of Annual Burden Hours: 12,750.

Abstract: Through the Pell for Students who are Incarcerated experiment (also known as Second Chance Pell) the Department of Education will provide selected eligible postsecondary institutions with a waiver to the current statutory ban on incarcerated individuals, who are otherwise eligible, from receiving Federal Pell Grant funds to attend eligible postsecondary programs. The experiment aims to test whether participation in high-quality educational opportunities increases after access to financial aid for incarcerated adults is expanded and to examine how waiving the restriction influences individual academic and life outcomes. This is a reinstatement of the information collection instrument that is used by the Department to select qualified institutions.

Dated: August 15, 2019.

Kate Mullan,

PRA Coordinator, Information Collection Clearance Program, Information Management Branch, Office of the Chief Information Officer.

[FR Doc. 2019-17878 Filed 8-19-19; 8:45 am]

BILLING CODE 4000-01-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: EC19-120-000.

Applicants: El Paso Electric Company, Sun Jupiter Holdings LLC.

Description: Joint Application for Authorization Under Section 203 of the Federal Power Act, et al. of El Paso Electric Company, et al.

Filed Date: 8/13/19.

Accession Number: 20190813-5128.

Comments Due: 5 p.m. ET 10/15/19.

Docket Numbers: EC19-121-000.

Applicants: Kendall Green Energy LLC, AIP Project Franklin Bidco, Inc.

Description: Application for Authorization Under Section 203 of the Federal Power Act, et al. of Kendall Green Energy LLC.

Filed Date: 8/14/19.

Accession Number: 20190814-5071.

Comments Due: 5 p.m. ET 9/4/19.

Take notice that the Commission received the following exempt wholesale generator filings:

Docket Numbers: EG19-162-000.

Applicants: Misae Lessee LLC.

Description: Notice of Self-Certification of Exempt Wholesale Generator Status of Misae Lessee LLC.

Filed Date: 8/14/19.

Accession Number: 20190814-5030.

Comments Due: 5 p.m. ET 9/4/19.

Docket Numbers: EG19-163-000.

Applicants: Childress Solar Park, LLC.

Description: Notice of Self-Certification of Exempt Wholesale Generator Status of Childress Solar Park, LLC.

Filed Date: 8/14/19.

Accession Number: 20190814-5031.

Comments Due: 5 p.m. ET 9/4/19.

Docket Numbers: EG19-164-000.

Applicants: Chief Conemaugh Power II, LLC.

Description: Notice of Self-Certification of Exempt Wholesale Generator Status of Chief Conemaugh Power II, LLC.

Filed Date: 8/14/19.

Accession Number: 20190814-5099.

Comments Due: 5 p.m. ET 9/4/19.

Docket Numbers: EG19-165-000.

Applicants: Chief Keystone Power II, LLC.

Description: Notice of Self-Certification of Exempt Wholesale Generator Status of Chief Keystone Power II, LLC.

Filed Date: 8/14/19.

Accession Number: 20190814-5100.

Comments Due: 5 p.m. ET 9/4/19.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER19-2425-001.

Applicants: Mitsui & Co. Energy Marketing and Services (USA).

Description: Tariff Amendment: Amendment to Application for Market Based Rate Filing to be effective 9/17/2019.

Filed Date: 8/14/19.

Accession Number: 20190814-5042.

Comments Due: 5 p.m. ET 9/4/19.

Docket Numbers: ER19-2581-001.

Applicants: AEP Texas Inc.

Description: Tariff Amendment: AEPTX-Shakes Solar GIA 3rd Amd & Restated—Amendment to be effective 7/23/2019.

Filed Date: 8/14/19.

Accession Number: 20190814-5058.

Comments Due: 5 p.m. ET 9/4/19.

Docket Numbers: ER19-2595-000.

Applicants: SR Hazlehurst III, LLC.

Description: Baseline eTariff Filing: MBR Application to be effective 9/30/2019.

Filed Date: 8/13/19.

Accession Number: 20190813-5215.

Comments Due: 5 p.m. ET 9/3/19.

Docket Numbers: ER19-2596-000.

Applicants: Public Service Company of Oklahoma.

Description: Notice of Cancellation of Amended Transmission Service Agreement (Rate Schedule No. 233) of American Electric Power Service Corporation, on behalf of Public Service Company of Oklahoma.

Filed Date: 8/13/19.

Accession Number: 20190813-5242.

Comments Due: 5 p.m. ET 9/3/19.

Docket Numbers: ER19-2597-000.

Applicants: Cincinnati Bell Energy LLC.

Description: § 205(d) Rate Filing: Normal filing 2019 to be effective 8/15/2019.

Filed Date: 8/14/19.

Accession Number: 20190814-5062.

Comments Due: 5 p.m. ET 9/4/19.

Docket Numbers: ER19-2598-000.

Applicants: Connecticut Gas & Electric, Inc.

Description: § 205(d) Rate Filing: Normal filing 2019 to be effective 8/15/2019.

Filed Date: 8/14/19.

Accession Number: 20190814-5064.

Comments Due: 5 p.m. ET 9/4/19.

Docket Numbers: ER19-2599-000.

Applicants: Energy Rewards, LLC.

Description: § 205(d) Rate Filing: Normal filing 2019 to be effective 8/15/2019.

Filed Date: 8/14/19.

Accession Number: 20190814-5073.

Comments Due: 5 p.m. ET 9/4/19.

Docket Numbers: ER19-2600-000.

Applicants: Energy Services Providers, Inc.

Description: § 205(d) Rate Filing: Normal filing 2019 to be effective 8/15/2019.

Filed Date: 8/14/19.

Accession Number: 20190814-5077.

Comments Due: 5 p.m. ET 9/4/19.

Docket Numbers: ER19-2601-000.

Applicants: Everyday Energy NJ, LLC.

Description: § 205(d) Rate Filing: Normal filing 2019 to be effective 8/15/2019.

Filed Date: 8/14/19.

Accession Number: 20190814-5078.

Comments Due: 5 p.m. ET 9/4/19.

Docket Numbers: ER19-2602-000.

Applicants: Jersey Central Power & Light Company, PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Jersey Central Power & Light Company submits IA SA No. 5030 to be effective 10/13/2019.

Filed Date: 8/14/19.

Accession Number: 20190814-5079.

Comments Due: 5 p.m. ET 9/4/19.

Docket Numbers: ER19-2603-000.

Applicants: Everyday Energy, LLC.

Description: § 205(d) Rate Filing:
Normal filing 2019 to be effective 8/15/
2019.

Filed Date: 8/14/19.

Accession Number: 20190814–5080.

Comments Due: 5 p.m. ET 9/4/19.

Docket Numbers: ER19–2604–000.

Applicants: Massachusetts Gas &
Electric, Inc.

Description: § 205(d) Rate Filing:
Normal filing 2019 to be effective 8/15/
2019.

Filed Date: 8/14/19.

Accession Number: 20190814–5081.

Comments Due: 5 p.m. ET 9/4/19.

Docket Numbers: ER19–2605–000.

Applicants: Public Power & Utility of
Maryland, LLC.

Description: § 205(d) Rate Filing:
Normal filing 2019 to be effective 8/15/
2019.

Filed Date: 8/14/19.

Accession Number: 20190814–5083.

Comments Due: 5 p.m. ET 9/4/19.

Docket Numbers: ER19–2606–000.

Applicants: Public Power & Utility of
NY, Inc.

Description: § 205(d) Rate Filing:
Normal filing 2019 to be effective 8/15/
2019.

Filed Date: 8/14/19.

Accession Number: 20190814–5084.

Comments Due: 5 p.m. ET 9/4/19.

Docket Numbers: ER19–2607–000.

Applicants: Public Power (PA), LLC.

Description: § 205(d) Rate Filing:
Normal filing 2019 to be effective 8/15/
2019.

Filed Date: 8/14/19.

Accession Number: 20190814–5085.

Comments Due: 5 p.m. ET 9/4/19.

Docket Numbers: ER19–2608–000.

Applicants: Public Power, LLC.

Description: § 205(d) Rate Filing:
Normal filing 2019 to be effective 8/15/
2019.

Filed Date: 8/14/19.

Accession Number: 20190814–5086.

Comments Due: 5 p.m. ET 9/4/19.

Docket Numbers: ER19–2609–000.

Applicants: TriEagle Energy, LP.

Description: § 205(d) Rate Filing:
Normal filing 2019 to be effective 8/15/
2019.

Filed Date: 8/14/19.

Accession Number: 20190814–5088.

Comments Due: 5 p.m. ET 9/4/19.

Docket Numbers: ER19–2610–000.

Applicants: Viridian Energy NY, LLC.

Description: § 205(d) Rate Filing:
Normal filing 2019 to be effective 8/15/
2019.

Filed Date: 8/14/19.

Accession Number: 20190814–5089.

Comments Due: 5 p.m. ET 9/4/19.

Docket Numbers: ER19–2611–000.

Applicants: Viridian Energy PA, LLC.

Description: § 205(d) Rate Filing:
Normal filing 2019 to be effective 8/15/
2019.

Filed Date: 8/14/19.

Accession Number: 20190814–5092.

Comments Due: 5 p.m. ET 9/4/19.

Docket Numbers: ER19–2612–000.

Applicants: Viridian Energy, LLC.

Description: § 205(d) Rate Filing:
Normal filing 2019 to be effective 8/15/
2019.

Filed Date: 8/14/19.

Accession Number: 20190814–5094.

Comments Due: 5 p.m. ET 9/4/19.

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: August 14, 2019.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2019–17880 Filed 8–19–19; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER19–2595–000]

SR Hazlehurst III, 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 SR Hazlehurst III,
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 September 3,
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: August 14, 2019.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2019–17881 Filed 8–19–19; 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: EC19–114–000.

Applicants: Big Sky Wind, LLC,
Pattern Renewables 2 LP.

Description: Supplement to July 18,
2019 Application for Authorization

Under Section 203 of the Federal Power Act, et al. of Big Sky Wind, LLC, et al.
Filed Date: 8/13/19.

Accession Number: 20190813–5048.

Comments Due: 5 p.m. ET 9/16/19.

Docket Numbers: EC19–119–000.

Applicants: Ashtabula Wind, LLC, Ashtabula Wind I, LLC, FPL Energy Hancock County Wind, LLC, Hancock County Wind, LLC, Story Wind, LLC, Story County Wind, LLC.

Description: Joint Application for Authorization Under Section 203 of the Federal Power Act, et al. of Ashtabula Wind, LLC, et al.

Filed Date: 8/13/19.

Accession Number: 20190813–5086.

Comments Due: 5 p.m. ET 9/3/19.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER19–2189–000.

Applicants: Palmetto Plains Solar Project, LLC.

Description: Report Filing: Supplemental Information to be effective N/A.

Filed Date: 8/12/19.

Accession Number: 20190812–5192.

Comments Due: 5 p.m. ET 9/3/19.

Docket Numbers: ER19–2575–001.

Applicants: Techren Solar I LLC.

Description: Tariff Amendment: Filing of Amendments to Substation Agreement and Gen-Tie Agreement to be effective 8/13/2019.

Filed Date: 8/12/19.

Accession Number: 20190812–5195.

Comments Due: 5 p.m. ET 9/3/19.

Docket Numbers: ER19–2579–000.

Applicants: Techren Solar II LLC.

Description: Baseline eTariff Filing: Filing of Substation and Gen-Tie Agreements and Certificate of Concurrence to be effective 8/13/2019.

Filed Date: 8/12/19.

Accession Number: 20190812–5163.

Comments Due: 5 p.m. ET 9/3/19.

Docket Numbers: ER19–2580–000.

Applicants: AEP Texas Inc.

Description: § 205(d) Rate Filing: AEPTX-Rayos Del Sol Solar Project GIA 1st Amd & Restated to be effective 7/23/2019.

Filed Date: 8/12/19.

Accession Number: 20190812–5181.

Comments Due: 5 p.m. ET 9/3/19.

Docket Numbers: ER19–2581–000.

Applicants: AEP Texas Inc.

Description: § 205(d) Rate Filing: AEPTX-Shakes Solar GIA 3rd Amd & Restated to be effective 7/23/2019.

Filed Date: 8/12/19.

Accession Number: 20190812–5177.

Comments Due: 5 p.m. ET 9/3/19.

Docket Numbers: ER19–2582–000.

Applicants: Pacific Gas and Electric Company.

Description: Application requesting authorization to recover approximately \$9.2 million in project abandonment costs of Pacific Gas and Electric Company.

Filed Date: 8/12/19.

Accession Number: 20190812–5199.

Comments Due: 5 p.m. ET 9/3/19.

Docket Numbers: ER19–2583–000.

Applicants: Green River Wind Farm Phase 1, LLC.

Description: Baseline eTariff Filing: Application for Market-Based Rate Authority to be effective 10/14/2019.

Filed Date: 8/13/19.

Accession Number: 20190813–5071.

Comments Due: 5 p.m. ET 9/3/19.

Docket Numbers: ER19–2584–000.

Applicants: Crocker Wind Farm, LLC.

Description: Baseline eTariff Filing: Application for Market-Based Rate Authority to be effective 10/14/2019.

Filed Date: 8/13/19.

Accession Number: 20190813–5082.

Comments Due: 5 p.m. ET 9/3/19.

Docket Numbers: ER19–2585–000.

Applicants: Florida Power & Light Company.

Description: § 205(d) Rate Filing: Florida Power & Light Company's 2019 Rate Case Filing to be effective 11/1/2019.

Filed Date: 8/13/19.

Accession Number: 20190813–5126.

Comments Due: 5 p.m. ET 9/3/19.

Docket Numbers: ER19–2586–000.

Applicants: Midcontinent Independent System Operator, Inc., MidAmerican Energy Company.

Description: § 205(d) Rate Filing: 2019–08–13_SA 3339 MidAmerican-Conrail Wind Project E&P (J611) to be effective 7/25/2019.

Filed Date: 8/13/19.

Accession Number: 20190813–5131.

Comments Due: 5 p.m. ET 9/3/19.

Docket Numbers: ER19–2587–000.

Applicants: Puget Sound Energy, Inc.

Description: Puget Sound Energy, Inc. submits Average System Cost Filing for Sales of Electric Power to the Bonneville Power Administration, FY 2020–2021.

Filed Date: 8/13/19.

Accession Number: 20190813–5142.

Comments Due: 5 p.m. ET 9/3/19.

Docket Numbers: ER19–2588–000.

Applicants: Public Service Company of Colorado.

Description: Compliance filing: Twin Eagle—MBR—08.13.19 to be effective 7/1/2019.

Filed Date: 8/13/19.

Accession Number: 20190813–5143.

Comments Due: 5 p.m. ET 9/3/19.

Docket Numbers: ER19–2589–000.

Applicants: Appalachian Power Company, Indiana Michigan Power

Company, Kentucky Power Company, Kingsport Power Company, Ohio Power Company, Wheeling Power Company, AEP Appalachian Transmission Company, Inc., AEP Indiana Michigan Transmission Company, AEP Kentucky Transmission Company, Inc., AEP Ohio Transmission Company, Inc., AEP West Virginia Transmission Company, Inc., PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: AEP submits revisions to OATT, Att H–14B and H–20B re: WV Depreciation Rate Upda to be effective 3/6/2019.

Filed Date: 8/13/19.

Accession Number: 20190813–5146.

Comments Due: 5 p.m. ET 9/3/19.

Docket Numbers: ER19–2590–000.

Applicants: Marco DM Holdings, L.L.C.

Description: § 205(d) Rate Filing: Change in Seller Category to be effective 8/14/2019.

Filed Date: 8/13/19.

Accession Number: 20190813–5160.

Comments Due: 5 p.m. ET 9/3/19.

Docket Numbers: ER19–2591–000.

Applicants: Plum Point Energy Associates, LLC.

Description: § 205(d) Rate Filing: Change in Seller Category to be effective 8/14/2019.

Filed Date: 8/13/19.

Accession Number: 20190813–5161.

Comments Due: 5 p.m. ET 9/3/19.

Docket Numbers: ER19–2592–000.

Applicants: Plum Point Services Company, LLC.

Description: § 205(d) Rate Filing: Change in Seller Category to be effective 8/14/2019.

Filed Date: 8/13/19.

Accession Number: 20190813–5162.

Comments Due: 5 p.m. ET 9/3/19.

Docket Numbers: ER19–2593–000.

Applicants: Florida Power & Light Company.

Description: § 205(d) Rate Filing: FPL Second Revised FERC Rate Schedule No. 193 to be effective 6/26/2019.

Filed Date: 8/13/19.

Accession Number: 20190813–5182.

Comments Due: 5 p.m. ET 9/3/19.

Docket Numbers: ER19–2594–000.

Applicants: PJM Interconnection, L.L.C.

Description: Tariff Cancellation: Notice of Cancellation of 13 Service Agreements re: Deactivations and Withdrawal to be effective 1/5/2016.

Filed Date: 8/13/19.

Accession Number: 20190813–5207.

Comments Due: 5 p.m. ET 9/3/19.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: <http://www.ferc.gov/docs-filing/efiling/filing-req.pdf>. For other information, call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Dated: August 13, 2019.

Nathaniel J. Davis, Sr.,
Deputy Secretary.

[FR Doc. 2019-17850 Filed 8-19-19; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2894-013]

Flambeau Hydro, LLC; Notice Soliciting Scoping Comments

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* Subsequent License.

b. *Project No.:* P-2894-013.

c. *Date filed:* December 31, 2018.

d. *Applicant:* Flambeau Hydro, LLC.

e. *Name of Project:* Black Brook Hydroelectric Project.

f. *Location:* The existing project is located on the Apple River near the City of Amery, Polk County, Wisconsin.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791(a)-825(r).

h. *Applicant Contact:* Mr. Jason P. Kreuscher, Vice President, Renewable World Energies, LLC, 100 S State Street, P.O. Box 264, Neshkoro, WI 54960; (855) 994-93376 ext 102; or email at jason@rwehydro.com.

i. *FERC Contact:* Michael Davis at (202) 502-8339; or michael.davis@ferc.gov.

j. *Deadline for filing scoping comments:* September 13, 2019. The Commission strongly encourages electronic filing. Please file scoping comments using the Commission's eFiling system at <http://www.ferc.gov/docs-filing/efiling.asp>. Commenters can submit brief comments up to 6,000 characters, without prior registration,

using the eComment system at <http://www.ferc.gov/docs-filing/ecomment.asp>. You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at FERCOnlineSupport@ferc.gov, (866) 208-3676 (toll free), or (202) 502-8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. The first page of any filing should include docket number P-2894-013.

The Commission's Rules of Practice require all intervenors filing documents with the Commission to serve a copy of that document on each person on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. This application is not ready for environmental analysis at this time.

l. *Project Description:* Black Brook Project consists of the following existing facilities: (1) A 131-foot-long by 32-foot-high concrete gravity dam with three 12-foot-high by 12-foot-wide radial gates, a 32.5-foot-wide by 23.6-foot-high overflow section with a 6-inch flashboard, a 315-foot-long by 12-foot-wide by 8.3-foot-high left embankment, and a 75-foot-long by 38.5-foot-wide by 31.2-foot-high right embankment; (2) a 10-foot-long by 3.17-foot-wide by 15-foot-high reinforced concrete intake structure containing two 7-foot-wide by 12-foot-high steel dewatering gates and two 65-degree inclined 16-foot-wide by 15-foot-high trash racks with a 1.5-inch clear-bar spacing; (3) a cement block powerhouse with two generating units providing a total of 0.645 megawatt of installed capacity; (4) a tailrace; (5) a 13.2-kilovolt (kV) substation facility; (6) a 20-foot-long, 2,400-volt transmission line and a 1.25-mile-long, 13.2-kV transmission line; and (7) appurtenant facilities. The project has a normal pool elevation of 1045.47 feet National Geodetic Vertical Datum 1988 with a surface area of about 98 acres and no usable storage capacity. The project generates about 7,336 megawatt-hours annually.

m. A copy of the application is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's website at <http://www.ferc.gov> using the eLibrary link. Enter the docket number excluding the last three digits in the docket number field to address the document. For assistance, contact FERC Online

Support. A copy is available for inspection and reproduction at the address in Item H above.

n. You may also register online at <http://www.ferc.gov/docs-filing/esubscription.asp> to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

o. *Scoping Process:* The Commission staff intends to prepare a single Environmental Assessment (EA) for the project in accordance with the National Environmental Policy Act. The EA will consider both site-specific and cumulative environmental impacts and reasonable alternatives to the proposed action.

At this time, we do not anticipate holding on-site public or agency scoping meetings. Instead, we are soliciting your comments and suggestions on the preliminary list of issues and alternatives to be addressed in the EA, as described in scoping document 1 (SD1), issued August 14, 2019.

Copies of the SD1 outlining the subject areas to be addressed in the EA were distributed to the parties on the Commission's mailing list and the applicant's distribution list. Copies of SD1 may be viewed on the web at <http://www.ferc.gov> using the eLibrary link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, call 1-866-208-3676 or for TTY, (202) 502-8659.

Dated: August 14, 2019.

Kimberly D. Bose,
Secretary.

[FR Doc. 2019-17899 Filed 8-19-19; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. CP19-495-000; PF18-6-000]

Double E Pipeline, LLC; Notice of Application

Take notice that on July 31, 2019, Double E Pipeline, LLC (Double E), 1790 Hughes Landing Blvd., Suite 500, The Woodlands, Texas 77380, filed in Docket No. CP19-495-000 an application, pursuant to section 7(c) of the Natural Gas Act (NGA) and Parts 157 and 284 of the Commission's regulations, requesting a certificate of public convenience and necessity to construct, operate and maintain its Double E Pipeline Project. Specifically, Double E seeks authorization to

construct and operate: (i) An approximately 116.6-mile, 30-inch and 42-inch diameter trunk-line natural gas pipeline; (ii) an approximately 16.3-mile, 30-inch diameter lateral; and (iii) meters, mainline block valves, launchers and receivers, and other minor facilities at aboveground sites. The project will interconnect with Kinder Morgan's planned Gulf Coast Express and Permian Highway Pipelines, and Energy Transfer Partners' Trans Pecos Pipeline. The Double E Pipeline Project is designed to provide up to 135,000 dekatherms per day of firm capacity to connect growing production areas in the Delaware Basin in southeast New Mexico and west Texas to delivery points near Waha in Reeves and Pecos Counties, Texas.

Double E further requests (i) a blanket certificate under Part 284 of the Commission's regulations authorizing Double E to provide open-access transportation services, with pre-granted abandonment approval; (ii) a blanket certificate under Part 157 of the Commission's regulations to construct, operate, and abandon certain eligible facilities, and services related thereto; (iii) approval of its proposed initial recourse rates for transportation service and for its Tariff, which includes the authority to enter into negotiated rate agreements; (iv) such other authorizations or waivers as may be deemed necessary to allow for the construction to commence as proposed. Double E estimates the cost of the Double E Pipeline Project to be \$592,516,297, all as more fully described 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, (886) 208-3676 or TTY, (202) 502-8659.

Any questions concerning this application may be directed to: Cameron Bingham, Director, Project Management, Double E Pipeline, LLC, 1790 Hughes Landing Blvd., Suite 500, The Woodlands, Texas 77380; phone (970) 440-1004; email cbingham@summitmidstream.com.

On August 16, 2018, the Commission staff granted Double E's request to utilize the National Environmental Policy Act (NEPA) Pre-Filing Process and assigned Docket No. PF18-6-000 to

staff activities involving the Double E Pipeline Project. Now, as of the filing of this application on July 31, 2019, the NEPA Pre-Filing Process for this project has ended. From this time forward, this proceeding will be conducted in Docket No. CP19-495-000, as noted in the caption of this Notice.

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 EA for this proposal. The filing of the EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's EA.

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, on or before the comment date stated below file with the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit 3 copies of filings made in the proceeding with the Commission and must provide a copy to the applicant and to every other party. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be

taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commenters will be placed on the Commission's environmental mailing list and will be notified of any meetings associated with the Commission's environmental review process. Environmental commenters will not be required to serve copies of filed documents on all other parties. However, the non-party commenters will not receive copies of all documents filed by other parties or issued by the Commission and will not have the right to seek court review of the Commission's final order.

As of the February 27, 2018 date of the Commission's order in Docket No. CP16-4-001, the Commission will apply its revised practice concerning out-of-time motions to intervene in any new Natural Gas Act section 3 or section 7 proceeding.¹ Persons desiring to become a party to a certificate proceeding are to intervene in a timely manner. If seeking to intervene out-of-time, the movant is required to show good cause why the time limitation should be waived, and should provide justification by reference to factors set forth in Rule 214(d)(1) of the Commission's Rules and Regulations.²

The Commission strongly encourages electronic filings of comments, protests and interventions in lieu of paper using the eFiling link at <http://www.ferc.gov>. Persons unable to file electronically should submit an original and 3 copies of the protest or intervention to the Federal Energy regulatory Commission, 888 First Street NE, Washington, DC 20426.

Comment Date: 5:00 p.m. Eastern Time, September 4, 2019

Dated: August 14, 2019.

Kimberly D. Bose,

Secretary.

[FR Doc. 2019-17898 Filed 8-19-19; 8:45 am]

BILLING CODE 6717-01-P

¹ *Tennessee Gas Pipeline Company, L.L.C.*, 162 FERC ¶ 61,167 at ¶ 50 (2018).

² 18 CFR 385.214(d)(1).

DEPARTMENT OF ENERGY

Federal Energy Regulatory
Commission

[Docket Nos. CP19-494-000; PF19-1-000]

Transcontinental Gas Pipe Line
Company, LLC; Notice of Application

Take notice that on July 31, 2019, Transcontinental Gas Pipe Line Company, LLC (Transco), Post Office Box 1396, Houston, Texas 77251, filed an application in Docket No. CP19-494-000 pursuant to Sections 7(b) and 7(c) of the Natural Gas Act and Part 157 of the Commission's Regulations, for a Certificate of Public Convenience and Necessity to construct and operate its Leidy South Project, or Project. The Leidy South Project would expand Transco's existing pipeline system to enable it to provide an additional 582,400 dekatherms per day of firm transportation service to three shippers, and abandon a small portion of its existing facilities, all as more fully described in the application which is on file with the Commission and open to public inspection. The filing may also be viewed on the web at <http://www.ferc.gov> using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC at FERCOnlineSupport@ferc.gov or call toll-free, (866) 208-3676 or TTY, (202) 502-8659.

Specifically, Transco seeks authorization for the: (1) Construction and operation of approximately 8.7 miles of 36-inch-diameter looping facilities and the related abandonment of 5.8 miles of 23.375-inch-diameter pipeline in Clinton County, Pennsylvania; (2) construction and operation of approximately 3.6 miles of 42-inch-diameter looping facilities in Lycoming County, Pennsylvania; (3) the addition of 45,871 horsepower (hp) at two existing compressor stations Wyoming and Columbia Counties, Pennsylvania; and (4) construction and operation of two new compressor stations totaling 78,801 hp in Luzerne and Schuylkill Counties, Pennsylvania. The estimated cost of the Project is \$531.12 million.

The Leidy South Project also includes a lease of 330,000 dekatherms per day of capacity from National Fuel Gas Supply Corporation's FM 100 Project that was filed with the Commission on July 18, 2019 in Docket No. CP19-491-000. The Leidy South Project also includes a lease of Meade Pipeline Company, LLC's ownership interest of certain Project facilities.

Any questions regarding this application should be directed to Allison Jenkins, P.O. Box 1396, Houston, Texas 77251 or by telephone at (713) 215-2238. Transco has also established a toll-free telephone number, (713) 215-2264, so that parties can call with questions about the Project as well as an email support address (PipelineExpansion@williams.com).

Pursuant to section 157.9 of the Commission's rules, 18 CFR 157.9, within 90 days of this Notice the Commission staff will either: Complete its environmental assessment (EA) and place it into the Commission's public record (eLibrary) for this proceeding, or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or EA for this proposal. The filing of the EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, on or before the comment date stated below file with the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit 3 copies of filings made in the proceeding with the Commission and must provide a copy to the applicant and to every other party. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this Project. The Commission will

consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commentors will be placed on the Commission's environmental mailing list, and will be notified of any meetings associated with the Commission's environmental review process. Environmental commentors will not be required to serve copies of filed documents on all other parties. However, the non-party commentors will not receive copies of all documents filed by other parties or issued by the Commission and will not have the right to seek court review of the Commission's final order.

As of the February 27, 2018 date of the Commission's order in Docket No. CP16-4-001, the Commission will apply its revised practice concerning out-of-time motions to intervene in any new Natural Gas Act section 3 or section 7 proceeding.¹ Persons desiring to become a party to a certificate proceeding are to intervene in a timely manner. If seeking to intervene out-of-time, the movant is required to show good cause why the time limitation should be waived, and should provide justification by reference to factors set forth in Rule 214(d)(1) of the Commission's Rules and Regulations.²

The Commission strongly encourages electronic filings of comments, protests and interventions in lieu of paper using the eFiling link at <http://www.ferc.gov>. Persons unable to file electronically should submit an original and 3 copies of the protest or intervention to the Federal Energy regulatory Commission, 888 First Street NE, Washington, DC 20426.

Comment Date: 5:00 p.m. Eastern Time on September 4, 2019.

Dated: August 14, 2019.

Kimberly D. Bose,

Secretary.

[FR Doc. 2019-17897 Filed 8-19-19; 8:45 am]

BILLING CODE 6717-01-P

¹ *Tennessee Gas Pipeline Company, L.L.C.*, 162 FERC 61,167 at 50 (2018).

² 18 CFR 385.214(d)(1).

DEPARTMENT OF ENERGY**Federal Energy Regulatory Commission**

[Docket No. ER19-2583-000]

Green River Wind Farm Phase 1, 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 Green River Wind Farm Phase 1, 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 September 3, 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: August 14, 2019.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2019-17883 Filed 8-19-19; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY**Federal Energy Regulatory Commission****Combined Notice of Filings**

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings*Docket Numbers:* RP19-1466-000.*Applicants:* Equitrans, L.P.*Description:* § 4(d) Rate Filing: Gas Quality Updates to be effective 9/12/2019.*Filed Date:* 8/12/19.*Accession Number:* 20190812-5110.*Comments Due:* 5 p.m. ET 8/26/19.*Docket Numbers:* RP19-1467-000.*Applicants:* ANR Pipeline Company.*Description:* Compliance filing 2019 Request for Waiver—Grand Chenier Project.*Filed Date:* 8/12/19.*Accession Number:* 20190812-5168.*Comments Due:* 5 p.m. ET 8/19/19.

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: August 14, 2019.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2019-17882 Filed 8-19-19; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY**Federal Energy Regulatory Commission**

[Docket No. CP19-474-000]

Notice of Schedule for Environmental Review of the Florida Gas Transmission Company, LLC Putnam Expansion Project

On May 31, 2019, Florida Gas Transmission Company, LLC (FGT) filed an application in Docket No. CP19-474-000 requesting a Certificate of Public Convenience and Necessity pursuant to Section 7(c) of the Natural Gas Act to construct and operate certain natural gas pipeline facilities. The proposed project is known as the Putnam Expansion Project (Project), and would allow FGT to provide additional firm transportation up to 169,000 million British thermal units (MMBtu/d) of natural gas.

On June 12, 2019, the Federal Energy Regulatory Commission (Commission or FERC) issued its Notice of Application for the Project. Among other things, that notice alerted agencies issuing federal authorizations of the requirement to complete all necessary reviews and to reach a final decision on a request for a federal authorization within 90 days of the date of issuance of the Commission staff's Environmental Assessment (EA) for the Project. This instant notice identifies the FERC staff's planned schedule for the completion of the EA for the Project.

Schedule for Environmental Review

Issuance of EA—November 8, 2019

90-day Federal Authorization Decision

Deadline—February 6, 2020

If a schedule change becomes necessary, additional notice will be provided so that the relevant agencies are kept informed of the Project's progress.

Project Description

The Putnam Expansion Project would consist of the following facilities: (i) Approximately 13.7 miles of 30-inch-diameter pipeline loop¹ extension and auxiliary facilities in Columbia and Union Counties, Florida; (ii) approximately 7 miles of 30-inch-diameter pipeline loop extension and auxiliary facilities in Clay and Putnam Counties, Florida; (iii) minor modifications to Compressor Station 18 in Orange County, Florida; and (iv) a

¹ A pipeline loop is a segment of pipe constructed parallel to an existing pipeline to increase capacity.

relocation of existing pig² receivers in Clay, Putnam, and Union Counties, Florida.

Background

On July 16, 2019, the Commission issued a *Notice of Intent to Prepare an Environmental Assessment for the Proposed Putnam Expansion Project and Request for Comments on Environmental Issues (NOI)*. The NOI was sent to affected landowners; federal, state, and local government agencies; elected officials; environmental and public interest groups; Native American tribes; other interested parties; and local libraries and newspapers. In response to the NOI, the Commission received a request from the Seminole Tribe of Florida for formal tribal consultation, and a comment from Judith Rhame stating interest in property sales. All substantive comments will be addressed in the EA.

Additional Information

In order to receive notification of the issuance of the EA and to keep track of all formal issuances and submittals in specific dockets, the Commission offers a free service called eSubscription. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. Go to www.ferc.gov/docs-filing/esubscription.asp.

Additional information about the Project is available from the Commission's Office of External Affairs at (866) 208-FERC or on the FERC website (www.ferc.gov). Using the eLibrary link, select General Search from the eLibrary menu, enter the selected date range and Docket Number excluding the last three digits (*i.e.*, CP19-474), and follow the instructions. For assistance with access to eLibrary, the helpline can be reached at (866) 208-3676, TTY (202) 502-8659, or at FERCOnlineSupport@ferc.gov. The eLibrary link on the FERC website also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rule makings.

Dated: August 14, 2019.

Kimberly D. Bose,
Secretary.

[FR Doc. 2019-17896 Filed 8-19-19; 8:45 am]

BILLING CODE 6717-01-P

² A "pig" is a tool that the pipeline company inserts into and pushes through the pipeline for cleaning the pipeline, conducting internal inspections, or other purposes.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 3063-021]

Blackstone Hydro Associates; Notice of Application Tendered for Filing With the Commission and Soliciting Additional Study Requests and Establishing Procedural Schedule for Relicensing and a Deadline for Submission of Final Amendments

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* Subsequent Minor License.

b. *Project No.:* 3063-021.

c. *Date filed:* July 31, 2019.

d. *Applicant:* Blackstone Hydro Associates (BHA).

e. *Name of Project:* Central Falls Hydroelectric Project.

f. *Location:* On the Blackstone River, in the City of Central Falls, Providence County, Rhode Island. No federal lands are occupied by the project works or located within the project boundary.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791a-825r.

h. *Applicant Contact:* Mr. Robert Leahy, 130 Prospect Street, Cambridge, MA 02139; Phone at (617) 491-2320, or email at rleahy@theshorelinecorp.com.

i. *FERC Contact:* Patrick Crile, (202) 502-8042 or patrick.crile@ferc.gov.

j. *Cooperating agencies:* Federal, state, local, and tribal agencies with jurisdiction and/or special expertise with respect to environmental issues that wish to cooperate in the preparation of the environmental document should follow the instructions for filing such requests described in item l below. Cooperating agencies should note the Commission's policy that agencies that cooperate in the preparation of the environmental document cannot also intervene. *See* 94 FERC 61,076 (2001).

k. Pursuant to section 4.32(b)(7) of 18 CFR of the Commission's regulations, if any resource agency, Indian Tribe, or person believes that an additional scientific study should be conducted in order to form an adequate factual basis for a complete analysis of the application on its merit, the resource agency, Indian Tribe, or person must file a request for a study with the Commission not later than 60 days from the date of filing of the application, and serve a copy of the request on the applicant.

l. *Deadline for filing additional study requests and requests for cooperating agency status:* September 29, 2019.

The Commission strongly encourages electronic filing. Please file additional study requests and requests for cooperating agency status using the Commission's eFiling system at <http://www.ferc.gov/docs-filing/efiling.asp>. For assistance, please contact FERC Online Support at FERCOnlineSupport@ferc.gov, (866) 208-3676 (toll free), or (202) 502-8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. The first page of any filing should include docket number P-3063-021.

m. The application is not ready for environmental analysis at this time.

n. The existing Central Falls Project consists of: (1) A 190-foot-long, 24-foot-high, curved granite-masonry dam (Valley Falls Dam); (2) an approximately 64.5-acre impoundment with a normal maximum elevation of 49.5 feet National Geodetic Vertical Datum of 1929 (NGVD 1929); (3) a granite block and wood-framed gatehouse that is integral with the dam's right abutment and contains ten 9-foot-wide, 6-foot-tall gates in five gate openings; (4) a 290-foot-long, granite block-lined headrace; (5) an intake structure with two 8-foot-high hydraulic gates and 24-foot-wide, 11.5-foot-high, inclined trashracks having 3-inch clear bar spacing; (6) two 30-foot-long, 7-foot-diameter penstocks; (7) an approximately 53-foot-long, 32-foot-wide concrete powerhouse containing two Allis-Chalmers tube turbines with a total installed capacity of 700 kilowatts (kW); (6) an approximately 1,200-foot-long, 36-foot-wide tailrace; (7) two 4.16 kilovolt (kV) generator leads; (8) a 150-foot-long, 4.16 kV transmission line; and (8) appurtenant facilities.

BHA operates the project as a run-of-river facility, such that outflow from the project approximates inflow. The project bypasses approximately 1,500 feet of the Blackstone River. A 108-cubic feet per second (cfs) minimum flow is released over the dam into the bypassed reach. BHA discharges a continuous minimum flow of 238 cfs, or inflow, whichever is less, as measured at the confluence of the tailrace and the river channel. The average annual generation of the project is approximately 1,230 megawatt-hours (MWh).

BHA proposes to: (1) Continue operating the project in a run-of-river mode; (2) retrofit the two existing turbines to increase the turbine operating ranges; (3) install a new bypassed flow pipe from the headrace to the toe of the dam to provide a minimum flow of 210 cfs to the bypassed reach; (4) install three new 38-

kW Kaplan turbine-generator units in the proposed bypassed flow pipe; (5) install a new trashrack with 1-inch clear bar spacing in the headrace to prevent fish impingement and entrainment; (6) install a new downstream fish passage facility in the headrace, immediately upstream of the new trashrack; (7) maintain a 13-cfs aesthetic flow over the Valley Falls Dam; (8) provide a flow of up to 3 cfs to an adjacent canal; (9) install an eel passage facility at the project dam; and (10) install 20 long-eared bat boxes and implement a Northern Long Eared Bat Management and Protection Plan. BHA estimates the project enhancements will result in an average annual generation of approximately 3,200 MWh.

o. A copy of the application is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's website at <http://www.ferc.gov> using the eLibrary link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support. A copy is also available for inspection and reproduction at the address in item h above.

You may also register online at <http://www.ferc.gov/docs-filing/esubscription.asp> to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

p. *Procedural schedule and final amendments*: The application will be processed according to the following preliminary schedule. Revisions to the schedule will be made as appropriate.

Issue Deficiency Letter (if necessary)—September 2019

Request Additional Information—September 2019

Issue Acceptance Letter—December 2019

Issue Scoping Document 1 for Comments—January 2020

Request Additional Information (if necessary)—February 2020

Issue Scoping Document 2—March 2020

Issue Notice of Ready for Environmental Analysis—March 2020

Issue Notice of Availability of Environmental Assessment—October 2020

Final amendments to the application must be filed with the Commission no later than 30 days from the issuance date of the notice of ready for environmental analysis.

Dated: August 14, 2019.

Kimberly D. Bose,
Secretary.

[FR Doc. 2019-17900 Filed 8-19-19; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER19-2557-000]

Missisquoi, 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 Missisquoi, 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 September 3, 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: August 13, 2019.

Nathaniel J. Davis, Sr.,
Deputy Secretary.

[FR Doc. 2019-17859 Filed 8-19-19; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER19-2564-000]

Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization; Hickory Run Energy, LLC

This is a supplemental notice in the above-referenced Hickory Run Energy, 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 September 3, 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: August 13, 2019.

Nathaniel J. Davis, Sr.,
Deputy Secretary.

[FR Doc. 2019-17852 Filed 8-19-19; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER19-2584-000]

Crocker Wind Farm, 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 Crocker Wind Farm, 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 September 3, 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: August 14, 2019.

Nathaniel J. Davis, Sr.,
Deputy Secretary.

[FR Doc. 2019-17884 Filed 8-19-19; 8:45 am]

BILLING CODE 6717-01-P

ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OAR-2014-0548; FRL-9998-52-OAR]

Proposed Information Collection Request; Comment Request; Reformulated Gasoline and Conventional Gasoline: Requirements for Refiners, Oxygenate Blenders, and Importers of Gasoline; Requirements for Parties in the Gasoline Distribution Network (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency is planning to submit an information collection request (ICR), "Reformulated Gasoline and Conventional Gasoline: Requirements for Refiners, Oxygenate Blenders, and Importers of Gasoline; Requirements for Parties in the Gasoline Distribution Network" (EPA ICR No. 1591.27, OMB Control No. 2060-0277) to the Office of

Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*). Before doing so, EPA is soliciting public comments on specific aspects of the proposed information collection as described below. This is a proposed extension of the ICR, which is currently approved through 5/31/2020. An Agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

DATES: Comments must be submitted on or before October 21, 2019.

ADDRESSES: Submit your comments, referencing Docket ID No. EPA-HQ-OAR-2014-0548 online using www.regulations.gov (our preferred method), by email to a-and-r-docket@epa.gov, or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: Jose Solar, Office of Transportation and Air Quality, (Mail Code 6405A), Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: 202-343-9027; fax number: 202-343-2801; email address: solar.jose@epa.gov.

SUPPLEMENTARY INFORMATION:

Supporting documents which explain in detail the information that the EPA will be collecting are available in the public docket for this ICR. The docket can be viewed online at www.regulations.gov or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is 202-566-1744. For additional information about EPA's public docket, visit <http://www.epa.gov/dockets>.

Pursuant to section 3506(c)(2)(A) of the PRA, EPA is soliciting comments and information to enable it to: (i) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility; (ii) evaluate the accuracy of the Agency's estimate of the burden of the proposed collection of information, including the validity of

the methodology and assumptions used; (iii) enhance the quality, utility, and clarity of the information to be collected; and (iv) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses. EPA will consider the comments received and amend the ICR as appropriate. The final ICR package will then be submitted to OMB for review and approval. At that time, EPA will issue another **Federal Register** notice to announce the submission of the ICR to OMB and the opportunity to submit additional comments to OMB.

Abstract: Gasoline combustion is a major source of air pollution in most urban areas. In the 1990 amendments to the Clean Air Act (Act), section 211(k), Congress required that gasoline dispensed in nine areas with severe air quality problems, and areas that opt-in, be reformulated to reduce toxic and ozone-forming emissions. (Ozone is also known as smog.) Congress also required that, in the process of producing reformulated gasoline (RFG), dirty components removed in the reformulation process not be “dumped” into the remainder of the country’s gasoline, known as conventional gasoline (CG). EPA promulgated regulations at 40 CFR part 80, subpart D—Reformulated Gasoline, subpart E—Anti-Dumping, and subpart F—Attest Engagements, implementing the statutory requirements, which include standards for RFG (80.41) and CG (80.101). The regulations also contain reporting and recordkeeping requirements pertaining to the production, importation, transport and storage of gasoline, in order for the regulated parties to demonstrate compliance and to facilitate compliance oversight and enforcement by the EPA. The program is run by the Compliance Division, Office of Transportation and Air Quality, Office of Air and Radiation. Enforcement is done by the Air Enforcement Division, Office of Regulatory Enforcement, Office of Enforcement and Compliance Assurance. This program excludes California, which has separate requirements for gasoline.

The United States has an annual gasoline consumption of about 135 billion gallons, of which about 30 percent is RFG. In 2017 EPA received reports from 255 refineries, 500 importer facilities/facility groups, 2,068 oxygenate blending facilities, 94 independent laboratory facilities, and

the RFG Survey Association, Inc. under this program.

Section 211(k) of the Act requires the Administrator to promulgate regulations establishing requirements for RFG to be used in gasoline-fueled vehicles in the nine specified nonattainment areas, and opt-in areas. The Act specifically provides that recordkeeping, reporting, and sampling and testing requirements are among the tools EPA may use in enforcement of the provisions.

Information claimed as confidential by regulated parties is handled in accordance with EPA Freedom of Information Act regulations at 40 CFR part 2.

Electronic files received by the Agency are stored in a secure data base.

Form numbers: RFG and CG reporting is now required to be completed electronically. The reporting is to be made through the EPA Fuels Programs Reporting Forms which are available on the following website: <http://www.epa.gov/otaq/fuels/reporting/index.htm>.

Respondents/affected entities: Recordkeeping and, in some cases, reporting are required by the following gasoline marketing-related industries, Standard Industrial Classification (SIC) codes: Refiners (2911), importers (5172), terminals (5171), pipelines (4613), truckers and other distributors (4212), and retailers/wholesale purchaser-consumers (5541). North American Industry Classification System (NAICS) codes: Refiners (324110), pipelines (486910) and terminals (424710). Not all NAICS codes for the responsible reporting parties were found. These are, however, parties which are obligated to report: Importers, truckers and other distributors and retailers/wholesale purchaser-consumers. Some refiners are importers but that is not always the case. Many of the required records are generated and maintained currently in the normal course of business. Without the required records EPA would be unable to enforce the Congressionally-mandated RFG and anti-dumping requirements.

Respondent’s obligation to respond: Mandatory per 40 CFR part 80.

Estimated number of respondents: 4,283.

Frequency of response: Quarterly, annually, on occasion.

Total estimated burden: 127,246 hours (per year). Burden is defined at 5 CFR 1320.03(b).

Total estimated cost: \$39,473,568 (per year), includes \$24,713,032 in none-labor costs.

Changes in estimates: Compared with the ICR currently approved by OMB, there is no change of burden hours.

There is an increase in the total burden cost due to the update in labor salaries.

Dated: August 13, 2019.

Byron J. Bunker,

Director, Compliance Division, Office of Transportation and Air Quality, Office of Air and Radiation.

[FR Doc. 2019–17836 Filed 8–19–19; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9997–90–OMS]

Privacy Act of 1974; System of Records

AGENCY: Office of Mission Support, Environmental Protection Agency (EPA).

ACTION: Notice of a new system of records.

SUMMARY: The Environmental Protection Agency’s (EPA) Office of Air and Radiation, Office of Atmospheric Programs, is giving notice that it proposes to create a new system of records pursuant to the provisions of the Privacy Act of 1974. This system of records contains personally identifiable information collected from approved Clean Air Act section 608 technician certification programs that are withdrawing from the program or having their approval revoked. The system will maintain the information necessary for EPA to assist certified air-conditioning and refrigeration technicians who have lost or damaged their certification cards in obtaining replacement cards when the original cards were obtained from certification programs that have withdrawn from the program or have had their approval revoked.

DATES: Persons wishing to comment on this new system of records notice must do so by September 19, 2019. If no comments are received, the system of records notice will become effective by September 19, 2019.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–HQ–OEI–2017–0205, by one of the following methods:

Regulations.gov: www.regulations.gov. Follow the online instructions for submitting comments.

Email: oei.docket@epa.gov.

Fax: 202–566–1752.

Mail: OMS Docket, Environmental Protection Agency, Mailcode: 2822T, 1200 Pennsylvania Ave. NW, Washington, DC 20460.

Hand Delivery: OMS Docket, EPA/DC, WJC West Building, Room 3334, 1301

Constitution Ave. NW, Washington, DC. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID No. EPA-HQ-OEI-2017-0205. 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 www.regulations.gov, including any personal information provided, unless the comment includes information claimed to be Controlled Unclassified Information (CUI) or other information for which disclosure is restricted by statute. Do not submit information that you consider to be CUI or otherwise protected through www.regulations.gov. The www.regulations.gov website is an "anonymous access" system for EPA, which means the EPA will not know your identity or contact information unless you provide it in the body of your comment. Each agency determines submission requirements within their own internal processes and standards. EPA has no requirement of personal information. If you send an email comment directly to the EPA without going through 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. 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. For additional information about the EPA's public docket visit the EPA Docket Center homepage at <http://www.epa.gov/epahome/dockets.htm>.

Docket: All documents in the docket are listed in the www.regulations.gov index. Although listed in the index, some information is not publicly available, e.g., CUI or other information for which disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in www.regulations.gov or in hard copy at the OMS Docket, EPA/DC, WJC West Building, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The Public Reading Room is open from 8:30 a.m. to

4:30 p.m., Monday through Friday excluding legal holidays. The telephone number for the Public Reading Room is (202) 566-1744, and the telephone number for the OMS Docket is (202) 566-1752.

FOR FURTHER INFORMATION CONTACT: Sara Kemme, Office of Atmospheric Programs, U.S. Environmental Protection Agency, Mail Code 6205T, 1200 Pennsylvania Avenue NW, Washington, DC 20460; email address: kemme.sara@epa.gov, (202) 566-0511.

SUPPLEMENTARY INFORMATION: The U.S. Environmental Protection Agency (EPA) plans to create a Privacy Act system of records for certain refrigeration and air-conditioning technician records. The information collected in this system supports the refrigerant management program under Clean Air Act (CAA) section 608 and implementing regulations codified in 40 CFR part 82, subpart F. The regulations establish a certification program for technicians that work on air-conditioning or refrigeration appliances. Instead of directly testing and issuing certifications, EPA approves programs that certify technicians. Certifying programs can voluntarily withdraw when they no longer wish to certify technicians. When a program withdraws its participation, or has its approval revoked or failure to abide by the regulatory requirements, the program must properly dispose of its records by transferring them to another approved technician certification program or to EPA. These records will allow EPA to assist certified technicians in obtaining replacement certification cards.

SYSTEM NAME AND NUMBER

Section 608 Technician Certification Records, EPA-75.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue NW, Washington, DC 20460.

SYSTEM MANAGER(S):

Branch Chief, Stratospheric Program Implementation Branch, Stratospheric Protection Division, Office of Atmospheric Programs, Mail Code 6205T, 1200 Pennsylvania Avenue NW, Washington, DC 20460; email address spdccomment@epa.gov.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 7414, 7601, 7671-7671q.

PURPOSE(S) OF THE SYSTEM:

The purpose of the system is to accept records from programs that withdraw or

have their approval revoked from participation in the Section 608 technician certification program. The system will maintain the information necessary for EPA to assist certified air-conditioning and refrigeration technicians who have lost or damaged their certification cards in obtaining replacement cards.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

EPA-certified air-conditioning and refrigeration technicians whose certifying program has withdrawn its participation in the program or had its approval revoked.

CATEGORIES OF RECORDS IN THE SYSTEM:

Technician name (first, last and middle initial), address, contact information (which can include address, phone number, and email address), type of certification, site of certification or location number, year of certification, certifying program-generated identification number, notes on how past requests for replacement cards were resolved, and other information provided by the technician certification program.

RECORD SOURCE CATEGORIES:

EPA-approved certifying programs that are withdrawing from the program or are having their approval revoked.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

The use of the record is necessary for the efficient conduct of government operations; and/or the use is both related to and compatible with the original purpose for which the information was collected. Also, each routine use of the records contained in the system, including the categories of users and the purpose of such use. The last two routine uses are required in accordance with M-17-12. Information may be provided:

1. To a federal, state, local, tribal or foreign agency if the information is relevant to a violation or potential violation of law, whether civil, criminal or regulatory in nature;

2. To the Department of Justice, or in a proceeding before a court, adjudicative body, or other administrative body before which the Agency is authorized to appear, when: 1. The Agency, or any component thereof; 2. Any employee of the Agency in his or her official capacity; 3. Any employee of the Agency in his or her individual capacity where the Department of Justice or the Agency have agreed to represent the employee; or 4. The United States, if the Agency determines that litigation is

likely to affect the Agency or any of its components, is a party to litigation or has an interest in such litigation, and the use of such records by the Department of Justice or the Agency is deemed by the Agency to be relevant and necessary to the litigation provided, however, that in each case it has been determined that the disclosure is compatible with the purpose for which the records were collected;

3. To contractors, grantees, consultants or volunteers who have been engaged by the agency to assist in performing a service and who need access to the information in order to perform the service;

4. To an authorized appeal grievance examiner, formal complaints examiner, equal employment opportunity investigator, arbitrator or other person properly engaged in investigation or settlement of an administrative grievance, complaint, claim, or appeal filed by an employee, but only to the extent that the information is relevant and necessary to the proceeding. Agencies that may obtain information under this routine use include, but are not limited to, the Office of Personnel Management, Office of Special Counsel, Merit Systems Protection Board, Federal Labor Relations Authority, Equal Employment Opportunity Commission, and Office of Government Ethics;

5. In connection with litigation or settlement discussions regarding claims by or against the Agency, including public filing with a court, to the extent that disclosure of the information is relevant and necessary to the litigation or discussions and except where court orders are otherwise required under section (b)(11) of the Privacy Act of 1974, 5 U.S.C. 552a(b)(11);

6. To appropriate agencies, entities, and persons when (1) the Agency suspects or has confirmed that there has been a breach of the system of records, (2) the Agency has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, the Agency (including its information systems, programs, and operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the Agency's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

7. To another Federal agency or Federal entity, when the Agency determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2)

preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Electronic records will be stored in a password protected file on a computer that is not connected to the EPA network in a locked room and paper records will be stored in a locked filing cabinet in a locked room.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Records are retrieved by the person's name.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

Records stored in this system are subject to EPA's records schedule 1035(d). This record retention schedule requires destruction 10 years after file closure.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

Records stored at EPA offices are secured through building security protocols such as employee identification checks and security screenings for visitors. Electronic and hardcopy files will be stored at EPA headquarters in Washington DC. Electronic files can only be accessed using an EPA-issued PIV card. Access is limited to specific authorized Agency and contractor personnel who administer the program. All contractors are subject to the Federal Acquisition Regulations (FAR) Privacy Act clauses in their contract with EPA. Computer-stored information is protected in accordance with the Agency's security requirements. The system of records will be maintained as a password protected database on a computer that requires dual-factor authentication to log on to. Different levels of access (e.g., view, edit, etc.) will be assigned to personnel. Personnel that have access to the system will be trained in the handling of personally identifiable information. Paper records related to the system will be kept in locked filing cabinets within a limited access room or on a limited as-needed basis in a locked cabinet in EPA employee workspace.

RECORD ACCESS PROCEDURES:

Individuals can obtain assistance in obtaining a replacement technician certification card here: <https://www.epa.gov/section608/steps-replacing-lost-section-608-technician>

certification-card. General requests for access must be made in accordance with the procedures described in EPA's Privacy Act regulations at 40 CFR part 16. Requesters will be required to provide adequate identification, such as a driver's license, employee identification card, or other identifying document. Additional identification procedures may be required in some instances.

CONTESTING RECORD PROCEDURES:

Requests for correction or amendment must identify the record to be changed and the corrective action sought. Complete EPA Privacy Act procedures are described in EPA's Privacy Act regulations at 40 CFR part 16.

NOTIFICATION PROCEDURE:

Any individual who wants to know whether this system of records contains a record about him or her, who wants access to his or her record, or who wants to contest the contents of a record, should make a written request to the Agency Privacy Officer, MC 2831T, 1200 Pennsylvania Avenue NW, Washington, DC 20460.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

HISTORY:

None.

Dated: August 1, 2019.

Vaughn Noga,

Senior Agency Official for Privacy.

[FR Doc. 2019-17922 Filed 8-19-19; 8:45 am]

BILLING CODE 6560-50-P

FEDERAL ACCOUNTING STANDARDS ADVISORY BOARD

Notice of Request for Volunteers for Leases Implementation Task Force

AGENCY: Federal Accounting Standards Advisory Board.

ACTION: Notice.

Pursuant to 31 U.S.C. 3511(d), the Federal Advisory Committee Act (Pub. L. 92-463), as amended, and the FASAB Rules Of Procedure, as amended in October 2010, notice is hereby given that the Federal Accounting Standards Advisory Board (FASAB) is seeking volunteers for a task force to assist with implementation surrounding Statement of Federal Financial Accounting Standards (SFFAS) 54, *Leases: An Amendment of Statement of Federal Financial Accounting Standards (SFFAS) 5, Accounting for Liabilities of the Federal Government, and SFFAS 6, Accounting for Property, Plant, and*

Equipment. Task force members should have knowledge of, or experience with, accounting issues surrounding leases and also be capable of articulating the views of their organizations and other similar constituents.

FOR FURTHER INFORMATION CONTACT: Ms. Monica R. Valentine, Executive Director, 441 G Street NW, Suite 1155, Washington, DC 20548, or call (202) 512-7350.

Authority: Federal Advisory Committee Act, Pub. L. 92-463.

Dated: August 14, 2019.

Monica R. Valentine,
Executive Director.

[FR Doc. 2019-17838 Filed 8-19-19; 8:45 am]

BILLING CODE 1610-02-P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060-0706]

Information Collection Being Reviewed by the Federal Communications Commission Under Delegated Authority

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act of 1995 (PRA), the Federal Communications Commission (FCC or Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collections. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

The FCC may not conduct or sponsor a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. No person shall be subject to any penalty for failing to comply with

a collection of information subject to the PRA that does not display a valid OMB control number.

DATES: Written comments should be submitted on or before October 21, 2019. If you anticipate that you will be submitting comments but find it difficult to do so within the period of time allowed by this notice, you should advise the contacts below as soon as possible.

ADDRESSES: Direct all PRA comments to Cathy Williams, FCC, via email: PRA@fcc.gov and to Cathy.Williams@fcc.gov.

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Cathy Williams at (202) 418-2918.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060-0706.

Title: Sections 76.952 and 76.990, Cable Act Reform.

Type of Review: Extension a currently approved collection.

Respondents: Business or other for-profit entities; State, Local or Tribal Government.

Number of Respondents and

Responses: 70 respondents; 70 responses.

Estimated Time per Response: 1-8 hours.

Frequency of Response: On occasion reporting requirement; Third party disclosure requirement.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for this collection of information is contained in the Telecommunications Act of 1996, Public Law 104-104, Sections 301 and 302, 110 Stat. 56, 114-124.

Total Annual Burden: 210 hours.

Total Annual Cost: None.

Privacy Act Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: There is no need for confidentiality with this collection of information.

Needs and Uses: The information collection requirements contained in 47 CFR 76.952 state that all cable operators must provide to the subscribers on monthly bills the name, mailing address and phone number of the franchising authority, unless the franchising authority in writing requests that the cable operator omits such information. The cable operator must also provide subscribers with the FCC community unit identifier for the cable system in their communities. 47 CFR 76.990(b)(1) requires that a small cable operator may certify in writing to its franchise authority at any time that it meets all criteria necessary to qualify as a small operator. Upon request of the local franchising authority, the operator shall

identify in writing all of its affiliates that provide cable service, the total subscriber base of itself and each affiliate, and the aggregate gross revenues of its cable and non-cable affiliates. Within 90 days of receiving the original certification, the local franchising authority shall determine whether the operator qualifies for deregulation and shall notify the operator in writing of its decision, although this 90-day period shall be tolled for so long as it takes the operator to respond to a proper request for information by the local franchising authority. An operator may appeal to the Commission a local franchise authority's information request if the operator seeks to challenge the information request as unduly or unreasonably burdensome. If the local franchising authority finds that the operator does not qualify for deregulation, its notice shall state the grounds for that decision. The operator may appeal the local franchising authority's decision to the Commission within 30 days.

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2019-17807 Filed 8-19-19; 8:45 am]

BILLING CODE 6712-01-P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060-XXXX]

Information Collection Being Reviewed by the Federal Communications Commission

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act of 1995 (PRA), the Federal Communications Commission (FCC or Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collections. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of

information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

The FCC may not conduct or sponsor a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

DATES: Written PRA comments should be submitted on or before October 21, 2019. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Nicole Ongele, FCC, via email PRA@fcc.gov and to Nicole.ongele@fcc.gov.

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Nicole Ongele, (202) 418-2991.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060-XXXX.

Title: Enhanced Geo-Targeted Wireless Emergency Alerts.

Form No.: Not applicable.

Type of Review: New information collection.

Respondents: Individuals or households; State, Local or Tribal Government.

Number of Respondents and Responses: 12,000 respondents and 14,000 responses.

Estimated Time per Response: 0.25 hours.

Frequency of Response: One-time reporting requirement.

Obligation to Respond: Voluntary. Statutory authority for this information collection is authorized under the Warning, Alert and Response Network Act, Title VI of the Security and Accountability for Every Port Act of 2006 (120 Stat. 1884, section 602(a), codified at 47 U.S.C. 1201, *et seq.*, 1202(a)) (WARN Act) and 47 U.S.C. 151, 154(i), 154(j), 154(o), 218, 219, 230, 256, 301, 302(a), 303(f), 303(g), 303(j), 303(r) and 403.

Total Annual Burden: 3,500 hours.

Total Annual Costs: No Cost.

Privacy Act Impact Assessment: Yes. The FCC is revising the Privacy Impact Assessment (PIA) and modifying the existing System of Records Notice (SORN), FCC/PSHSB-1, FCC Emergency and Continuity Contacts System (ECCS),

for the Public Safety Support System to address the personally identifiable information (PII) that will be collected, used, and stored as part of the information collection requirements.

Nature and Extent of Confidentiality: There is no need for confidentiality with this collection of information.

Needs and Uses: The WARN Act gives the Commission authority to adopt relevant technical standards, protocols, procedures and other technical requirements governing Wireless Emergency Alerts (WEA). The Commission adopted rules to implement the WEA system (previously known as the Commercial Mobile Service Alert System) pursuant to the WARN Act to satisfy the Commission's mandate to promote the safety of life and property through the use of wire and radio communication. The WEA system transmits emergency alerts to WEA-capable mobile devices, providing consumers with timely warnings and information in emergencies. In 2018, the Commission issued a Report & Order requiring that Participating Commercial Mobile Service Providers (providers) implement enhanced geo-targeting functionality by November 30, 2019 to allow WEA alert originators (e.g., local emergency management offices) to target a WEA alert to eligible devices in a prescribed geographic area (e.g., an area where there is imminent threat of the loss of life or property). See Federal Communications Commission, Wireless Emergency Alerts; Emergency Alert System, 83 FR 8619, 8623 (Feb. 28, 2018) (announcing a Nov. 30, 2019 amendment to 47 CFR 10.450).

The Commission now seeks to evaluate WEA performance, particularly with respect to the accuracy of providers' geo-targeting capabilities. To do so, the Commission will use surveys to collect information and evaluate performance during a WEA test. Survey respondents affiliated with two alert originators, partnered with the Commission in different geographic areas of the country, will be asked to complete a preliminary survey. This survey will improve the utility of a "live test" survey, which respondents will subsequently receive via a hyperlink embedded in a WEA test alert. The Commission has developed survey templates, which are available at <https://www.fcc.gov/files/preliminarysurvey0719pdf> and <https://www.fcc.gov/files/livetestsurvey0719pdf>, that are representative of how the surveys will appear on the Commission's Public Safety Support Center, and seeks OMB approval of these templates as a new information collection. The information sought in

this collection is necessary and vital to ensuring that WEA is effective at protecting the life and property of the public.

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2019-17806 Filed 8-19-19; 8:45 am]

BILLING CODE 6712-01-P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060-0667]

Information Collection Being Reviewed by the Federal Communications Commission

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act of 1995 (PRA), the Federal Communications Commission (FCC or Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collections. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

The FCC may not conduct or sponsor a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

DATES: Written comments should be submitted on or before October 21, 2019. If you anticipate that you will be submitting comments but find it difficult to do so within the period of time allowed by this notice, you should advise the contacts below as soon as possible.

ADDRESSES: Direct all PRA comments to Cathy Williams, FCC, via email: PRA@fcc.gov and to Cathy.Williams@fcc.gov.

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Cathy Williams at (202) 418–2918.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0667.

Title: Section 76.630(a), Compatibility with Consumer Electronic Equipment.

Form Number: N/A.

Type of Review: Revision of a currently approved collection.

Respondents: Business or other for-profit entities.

Number of Respondents and Responses: 1 respondent, 50,001 responses.

Estimated Hours per Response: .017–3 hours.

Frequency of Response: On occasion reporting requirement.

Total Annual Burden: 853 hours.

Total Annual Cost: \$1,550.

Privacy Impact Assessment: No impact(s).

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for this collection of information is contained in Section 4(i) and Section 632 of the Communications Act of 1934, as amended.

Nature and Extent of Confidentiality: There is no need for confidentiality with this collection of information.

Needs and Uses: The information collection requirements contained in 47 CFR 76.630(a) state a cable system operator shall not scramble or otherwise encrypt signals carried on the basic service tier. Requests for waivers of this prohibition must demonstrate either a substantial problem with theft of basic tier service or a strong need to scramble basic signals for other reasons. As part of this showing, cable operators are required to notify subscribers by mail of waiver requests. The notice to subscribers must be mailed no later than thirty calendar days from the date the request waiver was filed with the Commission, and cable operators must inform the Commission in writing, as soon as possible, of that notification date. The notification to subscribers must state: On (date of waiver request was filed with the Commission), (cable operator's name) filed with the Federal Communications Commission a request for waiver of the rule prohibiting scrambling of channels on the basic tier of service. 47 CFR 76.630(a). The request for waiver states (a brief summary of the waiver request). A copy of the request for waiver is on file for public inspection at (the address of the cable operator's local place of business).

Individuals who wish to comment on this request for waiver should mail comments to the Federal Communications Commission by no later than 30 days from (the date the notification was mailed to subscribers). Those comments should be addressed to the: Federal Communications Commission, Media Bureau, Washington, DC 20554, and should include the name of the cable operator to whom the comments are applicable. Individuals should also send a copy of their comments to (the cable operator at its local place of business). Cable operators may file comments in reply no later than 7 days from the date subscriber comments must be filed.

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2019–17808 Filed 8–19–19; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–XXXX, OMB 3060–1228]

Information Collections Being Submitted for Review and Approval to the Office of Management and Budget

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995, the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

The Commission may not conduct or sponsor a collection of information unless it displays a currently valid

Office of Management and Budget (OMB) control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

DATES: Written comments should be submitted on or before September 19, 2019. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contacts listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Nicholas A. Fraser, OMB, via email Nicholas_A_Fraser@omb.eop.gov; and to Nicole Ongele, FCC, via email PRA@fcc.gov and to Nicole.Ongele@fcc.gov. Include in the comments the OMB control number as shown in the **SUPPLEMENTARY INFORMATION** below.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collection, contact Nicole Ongele at (202) 418–2991. To view a copy of this information collection request (ICR) submitted to OMB: (1) Go to the web page <http://www.reginfo.gov/public/do/PRAMain>, (2) look for the section of the web page called “Currently Under Review,” (3) click on the downward-pointing arrow in the “Select Agency” box below the “Currently Under Review” heading, (4) select “Federal Communications Commission” from the list of agencies presented in the “Select Agency” box, (5) click the “Submit” button to the right of the “Select Agency” box, (6) when the list of FCC ICRs currently under review appears, look for the OMB control number of this ICR and then click on the ICR Reference Number. A copy of the FCC submission to OMB will be displayed.

SUPPLEMENTARY INFORMATION: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3520), the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collection.

Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents,

including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

OMB Control Number: 3060–XXXX.

Title: Connect America Fund—Performance Testing Measures.

Form Number: N/A.

Type of Review: New information collection.

Respondents: Business or other for-profit.

Number of Respondents and

Responses: 1,277 unique respondents; 3,195 responses.

Estimated Time per Response: 16 hours–60 hours.

Frequency of Response: Biennial reporting requirements, quarterly reporting requirements and annual reporting requirements.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for this information collection is contained in 47 U.S.C. 151–154, 155, 201–206, 214, 218–220, 251, 252, 254, 256, 303(r), 332, 403, 405, 410, and 1302.

Total Annual Burden: 120,518 hours.

Total Annual Cost: No Cost.

Privacy Act Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: We note that the Universal Service Administrative Company (USAC) must preserve the confidentiality of certain data obtained from respondents; must not use the data except for purposes of administering the universal service programs or other purposes specified by the Commission; and must not disclose data in company-specific form unless directed to do so by the Commission. Materials or information submitted to the Commission or the Administrator will be confidential and not be available to the public.

Needs and Uses: In the *USF/ICC Transformation Order*, the Commission laid the groundwork for today's universal service programs providing \$4.5 billion in support for broadband internet deployment in high-cost areas. *Connect America Fund et al.*, Report and Order and Further Notice of Proposed Rulemaking, WC Docket No. 10–90 et al., 26 FCC Rcd 17663 (2011) (*USF/ICC Transformation Order*). The *USF/ICC Transformation Order* required, among other things, that high-cost universal service recipients “test their broadband networks for compliance with speed and latency metrics and certify to and report the results to the Universal Service Administrative Company (USAC) on an

annual basis.” *Id.* at 17705, para. 109. Pursuant to the Commission's direction in that Order, the Wireline Competition Bureau, the Wireless Telecommunications Bureau, and the Office of Engineering and Technology adopted more specific methodologies for such testing in the Performance Measures Order. See *Connect America Fund*, Order, WC Docket No. 10–90, 33 FCC Rcd 6509 (WCB/WTB/OET 2018) (*Performance Measures Order*). See also 47 CFR 54.313(a)(6) (requiring that recipients of high-cost support provide “[t]he results of network performance tests pursuant to the methodology and in the format determined by the Wireline Competition Bureau, Wireless Telecommunications Bureau, and Office of Engineering and Technology”).

This collection includes requirements for testing speed and latency to ensure that carriers are meeting the public interest obligations associated with their receipt of high-cost universal service support. Carriers will identify, from among the locations they have already submitted and certified in USAC's High Cost Universal Broadband (HUBB) portal, the locations where they have an active subscriber. From those subscriber locations, USAC will then select a random sample from which the carrier will be required to perform testing for speed and latency. Carriers that do not provide location information in the HUBB will use a randomization tool provided by USAC to select a random sample of locations for testing. The carrier will then be required to submit to USAC the results of the testing on an annual basis. These filings will include the testing results for each quarter from the prior year. The carrier's sample for each service tier (e.g. 10 Mbps/1 Mbps, 25 Mbps/1 Mbps) shall be regenerated every two years. During the two-year cycle, carriers will have the ability to add and remove subscriber locations if necessary, e.g., as subscribership changes. This information collection addresses the burdens associated with these requirements.

OMB Control Number: 3060–1228.

Title: Connect America Fund—High Cost Portal Filing.

Form Number: N/A.

Type of Review: Revision of a currently approved collection.

Respondents: Business or other for-profit, Not-for-profit institutions.

Number of Respondents and Responses: 1,599 unique respondents; 3,730 responses.

Estimated Time per Response: 8 hours–60 hours.

Frequency of Response: On occasion, quarterly reporting requirements,

annual reporting requirements, one-time reporting requirement and recordkeeping requirement.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for this information collection is contained in 47 U.S.C. 151–154, 155, 201–206, 214, 218–220, 251, 252, 254, 256, 303(r), 332, 403, 405, 410, and 1302.

Total Annual Burden: 68,607 hours.

Total Annual Cost: No Cost.

Privacy Act Impact Assessment: No impact(s).

Nature and Extent of Confidentiality:

We note that USAC must preserve the confidentiality of certain data obtained from respondents; must not use the data except for purposes of administering the universal service programs or other purposes specified by the Commission; and must not disclose data in company-specific form unless directed to do so by the Commission. Respondents may request materials or information submitted to the Commission or the Administrator believed confidential to be withheld from public inspection under 47 CFR 0.459 of the FCC's rules.

Needs and Uses: The Commission is requesting approval for this revised information collection. In March 2016, the Commission adopted an order reforming its universal service support program in areas served by rate-of-return carriers. *Connect America Fund et al.*, WC Docket Nos. 10–90 et al., Report and Order, Order and Order on Reconsideration, and Further Notice of Proposed Rulemaking, FCC 16–33 (2016 *Rate-of-Return Order*). In May 2016, the Commission adopted rules to implement a competitive bidding process for Phase II of the Connect America Fund. *Connect America Fund et al.*, WC Docket Nos. 10–90 et al., Report and Order and Further Notice of Proposed Rulemaking, FCC 16–64 (2016 *Phase II Auction Order*). In August 2016, the Commission adopted a plan tailored to certain carriers, both fixed and mobile, serving Alaska. *Connect America Fund et al.*, WC Docket No. 10–90 et al., Report and Order and Further Notice of Proposed Rulemaking, FCC 16–115 (2016 *Alaska Plan Order*). In January 2017 the Commission adopted an order which granted New York State waiver of the Connect America Phase II auction program rules, subject to certain conditions. *Connect America Fund et al.*, WC Docket Nos. 10–90 et al., FCC 17–2 (2017 *New York Auction Order*). Also, in December 2018, the Commission adopted reforms that included additional offers of model-based support and increased broadband deployment obligations. *Connect America Fund et al.*, WC Docket No. 10–90 et al., Report

and Order, Further Notice of Proposed Rulemaking and Order on Reconsideration, FCC 18–176 (2018 *Rate-of-Return Order*).

This information collection addresses the requirement that certain carriers with high-cost reporting obligations must file information about their locations which meet their broadband deployment public interest obligations via an electronic portal (“portal”). The 2016 *Rate-of-Return Order* required that the Universal Service Administrative Company (USAC) establish the portal so that carriers could file their location data with the portal starting in 2017. The 2016 *Rate-of-Return Order* required all recipients of Phase II model-based support and rate-of-return carriers to submit geocoded location data and related certifications to the portal. Recipients of Phase II model-based support had been required to file such information in their annual reports due by July 1. The *Phase II Auction Order*, *Alaska Plan Order*, and *New York Auction Order* require carriers to build-out networks capable of meeting their public interest obligations and report, to an online portal, locations to which auction winners had deployed such networks. The *Alaska Plan Order* also made portal reporting requirements for carriers to submit fiber/microwave middle-mile network maps. This information collection also addresses the new additional offers of model-based support and increased broadband deployment obligations, and other improvements to the portal. With the new additional offers, there will be more carriers subject to the model-based deployment milestones and fewer carriers remaining on legacy support.

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2019–17805 Filed 8–19–19; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL TRADE COMMISSION

[File No. 172 3139]

Unrollme Inc.; Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed consent agreement; request for comment.

SUMMARY: The consent agreement in this matter settles alleged violations of federal law prohibiting unfair or deceptive acts or practices. The attached Analysis to Aid Public Comment describes both the allegations in the complaint and the terms of the consent

order—embodied in the consent agreement—that would settle these allegations.

DATES: Comments must be received on or before September 19, 2019.

ADDRESSES: Interested parties may file comments online or on paper, by following the instructions in the Request for Comment part of the **SUPPLEMENTARY INFORMATION** section below. Write: “Unrollme Inc.; File No. 172 3139” on your comment, and file your comment online at <https://www.regulations.gov> by following the instructions on the web-based form. If you prefer to file your comment on paper, mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW, Suite CC–5610 (Annex D), Washington, DC 20580, or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Constitution Center, 400 7th Street SW, 5th Floor, Suite 5610 (Annex D), Washington, DC 20024.

FOR FURTHER INFORMATION CONTACT: Amanda Koulousias (202–326–3334), Bureau of Consumer Protection, Federal Trade Commission, 600 Pennsylvania Avenue NW, Washington, DC 20580.

SUPPLEMENTARY INFORMATION: Pursuant to Section 6(f) of the Federal Trade Commission Act, 15 U.S.C. 46(f), and FTC Rule 2.34, 16 CFR 2.34, notice is hereby given that the above-captioned consent agreement containing a consent order to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of thirty (30) days. The following Analysis to Aid Public Comment describes the terms of the consent agreement and the allegations in the complaint. An electronic copy of the full text of the consent agreement package can be obtained from the FTC Home Page (for August 8, 2019), on the World Wide Web, at <https://www.ftc.gov/news-events/commission-actions>.

You can file a comment online or on paper. For the Commission to consider your comment, we must receive it on or before September 19, 2019. Write “Unrollme Inc.; File No. 172 3139” on your comment. Your comment—including your name and your state—will be placed on the public record of this proceeding, including, to the extent practicable, on the <https://www.regulations.gov> website.

Postal mail addressed to the Commission is subject to delay due to heightened security screening. As a result, we encourage you to submit your

comments online through the <https://www.regulations.gov> website.

If you prefer to file your comment on paper, write “Unrollme Inc.; File No. 172 3139” on your comment and on the envelope, and mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW, Suite CC–5610 (Annex D), Washington, DC 20580; or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Constitution Center, 400 7th Street SW, 5th Floor, Suite 5610 (Annex D), Washington, DC 20024. If possible, submit your paper comment to the Commission by courier or overnight service.

Because your comment will be placed on the publicly accessible website at <https://www.regulations.gov>, you are solely responsible for making sure that your comment does not include any sensitive or confidential information. In particular, your comment should not include any sensitive personal information, such as your or anyone else’s Social Security number; date of birth; driver’s license number or other state identification number, or foreign country equivalent; passport number; financial account number; or credit or debit card number. You are also solely responsible for making sure that your comment does not include any sensitive health information, such as medical records or other individually identifiable health information. In addition, your comment should not include any “trade secret or any commercial or financial information which . . . is privileged or confidential”—as provided by Section 6(f) of the FTC Act, 15 U.S.C. 46(f), and FTC Rule 4.10(a)(2), 16 CFR 4.10(a)(2)—including in particular competitively sensitive information such as costs, sales statistics, inventories, formulas, patterns, devices, manufacturing processes, or customer names.

Comments containing material for which confidential treatment is requested must be filed in paper form, must be clearly labeled “Confidential,” and must comply with FTC Rule 4.9(c). In particular, the written request for confidential treatment that accompanies the comment must include the factual and legal basis for the request, and must identify the specific portions of the comment to be withheld from the public record. See FTC Rule 4.9(c). Your comment will be kept confidential only if the General Counsel grants your request in accordance with the law and the public interest. Once your comment has been posted on the public FTC website—as legally required by FTC

Rule 4.9(b)—we cannot redact or remove your comment from the FTC website, unless you submit a confidentiality request that meets the requirements for such treatment under FTC Rule 4.9(c), and the General Counsel grants that request.

Visit the FTC website at <http://www.ftc.gov> to read this Notice and the news release describing it. The FTC Act and other laws that the Commission administers permit the collection of public comments to consider and use in this proceeding, as appropriate. The Commission will consider all timely and responsive public comments that it receives on or before September 19, 2019. For information on the Commission's privacy policy, including routine uses permitted by the Privacy Act, see <https://www.ftc.gov/site-information/privacy-policy>.

Analysis of Proposed Consent Order To Aid Public Comment

The Federal Trade Commission ("Commission") has accepted, subject to final approval, an agreement containing a consent order from Unrollme Inc. ("Unrollme").

The proposed consent order has been placed on the public record for thirty (30) days for receipt of comments by interested persons. Comments received during this period will become part of the public record. After 30 days, the Commission will again review the agreement and the comments received, and will decide whether it should withdraw from the agreement and take appropriate action or make final the agreement's proposed order.

This matter involves Unrollme's email management service, which Unrollme has offered to consumers since at least June 2012. Unrollme provides services to consumers to help them manage subscription emails, such as newsletters or marketing emails from retailers. During the sign-up process, Unrollme requires consumers to grant Unrollme full access to the email accounts that they wish to enroll in its services. This permission allows Unrollme to access and scan users' inboxes for subscription emails to provide its services. Unrollme also provides access to its users' email accounts to its parent company, Slice Technologies, Inc. ("Slice"). Slice, a market research company, accesses Unrollme users' inboxes in order to collect information from the users' e-receipts, *i.e.*, emailed receipts from businesses following an order or purchase. Slice retains this information, and creates a separate database of anonymous purchase information that it uses in its market research analytics products.

After learning that Unrollme requires access to their email account(s) during the sign-up process, some consumers declined to grant that permission. The proposed complaint alleges that when consumers initially declined to grant permission to their email account(s), Unrollme violated Section 5 of the FTC Act by making false and deceptive statements designed to encourage the consumer to change his or her mind and grant Unrollme access to his or her email account(s) and continue the sign-up process.

Count I of the proposed complaint alleges that Unrollme represented, directly or indirectly, expressly or by implication, that it would not touch users' "personal emails." From at least January 2015 through November 2015, Unrollme's message to consumers who declined to grant Unrollme access to their email stated, "It looks like you clicked No thanks. In order to use *Unroll.me*, you need to tell [your email service provider] to allow us to monitor your emails. *Don't worry, we won't touch your personal stuff.*" (Emphasis added). From November 2015 through October 26, 2016, Unrollme's message to consumers who declined to grant Unrollme access to their email stated, "Authorization Declined In order to use *Unroll.me*, you need to authorize us to access your emails. *Don't worry, this is just to watch for those pesky newsletters, we'll never touch your personal stuff.*" (Emphasis added). The proposed complaint alleges that these representations were false or misleading because Unrollme grants Slice access to its users' inboxes, including personal emails in the form of e-receipts, which is then used to collect and sell purchase information contained therein to third parties.

Count II of the proposed complaint alleges that Unrollme represented, directly or indirectly, expressly or by implication, that Unrollme required access to users' inboxes in order to scan for subscription emails. From October 27, 2016, through at least September 2018, Unrollme's message to consumers who declined to grant Unrollme access to their email has stated, "Oops! Looks like you declined access" and "*Unroll.Me* requires access to your inbox so we can scan for subscriptions and allow you to begin clearing out your inbox." The complaint alleges that Unrollme failed to disclose, or failed to disclose adequately, that Unrollme also grants Slice access to its users' inboxes, which Slice then used to collect and sell purchase information contained in users' personal emails in the form of e-receipts and that this fact would be

material to consumers in their decision to use Unrollme's services.

The proposed order contains injunctive provisions addressing the alleged deceptive conduct. Part I of the proposed order prohibits misrepresentations about the extent to which Unrollme accesses, collects, uses, stores or shares covered information in connection with any product, service or software operated, owned or distributed by Unrollme that requires access to consumer emails.

Part II of the proposed order requires Unrollme to send an email notification to all known current users who enrolled in Unrollme's services after viewing the challenged statements that explains that Unrollme or its parent access or collect email purchase receipts for use in market research products that are sold to third parties. The required notification is contained in Exhibit A of the proposed order. Part III of the proposed order requires Unrollme to delete within 10 days of the entry of the Order all stored email purchase receipts, and all personally identifiable information obtained from those receipts, for all known users who enrolled in Unrollme's services after viewing the challenged statements.

Parts IV through VII of the proposed order are reporting and compliance provisions, which include recordkeeping requirements and provisions requiring Unrollme to provide information or documents necessary for the Commission to monitor compliance.

Part VIII states that the proposed order will remain in effect for 20 years, with certain exceptions.

The purpose of this analysis is to aid public comment on the proposed order. It is not intended to constitute an official interpretation of the complaint or proposed order, or to modify in any way the proposed order's terms.

By direction of the Commission.

April J. Tabor,

Acting Secretary.

Separate Statement of Commissioner Noah Joshua Phillips

I join my colleagues in supporting this settlement, but write separately to highlight the surrounding circumstances, which are relevant to the current privacy debate.

As the complaint alleges, *Unroll.me* offered a free service that helped consumers organize their email inboxes. It supported this free service by allowing its parent company to scan consumers' emails for purchase-related information, which the parent collected for the anonymized market research it

sells. Until around September 2018, the complaint alleges that, in a number of instances, *Unroll.me* failed adequately to disclose these collection practices, which failure violated the law.

Unrelated to the allegations in the complaint, in late 2018, Google announced it would limit third-party apps (like *Unroll.me*) from using the information in Gmail accounts of consumers for purposes such as market research or advertising.¹ Promoted as means to enhance consumer privacy, that decision may also limit consumer choice and competition.

Many millions of consumers see value in *Unroll.me*'s service, which helps them manage the barrage of daily emails crowding their inboxes. *Unroll.me* has since removed the allegedly deceptive statements and updated its disclosures—consumers may now be better aware of the privacy trade-offs, and continue to use the service. For these consumers, granting access for the collection of purchase data may be a choice worth making. Google's new privacy restrictions threaten to take that option away from consumers. That may be good for privacy, but not for consumer choice.

While Google will retain control of and access to the valuable purchase and other information about consumers contained in their Gmail accounts, other market actors—like *Unroll.me* and its parent, Rakuten Intelligence, a market research firm—may no longer have access. Google's restrictions thus potentially “imperil the business models of some popular email extensions,”² like *Unroll.me*. That may be good for privacy, but not for competition.

I am not suggesting that Google sought to limit consumer choice or competition, or that it is violating the law. Consumers are focusing increasingly on privacy, and firms like Google may be responding to that demand. But this situation highlights an important aspect of the privacy debate, *i.e.*, the impact that privacy-enhancing decisions may have on consumer choice and competition.

There is no right answer, and we as a society may very well choose limitations on consumer choice and competition to protect privacy. Privacy

is important. Consumers and policymakers alike must recognize, however, that it comes with tradeoffs. And competition enforcers must be vigilant, recognizing the potential of privacy efforts negatively to impact competition.

[FR Doc. 2019-17815 Filed 8-19-19; 8:45 am]

BILLING CODE 6750-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifier: CMS-1957 and CMS-10407]

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 September 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 <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:* Social Security Office Report of State Buy-in Problem; *Use:* The statutory authority for the State Buy-in program is Section 1843 of the Social Security Act, amended through 1989. Under Section 1843, a State can enter into an agreement to provide Medicare protection to individuals who are members of a Buy-in coverage group, as specified in the State's Buy-in agreement. The Code of Federal Regulations at 42 CFR Section 407.40 provides for States to enroll in Medicare and pay the premiums for all eligible members covered under a Buy-in coverage group. Individuals enrolled in Medicare through the Buy-in program must be eligible for Medicare and be an eligible member of a Buy-in coverage

¹ Ben Smith, Project Strobe: Protecting your data, improving our third-party APIs, and sunseting consumer Google+, Google Safety and Security (Oct. 8, 2018), <https://www.blog.google/technology/safety-security/project-strobe/>.

² Cat Zakrzewski, A small privacy change for Google leads to big disruptions for start-ups, Washington Post (Oct. 15, 2018), <https://www.washingtonpost.com/technology/2018/10/15/small-privacy-change-google-leads-big-disruptions-startups/>.

group. The day to day operations of the State Buy-in program is accomplished through an automated data exchange process. The automated data exchange process is used to exchange Medicare and Buy-in entitlement information between the Social Security District Offices, State Medicaid Agencies and the Centers for Medicare & Medicaid Services (CMS). When problems arise that cannot be resolved through the normal data exchange process, clerical actions are required. The CMS-1957, "SSO Report of State Buy-In Problem" is used to report Buy-in problems cases. The CMS-1957 is the only standardized form available for communications between the aforementioned agencies for the resolution of beneficiary complaints and inquiries regarding State Buy-in eligibility. *Form Number:* CMS-1957 (OMB control number: 0938-0035); *Frequency:* Yearly; *Affected Public:* State, Local, or Tribal Governments; *Number of Respondents:* 5,854; *Total Annual Responses:* 5,854; *Total Annual Hours:* 1,951. (For policy questions regarding this collection contact Keith Johnson at 410-786-1148.)

2. *Type of Information Collection Request:* Reinstatement without change of a currently approved collection; *Title of Information Collection:* Summary of Benefits and Coverage and Uniform Glossary; *Use:* This information collection will ensure that consumers shopping for or enrolled in private, individually purchased, or non-federal governmental group health plan coverage receive the consumer protections of the Affordable Care Act. Employers, employees, and individuals will use this information to compare coverage options prior to selecting coverage and to understand the terms of, and extent of medical benefits offered by, their coverage (or exceptions to such coverage or benefits) once they have coverage. *Form Number:* CMS-10407 (OMB control number: 0938-1146); *Frequency:* Yearly; *Affected Public:* Private Sector—Business or other for-profits and not-for-profit institutions; *Number of Respondents:* 128,511; *Total Annual Responses:* 24,433,233; *Total Annual Hours:* 41,551. (For policy questions regarding this collection contact Jessica Weinberg at 301-492-4404.)

Dated: August 15, 2019.

William N. Parham, III

Director, Paperwork Reduction Staff, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2019-17939 Filed 8-19-19; 8:45 am]

BILLING CODE 4120-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifier CMS-R-131]

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 October 21, 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-R-131 Advance Beneficiary Notice of Noncoverage (ABN)

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:* Extension without change of a currently approved collection; *Title of Information Collection:* Advance Beneficiary Notice of Noncoverage (ABN); *Use:* The use of the written Advance Beneficiary Notice of Noncoverage (ABN) is to inform Medicare beneficiaries of their liability under specific conditions. This has been available since the "limitation on liability" provisions in section 1879 of the Social Security Act (the Act) were enacted in 1972 (Pub. L. 92-603). ABNs are not given every time items and services are delivered. Rather, ABNs are

given only when a physician, provider, practitioner, or supplier anticipates that Medicare will not provide payment in specific cases.

An ABN may be given, and the beneficiary may subsequently choose not to receive the item or service. An ABN may also be issued because of other applicable statutory requirements other than § 1862(a)(1) such as when a beneficiary wants to obtain an item from a supplier who has not met Medicare supplier number requirements, as listed in section 1834(j)(1) of the Act or when statutory requirements for issuance specific to HHAs are applicable.

ABNs are usually given as hard copy notices during in-person patient encounters. In some cases, notification may be done by telephone with a follow-up notice mailed. Electronic issuance of ABNs is permitted as long as the beneficiary is offered the option to receive a paper copy of the notice if this is preferred. Regardless of the mode of delivery, the beneficiary must receive a copy of the signed ABN for his/her own records. Incorporation of ABNs into other automated business processes is permitted, and some limited flexibility in formatting the notice in such cases is allowed, as discussed in the form instructions. Notifiers may choose to store the required signed copy of the ABN electronically. *Form Number:* CMS-R-131 (OMB control number: 0938-0566); *Frequency:* Yearly; *Affected Public:* State, Local, or Tribal Governments; *Number of Respondents:* 1,589,060; *Total Annual Responses:* 382,216,385; *Total Annual Hours:* 44,593,186. (For policy questions

regarding this collection contact Jennifer McCormick at 410-786-2852.)

Dated: August 15, 2019.

William N. Parham, III,

Director, Paperwork Reduction Staff, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2019-17945 Filed 8-19-19; 8:45 am]

BILLING CODE 4120-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; Head Start Program Performance Standards (OMB #0970-0148)

AGENCY: Office of Head Start; Administration for Children and Families; HHS.

ACTION: Request for Public Comment.

SUMMARY: The Office Head Start (OHS), Administration for Children and Families (ACF), U.S. Department of Health and Human Services (HHS), is requesting a three-year extension of the Head Start Program Performance Standards (HSPPS) information collection (OMB #0970-0148, expiration 1/31/2020). There are no changes requested to these record keeping requirements.

DATES: *Comments due within 30 days of publication.* OMB is required to make a decision concerning the collection of information between 30 and 60 days after publication of this document in the

Federal Register. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent directly to the following: Office of Management and Budget, Paperwork Reduction Project, Email: OIRA_SUBMISSION@OMB.EOP.GOV, Attn: Desk Officer for the Administration for Children and Families.

Copies of the proposed collection may be obtained by emailing infocollection@acf.hhs.gov. Alternatively, copies can also be obtained by writing to the Administration for Children and Families, Office of Planning, Research, and Evaluation, 330 C Street SW, Washington, DC 20201, Attn: OPRE Reports Clearance Officer. All requests, emailed or written, should be identified by the title of the information collection.

SUPPLEMENTARY INFORMATION:

Description: This information collection was approved alongside the final rule for the revised HSPPS on September 1, 2016. This information collection is entirely record keeping and does not contain any standardized instruments or instructions. For example, this includes the requirement that programs maintain a waiting list of eligible families. There are no changes to the record keeping requirements contained in this information collection. Only minor adjustments were made to the estimated burden based on updated enrollment and staff data.

Respondents: Head Start grantees.

ANNUAL BURDEN ESTIMATES

Recordkeeping requirement	Total number of respondents	Total number of responses per respondent	Average burden hours per response	Total burden hours
1301.6(a)	3,020	1	0.70	2,114
1302.12(k)	1,054,720	1	.166	175,084
1302.14(c)	3,020	1	2.00	6,040
1302.16(b)	3,020	1	5.00	15,100
1302.33(a) and (b)	1,054,720	1	1.00	1,054,720
1302.33(c)(2)	294,632	1	2.00	589,264
1302.42(a) and (b)	1,054,720	1	0.66	696,115
1302.42(e)	3,020	1	0.50	1,510
1302.47(b)(7)(iv)	3,020	1	0.50	1,510
1302.53(b) & (d)	3,020	1	0.166	501
1302.90(a)	3,020	1	0.50	1,510
1302.90(b)(1)(i)-(iv), (b)(4)	79,509	1	0.33	26,238
1302.93(a)	26,503	1	0.25	6,626
1302.94(a)	3,020	1	0.166	501
1302.101(a)(4) and 1302.102(b)-(c)	3,020	1	79.00	238,580
1302.102(d)(3)	110	1	10.00	1,100
1303.12	3,020	1	0.166	501
1303.22-24	956,120	1	0.33	315,520
1303.42-53	260	1	40.00	10,400
1303.70(c)	200	1	1	200
1303.72(a)(3)	3,020	1	2	6,040

Estimated Total Annual Burden Hours: 3,149,174.

Authority: 42 U.S.C. 9836A.

Mary B. Jones,

ACF/OPRE Certifying Officer.

[FR Doc. 2019-17870 Filed 8-19-19; 8:45 am]

BILLING CODE 4184-40-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; American Indian and Alaska Native (AIAN) Facility Survey (New Collection)

AGENCY: The Office of Head Start; Administration for Children and Families; HHS.

ACTION: Request for public comment.

SUMMARY: The Office Head Start (OHS), Administration for Children and Families (ACF), U.S. Department of

Health and Human Services (HHS), is proposing to collect data on the condition and ownership of American Indian and Alaska Native (AIAN) facilities to meet congressional reporting requirements under the Head Start Act.

DATES: *Comments due within 30 days of publication.* OMB is required to make a decision concerning the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent directly to the following: Office of Management and Budget, Paperwork Reduction Project, Email: *OIRA_SUBMISSION@OMB.EOP.GOV*, Attn: Desk Officer for the Administration for Children and Families.

Copies of the proposed collection may be obtained by emailing *infocollection@*

acf.hhs.gov. Alternatively, copies can also be obtained by writing to the Administration for Children and Families, Office of Planning, Research, and Evaluation, 330 C Street SW, Washington, DC 20201, Attn: OPRE Reports Clearance Officer. All requests, emailed or written, should be identified by the title of the information collection.

SUPPLEMENTARY INFORMATION:

Description: The Head Start Act at Sec. 650(b) requires the submission of a report to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor and Pensions of the Senate concerning the condition, location, and ownership of facilities used by AIAN grantees. This report is required once during every 5-year period. The proposed collection is a brief survey on the condition and ownership of AIAN facilities for the purpose of this report.

Respondents: AIAN Head Start grantees

ANNUAL BURDEN ESTIMATES

Instrument	Total number of respondents	Total number of responses per respondent	Average burden hours per response	Total burden hours
AIAN Facility Survey	155	3.5	.1	54.25

Estimated Total Annual Burden Hours: 54.25.

Authority: 42 U.S.C. 9846.

Mary B. Jones,

ACF/OPRE Certifying Officer.

[FR Doc. 2019-17871 Filed 8-19-19; 8:45 am]

BILLING CODE 4184-40-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Community Living

[OMB#0985-XXXX]

Agency Information Collection Activities; Proposed Collection; Comment Request; Adult Protective Services Client Outcome Study

AGENCY: Administration for Community Living, HHS.

ACTION: Notice.

SUMMARY: The Administration for Community Living (ACL) is announcing an opportunity for the public to comment on the proposed collection of information listed above. Under the Paperwork Reduction Act of 1995 (the PRA), Federal agencies are required to

publish a notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment in response to the notice.

This notice solicits comments on the Proposed new information collection and solicits comments on the information collection requirements related to the "Adult Protective Services Client Outcome Study".

DATES: Comments on the collection of information must be submitted electronically by 11:59 p.m. (EST) or postmarked by October 21, 2019.

ADDRESSES: Submit electronic comments on the collection of information to: Stephanie Whittier Eliason. Submit written comments on the collection of information to Administration for Community Living, Washington, DC 20201, Attention: Stephanie Whittier Eliason.

FOR FURTHER INFORMATION CONTACT: Stephanie Whittier Eliason, Administration for Community Living, Washington, DC 20201, (202) 795-7467, *Stephanie.WhittierEliason@acl.hhs.gov*.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501-3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. "Collection of information" is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, ACL is publishing a notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, ACL invites comments on our burden estimates or any other aspect of this collection of information, including:

(1) Whether the proposed collection of information is necessary for the

proper performance of ACL's functions, including whether the information will have practical utility;

(2) the accuracy of ACL's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used to determine burden estimates;

(3) ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques when appropriate, and other forms of information technology.

Description: The Administration for Community Living (ACL) in the U.S. Department of Health and Human Services (HHS) is seeking OMB approval to collect data using new information collection tools that examine if and how APS programs make a difference in the lives of APS clients. APS programs are provided by state and local governments nationwide and serve older adults and adults with disabilities in need of assistance due to maltreatment, which can include: Physical, emotional, and sexual abuse; financial exploitation; neglect; and self-neglect. APS is an important avenue through which maltreatment is reported to law enforcement or other agencies.

Additionally, APS programs are often the gateway for adults who experience maltreatment to access additional community, social, health, behavioral health, and legal services to maintain independence in the settings in which they prefer to live. APS programs work closely with clients and a wide variety of allied professionals to maximize safety and independence, while respecting each client's right to self-determination. At this time, there is no single funding stream for APS nor a single set of rules and regulations that APS programs must follow. Building the evidence-base for APS programs and practices, promoting the use of evidence-based and promising practices, and developing guiding standards are key needs for the APS field. The proposed new data collection is an important component for building the evidence-base for APS programs and practices in improving client outcomes.

Specifically, the data collection will help examine (1) what changes clients

report as a result of receiving APS services; (2) how satisfied clients are with the APS services they receive; (3) to what extent clients report APS helps them achieve their goals; (4) to what extent clients report APS supports their right to self-determination; (5) to what extent APS programs affect client safety (risk of maltreatment); (6) how APS program intervene to reduce client risk of maltreatment; (7) what factors help or hinder APS efforts to reduce risk of maltreatment; (8) to what extent APS programs affect client well-being (e.g., quality of life, financial, physical health, etc.); (9) how APS programs intervene to improve client well-being; and (10) what factors help or hinder APS efforts to improve client well-being. The data collection will be conducted with three target populations: (1) APS clients, (2) APS caseworkers, and (3) APS leaders. APS leaders will consist of APS state and APS county leaders.

Data collection with these three target populations will include: A brief, anonymous APS client questionnaire, including a de-identified client data form; a semi-structured in-person interview with APS clients; a semi-structured in-person focus group with APS caseworkers; and a semi-structured interview with APS leaders.

The APS client questionnaire is designed to be as brief as possible, while examining key client outcome areas, identified in collaboration with a national expert panel consisting of federal experts, researchers, practitioners, and program leaders in APS. The outcomes areas focus on: Satisfaction with APS, safety, and well-being, and will be assessed with nine questions. The question statements examining these areas are designed to be short and easy to understand. The first item on the questionnaire provides a simple "yes/no" response option. For the remaining questions, APS clients or a proxy (respondents) are asked to rate the extent which they agree with each statement using a Likert-type rating scale ranging from 'strongly disagree' to 'strongly agree'. Respondents also have the option of sharing anything else about their experience with APS through an open-ended question at the end of the form. The questionnaire will be hand-delivered to the client or proxy respondent by the APS caseworker at case closure. The respondent will

complete the questionnaire and mail it back to the research team by using a prepaid return envelope.

The client data form will be linked to the client questionnaire using a pre-populated eight-digit form number. The client data form is designed to capture de-identified, basic demographic information and additional details about APS clients and their cases.

These data points are expected to be among the information about clients, and their cases, that caseworkers already collect during normal APS processes. The form does not collect any personally identifiable information. The form will be completed online by APS caseworkers. If an APS program prefers another method of completing the form, hard copies can be provided and mailed back to the research team using a prepaid return envelope.

Individual interviews with APS clients are designed to gain more in-depth knowledge about the experiences and needs of APS clients along the key outcome areas assessed in the questionnaire. A standardized, semi-structured interview guide will be used to guide the interviews with clients who provide informed consent. Focus groups with APS caseworkers will be conducted in person, using a standardized, semi-structured focus group guide. Individual interviews with APS leaders will be conducted either in-person or by phone with county and state leaders using a standardized, semi-structured, interview guide. Similar to client interviews, focus groups with APS caseworkers and interviews with APS leaders will focus on the identified outcome areas. Additional questions will be asked to gain insight into access and availability of services, collaboration and partnerships with other entities in the community, and barriers and facilitating factors that affect APS services and client outcomes. The interview guide for APS leaders also contains questions related to APS policies and procedures.

The proposed data collection tools may be found on the ACL website for review at <https://www.acl.gov/about-acl/public-input>.

Estimated Program Burden: ACL estimates the burden associated with this collection of information as follows:

Respondent/data collection activity	Number of respondents	Responses per respondent	Hours per response	Annual burden hours
Client Questionnaire	6,000	1	0.167	1,002
Client Data Form	6,000	1	0.167	1,002
Client Interview	24	1	0.75	18

Respondent/data collection activity	Number of respondents	Responses per respondent	Hours per response	Annual burden hours
APS Caseworker Focus Group	84	1	1.5	126
APS Leaders Interview	16	1	1	16
Total	12,124		3.58	2,164

Dated: August 14, 2019.

Mary Lazare,

Principal Deputy Administrator.

[FR Doc. 2019-17879 Filed 8-19-19; 8:45 am]

BILLING CODE 4154-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA-2011-N-0411]

Bristol-Myers Squibb Co. et al.; Withdrawal of Approval of 70 New Drug Applications and 97 Abbreviated New Drug Applications; Correction

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice; correction.

SUMMARY: The Food and Drug Administration (FDA) is correcting a notice that appeared in the **Federal Register** of June 8, 2011. The document announced the withdrawal of approval of 70 new drug applications (NDAs) and 97 abbreviated new drug applications from multiple applicants, effective July 8, 2011. The document contained the incorrect applicant information for NDA 018380. The correct applicant for NDA 018380 is Hospira, Inc. This document corrects that error.

FOR FURTHER INFORMATION CONTACT: Florine Purdie, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 6248, Silver Spring, MD 20993-0002, 301-796-3601.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of Wednesday, June 8, 2011 (76 FR 33310), appearing on page 33310 in FR Doc. 2011-14164, the following correction is made:

On page 33311, in table 1, in the "Applicant" column for NDA 018380, correct the entry "Do." to read "Hospira, Inc., 275 North Field Dr., Bldg. H2, Lake Forest, IL 60045-5046."

Dated: August 14, 2019.

Lowell J. Schiller,

Principal Associate Commissioner for Policy.

[FR Doc. 2019-17933 Filed 8-19-19; 8:45 am]

BILLING CODE 4164-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA-2019-N-3500]

Fit for Use Pilot Program Invitation for the Clinical Data Interchange Standards Consortium for Standard for Exchange of Nonclinical Data Implementation Guide: Version 3.1

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing that it intends to conduct a Fit for Use (FFU) pilot program to test the processing and analysis of nonclinical study data provided electronically for the Clinical Data Interchange Standards Consortium (CDISC) for Standard for Exchange of Nonclinical Data (SEND) Implementation Guide (IG): Version 3.1 (SEND 3.1). The Agency's Center for Drug Evaluation and Research (CDER) will test the processing and analysis of nonclinical study data provided electronically in SEND 3.1 format. FDA is inviting individual firms that wish to participate in this pilot program to submit participation requests via email or in writing.

DATES: To be considered for participation in the pilot program, submit electronic or written requests by September 19, 2019. See the **ADDRESSES** section for participation request instructions.

ADDRESSES: Submit electronic requests to participate in the pilot and comments regarding this pilot project to <https://www.regulations.gov>. Submit written requests to participate in the pilot and comments regarding the pilot to Dockets Management Staff (HFA-305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852. The <https://www.regulations.gov> electronic filing system will accept comments until 11:59 p.m. Eastern Time by September 19, 2019. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are postmarked or the delivery service

acceptance receipt is on or before that date.

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-3500 for "Fit for Use Pilot Program Invitation for the Clinical Data Interchange Standards Consortium for Standard for Exchange of Nonclinical Data Implementation Guide: Version 3.1." Received comments, those filed in a timely manner (see **ADDRESSES**), will

be placed in the docket and, except for those submitted as “Confidential Submissions,” publicly viewable at <https://www.regulations.gov> or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday.

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

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

FOR FURTHER INFORMATION CONTACT: Isaac Chang, Office of Computational Science, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Silver Spring, MD 20993, 240–402–7501, PRASaff@fda.hhs.gov.

SUPPLEMENTARY INFORMATION:

I. Background

Data standards help FDA receive, process, review, and archive submission data more efficiently and effectively. Study data standards describe a

standard way to exchange clinical and nonclinical research data between computer systems. These standards provide a consistent general framework for organizing study data, including templates for datasets, standard names for variables, and standard ways of doing calculations with common variables. Study data standards are required for study data submitted to FDA’s Center for Drug Evaluation and Research (CDER) per the published guidance.¹

CDISC is an open, multidisciplinary, nonprofit organization that has established worldwide industry standards to support the electronic acquisition and submission of study data and metadata for medical and biopharmaceutical product development.² CDISC is currently facilitating and testing the extension of the SEND 3.1 standard for nonclinical toxicology data.

CDER completed a pilot project evaluating SEND 3.0 using SEND-formatted sample toxicology datasets. Phase 1 of the pilot supported the development of a SEND Implementation Guide (SENDIG) describing the process for formatting data from single and repeat-dose animal toxicity and carcinogenicity studies for submission purposes. During Phase 2 of the pilot, CDER evaluated submission of SEND formatted datasets and evaluated data validation and analysis tools capabilities. The outcomes of this pilot resulted in improvements to the SENDIG 3.0.³

Based on published guidance⁴ studies initiated after December 17, 2016, must be submitted with data formatted in accordance with the data standards listed in the FDA Data Standards Catalog for new drug applications (NDAs), biologics license applications (BLAs), and abbreviated new drug applications (ANDAs). For investigational new drug applications (INDs), the requirement⁵ applies to studies initiated after December 17, 2017. SEND 3.1 is included in the Data Standards Catalog, and the submission of SEND nonclinical datasets is

expected to continue to increase in the future. This pilot will evaluate the compliance of sample SEND 3.1 datasets submitted to CDER. As part of this evaluation and in anticipation of FDA receiving datasets for regulatory review, the CDISC SEND team, in collaboration with CDER and available pilot participants, will update the SENDIG 3.1 as needed to include specific data elements and terms.

II. Project Participation

CDER is seeking a maximum of five participants in this pilot. The Center will use its discretion in choosing participants based on the completeness of the submission per the guidelines below. CDER requests participants to submit a nonclinical study package containing the following materials:

- SEND 3.1 datasets⁶
- Sample related study report⁷ (PDF format)
- Nonclinical Study Data Reviewers Guide⁸
- Define.xml (v2.0)⁹
- Sample standardized study protocol.

CDER will prioritize nonclinical packages that highlight the most significant changes from SENDIG 3.0 to SENDIG 3.1 and therefore, the studies that meet as many of the following criteria as possible:

1. Toxicology studies with safety pharmacology data that demonstrate appropriate use of:
 - a. Continuous data typically included in these safety pharmacology studies:
 - (i) Cardiovascular data represented in the Electrocardiogram (ECG) Test Results Domain, Electrocardiogram Domain (EG), and the Cardiovascular Test Results Domain (CV).
 - (ii) Respiratory data in the Respiratory Test Results Domain (RE).
 - b. Timing variables for Planned Start of Assessment Interval (—STINT), and Planned End of Assessment Interval (—ENINT) (in the use of timing variables in the EG domain).
 - c. Unscheduled Flag, (—USCHFL) variable.
 - d. Nominal Study Day for Tabulations, (—NOMDY), Label for Nominal Study Day, (—NOMLBL) variable to group and label data for reporting purposes.
 - e. Study data from a study or studies using the Latin Square design.

¹ See the guidance Providing Regulatory Submissions in Electronic Format—Standardized Study Data: Guidance for Industry (PDF—136KB) (Dec. 2014) at <https://www.fda.gov/media/82716/download>.

² See the CDISC website at <http://www.cdisc.org>.

³ The updated guide can be found at <http://www.cdisc.org/>. FDA has verified the website address, but the Agency is not responsible for any subsequent changes to the website address after this document publishes in the **Federal Register**.

⁴ See the Technical Rejection Criteria for Study Data at <https://www.fda.gov/media/100743/download>.

⁵ See footnote 4.

⁶ See the FDA Study Data Resources web page, available at <https://www.fda.gov/ForIndustry/DataStandards/StudyDataStandards/default.htm>.

⁷ See Footnote 6.

⁸ See the PhUSE Wiki web page, available at https://www.phusewiki.org/wiki/index.php?title=Nonclinical_Study_Data_Reviewers_Guide.

⁹ See Footnote 6.

2. Toxicology studies including Pharmacokinetic Concentrations Domain (PC) and Pharmacokinetics Parameters Domain (PP) domains.

3. Toxicology studies with study data using controlled terminology (version 2018-03-30 or later) for:

a. Severity.

b. Non-neoplasm (NONNEO) using codelist NONNEO and Microscopic Domain (MI).

Please indicate in your request for participation the extent to which your submission will meet the above listed criteria.

This pilot is intended to inform on the readiness of the SEND 3.1 standard and support improvements to the SENDIG 3.1 that will benefit FDA and submitters. Pilot participants commit to publicly share lessons learned with the CDISC SEND team to ensure that the CDISC SEND standard is improved for the community. Participants may redact any sensitive information as needed to enable sharing FDA feedback with the CDISC SEND team.

III. Requests for Participation

Requests to participate in the SENDIG 3.1 FFU pilot are to be identified with the docket number found in brackets in the heading of this document. Interested persons should include the following information in the request: Contact name, contact phone number, email address, name of the sponsor, address, and license number, as well as the description of criteria met, addressing each of the items in the II. Project Participation section.

Once requests for participation are received, CDER will contact interested sponsors to discuss the pilot project and clarify requirements and expectations. The elapsed time duration of the pilot is expected to be approximately 6 months but may be extended as needed.

Dated: August 14, 2019.

Lowell J. Schiller,

Principal Associate Commissioner for Policy.

[FR Doc. 2019-17877 Filed 8-19-19; 8:45 am]

BILLING CODE 4164-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA-2019-N-0573]

Request for Nominations for Voting Members on a Public Advisory Committee; Blood Products Advisory Committee

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is requesting nominations for voting members to serve on the Blood Products Advisory Committee (the Committee) in the Center for Biologics Evaluation and Research. Nominations will be accepted for upcoming vacancies effective with this notice. FDA seeks to include the views of women and men, members of all racial and ethnic groups, and individuals with and without disabilities on its advisory committees and, therefore encourages nominations of appropriately qualified candidates from these groups.

DATES: Nominations received on or before October 21, 2019 will be given first consideration for membership on the Blood Products Advisory Committee. Nominations received after October 21, 2019 will be considered for nomination to the committee as later vacancies occur.

ADDRESSES: All nominations for membership should be sent electronically by logging into the FDA Advisory Nomination Portal: <https://www.accessdata.fda.gov/scripts/factsportal/facts/index.cfm>. Information about becoming a member on an FDA advisory committee can also be obtained by visiting FDA's website at <https://www.fda.gov/advisory-committees>.

FOR FURTHER INFORMATION CONTACT: Christina Vert, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 6268, Silver Spring, MD 20993-0002, 240-402-8054, Fax: 301-595-1309, email: Christina.Vert@fda.hhs.gov.

SUPPLEMENTARY INFORMATION: FDA is requesting nominations for voting members to fill upcoming vacancies on the Blood Products Advisory Committee.

I. General Description of the Committee Duties

The Committee reviews and evaluates available data concerning the safety, effectiveness, and appropriate use of blood, products derived from blood and serum or biotechnology which are intended for use in the diagnosis, prevention, or treatment of human diseases, and, as required, any other product for which FDA has regulatory responsibility, and advises the Commissioner of Food and Drugs (the Commissioner) of its findings regarding screening and testing (to determine eligibility) of donors and labeling of the products, on clinical and laboratory

studies involving such products, on the affirmation or revocation of biological products licenses, and on the quality and relevance of FDA's research program which provides the scientific support for regulating these agents. The Committee will function at times as a medical device panel under the Federal Food, Drug, and Cosmetic Act Medical Device Amendments of 1976. As such, the Committee recommends classification of devices subject to its review into regulatory categories; recommends the assignment of a priority for the application of regulatory requirements for devices classified in the standards or premarket approval category; advises on formulation of product development protocols and reviews premarket approval applications for those devices to recommend changes in classification as appropriate; recommends exemption of certain devices from the application of portions of the Act; advises on the necessity to ban a device; and responds to requests from the Agency to review and make recommendations on specific issues or problems concerning the safety and effectiveness of devices.

II. Criteria for Voting Members

The Committee consists of a core of 17 voting members including the Chair. Members and the Chair are selected by the Commissioner or designee from among authorities knowledgeable in the fields of clinical and administrative medicine, hematology, immunology, blood banking, surgery, internal medicine, biochemistry, engineering, biological and physical sciences, biotechnology, computer technology, statistics, epidemiology, sociology/ethics, and other related professions. Almost all non-Federal members of this committee serve as Special Government Employees. Members will be invited to serve for terms of up to 4 years.

III. Nomination Procedures

Any interested person may nominate one or more qualified persons for membership on the advisory committee. Self-nominations are also accepted. Nominations must include a current, complete résumé or curriculum vitae for each nominee, including current business address, telephone number, and email address if available and a signed copy of the Acknowledgement and Consent form available at the FDA Advisory Nomination Portal (see **ADDRESSES**). Nominations must specify the advisory committee for which the nominee is recommended. Nominations must also acknowledge that the nominee is aware of the nomination unless self-nominated. FDA will ask

potential candidates to provide detailed information concerning such matters related to financial holdings, employment, and research grants and/or contracts to permit evaluation of possible sources of conflicts of interest.

This notice is issued under the Federal Advisory Committee Act (5 U.S.C. app. 2) and 21 CFR part 14, relating to advisory committees.

Dated: August 14, 2019.

Lowell J. Schiller,

Principal Associate Commissioner for Policy.

[FR Doc. 2019-17924 Filed 8-19-19; 8:45 am]

BILLING CODE 4164-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA-2019-N-3613]

Antimicrobial Drugs Advisory Committee; Notice of Meeting; Establishment of a Public Docket; Request for Comments

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice; establishment of a public docket; request for comments.

SUMMARY: The Food and Drug Administration (FDA) announces a forthcoming public advisory committee meeting of the Antimicrobial Drugs Advisory Committee. The general function of the committee is to provide advice and recommendations to FDA on regulatory issues. The meeting will be open to the public. FDA is establishing a docket for public comment on this document.

DATES: The meeting will be held on October 16, 2019, from 8:00 a.m. to 4:30 p.m.

ADDRESSES: FDA White Oak Campus, 10903 New Hampshire Ave., Bldg. 31 Conference Center, the Great Room (Rm. 1503), Silver Spring, MD 20993-0002. Answers to commonly asked questions including information regarding special accommodations due to a disability, visitor parking, and transportation may be accessed at: <https://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm408555.htm>.

FDA is establishing a docket for public comment on this meeting. The docket number is FDA-2019-N-3613. The docket will close on October 15, 2019. Submit either electronic or written comments on this public meeting by October 15, 2019. Please note that late, untimely filed comments will not be considered. Electronic comments must be submitted on or

before October 15, 2019. The <https://www.regulations.gov> electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of October 15, 2019. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are postmarked or the delivery service acceptance receipt is on or before that date.

Comments received on or before October 1, 2019, will be provided to the committee. Comments received after that date will be taken into consideration by FDA.

You may submit comments as follows:

Electronic Submissions

Submit electronic comments in the following way:

- **Federal eRulemaking Portal:** <https://www.regulations.gov>. Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to <https://www.regulations.gov> will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on <https://www.regulations.gov>.

- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see "Written/Paper Submissions" and "Instructions").

Written/Paper Submissions

Submit written/paper submissions as follows:

- **Mail/Hand delivery/Courier (for written/paper submissions):** Dockets Management Staff (HFA-305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in "Instructions."

Instructions: All submissions received must include the Docket No. FDA-2019-N-3613 for "Antimicrobial Drugs

Advisory Committee; Notice of Meeting; Establishment of a Public Docket; Request for Comments." Received comments, those filed in a timely manner (see the **ADDRESSES** section), will be placed in the docket and, except for those submitted as "Confidential Submissions," publicly viewable at <https://www.regulations.gov> or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday.

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

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

FOR FURTHER INFORMATION CONTACT:

Lauren Tesh Hotaki, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 31, Rm. 2417, Silver Spring, MD 20993-0002, 301-796-9001, Fax: 301-847-8533, email: AMDAC@fda.hhs.gov, or FDA Advisory Committee Information Line, 1-800-

741–8138 (301–443–0572 in the Washington, DC area). A notice in the **Federal Register** about last minute modifications that impact a previously announced advisory committee meeting cannot always be published quickly enough to provide timely notice. Therefore, you should always check the FDA's website at <https://www.fda.gov/AdvisoryCommittees/default.htm> and scroll down to the appropriate advisory committee meeting link, or call the advisory committee information line to learn about possible modifications before coming to the meeting.

SUPPLEMENTARY INFORMATION:

Agenda: The committee will discuss new drug application (NDA) 209445, cefiderocol lyophilized powder for intravenous administration, submitted by Shionogi Inc., for the treatment of complicated urinary tract infections (cUTI), including pyelonephritis due to gram-negative bacteria in patients with limited or no alternative treatment options.

FDA intends to make background material available to the public no later than 2 business days before the meeting. If FDA is unable to post the background material on its website prior to the meeting, the background material will be made publicly available at the location of the advisory committee meeting, and the background material will be posted on FDA's website after the meeting. Background material is available at <https://www.fda.gov/AdvisoryCommittees/Calendar/default.htm>. Scroll down to the appropriate advisory committee meeting link.

Procedure: Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. All electronic and written submissions submitted to the Docket (see the **ADDRESSES** section) on or before October 1, 2019, will be provided to the committee. Oral presentations from the public will be scheduled between approximately 1:30 p.m. and 2:30 p.m. Those individuals interested in making formal oral presentations should notify the contact person and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation on or before September 23, 2019. Time allotted for each presentation may be limited. If the number of registrants requesting to speak is greater than can be reasonably accommodated during the scheduled open public hearing session, FDA may

conduct a lottery to determine the speakers for the scheduled open public hearing session. The contact person will notify interested persons regarding their request to speak by September 24, 2019.

Persons attending FDA's advisory committee meetings are advised that FDA is not responsible for providing access to electrical outlets.

For press inquiries, please contact the Office of Media Affairs at fdaoma@fda.hhs.gov or 301–796–4540.

FDA welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with disabilities. If you require accommodations due to a disability, please contact Lauren Tesh Hotaki (see **FOR FURTHER INFORMATION CONTACT**) at least 7 days in advance of the meeting.

FDA is committed to the orderly conduct of its advisory committee meetings. Please visit our website at <https://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm111462.htm> for procedures on public conduct during advisory committee meetings.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: August 14, 2019.

Lowell J. Schiller,

Principal Associate Commissioner for Policy.

[FR Doc. 2019–17934 Filed 8–19–19; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2019–P–0466]

Determination That Dextrose, 20 Grams/100 Milliliters, and Dextrose, 50 Grams/100 Milliliters, in Plastic Containers, Were Not Withdrawn From Sale for Reasons of Safety or Effectiveness

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or Agency) has determined that Dextrose, 20 grams (g)/100 milliliters (mL), and Dextrose, 50 g/100 mL, in plastic containers, were not withdrawn from sale for reasons of safety or effectiveness. This determination will allow FDA to approve abbreviated new drug applications (ANDAs) for Dextrose, 20 g/100 mL, and Dextrose, 50 g/100 mL, in plastic containers, if all other legal and regulatory requirements are met.

FOR FURTHER INFORMATION CONTACT:

Heather A. Dorsey, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 6220, Silver Spring, MD 20993–0002, 301–348–3946, Heather.Dorsey@fda.hhs.gov.

SUPPLEMENTARY INFORMATION: In 1984, Congress enacted the Drug Price Competition and Patent Term Restoration Act of 1984 (Pub. L. 98–417) (the 1984 amendments), which authorized the approval of duplicate versions of drug products under an ANDA procedure. ANDA applicants must, with certain exceptions, show that the drug for which they are seeking approval contains the same active ingredient in the same strength and dosage form as the “listed drug,” which is a version of the drug that was previously approved. ANDA applicants do not have to repeat the extensive clinical testing otherwise necessary to gain approval of a new drug application (NDA).

The 1984 amendments include what is now section 505(j)(7) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)(7)), which requires FDA to publish a list of all approved drugs. FDA publishes this list as part of the “Approved Drug Products With Therapeutic Equivalence Evaluations,” which is known generally as the “Orange Book.” Under FDA regulations, drugs are removed from the list if the Agency withdraws or suspends approval of the drug's NDA or ANDA for reasons of safety or effectiveness or if FDA determines that the listed drug was withdrawn from sale for reasons of safety or effectiveness (21 CFR 314.162).

A person may petition the Agency to determine, or the Agency may determine on its own initiative, whether a listed drug was withdrawn from sale for reasons of safety or effectiveness. This determination may be made at any time after the drug has been withdrawn from sale, but must be made prior to approving an ANDA that refers to the listed drug (§ 314.161 (21 CFR 314.161)). FDA may not approve an ANDA that does not refer to a listed drug.

Dextrose, 20 g/100 mL, and Dextrose, 50 g/100 mL, in plastic containers, are the subject of NDA 017521, held by Baxter Healthcare Corporation and initially approved on August 28, 1979. Dextrose, 20 g/100 mL, and Dextrose, 50 g/100 mL, in plastic containers, are indicated as a source of calories when mixed with amino acids or other compatible intravenous fluids for patients requiring parenteral nutrition when oral or enteral nutrition is not

possible, insufficient, or contraindicated.

Dextrose, 20 g/100 mL, and Dextrose, 50 g/100 mL, in plastic containers (NDA 017521), are currently listed in the "Discontinued Drug Product List" section of the Orange Book.

Fresenius Kabi USA, LLC, submitted a citizen petition dated January 29, 2019 (Docket No. FDA-2019-P-0466), under 21 CFR 10.30, requesting that the Agency determine whether Dextrose, 20 g/100 mL, and Dextrose, 50 g/100 mL, in plastic containers (NDA 017521), were withdrawn from sale for reasons of safety or effectiveness.

After considering the citizen petition and reviewing Agency records and based on the information we have at this time, FDA has determined under § 314.161 that Dextrose, 20 g/100 mL, and Dextrose, 50 g/100 mL, in plastic containers (NDA 017521), were not withdrawn for reasons of safety or effectiveness. The petitioner has identified no data or other information suggesting that Dextrose, 20 g/100 mL, and Dextrose, 50 g/100 mL, in plastic containers, were withdrawn for reasons of safety or effectiveness. We have carefully reviewed our files for records concerning the withdrawal of Dextrose, 20 g/100 mL, and Dextrose, 50 g/100 mL, in plastic containers, from sale. We have also independently evaluated relevant literature and data for possible postmarketing adverse events. We have found no information that would indicate that these drug products were withdrawn from sale for reasons of safety or effectiveness.

Accordingly, the Agency will continue to list Dextrose, 20 g/100 mL, and Dextrose, 50 g/100 mL, in plastic containers (NDA 017521), in the "Discontinued Drug Product List" section of the Orange Book. The "Discontinued Drug Product List" delineates, among other items, drug products that have been discontinued from marketing for reasons other than safety or effectiveness. ANDAs that refer to Dextrose, 20 g/100 mL, and Dextrose, 50 g/100 mL, in plastic containers (NDA 017521), may be approved by the Agency as long as they meet all other legal and regulatory requirements for the approval of ANDAs. If FDA determines that labeling for this drug product should be revised to meet current standards, the Agency will advise ANDA applicants to submit such labeling.

Dated: August 14, 2019.

Lowell J. Schiller,

Principal Associate Commissioner for Policy.

[FR Doc. 2019-17874 Filed 8-19-19; 8:45 am]

BILLING CODE 4164-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA-2019-N-0001]

Implementing the Food and Drug Administration's Predictive Toxicology Roadmap: An Update of the Food and Drug Administration's Activities; Public Workshop

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of public workshop.

SUMMARY: The Food and Drug Administration (FDA, the Agency, or we) is announcing the following public workshop entitled "Implementing FDA's Predictive Toxicology Roadmap: An Update of FDA's Activities." The purpose of the public workshop is to highlight the work FDA has been doing to support and implement FDA's Predictive Toxicology Roadmap. **DATES:** The public workshop will be held on September 18, 2019, from 8 a.m. to 4 p.m. See the **SUPPLEMENTARY INFORMATION** section for registration date and information.

ADDRESSES: The public workshop will be held at FDA White Oak Campus, 10903 New Hampshire Ave., Bldg. 31 Conference Center, the Great Room (Rm. 1503A), Silver Spring, MD 20993. Entrance for the public workshop participants (non-FDA employees) is through Building 1 where routine security check procedures will be performed. For parking and security information, please refer to <https://www.fda.gov/AboutFDA/WorkingatFDA/BuildingsandFacilities/WhiteOakCampusInformation/ucm241740.htm>.

FOR FURTHER INFORMATION CONTACT: Laurie-Anne Sayles, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 22, Rm. 4355, Silver Spring, MD 20993, 301-796-0621 x4353, Laurie-Anne.Sayles@fda.hhs.gov. **SUPPLEMENTARY INFORMATION:**

I. Background

In December 2017, FDA launched its Predictive Toxicology Roadmap, a six-part framework for integrating predictive toxicology methods into safety and risk assessments. Among other recommendations, the Roadmap calls for FDA research to identify data gaps and to support intramural and extramural research to ensure that the most promising technologies are developed, validated, and integrated into regulatory review, if applicable.

FDA held its initial public hearing on the Roadmap, sponsored by FDA's

cross-agency Toxicology Working Group, on September 12, 2018. More information about the Roadmap as well as the initial public hearing can be found on the following website: <https://www.fda.gov/predictivetoxroadmap>.

II. Topics for Discussion at the Public Workshop

On Wednesday, September 18, 2019, FDA will highlight the work it has been doing to support and implement FDA's Predictive Toxicology Roadmap.

III. Participating in the Public Workshop

Registration: To register for the public workshop, please visit the following website: <https://www.fda.gov/predictivetoxroadmap>.

Registration is free and based on space availability, with priority given to early registrants. Persons interested in attending this public workshop must register by Monday, September 16, 2019, 5 p.m. Eastern Time. Early registration is recommended because seating is limited; therefore, FDA may limit the number of participants from each organization. Registrants will receive confirmation when they have been accepted.

If you need special accommodations due to a disability, please contact Laurie-Anne Sayles (see **FOR FURTHER INFORMATION CONTACT**) no later than September 11, 2019, 5 p.m. Eastern Time.

Streaming Webcast of the Public Workshop: This public workshop will also be webcast. To register for the webcast, please visit the following website: <https://www.fda.gov/predictivetoxroadmap>.

If you have never attended a Connect Pro event before, test your connection at https://collaboration.fda.gov/common/help/en/support/meeting_test.htm. To get a quick overview of the Connect Pro program, visit https://www.adobe.com/go/connectpro_overview. FDA has verified the website addresses in this document, as of the date this document publishes in the **Federal Register**, but websites are subject to change over time.

Transcripts: Please be advised that as soon as a transcript of the public workshop is available, it will be accessible at <https://www.fda.gov/predictivetoxroadmap>.

Dated: August 14, 2019.

Lowell J. Schiller,

Principal Associate Commissioner for Policy.

[FR Doc. 2019-17876 Filed 8-19-19; 8:45 am]

BILLING CODE 4164-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA-2019-N-3722]

Bone, Reproductive and Urologic Drugs Advisory Committee; Notice of Meeting; Establishment of a Public Docket; Request for Comments

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice; establishment of a public docket; request for comments.

SUMMARY: The Food and Drug Administration (FDA) announces a forthcoming public advisory committee meeting of the Bone, Reproductive and Urologic Drugs Advisory Committee. The general function of the committee is to provide advice and recommendations to FDA on regulatory issues. The meeting will be open to the public. FDA is establishing a docket for public comment on this document.

DATES: The meeting will be held on October 30, 2019, from 8:15 a.m. to 5 p.m.

ADDRESSES: FDA White Oak Campus, 10903 New Hampshire Ave., Bldg. 31 Conference Center, the Great Room (Rm. 1503), Silver Spring, MD 20993-0002. Answers to commonly asked questions including information regarding special accommodations due to a disability, visitor parking, and transportation may be accessed at: <https://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm408555.htm>.

FDA is establishing a docket for public comment on this meeting. The docket number is FDA-2019-N-3722. The docket will close on October 29, 2019. Submit either electronic or written comments on this public meeting by October 29, 2019. Please note that late, untimely filed comments will not be considered. Electronic comments must be submitted on or before October 29, 2019. The <https://www.regulations.gov> electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of October 29, 2019. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are postmarked or the delivery service acceptance receipt is on or before that date.

Comments received on or before October 16, 2019, will be provided to the committee. Comments received after that date will be taken into consideration by FDA.

You may submit comments as follows:

Electronic Submissions

Submit electronic comments in the following way:

- **Federal eRulemaking Portal:** <https://www.regulations.gov>. Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to <https://www.regulations.gov> will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on <https://www.regulations.gov>.

- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see "Written/Paper Submissions" and "Instructions").

Written/Paper Submissions

Submit written/paper submissions as follows:

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

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

Instructions: All submissions received must include the Docket No. FDA-2019-N-3722 for "Bone, Reproductive and Urologic Drugs Advisory Committee; Notice of Meeting; Establishment of a Public Docket; Request for Comments." Received comments, those filed in a timely manner (see the **ADDRESSES** section), will be placed in the docket and, except for those submitted as "Confidential Submissions," publicly viewable at <https://www.regulations.gov> or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday.

- **Confidential Submissions—**To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper

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

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

FOR FURTHER INFORMATION CONTACT: Kalyani Bhatt, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 31, Rm. 2417, Silver Spring, MD 20993-0002, 301-796-9001, Fax: 301-847-8533, email: BRUDAC@fda.hhs.gov, or FDA Advisory Committee Information Line, 1-800-741-8138 (301-443-0572 in the Washington, DC area). A notice in the **Federal Register** about last minute modifications that impact a previously announced advisory committee meeting cannot always be published quickly enough to provide timely notice. Therefore, you should always check the FDA's website at <https://www.fda.gov/AdvisoryCommittees/default.htm> and scroll down to the appropriate advisory committee meeting link, or call the advisory committee information line to learn about possible modifications before coming to the meeting.

SUPPLEMENTARY INFORMATION:

Agenda: The committee will discuss new drug application (NDA) 204017 (levonorgestrel and ethinyl estradiol) transdermal system, submitted by Agile Therapeutics, Inc., for the prevention of pregnancy in women of reproductive potential.

FDA intends to make background material available to the public no later than 2 business days before the meeting. If FDA is unable to post the background material on its website prior to the meeting, the background material will be made publicly available at the location of the advisory committee meeting, and the background material will be posted on FDA’s website after the meeting. Background material is available at <https://www.fda.gov/AdvisoryCommittees/Calendar/default.htm>. Scroll down to the appropriate advisory committee meeting link.

Procedure: Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. All electronic and written submissions submitted to the Docket (see the **ADDRESSES** section) on or before October 16, 2019, will be provided to the committee. Oral presentations from the public will be scheduled between approximately 1 p.m. and 2 p.m. Those individuals interested in making formal oral presentations should notify the contact person and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation on or before October 7, 2019. Time allotted for each presentation may be limited. If the number of registrants requesting to speak is greater than can be reasonably accommodated during the scheduled open public hearing session, FDA may conduct a lottery to determine the speakers for the scheduled open public hearing session. The contact person will notify interested persons regarding their request to speak by October 8, 2019.

Persons attending FDA’s advisory committee meetings are advised that FDA is not responsible for providing access to electrical outlets.

For press inquiries, please contact the Office of Media Affairs at fdaoma@fda.hhs.gov or 301–796–4540.

FDA welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with disabilities. If you require accommodations due to a disability, please contact Kalyani Bhatt (see **FOR FURTHER INFORMATION CONTACT**) at least 7 days in advance of the meeting.

FDA is committed to the orderly conduct of its advisory committee meetings. Please visit our website at: <https://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm111462.htm> for procedures on public conduct during advisory committee meetings.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: August 14, 2019.
Lowell J. Schiller,
Principal Associate Commissioner for Policy.
[FR Doc. 2019–17932 Filed 8–19–19; 8:45 am]
BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

[Document Identifier: OS–0990–new]

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 September 19, 2019.

ADDRESSES: Submit your comments to OIRA_submission@omb.eop.gov or via facsimile to (202) 395–5806.

FOR FURTHER INFORMATION CONTACT: Sherrette Funn, Sherrette.Funn@hhs.gov or (202) 795–7714. When submitting comments or requesting information, please include the document identifier

0990–New–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 Collection: Evaluation of the Kidney Innovation Accelerator (KidneyX).

Type of Collection: New.

OMB No. 0990–NEW—Office of the Chief Technology Officer

Abstract: The Office of the Chief Technology Officer (CTO) is initiating an independent evaluation under the Department of Health & Human Services (HHS) of the Kidney Innovation Accelerator—or KidneyX—a public-private partnership between HHS/CTO and the American Society of Nephrology (ASN).

The KidneyX evaluation involves a mixed-methods design for data collection and analysis. The evaluation integrates qualitative techniques, such as document analysis and stakeholder interviews, to capture the details and effects of processes and changes within the KidneyX initiative. We will apply quantitative methods, such as surveys and econometric analysis, in discrete situations in which we find sufficient certainty and coherence in environmental conditions to conduct rigorous analysis.

The evaluation will use a data-driven set of methodologies to address, to the extent possible, the central question of the effectiveness of KidneyX: The degree to which KidneyX contributed to any acceleration in the rate of innovation in the targeted area of kidney technology compared with how innovation would have progressed without KidneyX.

ESTIMATED ANNUALIZED BURDEN HOURS:

Type of respondent	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in min)	Total burden (in hr)
Prize competition applicants	Applicant Interview Guide	12	1	50/60	10
Prize competition awardees	Awardee Interview Guide	6	1	50/60	5

ESTIMATED ANNUALIZED BURDEN HOURS:—Continued

Type of respondent	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in min)	Total burden (in hr)
Prize competition non-awardees	Non-awardee Interview Guide	6	1	50/60	5
Other Stakeholders	Other Stakeholder Interview Guide ..	6	1	50/60	5
Prize competition applicants	Pre-award Survey Instrument	300	1	30/60	150
Prize competition awardees and non-awardees.	Post-award Survey Instrument	300	1	30/60	150
Total					325

Terry Clark,

Office of the Secretary, Paperwork Reduction Act Reports Clearance Officer.

[FR Doc. 2019-17887 Filed 8-19-19; 8:45 am]

BILLING CODE 4150-04-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

[Document Identifier: OS-0990-new]

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 September 19, 2019.

ADDRESSES: Submit your comments to OIRA_submission@omb.eop.gov or via facsimile to (202) 395-5806.

FOR FURTHER INFORMATION CONTACT: Sherrette Funn, Sherrette.Funn@hhs.gov or (202) 795-7714. When submitting comments or requesting information,

please include the document identifier 0990-New-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 Collection: Youth Engagement in Sports (YES) Performance Measures.

Type of Collection: New.

OMB No. 0990-NEW—Youth Engagement in Sports (YES) Performance Measures

Abstract: The Office of Minority Health (OMH) and Office of Women's Health (OWH) are seeking an approval by OMB on a new information collection, Youth Engagement in Sports (YES Initiative) Performance Measures (hereafter YES Initiative Performance Measures). The purpose of this data

collection is to gather quantitative data from YES grant recipients to monitor project performance in achieving process and outcome measures over the course of the three-year project. Grantees will collect a small set of process and outcome measures from program participants to assess the degree to which YES Initiative projects increase sports participation and physical activity and improve nutrition in adolescents.

Need and Proposed Use of the Information: The clearance is needed to collect performance data to enable OMH and OWH to comply with Federal reporting requirements, monitor, and evaluate performance by enabling the efficient collection of performance-oriented data tied to OMH- and OWH-wide performance reporting needs. The ability to monitor and evaluate performance in this manner, and to work towards continuous program improvement are basic functions that OMH and OWH must be able to accomplish in order to carry out their respective mandates with the most effective and appropriate use of resources.

Likely Respondents: Project Directors, Youth Participants, Data Entry Persons Affected public includes non-profit institutions, State, Local, or Tribal Governments.

ANNUALIZED BURDEN HOUR TABLE

Forms (if necessary)	Respondents (if necessary)	Number of respondents	Number of responses per respondent	Average burden per response	Total burden hours
Physical Activity & Nutrition Survey ..	Youth	2800	3	20/60	2800
Sports Inventory	Youth	2800	2	5/60	467
Sports Literacy Form	Youth (Staff observe youth)	2800	3	20/60	2800
Program Participation Record	Staff	14	2	4.17	117
Total					6184

Terry Clark,
*Office of the Secretary, Paperwork Reduction
 Act Reports Clearance Officer.*
 [FR Doc. 2019-17886 Filed 8-19-19; 8:45 am]
BILLING CODE 4150-29-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Government-Owned Inventions; Availability for Licensing

AGENCY: National Institutes of Health,
HHS.

ACTION: Notice.

SUMMARY: The invention listed below is owned by an agency of the U.S. Government and is available for licensing to achieve expeditious commercialization of results of federally-funded research and development. Foreign patent applications are filed on selected inventions to extend market coverage for companies and may also be available for licensing.

FOR FURTHER INFORMATION CONTACT: Chris Kornak at 240-627-3705 or Chris.Kornak@nih.gov. Licensing information may be obtained by communicating with the Technology Transfer and Intellectual Property Office, National Institute of Allergy and Infectious Diseases, 5601 Fishers Lane, Rockville, MD 20852; tel. 301-496-2644. A signed Confidential Disclosure Agreement will be required to receive copies of unpublished information related to the invention.

SUPPLEMENTARY INFORMATION: Technology description follows:

Floxed Targeted Mouse Strain for Use in Conditional Deletion of the Irf8 Gene

Description of Technology

IRF8, a member of interferon regulatory factor (IRF) family of transcription factors is a novel intrinsic transcriptional inhibitor of TH17-cell differentiation. TH17-cells are believed to be involved in the pathogenesis of various autoimmune/inflammatory diseases. The Irf8f floxed targeted mutated mouse strain can be used to selectively ablate expression of IRF8 in any cell type in which a Cre recombinase gene is activated. This will permit the identification of IRF8-regulated genes and their effects in specific types of developing and mature cells. These materials could be used to help define patterns of gene expression important for the development and function of cells including possible contributions to understanding: Normal

immune responses, inflammatory conditions, autoimmunity and anti-viral responses.

This technology is available for licensing for commercial development in accordance with 35 U.S.C. 209 and 37 CFR part 404.

Potential Commercial Applications

- Target identification in B and T cell deficiency, macrophage defects and hematopoiesis.
- A tool for investigating IRF8 mediated issues associated with inflammation and autoimmunity.
- Investigative tool for development of potential therapeutics for lymphoma and Human Chronic Myeloid Leukemia.

Competitive Advantages

- Mice with established germ line transmission for use in conditional deletion of the IRF8 gene in any cell type.

Development Stage

- Research Use.
Inventors: Herbert Carpenter Morse III (NIAID).

Publications: Ouyang, Xinshou, et al. "Transcription factor IRF8 directs a silencing programme for TH17 cell differentiation." *Nature Communications* 2, Article number: 314 (2011).

Licensing Contact: To license this technology, please contact Chris Kornak at 240-627-3705 or Chris.Kornak@nih.gov, and reference E-062-2012-0.

Dated: August 6, 2019.

Suzanne M. Frisbie,
*Deputy Director, Technology Transfer and
 Intellectual Property Office, National Institute
 of Allergy and Infectious Diseases.*

[FR Doc. 2019-17868 Filed 8-19-19; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Prospective Grant of an Exclusive Patent License: Development and Commercialization of CD19/CD22 Chimeric Antigen Receptor (CAR) Therapies for the Treatment of B-Cell Malignancies

AGENCY: National Institutes of Health,
HHS.

ACTION: Notice.

SUMMARY: The National Cancer Institute, an institute of the National Institutes of Health, Department of Health and Human Services, is contemplating the grant of an Exclusive Patent License to practice the inventions embodied in the

Patents and Patent Applications listed in the Supplementary Information section of this Notice to Lyell Immunopharma, Inc. ("Lyell"), located in South San Francisco, CA.

DATES: Only written comments and/or applications for a license which are received by the National Cancer Institute's Technology Transfer Center on or before September 19, 2019 will be considered.

ADDRESSES: Requests for copies of the patent applications, inquiries, and comments relating to the contemplated Exclusive Patent License should be directed to: Jim Knabb, Senior Technology Transfer Manager, NCI Technology Transfer Center, 9609 Medical Center Drive, RM 1E530, MSC 9702, Bethesda, MD 20892-9702 (for business mail), Rockville, MD 20850-9702; Telephone: (240)-276-7856; Facsimile: (240)-276-5504; Email: jim.knabb@nih.gov.

SUPPLEMENTARY INFORMATION:

Intellectual Property

E-016-2015: Chimeric Antigen Receptor Targeting both CD19 and CD22

1. U.S. Provisional Patent Application 62/135,442, filed March 19, 2015 (E-106-2015-0-US-01);
2. International Patent Application PCT/US2016/023055, filed March 18, 2016 (E-106-2015/0-PCT-02)
3. U.S. Patent Application No.: 15/559,485, filed September 19, 2017 (E-106-2015/0-US-03)

E-017-2017: CD19/CD22 Bicistronic CAR Targeting Human B-Cell Malignancies

1. U.S. Provisional Patent Application 62/506,268, filed May 15, 2017 (E-017-2017-0-US-01);
2. International Patent Application PCT/US2018/032,809, filed May 15, 2018 (E-017-2017/0-PCT-02)

The patent rights in these inventions have been assigned and/or exclusively licensed to the government of the United States of America.

The prospective exclusive license territory may be worldwide, and the fields of use may be limited to the following:

An exclusive license to: "Treatment of B cell malignancies using autologously-derived T cell expressing chimeric antigen receptor(s) (CAR) specific for both CD19 and CD22 utilizing the anti-CD19 antigen binding domain of the FM63 antibody and the anti-CD22 antigen binding domain of the M971 antibody." The proposed territory is worldwide.

This technology discloses CAR therapies that target both CD19 and CD22 by utilizing the anti-CD19 binder

known as FM63 and the anti-CD22 binder known as M971. CD19 and CD22 are each expressed on the surface of B cells in B cell malignancies and are hallmark examples of antigen targeting in CAR-T therapies, with CD19-targeting CAR-T therapies being the first FDA approved CAR-T, and CD22-targeting CAR-T showing early promise in clinical trials for ALL and NHL.

This Notice is made in accordance with 35 U.S.C. 209 and 37 CFR part 404. The prospective exclusive license will be royalty bearing, and the prospective exclusive license may be granted unless within thirty (30) days from the date of this published Notice, the National Cancer Institute receives written evidence and argument that establishes that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR part 404.

In response to this Notice, the public may file comments or objections. Comments and objections, other than those in the form of a license application, will not be treated confidentially, and may be made publicly available.

License applications submitted in response to this Notice will be presumed to contain business confidential information and any release of information from these license applications will be made only as required and upon a request under the Freedom of Information Act, 5 U.S.C. 552.

Dated: August 6, 2019.

Richard U. Rodriguez,

Associate Director, Technology Transfer Center, National Cancer Institute.

[FR Doc. 2019-17866 Filed 8-19-19; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Government-Owned Inventions; Availability for Licensing

AGENCY: National Institutes of Health, HHS.

ACTION: Notice.

SUMMARY: The invention listed below is owned by an agency of the U.S. Government and is available for licensing to achieve expeditious commercialization of results of federally-funded research and development. Foreign patent applications are filed on selected inventions to extend market coverage for companies and may also be available for licensing.

FOR FURTHER INFORMATION CONTACT: Vince Contreras, Ph.D., 240-669-2823; vince.contreras@nih.gov. Licensing information and copies of the U.S. patent application listed below may be obtained by communicating with the indicated licensing contact at the Technology Transfer and Intellectual Property Office, National Institute of Allergy and Infectious Diseases, 5601 Fishers Lane, Rockville, MD, 20852; tel. 301-496-2644. A signed Confidential Disclosure Agreement will be required to receive copies of unpublished patent applications.

SUPPLEMENTARY INFORMATION: Technology description follows.

Recombinant Nipah F Proteins and Their Use

Description of Technology

Nipah virus is an emerging pathogenic paramyxovirus responsible for sporadic and isolated outbreaks of severe respiratory and neurologic disease in Southern Asia. As a zoonotic virus, disease can manifest in both animals and human with indigenous fruit bats acting as natural reservoirs of the virus. The effects of viral infection vary from acute respiratory distress to fatal encephalitis. There are currently no approved therapeutics or vaccines against the virus, and growing concerns that this highly pathogenic infection has the potential to cause larger epidemics capable of inflicting significant mortality burden.

Like the RSV fusion (F) glycoprotein, the Nipah fusion glycoprotein is a target of neutralizing antibodies that mediate protection against infection. Previous studies of prefusion-stabilized F glycoproteins from pneumoviruses and other paramyxoviruses (e.g. RSV and PIVs) have shown they elicit higher titers of neutralizing antibodies in both animals and humans than post-fusion F proteins.

Researchers at the Vaccine Research Center (VRC) of the National Institute of Allergy and Infectious Diseases (NIAID) designed disulfide, cavity-filling and other mutations that stabilize the Nipah F glycoprotein in the prefusion conformation and bind prefusion-specific antibodies. These mutations also increase protein expression yields up to 50-fold making the recombinant proteins easy to manufacture and amenable to the use of genetic immunization using nucleic acid or vector-based applications.

The stabilized prefusion state of the Nipah F glycoprotein may be an ideal vaccine immunogen to elicit broad potent Nipah neutralizing antibodies. First and second generation prefusion

molecules have been designed and tested in small animals and results (immunogenicity and stability) appear promising.

This technology is available for licensing for commercial development in accordance with 35 U.S.C. 209 and 37 CFR part 404.

Potential Commercial Applications

- Vaccine—to elicit potent neutralizing antibodies against the Nipah Env glycoprotein.

Competitive Advantages

Nipah prefusion F design has the following features compared to wild-type fusion glycoprotein:

- Robust stabilization.
- Up to 50-fold increase in expression yields, making the recombinant proteins easy to manufacture.
- Potential to link the recombinant glycoprotein to nanoparticles or oligomerization peptides.

Development Stage: In vivo testing (rodents).

Inventors: Barney S. Graham (NIAID), Rebecca J. Loomis (NIAID), Guillaume Stewart-Jones (NIAID), John R. Mascola (NIAID), and Jason McLellan (NIAID).

Intellectual Property: HHS Reference Number E-050-2018 includes U.S. Provisional Patent Application Number 62/714,230 filed 08/03/2018.

Related Intellectual Property: PCT Application No. PCT/US2008/087719 filed 19/12/2008.

Licensing Contact: Vince Contreras, Ph.D., 240-669-2823; vince.contreras@nih.gov.

Dated: August 7, 2019.

Suzanne M. Frisbie,

Deputy Director, Technology Transfer and Intellectual Property Office, National Institute of Allergy and Infectious Diseases.

[FR Doc. 2019-17867 Filed 8-19-19; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Office of the Director, National Institutes of Health; Amended Notice of Meeting

Notice is hereby given of a time and room change in the meeting of the HEAL (Helping to End Addiction Long-term) Multi-Disciplinary Working Group, August 21, 2019, 08:30 a.m., to August 22, 2019, 03:45 p.m., Building 1, Wilson Hall, 1 Center Drive, Bethesda, MD 20892 which was published in the **Federal Register** on July 23, 2019, 84FR35402.

The meeting notice is amended to close the session on August 22, 2019, from 08:30 a.m. to 03:45 p.m. The meeting is partially closed to the public.

Dated: August 14, 2019.

Sylvia L. Neal,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019-17821 Filed 8-19-19; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Mental Health; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Mental Health Initial Review Group, Mental Health Services Research Committee SERV.

Date: November 7, 2019.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: The Dupont Hotel, 1500 New Hampshire Avenue NW, Washington, DC 20036.

Contact Person: Aileen Schulte, Ph.D., Scientific Review Officer, Division of Extramural Activities, National Institute of Mental Health, NIH, Neuroscience Center, 6001 Executive Blvd., Room 6136, MSC 9606, Bethesda, MD 20852, 301-443-1225, aschulte@mail.nih.gov.

(Catalogue of Federal Domestic Assistance Program No. 93.242, Mental Health Research Grants, National Institutes of Health, HHS)

Dated: August 14, 2019.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019-17820 Filed 8-19-19; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG-2019-0347]

Merchant Mariner Medical Advisory Committee

AGENCY: U.S. Coast Guard, Department of Homeland Security.

ACTION: Notice of Federal Advisory Committee meeting.

SUMMARY: The Merchant Mariner Medical Advisory Committee (Committee) and its working groups will meet to discuss matters relating to medical certification determinations for issuance of licenses, certificates of registry, and merchant mariners' documents, medical standards and guidelines for the physical qualifications of operators of commercial vessels, medical examiner education, and medical research. The meetings will be open to the public.

DATES:

Meetings: The Merchant Mariner Medical Advisory Committee and its working groups are scheduled to meet on Tuesday, September 10, 2019, and on Wednesday, September 11, 2019, from 8:00 a.m. until 5:30 p.m. each day. These meetings may adjourn early if the Committee has completed its business.

Comments and supporting documentation: To ensure your comments are received by Committee members before the meetings, submit your written comments no later than September 4, 2019.

ADDRESSES: The meetings will be held at Room 201, Aggie Special Events Center, Texas A & M Maritime Academy, 200 Seawolf Parkway, Galveston, TX 77554, <http://www.tamug.edu/directions.html>.

Pre-registration Information: Pre-registration is not required for access to this meeting by the public. All attendees will be required to provide a driver's license or government-issued identification card in order to gain admittance to the building.

For information on facilities or services for individuals with disabilities or to request special assistance at the meeting, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this notice.

Instructions: You are free to submit comments at any time, including orally at the meetings, but if you want Committee members to review your comment before the meetings, please submit your comments no later than September 4, 2018. We are particularly interested in comments on the issues in

the "Agenda" section below. You must include "Department of Homeland Security" and the docket number USCG-2019-0347. Written comments may also be submitted using the Federal eRulemaking Portal at <http://www.regulations.gov>. If you encounter technical difficulties with comments submission, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section below. Comments received will be posted without alteration at <http://www.regulations.gov>, including any personal information provided. You may review the Privacy and Security Notice for the Federal Docket Management System at <https://www.regulations.gov/privacyNotice>.

Docket Search: For access to the docket, to read documents or comments related to this notice, go to <http://www.regulations.gov>, type USCG-2019-0347 in the "Search" box, press Enter, and then click on the item you wish to view.

FOR FURTHER INFORMATION CONTACT: Mr. Davis Breyer, Alternate Designated Federal Officer of the Merchant Mariner Medical Advisory Committee, 2703 Martin Luther King Jr. Ave. SE, Stop 7509, Washington, DC 20593-7509, telephone 202-372-1445, fax 202-372-8382 or davis.j.breyer@uscg.mil.

SUPPLEMENTARY INFORMATION: Notice of this meeting is in compliance with the *Federal Advisory Committee Act*, 5 U.S.C. App.

The Merchant Mariner Medical Advisory Committee Meeting is authorized by U.S. Code, Title 46, section 7115. The Committee advises the Secretary of the Department of Homeland Security on matters related to (a) medical certification determinations for issuance of licenses, certificates of registry, and merchant mariners' documents; (b) medical standards and guidelines for the physical qualifications of operators of commercial vessels; (c) medical examiner education; and (d) medical research.

Agenda

Day 1

The agenda for the September 10, 2019, meeting is as follows:

(1) The full Committee will meet briefly to discuss the Working Groups' business/task statements, which are listed under paragraph 2 (a)-(c) below.

(2) Working Groups will separately address the following task statements, which are available at <https://homeport.uscg.mil/missions/ports-and-waterways/safety-advisory-committees/medmac>.

(a) Task statement 16–24
Recommendations on Appropriate Diets and Wellness for Mariners While Onboard Merchant Vessels;

(b) Task Statement 18–27,
Recommendations on Mariner Mental Health; and

(c) Task Statement 18–28,
Communication Between External Stakeholders and the Mariner Credentialing Program.

(3) Public comment period.

(4) Reports of working groups. At the end of the day, the working groups will report to the full Committee on what was accomplished in their meetings. The full Committee will not take action on these reports on this date. Any official action taken as a result of these Working Group meetings will be taken on day two of the meeting.

(5) Adjournment of meeting.

Day 2

The agenda for the September 11, 2019, meeting is as follows:

(1) Introduction.

(2) Designated Federal Officer announcements.

(3) Remarks from U.S. Coast Guard Leadership.

(4) Roll call of Committee members and determination of a quorum.

(5) Reports from the following Working Groups:

(a) Task statement 16–24
Recommendations on Appropriate Diets and Wellness for Mariners While Onboard Merchant Vessels;

(b) Task Statement 18–27,
Recommendations on Mariner Mental Health; and

(c) Task Statement 18–28,
Communication Between External Stakeholders and the Mariner Credentialing Program.

(6) New Business:

(a) Task Statement X–1, Review of Coast Guard forms CG–719K, CG–719K/E and CG–719P;

(b) Task Statement X–2, Additional Guidance on Conduct of the General Medical Exam; and

(c) Task Statement X–3, Medical Certifications for Military to Mariner Applicants.

(7) Other items for discussion:

(a) USCG FACA changes due to the *Frank LoBiondo Coast Guard Authorization Act of 2018*;

(b) Mariner Credentialing Program; and

(c) NMC 6 Medical Evaluation Presentation.

(8) Public comment period.

(9) Discussion of Working Group recommendations. The Committee will review the information presented on each issue, deliberate on any

recommendations presented by the Working Groups, approve/formulate recommendations and close any completed tasks. Official action on these recommendations may be taken on this date.

(10) Closing remarks/plans for next meeting.

(11) Adjournment of meeting.

A copy of all meeting documentation will be available at <https://homeport.uscg.mil/missions/ports-and-waterways/safety-advisory-committees/medmac> no later than September 4, 2019. Alternatively, you may contact Mr. Davis Breyer as noted in the **FOR FURTHER INFORMATION CONTACT** section above.

A public comment period will be held during each working group and full Committee meeting concerning matters being discussed. Public comments will be limited to three minutes per speaker. Please note that the meeting may adjourn early if the work is completed. Contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section above, to register as a speaker.

Dated: August 15, 2019.

Jeffrey G. Lantz,

Director of Commercial Regulations and Standards.

[FR Doc. 2019–17890 Filed 8–19–19; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2019–0654]

Certificate of Alternative Compliance for the CAPT. JIM MCALLISTER

AGENCY: Coast Guard, DHS.

ACTION: Notification of issuance of a certificate of alternative compliance.

SUMMARY: The Coast Guard announces that the Chief of Prevention Division, Seventh District has issued a certificate of alternative compliance from the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS), for the CAPT. JIM MCALLISTER (O.N. 1289659). We are issuing this notice because its publication is required by statute. Due to the construction and placement of the stern light and sidelights, CAPT. JIM MCALLISTER cannot fully comply with the light, shape, or sound signal provisions of the 72 COLREGS without interfering with the vessel's design and construction. This notification of the issuance of these certificates of alternative compliance promotes the Coast Guard's marine safety mission.

DATES: The Certificate of Alternative Compliance was issued on July 29, 2019.

FOR FURTHER INFORMATION CONTACT: For information or questions about this notice call or email LCDR Dale Cressman, D7 dpi, U.S. Coast Guard, 305–415–7148, Dale.T.Cressman@uscg.mil.

SUPPLEMENTARY INFORMATION: The United States is signatory to the International Maritime Organization's International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS), as amended. The special construction or purpose of some vessels makes them unable to comply with the light, shape, or sound signal provisions of the 72 COLREGS. Under statutory law, however, specified 72 COLREGS provisions are not applicable to a vessel of special construction or purpose if the Coast Guard determines that the vessel cannot comply fully with those requirements without interfering with the special function of the vessel.¹

The owner, builder, operator, or agent of a special construction or purpose vessel may apply to the Coast Guard District Office in which the vessel is being built or operated for a determination that compliance with alternative requirements is justified,² and the Chief of the Prevention Division would then issue the applicant a certificate of alternative compliance (COAC) if he or she determines that the vessel cannot comply fully with 72 COLREGS light, shape, and sound signal provisions without interference with the vessel's special function.³ If the Coast Guard issues a COAC, it must publish notice of this action in the **Federal Register**.⁴

The Chief of Prevention Division, Seventh District, U.S. Coast Guard, certifies that the CAPT. JIM MCALLISTER (O.N. 1289659) is a vessel of special construction or purpose, and that, with respect to the positions of the stern and sidelights, it is not possible to comply fully with the requirements of the provisions enumerated in the 72 COLREGS, without interfering with the normal operation, construction, or design of the vessel. The Chief of Prevention Division, Seventh District, U.S. Coast Guard, further finds and certifies that the lights are configured in the closest possible compliance with the applicable provisions of the 72 COLREGS.⁵

¹ 33 U.S.C. 1605.

² 33 CFR 81.5.

³ 33 CFR 81.9.

⁴ 33 U.S.C. 1605(c) and 33 CFR 81.18.

⁵ 33 U.S.C. 1605(a); 33 CFR 81.9.

This notice is issued under authority of 33 U.S.C. 1605(c) and 33 CFR 81.18.

Dated: July 29, 2019.

J.D. Espino-Young,

Captain, U.S. Coast Guard, Chief, Prevention Division, Seventh Coast Guard District.

[FR Doc. 2019-17940 Filed 8-19-19; 8:45 am]

BILLING CODE 9110-04-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG-2019-0475]

Merchant Marine Personnel Advisory Committee

AGENCY: U.S. Coast Guard, Department of Homeland Security.

ACTION: Notice of Federal Advisory Committee meeting.

SUMMARY: The Merchant Marine Personnel Advisory Committee and its working groups will meet to discuss issues related to the training and fitness of merchant marine personnel. The meetings will be open to the public.

DATES:

Meetings: The Merchant Marine Personnel Advisory Committee and its working groups are scheduled to meet on Monday, September 16, 2019, from 1:00 p.m. until 5:30 p.m., Tuesday, September 17, 2019, from 8:00 a.m. until 5:30 p.m., and on Wednesday, September 18, 2019, from 8:00 a.m. until 5:30 p.m. These meetings may adjourn early if the Committee has completed its business.

Comments and supporting documentation: To ensure your comments are received by Committee members before the meetings, submit your written comments no later than September 11, 2019.

ADDRESSES: The meetings will be held at the U.S. Coast Guard National Maritime Center in the Dales Larson Room on the third floor, 100 Forbes Drive, Martinsburg, WV 25404-0001 (<https://www.uscg.mil/nmc/>).

Pre-registration Information: Pre-registration is required for access to U.S. Coast Guard, National Maritime Center. Foreign nationals participating will be required to pre-register no later than September 2, 2019, to be admitted to the meeting. U.S. citizens participating will be required to pre-register no later than September 11, 2019, to be admitted to the meeting. To pre-register, contact Mr. Davis Breyer at davis.j.breyer@uscg.mil or (202) 372-1445. You will be asked to provide your name and telephone number. In addition, please provide the

company or group in which you are affiliated. Foreign nationals will also need to provide your country of citizenship, passport country, country of residence, place of birth, passport number, and expiration date. All attendees will be required to provide a REAL ID Act-compliant government-issued picture identification card in order to gain admittance to the building. For more information on REAL ID and to check the compliance status of your state/territory, please see <https://www.dhs.gov/real-id> and <https://www.dhs.gov/real-id-public-faqs>.

For information on facilities or services for individuals with disabilities or to request special assistance at the meeting, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this notice.

Instructions: You are free to submit comments at any time, including orally at the meetings, but if you want Committee members to review your comment before the meetings, please submit your comments no later than September 11, 2019. We are particularly interested in comments on the issues in the “Agenda” section below. You must include “Department of Homeland Security” and the docket number USCG-2019-0475. Written comments may also be submitted using the Federal eRulemaking Portal at <https://www.regulations.gov>. If you encounter technical difficulties with comments submission, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section below. Comments received will be posted without alteration at <https://www.regulations.gov>, including any personal information provided. You may review the Privacy and Security Notice for the Federal Docket Management System at <https://www.regulations.gov/privacyNotice>.

Docket Search: For access to the docket to read documents or comments related to this notice, go to <https://www.regulations.gov>, type USCG-2019-0475 in the “Search” box, press Enter, and then click on the item you wish to view.

FOR FURTHER INFORMATION CONTACT: Mr. Davis Breyer, Alternate Designated Federal Officer of the Merchant Marine Personnel Advisory Committee, 2703 Martin Luther King Jr. Ave. SE, Stop 7509, Washington, DC 20593-7509, telephone 202-372-1445, fax 202-372-8382 or davis.j.breyer@uscg.mil.

SUPPLEMENTARY INFORMATION: Notice of this meeting is in compliance to the *Federal Advisory Committee Act*, 5 U.S.C. App.

The Merchant Marine Personnel Advisory Committee is established under authority of U.S. Code, title 46, section 8108. The Committee acts solely in an advisory capacity to the Secretary of the Department of Homeland Security through the Commandant of the U.S. Coast Guard on matters relating to personnel in the United States merchant marine, including training, qualifications, certification, documentation, and fitness standards and other matters as assigned by the Commandant. The Committee also reviews and comments on proposed U.S. Coast Guard regulations and policies relating to personnel in the United States merchant marine, including training, qualifications, certification, documentation, and fitness standards.

Agenda

Day 1

The agenda for the September 16, 2019 meeting is as follows:

- (1) The full Committee will meet briefly for organizational purposes.
- (2) The members of the Committee and the attending public will meet in an informal discussion group in order to provide insights on the advantages and disadvantages of autonomous ships from an operational and training perspective.
- (3) The members of the Committee and the attending public will meet in an informal discussion group in order to provide insights on the review of the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW), 1978, as amended.
- (4) Adjournment of meeting.

Day 2

The agenda for the September 17, 2019, meeting is as follows:

- (1) The full Committee will meet briefly to discuss the working groups’ business/task statements, which are listed under paragraph (2) (a)–(d) below.
- (2) Working groups will separately address the following task statements which are available for viewing at <https://homeport.uscg.mil/missions/ports-and-waterways/safety-advisory-committees/merpac>;
 - (a) Task Statement 89, Review of MSC Circular MSC/Circ.1014, Guidelines on fatigue mitigation and management;
 - (b) Task Statement 90, Review of IMO Model Courses Being Validated by the IMO HTW Subcommittee;
 - (c) Task Statement 94, MERPAC Recommendation Review; and
 - (d) Task Statement 101, Communication Between External

Stakeholders and the Mariner Credentialing Program.

(3) Working groups will separately address the following proposed task statements which are available for viewing at <https://homeport.uscg.mil/missions/ports-and-waterways/safety-advisory-committees/merpac>.

(a) Revised Task Statement 101, Provide feedback and avenues to further enhance open communication between external stakeholders and the U.S. Coast Guard's mariner credentialing program regarding all aspects of the program;

(b) Task Statement X-1, Military Education, Training and Assessment for STCW and National Mariner Endorsements;

(c) Task Statement 90 Addendum a, National Model Courses;

(d) Task Statement 101 Addendum b, Review of Coast Guard Forms.

(4) Public comment period.

(5) Reports of working groups. At the end of the day, the working groups will report to the full Committee on what was accomplished in their meetings. The full Committee will not take action on these reports on this date. Any official action taken as a result of these working group meetings will be taken on day three of the meeting.

(6) Adjournment of meeting.

Day 3

The agenda for the September 18, 2018 full Committee meeting is as follows:

(1) Introduction.

(2) Remarks from U.S. Coast Guard Leadership.

(3) Designated Federal Officer announcements.

(4) Roll call of Committee members and determination of a quorum.

(5) Reports from the following Working Groups:

(a) Task Statement 89, Review of MSC Circular MSC/Circ.1014, Guidelines on fatigue mitigation and management;

(b) Task Statement 90, Review of IMO Model Courses Being Validated by the IMO HTW Subcommittee;

(c) Task Statement 94, MERPAC Recommendation Review; and

(d) Task Statement 101, Communication Between External Stakeholders and the Mariner Credentialing Program;

(e) Task Statement X-1, Military Education, Training and Assessment for STCW and National Mariner Endorsements;

(f) Task Statement 90 Addendum a, National Model Courses;

(g) Task Statement 101 Addendum b, Review of Coast Guard Forms.

(7) Other items for discussion:

(a) Report on the Mariner Credentialing Program;

(b) USCG Federal Advisory Committee changes due to the Coast Guard Authorization Act of 2018;

(c) Report on National Maritime Center;

(d) Report on International Maritime Organization Activities affecting merchant mariner credentialing; and

(e) Briefings about other on-going U.S. Coast Guard projects related to personnel in the U.S. merchant marine.

(8) Public comment period.

(9) Discussion of Working Group recommendations. The Committee will review the information presented on each issue, deliberate on any recommendations presented by the Working Groups, approve/formulate recommendations and close any completed tasks. Official action on these recommendations may be taken on this date.

(10) Closing remarks/plans for next meeting.

(11) Adjournment of meeting.

A copy of all meeting documentation will be available at <https://homeport.uscg.mil/missions/ports-and-waterways/safety-advisory-committees/merpac> no later than September 11, 2018. Alternatively, you may contact Mr. Davis Breyer as noted in the **FOR FURTHER INFORMATION CONTACT** section above.

A public comment period will be held during each Working Group and full Committee meeting concerning matters being discussed. Public comments will be limited to three minutes per speaker. Please note that the public comment periods will end following the last call for comments.

Please contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section, to register as a speaker. Please note that the meeting may adjourn early if the work is completed.

Dated: August 15, 2019.

Jeffrey G. Lantz,

Director of Commercial Regulations and Standards.

[FR Doc. 2019-17891 Filed 8-19-19; 8:45 am]

BILLING CODE 9110-04-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG-2019-0572]

Certificates of Alternative Compliance for the EAGLE II and Q-OCEAN SERVICE

AGENCY: Coast Guard, DHS.

ACTION: Notification of issuance of a certificate of alternative compliance.

SUMMARY: The Coast Guard announces that the Chief of Prevention Division, Seventh District has issued a certificate of alternative compliance from the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS), for the EAGLE II (O.N. 1294433) and Q-OCEAN SERVICE (O.N. 1284182). We are issuing this notice because its publication is required by statute. Due to the construction and placement of the masthead light, stern light, and sidelights, EAGLE II cannot fully comply with the light, shape, or sound signal provisions of the 72 COLREGS without interfering with the vessel's design and construction. Due to the construction and placement of the sidelights, Q-OCEAN SERVICE cannot fully comply with the light, shape, or sound signal provisions of the 72 COLREGS without interfering with the vessel's special function. This notification of the issuance of these certificates of alternative compliance promotes the Coast Guard's marine safety mission.

DATES: The Certificates of Alternative Compliance for the EAGLE II and Q-OCEAN QUEEN SERVICE were issued on July 29, 2019.

FOR FURTHER INFORMATION CONTACT: For information or questions about this notice call or email LCDR Dale Cressman, D7 dpi, U.S. Coast Guard, 305-415-7148, Dale.T.Cressman@uscg.mil.

SUPPLEMENTARY INFORMATION: The United States is signatory to the International Maritime Organization's International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS), as amended. The special construction or purpose of some vessels makes them unable to comply with the light, shape, or sound signal provisions of the 72 COLREGS. Under statutory law, however, specified 72 COLREGS provisions are not applicable to a vessel of special construction or purpose if the Coast Guard determines that the vessel cannot comply fully with those requirements without interfering with the special function of the vessel.¹

The owner, builder, operator, or agent of a special construction or purpose vessel may apply to the Coast Guard District Office in which the vessel is being built or operated for a determination that compliance with alternative requirements is justified,² and the Chief of the Prevention Division would then issue the applicant a certificate of alternative compliance (COAC) if he or she determines that the

¹ 33 U.S.C. 1605.

² 33 CFR 81.5.

vessel cannot comply fully with 72 COLREGS light, shape, and sound signal provisions without interference with the vessel's special function.³ If the Coast Guard issues a COAC, it must publish notice of this action in the **Federal Register**.⁴

The Chief of Prevention Division, Seventh District, U.S. Coast Guard, certifies that the EAGLE II (O.N. 1294433) is a vessel of special construction or purpose, and that, with respect to the positions of the masthead light, stern light, and sidelights, it is not possible to comply fully with the requirements of the provisions enumerated in the 72 COLREGS, without interfering with the normal operation, construction, or design of the vessel's car deck. The Chief of Prevention Division, Seventh District, U.S. Coast Guard, further finds and certifies that the lights are configured in closest possible compliance with the applicable provisions of the 72 COLREGS.⁵

The Chief of Prevention Division, Seventh District, U.S. Coast Guard, certifies that the Q-OCEAN SERVICE (O.N. 1284182) is a vessel of special construction or purpose, and that, with respect to the positions of the sidelights, it is not possible to comply fully with the requirements of the provisions enumerated in the 72 COLREGS, without interfering with the normal operation, construction, or design of the vessel's primary function as a tug. The Chief of Prevention Division, Seventh District, U.S. Coast Guard, further finds and certifies that the lights are configured in closest possible compliance with the applicable provisions of the 72 COLREGS.⁶

This notice is issued under authority of 33 U.S.C. 1605(c) and 33 CFR 81.18.

Dated: July 29, 2019

J.D. Espino-Young,

Captain, U.S. Coast Guard, Chief, Prevention Division, Seventh Coast Guard District.

[FR Doc. 2019-17941 Filed 8-19-19; 8:45 am]

BILLING CODE 9110-04-P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-7011-N-37]

30-Day Notice of Proposed Information Collection: Comprehensive Transactional Forms Supporting FHA's Section 242 Mortgage Insurance Program for Hospitals

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 an additional 30 days of public comment.

DATES: *Comments Due Date:* September 19, 2019.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW, Room 4176, Washington, DC 20410-5000; telephone 202-402-3400 (this is not a toll-free number) or email at Colette.Pollard@hud.gov for a copy of the proposed forms or other available information. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877-8339.

FOR FURTHER INFORMATION CONTACT:

Natalia Yee, Director, Single Family Insurance Operations Division, Department of Housing and Urban Development, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410; email or telephone 202-402-3506. This is not a toll-free number. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877-8339. Copies of available documents submitted to OMB may be obtained from Ms. Pollard.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A. The **Federal Register** notice that solicited public comments on the information for a period of 60 days was published on May 24, 2019.

A. Overview of Information Collection

Title of Information Collection: Comprehensive Transactional Forms Supporting FHA's Section 242 Mortgage Insurance Program for Hospitals.

OMB Approval Number: 2502-0602.

Type of Request: Revision.

Form Number: HUD-91070-OHF, HUD-91071-OHF, HUD-91073-OHF, HUD-91111-OHF, HUD-91725-OHF, HUD-92013-OHF, HUD-92023-OHF, HUD-92070-OHF, HUD-92080-OHF, HUD-92117-OHF, HUD-92205-OHF, HUD-92223-OHF, HUD-92266-OHF, HUD-92322-OHF, HUD-92330-OHF, HUD-92330A-OHF, HUD-92403-OHF, HUD-92403A-OHF, HUD-92415-OHF, HUD-92422-OHF, HUD-92434-OHF, HUD-92441-OHF, HUD-92442-OHF, HUD-92448-OHF, HUD-92452A-OHF, HUD-92452-OHF, HUD-92455-OHF, HUD-92456-OHF, HUD-92464-OHF, HUD-92466-OHF, HUD-92476-OHF, HUD-92476A-OHF, HUD-92476B-OHF, HUD-92479-OHF, HUD-92554-OHF, HUD-92576-OHF, HUD-93305-OHF, HUD-94000-OHF, HUD-94001-OHF, HUD-94128-OHF.

Description of the need for the information and proposed use: This collection of information is required specifically for the application and administration of the Department of Housing and Urban Development, Federal Housing Administration Section 242 Hospital Mortgage Insurance Program pursuant to 24 CFR 242, 241, 223(f), and 223(a)(7). The collection is a comprehensive set of HUD documents that are critically needed for processing applications and loan endorsements for FHA mortgage insurance under the Section 242 Hospital Mortgage Insurance Program, for ongoing asset management of such facilities, and other information related to these facilities for loan modifications, construction projects, and physical and environmental reviews.

This information is requested and is used by the Office of Healthcare Facilities (OHF) and Office of Architecture and Engineering (OAE) within FHA's Office of Healthcare Programs (OHP).

The purpose for which the information is being collected by HUD is to review Section 242 applications to determine the eligibility of applicant hospitals for FHA mortgage insurance, underwrite insured hospital loans, ensure that the collateral securing each loan is adequate, capture administrative data, process initial/final endorsement, and manage FHA's hospital portfolio. Additional information related to loan modifications, construction projects,

³ 33 CFR 81.9.

⁴ 33 U.S.C. 1605(c) and 33 CFR 81.18.

⁵ 33 U.S.C. 1605(a); 33 CFR 81.9.

⁶ 33 U.S.C. 1605(a); 33 CFR 81.9.

and physical and environmental reviews is collected if applicable.

The information being collected consists of various HUD forms that program participants complete with project specifications, technical descriptions, details, and/or signatures that are utilized by HUD during various stages of the application, underwriting, commitment, closing, and asset management processes involved with the administration of FHA's Section 242 mortgage insurance program.

The information is used by HUD staff for internal review of applications to determine if projects qualify for Section 242 hospital mortgage insurance and to manage and monitor the application, commitment, initial/final endorsement, asset management, and administration processes needed to support hospital projects insured by FHA. Agreements and legal documents are used by HUD staff, lenders, borrowers, construction managers, and depository institutions, when applicable, to process initial/final endorsement of loans. Information reported for ongoing asset management of FHA-insured facilities will be used by HUD staff to monitor and manage risk within the FHA portfolio and ensure ongoing compliance with HUD Program Obligations. Information is also be used by HUD staff to determine whether the Program meets its stated goals and management objectives. The information is collected from lenders/mortgage bankers, borrowers/hospital management officials, attorneys, general contractors/construction managers, architects/engineers, agents and others involved in hospital projects, which may, at times include local government entities and other third parties, as well as HUD staff to allow OHF to manage and monitor the application, commitment, initial/final endorsement, asset management, and administration processes needed to support hospital projects insured by FHA.

This collection is needed to update and renew the current collection that was approved for a 36-month period by OMB on August 19, 2016, with an expiration date of August 31, 2019. Where changes have been made to existing OHF forms, the proposed versions are also presented in both redline/strikeout and unmarked formats. New or unchanged forms are presented in unmarked format. The revised hospital documents can be viewed at: http://portal.hud.gov/hudportal/HUD?src=/federal_housing_administration/healthcare_facilities/section_242/additional_resources/242_docs_2019renewal.

Two new forms are being added to this collection: HUD-92266-OHF

(Application for Transfer of Physical Assets) and HUD-92476B-OHF (Escrow Agreement for Proceeds from Partial Release of Collateral). The HUD-92266-OHF form is based on an existing Office of Multifamily form, modified for Section 242-insured hospitals. The application collects the information required for OHF staff to review requests to transfer insured physical assets to new purchasers that will continue to hold the FHA-insured loan. The HUD-92476B-OHF is being added to provide an escrow agreement template for infrequent instances when a borrower sells and requests to release HUD-insured collateral. Both documents are based on existing versions used by the Office of Housing in other mortgage insurance programs but modified to appropriately reflect Section 242 program needs.

HUD-9250-OHF (Funds Authorizations) will be removed from the collection. The document was added to Collection 2502-0602 in a prior submission and was based upon a similar form used for OHP's residential care facility program. The form has proven to be unnecessary for the Section 242 hospital program and will be removed.

Thirty-five of the forty documents within the collection are being renewed with no operational content changes, except for updated burden hour estimates and additional language added to the burden statements to ensure that requirements under 5 CFR 1320.8(b)(3) are met. Additional language (specifically, the phrase "under penalty of perjury") was also added to clarify fraud warnings and certification for forms with certifications. Revisions are proposed for the HUD-92466-OHF (Regulatory Agreement), HUD-92422-OHF (Financial and Statistical Data for HUD Reporting), and HUD-94000-OHF (Security Instrument) to include edits that were made to clarify current policies and definitions, reflect updated general accepted accounting standards, or to address minor inconsistencies across documents. A summary of the specific changes made to the revised documents is provided below.

Summary of Changes to Documents

HUD-92476B-OHF Escrow Agreement for Proceeds from Partial Release of Collateral. New document used to establish an escrow agreement and escrow account as part of the approval process for the partial release of FHA-insured collateral. Document defines permitted uses of escrowed proceeds, including usage for collateralized property improvements, purchase of

equipment, or principal payments of the FHA-insured mortgage. Requires approval of all advances in writing by HUD and the Lender.

HUD-92266-OHF Application for Transfer of Physical Assets. New document based on an existing Office of Multifamily Housing application form for Transfer of Physical Assets transactions, modified for Section 242-insured hospitals.

HUD-92422-OHF Financial and Statistical Data for HUD Reporting. Definitions were updated to be consistent with account names, and a definition for "Allowances for Contractual Deductions and Bad Debt" was added. "Deferred Financing Costs" was moved from the "Limited Use Assets" to the "Long Term Debt and Leases" (previously "Long Term Debt and Capital Leases") account. "Right of Use Assets" was added to the "Net PPE" account. Some restricted and unrestricted net asset accounts were combined and account names and definitions were updated. A note was added to clarify that "Bad Debt Expense" can be recorded as a separate line item, depending on the accounting reporting standards being used.

HUD-94000-OHF Security Instrument/Mortgage/Deed of Trust. In Section 1 (Definitions), the definition of Patient Accounts Receivables was clarified in the definition of Accounts Receivables. The definition of Personality and Mortgaged Property was revised to add the income or sales distributed from a joint venture.

HUD-92466-OHF Hospital Regulatory Agreement—Borrower. Changes were made to sections of the Regulatory Agreement as follows:

- **Section 1 and Section 49 (Definitions).** Revised to include definitions found in 24 CFR 242.1 and Handbook 4615.1 to provide clarity. Definitions section from Appendix D was moved to Section 49. Definition of Patient Accounts Receivables was added for Distribution of Assets in Section 18 and Additional Indebtedness in Section 20.

- **Section 11—Property and Operations; Encumbrances.** Added new item (g) regarding Borrower notification to HUD.

- **Section 17—Transactions with Affiliates.** Clarified transactions with Affiliates regarding lower of fully allocated cost or market value.

- **Section 18—Distribution of Assets.** Changed Section 18(b)(v) to reflect financial requirements per 24 CFR 242.1 for the Surplus Cash definition. Included definitions and ratios in Section 49.

- **Section 19—Board Review/Business Plan/Consultants' Report.** Added "BOARD REVIEW" to title for clarity. In Section 19(c)(iv), removed "pro forma balance sheet" as a deliverable and clarified Business Plan deliverables to HUD for income statement and cash flow analysis. Combined the roles of "Review Consultant" and "Independent Consultant" into one consultant to allow for more timely review and cost savings for Borrower.

- **Section 20—Additional Indebtedness.** Under Long Term Debt, clarified when HUD consent is needed versus notification and timing; added CEO to parties eligible to submit documentation for notification; and added new section 20(a)(vi) to specify Borrower agreement to assets becoming part of the Mortgaged Property at HUD's discretion upon release of a lien. Under Unsecured Short-Term Debt, clarified when HUD consent is needed versus notification and timing and added CEO to parties eligible to submit documentation for notification. Added Section 20(c) for Lines of Credit to apply to short-term and long-term lines of credits secured by accounts receivable.

- **Section 21—Successor Clause.** Removed Section 21(a). Clarified successor clauses and definitions to emphasize HUD's option for approval.

- **Section 29—Permits and Approvals.** Added new Section 29(e) regarding Borrower's responsibility to report accrediting organization or entity findings to HUD upon occurrence, along with action plan requirements.

- **Section 36—Actions Requiring Prior Written Approval of HUD.** Revised 36(g) to clarify when HUD approval is required for actions impacting collateral under the FHA-insured mortgage. Added new item 36(q) for establishing, developing, or organizing a joint venture.

A. Responses to Public Comments Received

HUD received one comment regarding collection 2502-0602 during the 60-day comment period that closed on July 23, 2019. The comment addressed an issue with the link to the posted documents online not working correctly. HUD corrected the issue and responded to this comment directly.

Respondents (i.e. affected public): Lenders/mortgage bankers, borrowers/hospital management officials, attorneys, general contractors/construction managers, architects/engineers, agents and others involved in hospital projects, which may, at times include local government entities and other third parties, as well as other

agents involved in hospital projects seeking FHA mortgage insurance.

Estimated Number of Respondents: 485.

Estimated Number of Responses: 1,069.

Frequency of Response: 2.2.

Average Hours per Response: 74.

Total Estimated Burdens: 79,426.

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.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

Dated: August 9, 2019.

Colette Pollard,

*Department Reports Management Officer,
Office of the Chief Information Officer.*

[FR Doc. 2019-17914 Filed 8-19-19; 8:45 am]

BILLING CODE 4210-67-P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[190A2100DD/AAKC001030/
A0A51010.999900]

Land Acquisitions; the Forest County Potawatomi Community, Wisconsin

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: The Assistant Secretary—Indian Affairs has made a final determination to acquire 92.75 acres, more or less, into trust for the Forest County Potawatomi Community, Wisconsin on July 12, 2019.

FOR FURTHER INFORMATION CONTACT: Ms. Sharlene M. Round Face, Bureau of Indian Affairs, Division of Real Estate

Services, 1849 C Street NW, MS-4642-MIB, Washington, DC 20240, telephone (202) 208-3615.

SUPPLEMENTARY INFORMATION: This notice is published in the exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by part 209 of the Departmental Manual, and is published to comply with the requirement of 25 CFR 151.12(c)(2)(ii) that notice of the decision to acquire land in trust be promptly published in the **Federal Register**.

On July 12, 2019, the Assistant Secretary—Indian Affairs issued a decision to accept land in trust for the Forest County Potawatomi Community, Wisconsin under the authority of Section 5 of the Indian Reorganization Act of 1934 (48 Stat. 984).

Forest County Potawatomi Community, Wisconsin, Forest County, Wisconsin, Legal Description Containing 92.75 Acres, More or Less

Parcel #1

The North one-half of the Northeast Quarter (N ½ NE ¼) of Section Thirteen (13), Township Thirty-six (36) North, Range Twelve (12) East, in Forest County, Wisconsin.

Together with an easement for the benefit of said parcel created by instrument recorded in Volume 165 Records page 844, for ingress and egress.

Parcel #2

The Southeast Quarter of Southeast Quarter (SE ¼ SE ¼), Section Twelve (12), Township Thirty-six (36) North, Range Twelve (12) East, in Forest County, Wisconsin.

Parcel Numbers: 012-00204-00, 012-00203-00, and 012-00202-00.

Dated: July 12, 2019.

Tara Sweeney,

Assistant Secretary—Indian Affairs.

[FR Doc. 2019-17942 Filed 8-19-19; 8:45 am]

BILLING CODE 4337-15-P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[190A2100DD/AAKC001030/
A0A501010.999900253G]

Indian Gaming; Extension of Tribal-State Class III Gaming Compact (Pyramid Lake Paiute Tribe of the Pyramid Reservation and the State of Nevada)

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: This notice announces the extension of the Class III gaming

compact between the Pyramid Lake Paiute Tribe of the Pyramid Lake Reservation and the State of Nevada.

DATES: The extension takes effect on August 20, 2019.

FOR FURTHER INFORMATION CONTACT: Ms. Paula L. Hart, Director, Office of Indian Gaming, Office of the Assistant Secretary—Indian Affairs, Washington, DC 20240, (202) 219-4066.

SUPPLEMENTARY INFORMATION: An extension to an existing tribal-state Class III gaming compact does not require approval by the Secretary if the extension does not modify any other terms of the compact. 25 CFR 293.5. The Pyramid Lake Paiute Tribe of the Pyramid Lake Reservation and the State of Nevada have reached an agreement to extend the expiration date of their existing Tribal-State Class III gaming compact to February 23, 2021. This publishes notice of the new expiration date of the compact.

Dated: July 24, 2019.

John Tahsuda,

Principal Deputy Assistant Secretary—Indian Affairs.

[FR Doc. 2019-17943 Filed 8-19-19; 8:45 am]

BILLING CODE 4337-15-P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLCO922000-L1310000-FI0000-19X]

Notice of Proposed Reinstatement of Terminated Oil and Gas Lease COC76814, Colorado

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of reinstatement.

SUMMARY: As authorized in the Mineral Leasing Act of 1920, as amended, the Bureau of Land Management (BLM) received a petition for reinstatement of competitive oil and gas lease COC76814 from Williams Fork Land Company for land in Moffat County, Colorado. The lessee filed the petition on time, along with all rentals due since the lease terminated. No leases that affect these lands were issued prior to receiving the petition. The BLM proposes to reinstate this lease.

FOR FURTHER INFORMATION CONTACT: Jonathan Fairbairn, Branch Chief, Fluid Minerals, BLM Colorado State Office, 2850 Youngfield Street, Lakewood, CO 80215, (303) 239-3753, jfairbairn@blm.gov. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Relay Service (FRS) at 1-800-877-8339 to contact Mr. Fairbairn during normal

business hours. The FRS is available 24 hours a day, seven days a week, to leave a message or questions. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The lessee requested reinstatement after the lease automatically terminated for untimely payment of rent. The lessee agrees to the new lease terms for rentals and royalties of \$10 per acre, or fraction thereof, per year, and 16⅔ percent, respectively. The lessee paid the required \$500 administrative fee for lease reinstatement and the \$151 cost of publishing this notice. The lessee met the requirements for reinstatement of the lease per Sec. 31(d) and (e) of the Mineral Leasing Act of 1920 (30 U.S.C. 188). The BLM considered the impacts of reinstatement of the lease in Environmental Assessment DOI-BLM-CO-N05-2017-0035, and issued a Finding of No Significant Impact. The BLM proposes to reinstate the lease effective April 1, 2016, under amended lease terms and the increased rental and royalty rates described above.

Authority: 30 U.S.C. 188 and 43 CFR 3108.2-3.

Jamie E. Connell,

BLM Colorado State Director.

[FR Doc. 2019-17903 Filed 8-19-19; 8:45 am]

BILLING CODE 4310-JB-P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLNVS01000 L51010000 ER0000 LVRWF1806150; MO# 4500130982]

Notice of Realty Action: Classification for Lease and/or Conveyance for Recreation and Public Purposes of Public Lands (N-95930) for a K-12 School in the City of Henderson, Clark County, Nevada

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Realty Action.

SUMMARY: The Bureau of Land Management (BLM), Las Vegas Field Office, has examined and found suitable for classification for lease and subsequent conveyance under the provisions of the Recreation and Public Purposes (R&PP) Act, as amended, Sec. 7 of the Taylor Grazing Act, and Executive Order No. 6910, 15 acres of public land within the City of Henderson, Clark County, Nevada. The Calvary Chapel proposes to use the land to build a church and K-12 school to meet the future needs of the community.

DATES: Submit written comments regarding this classification and lease

(serialized N-95930) on or before October 4, 2019. Comments may be mailed or hand delivered to the BLM office address below, or faxed to 702-515-5010. The BLM will not consider comments received via telephone calls or email.

ADDRESSES: Mail written comments to the BLM Las Vegas Field Office, Assistant Field Manager, Division of Lands, 4701 North Torrey Pines Drive, Las Vegas, NV 89130. Information including but not limited to, a development and management plan and documentation relating to compliance with applicable environmental and cultural resource laws, is available for review during business hours, 8 a.m. to 4:30 p.m. Pacific Time, Monday through Friday, except during Federal holidays, at the BLM Las Vegas Field Office, 4701 North Torrey Pines Drive, Las Vegas, Nevada 89130.

FOR FURTHER INFORMATION CONTACT: Sheryl May, Realty Specialist by telephone at 702-515-5196. Persons who use a telecommunications device for the deaf may call the Federal Relay Service (FRS) at 1-800-877-8339 to leave a message or question for the above individual. The FRS is available 24 hours a day, 7 days a week. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The lease parcel is located along portions of Volunteer Boulevard, Welpman Way, and Gillespie Street in the City of Henderson and is described as:

Mount Diablo Meridian, Nevada

T. 23 S., R. 61 E.,
Sec. 9, S½SW¼NW¼SE¼ and
NW¼SW¼SE¼.

The area described contains 15 acres in Clark County, Nevada.

The Calvary Chapel filed an application to develop the site as a 16,000-square foot K-12 school building to include classrooms, offices, nursery, kitchen, restrooms, utility/storage rooms, and a lobby. A 20,000-square foot church building will include a worship center, offices, lobby, nursery, kitchen, restrooms, and utility/storage rooms. Buildings will be modular and erected or delivered on foundations prepared within the site. Onsite improvements include lighted paved parking, access drives, sidewalks, landscaping, walkways, meditation path, landscaping, play/recreation areas, and gathering/multi-use areas. Offsite improvements will be developed as required by governing agencies.

The play area will support uses such as volleyball, basketball, recess activities, and fair-weather gatherings.

The meditation paths will provide a natural environment, enhanced by dispersed seating and desert landscape screening. This area may also be used for outdoor education such as plant identification or interpretation. The play area and meditation paths are planned for day use activities. Additional information pertaining to this publication, plan of development, and site plan is located in casefile N-95930, which is available for review at the BLM Las Vegas Field Office at the above address.

The lands are not needed for any Federal purposes, and do not provide access to federal lands used for recreation. Lease or conveyance of the lands for recreational or public purposes use is consistent with the BLM Las Vegas Resource Management Plan dated October 5, 1998, and would be in the public interest. The Calvary Chapel has not applied for more than the 6,400-acre limitation for recreation uses in a year, nor more than 640 acres for each of the programs involving public resources other than recreation.

All interested parties will receive a copy of this notice once it is published in the **Federal Register**. A copy of the Notice with information about this realty action will publish in the newspaper of local circulation once a week for three consecutive weeks. The regulations at 43 CFR 2741 addressing requirements and procedures for conveyances under the R&PP Act do not require a public meeting.

Upon publication of the Notice in the **Federal Register**, the lands will be segregated from all other forms of appropriation under public lands laws, except for the lease or conveyance under the R&PP Act and leasing under the mineral leasing laws. The segregation effect shall terminate upon issuance of the lease, upon final rejection of the application, or 18 months from the date of this notice, whichever occurs first.

The lease or conveyance of the land, when issued, will be subject to the following terms, conditions, and reservations:

1. A right-of-way thereon for ditches and canals constructed by the authority of the United States Act of August 30, 1890 (26 Stat. 391; 43 U.S.C. 945).

2. Provisions of the R&PP Act and to all applicable regulations of the Secretary of the Interior.

3. All mineral deposits in the land so patented, and the right to prospect for, mine, and remove such deposits from the same under applicable law and regulations as established by the Secretary of the Interior are reserved to

the United States, together with all necessary access and exit rights.

4. Lease or conveyance of the parcel is subject to valid existing rights.

5. An appropriate indemnification clause protecting the United States from claims arising out of the lessee's/patentee's use, occupancy, or occupations on the leased/patented lands.

6. Any other reservations that the authorized officer determines appropriate to ensure public access and proper management of Federal lands and interests therein.

Any lease and conveyance will also contain any terms or conditions required by law (including, but not limited to, any terms or conditions required by 43 CFR 2741.4), and will contain an appropriate indemnification clause protecting the United States from claims arising out of the lessee's/patentee's use, occupancy, or operations on the leased/patented lands. It will also contain any other terms and conditions deemed necessary and appropriate by the Authorized Officer.

Interested persons may submit comments involving the suitability of the land for development of a church and K-12 school in the City of Henderson. Comments on the classification are restricted to whether the land is physically suited for the proposal, whether the use will maximize the future use or uses of the land, whether the use is consistent with local planning and zoning, or if the use is consistent with state and Federal programs.

Interested parties may submit comments regarding the specific use proposed in the application, plan of development and management, and whether the BLM followed proper administrative procedures in reaching the decision to lease and convey under the R&PP Act.

Before including your address, phone number, email address, or other personally identifiable information in any comment, be aware that your entire comment including your personally identifiable information may be made publicly available at any time. While you can ask the BLM in your comment to withhold your personally identifiable information from public review, we cannot guarantee that we will be able to do so.

Only written comments submitted to the Assistant Field Manager, Division of Lands, BLM Las Vegas Field Office, will be considered properly filed. Any adverse comments will be reviewed by the BLM Nevada State Director or other authorized official of the Department of

the Interior, who may sustain, vacate, or modify this realty action.

In the absence of any adverse comments, the decision will become effective on October 21, 2019. The lands will not be available for lease and conveyance until after the decision becomes effective.

Authority: 43 CFR 2741.5

Shonna Dooman,

Field Manager, Las Vegas Field Office.

[FR Doc. 2019-17902 Filed 8-19-19; 8:45 am]

BILLING CODE 4310-HC-P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-1076]

Certain Magnetic Data Storage Tapes and Cartridges Containing Same (II); Notice of Commission Determination To Rescind the Remedial Orders Issued in the Above-Captioned Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission ("Commission") has determined to rescind the limited exclusion order and cease and desist orders issued in the above-captioned investigation due to a settlement agreement and patent cross-license.

FOR FURTHER INFORMATION CONTACT: Carl P. Bretscher, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205-2382. Copies of non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205-2000. General information concerning the Commission may also be obtained by accessing its internet server (<https://www.usitc.gov>). The public record for this investigation may be viewed on the Commission's Electronic Docket Information System ("EDIS") (<https://edis.usitc.gov>). Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal, telephone (202) 205-1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on October 25, 2017, based on a

complaint filed by FUJIFILM Corporation of Tokyo, Japan and FUJIFILM Recording Media U.S.A., Inc. of Bedford, Massachusetts (collectively, “Fujifilm”). 82 FR 49421 (Oct. 25, 2017). The complaint alleged violations of 19 U.S.C. 1337 (“Section 337”) through the importation into the United States, sale for importation, or sale in the United States after importation of certain magnetic data storage tapes and cartridges that infringe one or more of the asserted claims of U.S. Patent Nos. 6,630,256 (“the ‘256 patent”), 6,835,451 (“the ‘451 patent”), 7,011,899 (“the ‘899 patent”), 6,462,905 (“the ‘905 patent”), and 6,783,094 (“the ‘094 patent”). *Id.* The ‘094 patent was later withdrawn and terminated from the investigation. *See* Order No. 11 (Mar. 19, 2018), *not rev’d*, Comm’n Notice (Apr. 17, 2018).

The notice of investigation named Sony Corporation of Tokyo, Japan; Sony Storage Media Solutions Corporation of Tokyo, Japan; Sony Storage Media Manufacturing Corporation of Miyagi, Japan; Sony DADC US Inc. of Terre Haute, Indiana; and Sony Latin America Inc. of Miami, Florida (collectively, “Sony”) as respondents. 82 FR at 49421–22. The Office of Unfair Import Investigations (“OUII”) was also named a party to the investigation. *Id.*

The presiding administrative law judge (“ALJ”) held an evidentiary hearing on June 25–29, 2018, and issued his final initial determination (“ID”) and recommended determination (“RD”) on October 25, 2018. The ID finds that Sony violated Section 337 with respect to the ‘256 and ‘899 patents but not the ‘905 or ‘451 patents. The RD recommends that the Commission issue a limited exclusion order and cease and desist orders accordingly.

The Commission determined to review the subject ID in part. 84 FR 10532 (Mar. 21, 2019). On June 6, 2019, the Commission issued its final determination, in which it concluded that Sony violated Section 337 by infringing the ‘256 and ‘899 patents and issued a limited exclusion order and cease and desist orders accordingly. Comm’n Op. (June 6, 2019); 84 FR 27358 (June 12, 2019).

On July 25, 2019, Fujifilm and Sony filed a Joint Petition of Complainants and Respondents to Rescind Limited Exclusion Order and Cease and Desist Orders in the above-referenced investigation. The parties assert that rescission is warranted due to a settlement agreement and patent cross-license, pursuant to 19 U.S.C. 1337(k) and 19 CFR 210.76(a). On August 5, 2019, OUII filed a response in support of the joint petition and rescission of the

remedial orders in the above-captioned investigation.

Upon review of the parties’ submissions, the Commission has determined to grant the subject joint petition and rescind the limited exclusion order and cease and desist orders issued in this investigation. The Commission finds that the settlement fully resolves the dispute between the parties concerning the subject matter of the investigation. The Commission also finds that the joint petition complies with the requirements of Commission Rule 210.76, 19 CFR 210.76.

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: August 14, 2019.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2019–17864 Filed 8–19–19; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1121]

Certain Earpiece Devices and Components Thereof; Commission Determination To Review In Part a Initial Determination Granting In Part a Motion for Summary Determination of a Section 337 Violation; Schedule for Filing Written Submissions

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to review in part the presiding administrative law judge’s (“ALJ”) initial determination (“ID”) (Order No. 16) granting in part a summary determination on violation of section 337 by certain defaulting and non-participating respondents in the above-captioned investigation. The Commission is requesting written submissions from the parties on an issue under review, and requests briefing from the parties, interested government agencies, and interested persons on the issues of remedy, the public interest, and bonding.

FOR FURTHER INFORMATION CONTACT:

Cathy Chen, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202)

205–2392. 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 29, 2018, based on a complaint filed on behalf of Bose Corporation of Framingham, Massachusetts (“Bose”). 83 FR 30,776 (Jun. 29, 2018). The complaint alleges violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 (“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 earpiece devices and components thereof by reason of infringement of one or more claims of U.S. Patent Nos. 9,036,852 (“the ‘852 patent”); 9,036,853 (“the ‘853 patent”); 9,042,590 (“the ‘590 patent”); 8,311,253 (“the ‘253 patent”); 8,249,287 (“the ‘287 patent”); and 9,398,364 (“the ‘364 patent”). The ‘852, ‘853, ‘590, ‘253, and ‘287 patents are herein referred to as the StayHear® Patents. The complaint further alleges that an industry in the United States exists as required by section 337.

The notice of investigation named fourteen respondents: (1) 1MORE USA, Inc. of San Diego, California; (2) APSkins of Seattle, Washington; (3) Beebe Online Limited (“Beebe”) of North Las Vegas, Nevada; (4) iHip of Edison, New Jersey; (5) LMZT LLC of Brooklyn, New York; (6) Misodiko of ShenZhen, Guangdong, China; (7) Phaiser LLC of Houston, Texas; (8) Phonete of Shenzhen, China; (9) REVJAMS of New York, New York; (10) SMARTOMI Products, Inc. of Ontario, California; (11) Spigen, Inc. of Irvine, California; (12) Sudio AB of Stockholm, Sweden; (13) Sunvalley Tek International, Inc. of Fremont, California; and (14) TomRich of Shenzhen, China. The Office of Unfair Import Investigations (“OUII”) was also named as a party in this investigation.

On October 4, 2018, Bose moved to amend the notice of investigation and for leave to file an amended complaint in order, among other things, (i) to correct the name of respondent iHip to Zeikos, Inc.; and (ii) to correct the name and address of respondent SMARTOMI Products, Inc. to V4ink, Inc. On October 29, 2018, the ALJ granted the motion. See Order No. 10 (Oct. 29, 2018), *not rev'd by Comm'n Notice* (Nov. 23, 2018); 83 FR 61168 (Nov. 28, 2018); 83 FR 62900 (Dec. 6, 2018). Bose filed and served its amended complaint on February 21, 2019.

During the course of the investigation, Bose settled with the following respondents: APSkins; Zeikos, Inc.; LMZT LLC; Spigen, Inc.; Sudio AB; and Sunvalley Tek International, Inc. See Order Nos. 8 and 9 (Oct. 19, 2018), *not rev'd by Comm'n Notice* (Nov. 9, 2018); Order No. 11 (Oct. 29, 2018), *not rev'd by Comm'n Notice* (Nov. 27, 2018); Order No. 12 (Nov. 26, 2018), *not rev'd by Comm'n Notice* (Dec. 19, 2018); Order Nos. 14 and 15 (Feb. 21, 2019), *not rev'd by Comm'n Notice* (Mar. 11, 2019). In addition, with the exception of Spigen, Inc., consent orders were issued against all of these respondents. *Id.* Thus, the investigation has been terminated with respect to these six respondents.

Five other respondents have been found in default pursuant to Commission Rule 210.16, 19 CFR 210.16: Beebo; Misodiko; Phaiser LLC; V4ink, Inc.; and TomRich (collectively, "the Defaulting Respondents"). See Order No. 7 (Sep. 20, 2018); Order No. 13 (Dec. 11, 2018), *not rev'd by Comm'n Notice* (Dec. 21, 2018).

On February 8, 2019, Bose moved for summary determination of a violation of section 337. Bose filed a corrected motion on March 1, 2019. Thereafter, Bose filed several replacement exhibits and a supplemental index.

The remaining three respondents, 1MORE USA, Inc., Phonete, and REVJAMS (collectively "the Non-Participating Respondents"), have not submitted any response, appeared, or otherwise participated in the investigation despite being served with the complaint or amended complaint, and the motion for summary determination of violation. The three Non-Participating Respondents and the five Defaulting Respondents were the subject of Bose's motion for summary determination of a violation of section 337. On March 22, 2019, OUII filed a response supporting Bose's motion in substantial part and supporting the requested remedy of a general exclusion order.

On June 28, 2019, the ALJ issued the subject ID and his Recommended Determination ("RD") on remedy and bonding. The ID grants in part Bose's motion for summary determination of a violation of section 337. Specifically, the ALJ found, *inter alia*, that Bose established that the importation requirement is satisfied as to each Defaulting Respondent and Non-Participating Respondent and each accused product; that other than infringement of claim 7 of the '852 patent with respect to the Misodiko, Phonete, and TomRich products, Bose established infringement of claims 1 and 7 of the '852 patent; claims 1 and 8 of the '853 patent; claims 1 and 6 of the '590 patent; claim 1 of the '253 patent; claims 1, 7, and 8 of the '287 patent; and claims 1 and 11 of the '364 patent; and that Bose satisfied the domestic industry requirement for each asserted patent. In addition, the ALJ recommended that the Commission issue a general exclusion order, cease and desist orders, and impose a 100 percent bond during the period of Presidential review.

No petitions for review were filed.

Having reviewed the record of this investigation, including the ID, the Commission has determined to review the ID in part. Specifically, the Commission has determined to review the following findings, which were based on the substantial, reliable, and probative evidence standard: (1) The ID's finding that Bose has established infringement of claim 7 of the '852 patent with respect to Beebo's Dodocool Earhooks, and, on review, reverse that finding; (2) the ID's finding that Bose has satisfied the economic prong of the domestic industry requirement under sections 337(a)(3)(A) and (B) with respect to the '364 patent; and (3) the ID's finding that Bose has satisfied the economic prong of the domestic industry requirement under section 337(a)(3)(C) with respect to the asserted patents, and, on review, take no position on that finding. The Commission has determined not to review the remainder of the ID. Accordingly, the Commission finds a violation of section 337 by reason of infringement of claims 1 and 7 of the '852 patent; claims 1 and 8 of the '853 patent; claims 1 and 6 of the '590 patent; claim 1 of the '253 patent; and claims 1, 7, and 8 of the '287 patent; and the satisfaction of the domestic industry requirement under sections 337(a)(3)(A) and (B) with respect to the StayHear® Patents.

The parties are requested to brief their positions on only the following issue under review.

1. The record evidence shows that Bose aggregated its domestic investments in Fiscal Year 2018 for domestic industry products that practice the StayHear® Patents and the '364 patent to establish a domestic industry under sections 337(a)(3)(A) and (B). Bose, however, relies on a subset of its domestic industry products to satisfy the domestic industry requirement with respect to the '364 patent. Please provide an appropriate allocation of the domestic investments and discuss whether such allocated investments establish a domestic industry under sections 337(a)(3)(A) and (B) with respect to the '364 patent.

In connection with the final disposition of this investigation, the Commission may (1) issue an order that could result in the exclusion of the subject articles from entry into the United States, and/or (2) issue cease and desist order(s) that could result in the respondent(s) being required to cease and desist from engaging in unfair acts in the importation and sale of such articles. Accordingly, the Commission is interested in receiving written submissions that address the form of remedy, if any, that should be ordered. If a party seeks exclusion of an article from entry into the United States for purposes other than entry for consumption, the party should so indicate and provide information establishing that activities involving other types of entry either are adversely affecting it or likely to do so. For background, see *Certain Devices for Connecting Computers via Telephone Lines*, Inv. No. 337-TA-360, USITC Pub. No. 2843, Comm'n Op. at 7-10 (Dec. 1994). In addition, if a party seeks issuance of any cease and desist orders, the written submissions should address that request in the context of recent Commission opinions, including those in *Certain Arrowheads with Deploying Blades and Components Thereof and Packaging Therefor*, Inv. No. 337-TA-977, Comm'n Op. (Apr. 28, 2017) and *Certain Electric Skin Care Devices, Brushes and Chargers Therefor, and Kits Containing the Same*, Inv. No. 337-TA-959, Comm'n Op. (Feb. 13, 2017). Specifically, if Complainant seeks a cease and desist order against a respondent, the written submissions should respond to the following requests:

1. Please identify with citations to the record any information regarding commercially significant inventory in the United States as to each respondent against whom a cease and desist order is sought. If Complainant also relies on other significant domestic operations that could undercut the remedy

provided by an exclusion order, please identify with citations to the record such information as to each respondent against whom a cease and desist order is sought.

2. In relation to the infringing products, please identify any information in the record, including allegations in the pleadings, that addresses the existence of any domestic inventory, any domestic operations, or any sales-related activity directed at the United States for each respondent against whom a cease and desist order is sought.

3. Please explain with citation to the record whether respondents 1MORE USA, Inc., Phonete, and REVJAMS satisfy the requirements of subsections (A)–(E) of section 337(g)(1). *See* SD at 4.

If the Commission contemplates some form of remedy, it must consider the effects of that remedy upon the public interest. The factors the Commission will consider include the effect that an exclusion order would have on (1) the public health and welfare, (2) competitive conditions in the U.S. economy, (3) U.S. production of articles that are like or directly competitive with those that are subject to investigation, and (4) U.S. consumers. The Commission is therefore interested in receiving written submissions that address the aforementioned public interest factors in the context of this investigation.

If the Commission orders some form of remedy, the U.S. Trade Representative, as delegated by the President, has 60 days to approve or disapprove the Commission's action. *See* Presidential Memorandum of July 21, 2005, 70 FR 43251 (July 26, 2005). During this period, the subject articles would be entitled to enter the United States under bond, in an amount determined by the Commission and prescribed by the Secretary of the Treasury. The Commission is therefore interested in receiving submissions concerning the amount of the bond that should be imposed if a remedy is ordered.

Written Submissions: Parties to the investigation, interested government agencies, and any other interested parties are encouraged to file written submissions on the issues of remedy, the public interest, and bonding. Such submissions should address the recommended determination by the ALJ on remedy and bonding.

Complainant and OUII are also requested to submit proposed remedial orders for the Commission's consideration. Complainant is further requested to state the dates that the asserted patents expire, the HTSUS

numbers under which the accused products are imported, and to supply the identification information for all known importers of the products at issue in this investigation. The written submissions and proposed remedial orders must be filed no later than close of business on August 28, 2019. Reply submissions must be filed no later than the close of business on September 5, 2019. No further submissions on these issues will be permitted unless otherwise ordered by the Commission.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above and submit 8 true paper copies to the Office of the Secretary by noon the next day pursuant to Commission Rule 210.4(f), 19 CFR 210.4(f). Submissions should refer to the investigation number (Inv. No. 337-TA-1121) in a prominent place on the cover page and/or the first page. (*See* Handbook for Electronic Filing Procedures, https://www.usitc.gov/secretary/documents/handbook_on_filing_procedures.pdf). Persons with questions regarding filing should contact the Secretary, (202) 205-2000.

Any person desiring to submit a document to the Commission in confidence must request confidential treatment. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. *See* 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. A redacted non-confidential version of the document must also be filed simultaneously with any confidential filing. 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, solely for cybersecurity purposes. All contract personnel will sign appropriate nondisclosure agreements. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary and on EDIS.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in Part 210 of the Commission's Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.
Issued: August 14, 2019.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2019-17851 Filed 8-19-19; 8:45 am]

BILLING CODE 7020-02-P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Prohibited Transaction Class Exemption 1988-59, Residential Mortgage Financing Arrangements Involving Employee Benefit Plans

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting the Employee Benefits Security Administration (EBSA) sponsored information collection request (ICR) titled, "Prohibited Transaction Class Exemption 1988-59, Residential Mortgage Financing Arrangements Involving Employee Benefit Plans," to the Office of Management and Budget (OMB) for review and approval for continued use, without change, in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that agency receives on or before September 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=201906-1210-001 (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 by email at 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-EBSA, 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 by email at DOL_PRA_PUBLIC@dol.gov.

SUPPLEMENTARY INFORMATION: This ICR seeks to extend PRA authority for the Prohibited Transaction Class Exemption 1988-59, Residential Mortgage Financing Arrangements Involving Employee Benefit Plans information collection. Section 408(a) of ERISA authorizes the Secretary of Labor “to grant a conditional or unconditional exemption of any fiduciary or class of fiduciaries or transactions, from all or part of the restrictions imposed by section 406 and 407(a).” Among other conditions, the exemption requires a plan to maintain for the duration of any loan made pursuant to this exemption all records necessary to determine whether conditions of the exemption have been met and to make such records available for examination on request by any trustee, investment manager, participant or beneficiary of the plan, or agents of the Department or the IRS. Section 408(a) 406 and 407(a) authorizes this information collection. *See* 29 U.S.C. 1108.

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 the 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. The DOL obtains OMB approval for this information collection under Control Number 1210-0095.

OMB authorization for an ICR cannot be for more than three (3) years without renewal, and the current approval for this collection is scheduled to expire on

August 31, 2019. The DOL seeks to extend PRA authorization for this information collection for three (3) more years, without any change to existing requirements. The DOL notes that existing information collection requirements submitted to the OMB receive a month-to-month extension while they undergo review. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on March 27, 2019 (84 FR 11573).

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 1210-0095. 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-EBSA.

Title of Collection: Prohibited Transaction Class Exemption 1988-59, Residential Mortgage Financing Arrangements Involving Employee Benefit Plans.

OMB Control Number: 1210-0095.

Affected Public: Private Sector, businesses or other for-profit non-for-profit institutions.

Total Estimated Number of Respondents: 2,192.

Total Estimated Number of Responses: 10,960.

Total Estimated Annual Time Burden: 913 hours.

Total Estimated Annual Other Costs Burden: \$0.

Authority: 44 U.S.C. 3507(a)(1)(D).

Dated: August 14, 2019.

Frederick Licari,

Departmental Clearance Officer.

[FR Doc. 2019-17831 Filed 8-19-19; 8:45 am]

BILLING CODE 4510-29-P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Summary Plan Description Requirements Under the Employee Retirement Income Security Act of 1974, as Amended

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting the Employee Benefits Security Administration (EBSA) sponsored information collection request (ICR) titled, “Summary Plan Description Requirements Under the Employee Retirement Income Security Act of 1974, as Amended,” to the Office of Management and Budget (OMB) for review and approval for continued use, without change, in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that agency receives on or before September 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=201906-1210-010 (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 by email at 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-EBSA, 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 by email at DOL_PRA_PUBLIC@dol.gov.

SUPPLEMENTARY INFORMATION: This ICR seeks to extend PRA authority for the Summary Plan Description Requirements Under the Employee Retirement Income Security Act of 1974, as Amended information collection. The Employee Retirement Income Security Act of 1974 (ERISA) requires the administrator of an employee benefit plan to furnish each plan participant and each beneficiary receiving benefits under the plan a copy of the plan's summary plan description (SPD). The Department's regulations provide guidance on the content, frequency, and manner of disclosures required under ERISA to be furnished by employee benefit plans to plan participants and certain specified plan beneficiaries periodically in Summary Plan Descriptions (SPDs), Summaries of Material Modifications (SMMs), and Summaries of Material Reductions (SMRs). ERISA sections 102(b), 104(b)(1), and 109(c) authorize this information collection. See 29 U.S.C. 1022(b), 1024(b)(1), and 1029(c).

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 the 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. The DOL obtains OMB approval for this information collection under Control Number 1210–0039.

OMB authorization for an ICR cannot be for more than three (3) years without renewal, and the current approval for this collection is scheduled to expire on August 31, 2019. The DOL seeks to extend PRA authorization for this information collection for three (3) more years, without any change to existing requirements. The DOL notes that existing information collection requirements submitted to the OMB receive a month-to-month extension while they undergo review. For

additional substantive information about this ICR, see the related notice published in the **Federal Register** on March 27, 2019 (84 FR 11573).

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 1210–0039. 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–EBSA.

Title of Collection: Summary Plan Description Requirements Under the Employee Retirement Income Security Act of 1974, as Amended.

OMB Control Number: 1210–0039.

Affected Public: Private Sector—Businesses or other for-profits not-for-profit institutions.

Total Estimated Number of Respondents: 3,033,000.

Total Estimated Number of Responses: 112,733,000.

Total Estimated Annual Time Burden: 289,000 hours.

Total Estimated Annual Other Costs Burden: \$324,020,000.

Authority: 44 U.S.C. 3507(a)(1)(D).

Dated: August 13, 2019.

Frederick Licari,

Departmental Clearance Officer.

[FR Doc. 2019–17829 Filed 8–19–19; 8:45 am]

BILLING CODE 4510–29–P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Trade Adjustment Assistance Program Reserve Funding Request

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting the Employment and Training Administration (ETA) sponsored information collection request (ICR) revision titled, “Trade Adjustment Assistance Program Reserve Funding Request,” 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 September 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=201907-1205-008 (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–ETA, 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 Trade Adjustment Assistance Program Reserve Funding Request. Information collected using this form enables the Department to effectively provide financial information to stakeholders such as Congress, OMB, internal and external partners, and the public. States use the form to request additional funds for training costs, job search and relocation allowances, and employment and case management services for trade-affected workers. This information collection is a revision because the currently approved version of this collection is based on amendments made to the Trade Act of 1974 (Act) through the Trade Reform Act of 2002 (Pub. L. 107–210). Since that time, there have been three additional major amendments to the Act, most recently through the Trade Adjustment Assistance Reauthorization Act of 2015 (Pub. L. 114–27). One of the major changes authorized funding for the provision of employment and case management services under Section 235 of the Act. The current collection does not take into account this authorized expenditure category. The Trade Act of 1974, as amended, Sections 236 (a)(2)(B)(i) and (a)(2)(D) authorizes this information collection. See 19 U.S.C. 2296(a)(2).

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 1205–0275. The current approval is scheduled to expire on August 31, 2019; 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 29, 2019 (84 FR 12003).

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 1205–0275. 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–ETA.

Title of Collection: Trade Adjustment Assistance Program Reserve Funding Request.

OMB Control Number: 1205–0275.

Affected Public: State, Local and Tribal Governments.

Total Estimated Number of Respondents: 25.

Total Estimated Number of Responses: 25.

Total Estimated Annual Time Burden: 50 hours.

Total Estimated Annual Other Costs Burden: \$0.

Authority: 44 U.S.C. 3507(a)(1)(D).

Dated: August 6, 2019.

Frederick Licari,

Departmental Clearance Officer.

[FR Doc. 2019–17827 Filed 8–19–19; 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; Securities Lending by Employee Benefits Plans, Prohibited Transaction Exemption 2006–16

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting the Employee Benefits Security Administration

(EBSA) sponsored information collection request (ICR) titled, “Securities Lending by Employee Benefits Plans, Prohibited Transaction Exemption 2006–16,” to the Office of Management and Budget (OMB) for review and approval for continued use, without change, in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that agency receives on or before September 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=201906-1210-002 (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 by email at 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–EBSA, 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 by email at DOL_PRA_PUBLIC@dol.gov.

SUPPLEMENTARY INFORMATION: This ICR seeks to extend PRA authority for the Securities Lending by Employee Benefits Plans, Prohibited Transaction Exemption 2006–16 information collection. PTE 2006–16 permits an employee benefit plan to lend securities to certain broker-dealers and banks and to make compensation arrangements for lending services provided by a plan fiduciary in connection with such securities loans. The PTE includes third-party disclosures, specifically financial statements and lending and

compensation agreements. The Employee Retirement Income Security Act of 1974 section 408(a) authorizes this information collection. *See* 29 U.S.C. 1108(a).

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 1210-0065.

OMB authorization for an ICR cannot be for more than three (3) years without renewal, and the current approval for this collection is scheduled to expire on August 31, 2019. The DOL seeks to extend PRA authorization for this information collection for three (3) more years, without any change to existing requirements. The DOL notes that existing information collection requirements submitted to the OMB receive a month-to-month extension while they undergo review. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on March 27, 2019 (84 FR 11573).

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 1210-0065. 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-EBSA.

Title of Collection: Securities Lending by Employee Benefits Plans, Prohibited Transaction Exemption 2006-16.

OMB Control Number: 1210-0065.

Affected Public: Private Sector—Businesses or other for-profits, not-for-profit institutions.

Total Estimated Number of Respondents: 155.

Total Estimated Number of Responses: 1,550.

Total Estimated Annual Time Burden: 297 hours.

Total Estimated Annual Other Costs Burden: \$12,765.

Authority: 44 U.S.C. 3507(a)(1)(D).

Dated: August 14, 2019.

Frederick Licari,

Departmental Clearance Officer.

[FR Doc. 2019-17830 Filed 8-19-19; 8:45 am]

BILLING CODE 4510-29-P

DEPARTMENT OF LABOR

Mine Safety and Health Administration

Petitions for Modification of Application of Existing Mandatory Safety Standards

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Notice.

SUMMARY: This notice is a summary of petitions for modification submitted to the Mine Safety and Health Administration (MSHA) by the parties listed below.

DATES: All comments on the petitions must be received by MSHA's Office of Standards, Regulations, and Variances on or before September 19, 2019.

ADDRESSES: You may submit your comments, identified by "docket number" on the subject line, by any of the following methods:

1. *Electronic Mail:* zzMSHA-comments@dol.gov. Include the docket number of the petition in the subject line of the message.
2. *Facsimile:* 202-693-9441.
3. *Regular Mail or Hand Delivery:* MSHA, Office of Standards, Regulations, and Variances, 201 12th Street South, Suite 4E401, Arlington, Virginia 22202-5452, Attention: Roslyn B. Fontaine, Deputy Director, Office of Standards, Regulations, and Variances. Persons delivering documents are required to check in at the receptionist's

desk in Suite 4E401. Individuals may inspect copies of the petition and comments during normal business hours at the address listed above.

MSHA will consider only comments postmarked by the U.S. Postal Service or proof of delivery from another delivery service such as UPS or Federal Express on or before the deadline for comments.

FOR FURTHER INFORMATION CONTACT: Roslyn B. Fontaine, Office of Standards, Regulations, and Variances at 202-693-9440 (voice), fontaine.roslyn@dol.gov (email), or 202-693-9441 (facsimile). [These are not toll-free numbers.]

SUPPLEMENTARY INFORMATION: Section 101(c) of the Federal Mine Safety and Health Act of 1977 and Title 30 of the Code of Federal Regulations Part 44 govern the application, processing, and disposition of petitions for modification.

I. Background

Section 101(c) of the Federal Mine Safety and Health Act of 1977 (Mine Act) allows the mine operator or representative of miners to file a petition to modify the application of any mandatory safety standard to a coal or other mine if the Secretary of Labor determines that:

1. An alternative method of achieving the result of such standard exists which will at all times guarantee no less than the same measure of protection afforded the miners of such mine by such standard; or

2. That the application of such standard to such mine will result in a diminution of safety to the miners in such mine.

In addition, the regulations at 30 CFR 44.10 and 44.11 establish the requirements and procedures for filing petitions for modification.

II. Petitions for Modification

Docket Number: M-2019-037-C.

Petitioner: Hampden Coal, LLC, One Oxford Centre, 301 Grant Street, Suite 4300, Pittsburgh, Pennsylvania 15219.

Mines: Buffalo Mine, MSHA I.D. No. 46-09528, located in Logan County, West Virginia.

Regulation Affected: 30 CFR 75.1002(a) (Installation of electric equipment and conductors; permissibility).

Modification Request: The petitioner requests a modification of the existing standard to permit an alternative method of compliance to allow the use of battery-powered nonpermissible surveying equipment including, but not limited to, portable battery-operated mine transits, total station surveying equipment, distance meters, and data loggers, within 150 feet of pillar workings and longwall faces.

The petitioner states that:

(1) To comply with requirements for mine ventilation maps and mine maps in 30 CFR 75.372, 75.1002(a), and 75.1200, use of the most practical and accurate surveying equipment is necessary. It is necessary to determine the exact location and extent of mine workings to ensure the safety of miners in active mines and to protect miners in future mines which may mine in close proximity to the active mines.

(2) Application of the existing standard would result in a diminution of safety to miners. Underground mining by its nature, size, and complexity of mine plans requires that accurate and precise measurements be completed in a prompt and efficient manner.

As an alternative to the existing standard, the petitioner proposes the following:

(a) The operator may use the following total stations and theodolites and similar low-voltage battery-operated total stations and theodolites if they have an ingress protection (IP) rating of 66 or greater within 150 feet of pillar workings or longwall faces subject to this petition:

—Sokkia CX-105

—TopCon 235

(b) The nonpermissible electronic surveying equipment is low-voltage or battery-powered nonpermissible total stations and theodolites. All nonpermissible electronic total stations and theodolites will have an IP 66 or greater rating.

(c) The operator will maintain a logbook for electronic surveying equipment with the equipment, or in the location where mine record books are kept, or in the location where the surveying record books are kept. The logbook will contain the date of manufacture and/or purchase of each particular piece of electronic surveying equipment. The logbook will be made available to MSHA on request.

(d) All nonpermissible electronic surveying equipment to be used within 150 feet of pillar workings or longwall faces will be examined by the person who operates the equipment prior to taking the equipment underground to ensure the equipment is being maintained in a safe operating condition. The result of these examinations will be recorded in the logbook and will include:

(i) Checking the instrument for any physical damage and the integrity of the case;

(ii) Removing the battery and inspecting for corrosion;

(iii) Inspecting the contact points to ensure a secure connection to the battery;

(iv) Reinserting the battery and powering up and shutting down to ensure proper connections; and

(v) Checking the battery compartment cover or battery attachment to ensure that it is securely fastened.

(e) The equipment will be examined at least weekly by a qualified person, as defined in 30 CFR 75.153. The examination results will be recorded weekly in the equipment logbook and will be maintained for at least 1 year.

(f) The operator will ensure that all nonpermissible electronic surveying equipment is serviced according to the manufacturer's recommendations. Dates of service will be recorded in the equipment's logbook and will include a description of the work performed.

(g) The nonpermissible electronic surveying equipment used within 150 feet of pillar workings or longwall faces will not be put into service until MSHA has initially inspected the equipment and determined that it is in compliance with all the terms and conditions of this petition.

(h) Nonpermissible electronic surveying equipment will not be used if methane is detected in concentrations at or above 1.0 percent. When 1.0 percent or more methane is detected while such equipment is being used, the equipment will be de-energized immediately and withdrawn further than 150 feet from pillar workings and longwall faces. All requirements of 30 CFR 75.323 will be complied with prior to entering within 150 feet of pillar workings or longwall faces.

(i) Prior to setting up and energizing nonpermissible electronic surveying equipment within 150 feet of pillar workings or longwall faces, the surveyor(s) will conduct a visual examination of the immediate area for evidence that the area appears to be sufficiently rock-dusted and for the presence of accumulated float coal dust. If the rock-dusting appears insufficient or the presence of accumulated float coal dust is observed, the equipment will not be energized until sufficient rock-dust has been applied and/or the accumulations of float coal dust have been cleaned up. If nonpermissible electronic surveying equipment is to be used in an area not rock-dusted within 40 feet of a working face where a continuous mining machine is used, the area will be rock-dusted prior to energizing the nonpermissible electronic surveying equipment.

(j) All hand-held methane detectors will be MSHA-approved and

maintained in permissible and proper operating condition, as defined in 30 CFR 75.320. All methane detectors will provide visual and audible warnings when methane is detected at or above 1.0 percent.

(k) Prior to energizing nonpermissible electronic surveying equipment within 150 feet of pillar workings and longwall faces, methane tests will be made in accordance with 30 CFR 75.323(a). Nonpermissible electronic surveying equipment will not be used within 150 feet of pillar workings or longwall faces when production is occurring.

(l) Prior to surveying, the area will be examined according to 30 CFR 75.360. If the area has not been examined, a supplemental examination according to 30 CFR 75.361 will be performed before any non-certified person enters the area.

(m) A qualified person, as defined in 30 CFR 75.151, will continuously monitor for methane immediately before and during the use of nonpermissible electronic surveying equipment within 150 feet of pillar workings and longwall faces. If there are two people in the surveying crew, both persons will continuously monitor for methane. The other person will either be a qualified person, as defined in 30 CFR 75.151, or be in the process of being trained to be a qualified person but has yet to make such tests for a period of 6 months, as required in 30 CFR 75.150. Upon completion of the 6-month training period, the second person on the surveying crew must become qualified, as defined in 30 CFR 75.151, in order to continue on the surveying crew. If the surveying crew consists of one person, that person will monitor for methane with two separate devices.

(n) Batteries contained in the nonpermissible electronic surveying equipment will be changed out or charged in fresh air more than 150 feet from pillar workings or longwall faces. Replacement batteries will be carried only in the compartment provided for a spare battery in the nonpermissible electronic surveying equipment carrying case. Before each shift of surveying, all batteries for the nonpermissible electronic surveying equipment will be charged sufficiently so that they are not expected to be replaced on that shift.

(o) When using nonpermissible electronic surveying equipment within 150 feet of pillar workings or longwall faces, the surveyor will confirm by measurement or by inquiry of the person in charge of the section, that the air quantity on the section, on that shift, within 150 feet of pillar workings or longwall faces is at least the minimum quantity that is required by the mine's ventilation plan.

(p) Personnel engaged in the use of nonpermissible electronic surveying equipment will be properly trained to recognize the hazards and limitations associated with the use of such equipment in areas where methane could be present.

(q) All members of the surveying crew will receive specific training on the terms and conditions of the petition before using nonpermissible electronic surveying equipment within 150 feet of pillar workings or longwall faces. A record of the training will be kept with the other training records.

(r) If the petition is granted, the operator will submit within 60 days after the petition is final, proposed revisions for its approved 30 CFR part 48 training plans to the District Manager. These revisions will specify initial and refresher training regarding the terms and conditions of the petition. When training is conducted on the terms and conditions in the petition, an MSHA Certificate of Training (Form 5000–23) will be completed and will indicate that it was surveyor training.

(s) The operator will replace or retire from service any electronic surveying instrument that was acquired prior to December 31, 2004 within 1 year of the petition becoming final. Within 3 years of the date that the petition becomes final, the operator will replace or retire from service any theodolite that was acquired more than 5 years prior to the date that the petition becomes final or any total station or other electronic surveying equipment identified in this petition and acquired more than 10 years prior to the date that the petition becomes final. After 5 years, the operator will maintain a cycle of purchasing new electronic surveying equipment whereby theodolites will be no older than 5 years from the date of manufacture and total stations and other electronic surveying equipment will be no older than 10 years from the date of manufacture.

(t) The operator will ensure that all surveying contractors hired by the operator are using nonpermissible electronic surveying equipment in accordance with the terms and conditions of this petition. The conditions of use in the petition will apply to all nonpermissible electronic surveying equipment used within 150 feet of pillar workings or longwall faces, regardless of whether the equipment is used by the operator or by an independent contractor.

(u) The petitioner states that it may use nonpermissible electronic surveying equipment when production is occurring, subject to the following conditions:

- On a mechanized mining unit (MMU) where production is occurring, nonpermissible electronic surveying equipment will not be used downwind of the discharge point of any face ventilation controls, such as tubing (including controls such as “baloney skins”) or curtains.
- Production may continue while nonpermissible electronic surveying equipment is used, if such equipment is used in a separate split of air from where production is occurring.
- Nonpermissible electronic surveying equipment will not be used in a split of air ventilating an MMU if any ventilation controls will be disrupted during such surveying. Disruption of ventilation controls means any change to the mine’s ventilation system that causes the ventilation system not to function in accordance with the mine’s approved ventilation plan.
- If, while surveying, a surveyor must disrupt ventilation, the surveyor will cease surveying and communicate to the section foreman that ventilation must be disrupted. Production will stop while ventilation is disrupted. Ventilation controls will be reestablished immediately after the disruption is no longer necessary. Production will only resume after all ventilation controls are reestablished and are in compliance with approved ventilation or other plans, and other applicable laws, standards, or regulations.
- Any disruption in ventilation will be recorded in the logbook required by the petition. The logbook will include a description of the nature of the disruption, the location of the disruption, the date and time of the disruption and the date and time the surveyor communicated the disruption to the section foreman, the date and time production ceased, the date and time ventilation was reestablished, and the date and time production resumed.
- All surveyors, section foremen, section crew members, and other personnel who will be involved with or affected by surveying operations will receive training in accordance with 30 CFR 48.7 on the requirements of the petition within 60 days of the date the petition becomes final. The training will be completed before any nonpermissible electronic surveying equipment can be used while production is occurring. The operator will keep a record of the training and provide the record to MSHA on request.
- The operator will provide annual retraining to all personnel who will be

involved with or affected by surveying operations in accordance with 30 CFR 48.8. The operator will train new miners on the requirements of the petition in accordance with 30 CFR 48.5, and will train experienced miners, as defined in 30 CFR 48.6, on the requirements of the petition in accordance with 30 CFR 48.6. The operator will keep a record of the training and provide the record to MSHA on request.

The petitioner asserts that the proposed alternative method will at all times guarantee no less than the same measure of protection afforded by the existing standard.

Docket Number: M–2019–038–C.

Petitioner: Hampden Coal, LLC, One Oxford Centre, 301 Grant Street, Suite 4300, Pittsburgh, Pennsylvania 15219.

Mines: Buffalo Mine, MSHA I.D. No. 46–09528, located in Logan County, West Virginia.

Regulation Affected: 30 CFR 75.500(d) (Permissible electric equipment).

Modification Request: The petitioner requests a modification of the existing standard to permit an alternative method of compliance to allow the use of battery-powered nonpermissible surveying equipment including, but not limited to, portable battery-operated mine transits, total station surveying equipment, distance meters, and data loggers, in or in by the last open crosscut.

The petitioner states that:

- (1) To comply with requirements for mine ventilation maps and mine maps in 30 CFR 75.372 and 75.1200, use of the most practical and accurate surveying equipment is necessary.
 - (2) The operator utilizes the continuous mining method. Accurate surveying is critical to the safety of the miners at the mine.
 - (3) Mechanical surveying equipment has been obsolete for a number of years. Such equipment of acceptable quality is not commercially available. Further, it is difficult, if not impossible, to have such equipment serviced or repaired.
 - (4) Electronic surveying equipment is, at a minimum, 8 to 10 times more accurate than mechanical equipment.
 - (5) Application of the existing standard would result in a diminution of safety to miners. Underground mining by its nature, size, and complexity of mine plans requires that accurate and precise measurements be completed in a prompt and efficient manner.
- As an alternative to the existing standard, the petitioner proposes the following:
- (a) The operator may use the following total stations and theodolites

and similar low-voltage battery-operated total stations and theodolites if they have an ingress protection (IP) rating of 66 or greater in or inby the last open crosscut, subject to this petition:

—Sokkia CX-105

—TopCon 235

(b) The nonpermissible electronic surveying equipment is low-voltage or battery-powered nonpermissible total stations and theodolites. All nonpermissible electronic total stations and theodolites will have an IP 66 or greater rating.

(c) The operator will maintain a logbook for electronic surveying equipment with the equipment, or in the location where mine record books are kept, or in the location where the surveying record books are kept. The logbook will contain the date of manufacture and/or purchase of each particular piece of electronic surveying equipment. The logbook will be made available to MSHA on request.

(d) All nonpermissible electronic surveying equipment to be used in or inby the last open crosscut will be examined by the person who operates the equipment prior to taking the equipment underground to ensure the equipment is being maintained in a safe operating condition. The result of these examinations will be recorded in the logbook and will include:

(i) Checking the instrument for any physical damage and the integrity of the case;

(ii) Removing the battery and inspecting for corrosion;

(iii) Inspecting the contact points to ensure a secure connection to the battery;

(iv) Reinserting the battery and powering up and shutting down to ensure proper connections; and

(v) Checking the battery compartment cover or battery attachment to ensure that it is securely fastened.

(e) The equipment will be examined at least weekly by a qualified person, as defined in 30 CFR 75.153. The examination results will be recorded weekly in the equipment logbook and will be maintained for at least 1 year.

(f) The operator will ensure that all nonpermissible electronic surveying equipment is serviced according to the manufacturer's recommendations. Dates of service will be recorded in the equipment's logbook and will include a description of the work performed.

(g) The nonpermissible electronic surveying equipment used in or inby the last open crosscut will not be put into service until MSHA has initially inspected the equipment and determined that it is in compliance with

all the terms and conditions of this petition.

(h) Nonpermissible electronic surveying equipment will not be used if methane is detected in concentrations at or above 1.0 percent. When 1.0 percent or more methane is detected while such equipment is being used, the equipment will be de-energized immediately and withdrawn outby the last open crosscut. All requirements of 30 CFR 75.323 will be complied with prior to entering in or inby the last open crosscut.

(i) Prior to setting up and energizing nonpermissible electronic surveying equipment within in or inby the last open crosscut, the surveyor(s) will conduct a visual examination of the immediate area for evidence that the area appears to be sufficiently rock-dusted and for the presence of accumulated float coal dust. If the rock-dusting appears insufficient or the presence of accumulated float coal dust is observed, the equipment will not be energized until sufficient rock-dust has been applied and/or the accumulations of float coal dust have been cleaned up. If nonpermissible electronic surveying equipment is to be used in an area not rock-dusted within 40 feet of a working face where a continuous mining machine is used, the area will be rock-dusted prior to energizing the nonpermissible electronic surveying equipment.

(j) All hand-held methane detectors will be MSHA-approved and maintained in permissible and proper operating condition, as defined in 30 CFR 75.320. All methane detectors will provide visual and audible warnings when methane is detected at or above 1.0 percent.

(k) Prior to energizing nonpermissible electronic surveying equipment in or inby the last open crosscut, methane tests will be made in accordance with 30 CFR 75.323(a). Nonpermissible electronic surveying equipment will not be used in or inby the last open crosscut when production is occurring.

(l) Prior to surveying, the area will be examined according to 30 CFR 75.360. If the area has not been examined, a supplemental examination according to 30 CFR 75.361 will be performed before any non-certified person enters the area.

(m) A qualified person, as defined in 30 CFR 75.151, will continuously monitor for methane immediately before and during the use of nonpermissible electronic surveying equipment in or inby the last open crosscut. If there are two people in the surveying crew, both persons will continuously monitor for methane. The other person will either be a qualified person, as defined in 30 CFR 75.151, or be in the process of

being trained to be a qualified person but has yet to make such tests for a period of 6 months, as required in 30 CFR 75.150. Upon completion of the 6-month training period, the second person on the surveying crew must become qualified, as defined in 30 CFR 75.151, in order to continue on the surveying crew. If the surveying crew consists of one person, that person will monitor for methane with two separate devices.

(n) Batteries contained in the nonpermissible electronic surveying equipment will be charged out or charged in fresh air outby the last open crosscut. Replacement batteries will be carried only in the compartment provided for a spare battery in the nonpermissible electronic surveying equipment carrying case. Before each shift of surveying, all batteries for the nonpermissible electronic surveying equipment will be charged sufficiently so that they are not expected to be replaced on that shift.

(o) When using nonpermissible electronic surveying equipment in or inby the last open crosscut, the surveyor will confirm by measurement or by inquiry of the person in charge of the section, that the air quantity on the section, on that shift, in or inby the last open crosscut is at least the minimum quantity that is required by the mine's ventilation plan.

(p) Personnel engaged in the use of nonpermissible electronic surveying equipment will be properly trained to recognize the hazards and limitations associated with the use of such equipment in areas where methane could be present.

(q) All members of the surveying crew will receive specific training on the terms and conditions of the petition before using nonpermissible electronic surveying equipment in or inby the last open crosscut. A record of the training will be kept with the other training records.

(r) If the petition is granted, the operator will submit within 60 days after the petition is final, proposed revisions for its approved 30 CFR part 48 training plans to the District Manager. These revisions will specify initial and refresher training regarding the terms and conditions of the petition. When training is conducted on the terms and conditions in the petition, an MSHA Certificate of Training (Form 5000-23) will be completed and will indicate that it was surveyor training.

(s) The operator will replace or retire from service any electronic surveying instrument that was acquired prior to December 31, 2004 within 1 year of the petition becoming final. Within 3 years

of the date that the petition becomes final, the operator will replace or retire from service any theodolite that was acquired more than 5 years prior to the date that the petition becomes final or any total station or other electronic surveying equipment identified in this petition and acquired more than 10 years prior to the date that the petition becomes final. After 5 years, the operator will maintain a cycle of purchasing new electronic surveying equipment whereby theodolites will be no older than 5 years from the date of manufacture and total stations and other electronic surveying equipment will be no older than 10 years from the date of manufacture.

(t) The operator will ensure that all surveying contractors hired by the operator are using nonpermissible electronic surveying equipment in accordance with the terms and conditions of this petition. The conditions of use in the petition will apply to all nonpermissible electronic surveying equipment used in or in by the last open crosscut, regardless of whether the equipment is used by the operator or by an independent contractor.

(u) The petitioner states that it may use nonpermissible electronic surveying equipment when production is occurring, subject to the following conditions:

- On a mechanized mining unit (MMU) where production is occurring, nonpermissible electronic surveying equipment will not be used downwind of the discharge point of any face ventilation controls, such as tubing (including controls such as “baloney skins”) or curtains.
- Production may continue while nonpermissible electronic surveying equipment is used, if such equipment is used in a separate split of air from where production is occurring.
- Nonpermissible electronic surveying equipment will not be used in a split of air ventilating an MMU if any ventilation controls will be disrupted during such surveying. Disruption of ventilation controls means any change to the mine’s ventilation system that causes the ventilation system not to function in accordance with the mine’s approved ventilation plan.
- If, while surveying, a surveyor must disrupt ventilation, the surveyor will cease surveying and communicate to the section foreman that ventilation must be disrupted. Production will stop while ventilation is disrupted. Ventilation controls will be reestablished immediately after the disruption is no longer necessary. Production will only resume after all

ventilation controls are reestablished and are in compliance with approved ventilation or other plans, and other applicable laws, standards, or regulations.

- Any disruption in ventilation will be recorded in the logbook required by the petition. The logbook will include a description of the nature of the disruption, the location of the disruption, the date and time of the disruption and the date and time the surveyor communicated the disruption to the section foreman, the date and time production ceased, the date and time ventilation was reestablished, and the date and time production resumed.
- All surveyors, section foremen, section crew members, and other personnel who will be involved with or affected by surveying operations will receive training in accordance with 30 CFR 48.7 on the requirements of the petition within 60 days of the date the petition becomes final. The training will be completed before any nonpermissible electronic surveying equipment can be used while production is occurring. The operator will keep a record of the training and provide the record to MSHA on request.
- The operator will provide annual retraining to all personnel who will be involved with or affected by surveying operations in accordance with 30 CFR 48.8. The operator will train new miners on the requirements of the petition in accordance with 30 CFR 48.5, and will train experienced miners, as defined in 30 CFR 48.6, on the requirements of the petition in accordance with 30 CFR 48.6. The operator will keep a record of the training and provide the record to MSHA on request.

The petitioner asserts that the proposed alternative method will at all times guarantee no less than the same measure of protection afforded by the existing standard.

Docket Number: M–2019–039–C.

Petitioner: Hampden Coal, LLC, One Oxford Centre, 301 Grant Street, Suite 4300, Pittsburgh, Pennsylvania 15219.

Mines: Buffalo Mine, MSHA I.D. No. 46–09528, located in Logan 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).

Modification Request: The petitioner requests a modification of the existing standard to permit an alternative method of compliance to allow the use

of battery-powered nonpermissible surveying equipment including, but not limited to, portable battery-operated mine transits, total station surveying equipment, distance meters, and data loggers, in return airways.

The petitioner states that:

(1) To comply with requirements for mine ventilation maps and mine maps in 30 CFR 75.372 and 75.1200(a), use of the most practical and accurate surveying equipment is necessary.

(2) Application of the existing standard would result in a diminution of safety to miners. Underground mining by its nature, size, and complexity of mine plans requires that accurate and precise measurements be completed in a prompt and efficient manner.

As an alternative to the existing standard, the petitioner proposes the following:

(a) The operator may use the following total stations and theodolites and similar low-voltage battery-operated total stations and theodolites if they have an ingress protection (IP) rating of 66 or greater in return airways, subject to this petition:

—Sokkia CX–105

—TopCon 235

(b) The nonpermissible electronic surveying equipment is low-voltage or battery-powered nonpermissible total stations and theodolites. All nonpermissible electronic total stations and theodolites will have an IP 66 or greater rating.

(c) The operator will maintain a logbook for electronic surveying equipment with the equipment, or in the location where mine record books are kept, or in the location where the surveying record books are kept. The logbook will contain the date of manufacture and/or purchase of each particular piece of electronic surveying equipment. The logbook will be made available to MSHA on request.

(d) All nonpermissible electronic surveying equipment to be used in return airways will be examined by the person who operates the equipment prior to taking the equipment underground to ensure the equipment is being maintained in a safe operating condition. The result of these examinations will be recorded in the logbook and will include:

(i) Checking the instrument for any physical damage and the integrity of the case;

(ii) Removing the battery and inspecting for corrosion;

(iii) Inspecting the contact points to ensure a secure connection to the battery;

(iv) Reinserting the battery and powering up and shutting down to ensure proper connections; and

(v) Checking the battery compartment cover or battery attachment to ensure that it is securely fastened.

(e) The equipment will be examined at least weekly by a qualified person, as defined in 30 CFR 75.153. The examination results will be recorded weekly in the equipment logbook and will be maintained for at least 1 year.

(f) The operator will ensure that all nonpermissible electronic surveying equipment is serviced according to the manufacturer's recommendations. Dates of service will be recorded in the equipment's logbook and will include a description of the work performed.

(g) The nonpermissible electronic surveying equipment used in return airways will not be put into service until MSHA has initially inspected the equipment and determined that it is in compliance with all the terms and conditions of this petition.

(h) Nonpermissible electronic surveying equipment will not be used if methane is detected in concentrations at or above 1.0 percent. When 1.0 percent or more methane is detected while such equipment is being used, the equipment will be de-energized immediately and withdrawn out of return airways. All requirements of 30 CFR 75.323 will be complied with prior to entering in return airways.

(i) Prior to setting up and energizing nonpermissible electronic surveying equipment in return airways, the surveyor(s) will conduct a visual examination of the immediate area for evidence that the area appears to be sufficiently rock-dusted and for the presence of accumulated float coal dust. If the rock-dusting appears insufficient or the presence of accumulated float coal dust is observed, the equipment will not be energized until sufficient rock-dust has been applied and/or the accumulations of float coal dust have been cleaned up. If nonpermissible electronic surveying equipment is to be used in an area not rock-dusted within 40 feet of a working face where a continuous mining machine is used, the area will be rock-dusted prior to energizing the nonpermissible electronic surveying equipment.

(j) All hand-held methane detectors will be MSHA-approved and maintained in permissible and proper operating condition, as defined in 30 CFR 75.320. All methane detectors will provide visual and audible warnings when methane is detected at or above 1.0 percent.

(k) Prior to energizing nonpermissible electronic surveying equipment in

return airways, methane tests will be made in accordance with 30 CFR 75.323(a). Nonpermissible electronic surveying equipment will not be used in return airways when production is occurring.

(l) Prior to surveying, the area will be examined according to 30 CFR 75.360. If the area has not been examined, a supplemental examination according to 30 CFR 75.361 will be performed before any non-certified person enters the area.

(m) A qualified person, as defined in 30 CFR 75.151, will continuously monitor for methane immediately before and during the use of nonpermissible electronic surveying equipment in return airways. If there are two people in the surveying crew, both persons will continuously monitor for methane. The other person will either be a qualified person, as defined in 30 CFR 75.151, or be in the process of being trained to be a qualified person but has yet to make such tests for a period of 6 months, as required in 30 CFR 75.150. Upon completion of the 6-month training period, the second person on the surveying crew must become qualified, as defined in 30 CFR 75.151, in order to continue on the surveying crew. If the surveying crew consists of one person, that person will monitor for methane with two separate devices.

(n) Batteries contained in the nonpermissible electronic surveying equipment will be changed out or charged in fresh air out of return airways. Replacement batteries will be carried only in the compartment provided for a spare battery in the nonpermissible electronic surveying equipment carrying case. Before each shift of surveying, all batteries for the nonpermissible electronic surveying equipment will be charged sufficiently so that they are not expected to be replaced on that shift.

(o) When using nonpermissible electronic surveying equipment in return airways, the surveyor will confirm by measurement or by inquiry of the person in charge of the section, that the air quantity on the section, on that shift, in return airways is at least the minimum quantity that is required by the mine's ventilation plan.

(p) Personnel engaged in the use of nonpermissible electronic surveying equipment will be properly trained to recognize the hazards and limitations associated with the use of such equipment in areas where methane could be present.

(q) All members of the surveying crew will receive specific training on the terms and conditions of the petition before using nonpermissible electronic surveying equipment in return airways.

A record of the training will be kept with the other training records.

(r) If the petition is granted, the operator will submit within 60 days after the petition is final, proposed revisions for its approved 30 CFR part 48 training plans to the District Manager. These revisions will specify initial and refresher training regarding the terms and conditions of the petition. When training is conducted on the terms and conditions in the petition, an MSHA Certificate of Training (Form 5000-23) will be completed and will indicate that it was surveyor training.

(s) The operator will replace or retire from service any electronic surveying instrument that was acquired prior to December 31, 2004 within 1 year of the petition becoming final. Within 3 years of the date that the petition becomes final, the operator will replace or retire from service any theodolite that was acquired more than 5 years prior to the date that the petition becomes final or any total station or other electronic surveying equipment identified in this petition and acquired more than 10 years prior to the date that the petition becomes final. After 5 years, the operator will maintain a cycle of purchasing new electronic surveying equipment whereby theodolites will be no older than 5 years from the date of manufacture and total stations and other electronic surveying equipment will be no older than 10 years from the date of manufacture.

(t) The operator will ensure that all surveying contractors hired by the operator are using nonpermissible electronic surveying equipment in accordance with the terms and conditions of this petition. The conditions of use in the petition will apply to all nonpermissible electronic surveying equipment used in return airways, regardless of whether the equipment is used by the operator or by an independent contractor.

(u) The petitioner states that it may use nonpermissible electronic surveying equipment when production is occurring, subject to the following conditions:

- On a mechanized mining unit (MMU) where production is occurring, nonpermissible electronic surveying equipment will not be used downwind of the discharge point of any face ventilation controls, such as tubing (including controls such as "baloney skins") or curtains.
- Production may continue while nonpermissible electronic surveying equipment is used, if such equipment is used in a separate split of air from where production is occurring.

- Nonpermissible electronic surveying equipment will not be used in a split of air ventilating an MMU if any ventilation controls will be disrupted during such surveying. Disruption of ventilation controls means any change to the mine's ventilation system that causes the ventilation system not to function in accordance with the mine's approved ventilation plan.
 - If, while surveying, a surveyor must disrupt ventilation, the surveyor will cease surveying and communicate to the section foreman that ventilation must be disrupted. Production will stop while ventilation is disrupted. Ventilation controls will be reestablished immediately after the disruption is no longer necessary. Production will only resume after all ventilation controls are reestablished and are in compliance with approved ventilation or other plans, and other applicable laws, standards, or regulations.
 - Any disruption in ventilation will be recorded in the logbook required by the petition. The logbook will include a description of the nature of the disruption, the location of the disruption, the date and time of the disruption and the date and time the surveyor communicated the disruption to the section foreman, the date and time production ceased, the date and time ventilation was reestablished, and the date and time production resumed.
 - All surveyors, section foremen, section crew members, and other personnel who will be involved with or affected by surveying operations will receive training in accordance with 30 CFR 48.7 on the requirements of the petition within 60 days of the date the petition becomes final. The training will be completed before any nonpermissible electronic surveying equipment can be used while production is occurring. The operator will keep a record of the training and provide the record to MSHA on request.
 - The operator will provide annual retraining to all personnel who will be involved with or affected by surveying operations in accordance with 30 CFR 48.8. The operator will train new miners on the requirements of the petition in accordance with 30 CFR 48.5, and will train experienced miners, as defined in 30 CFR 48.6, on the requirements of the petition in accordance with 30 CFR 48.6. The operator will keep a record of the training and provide the record to MSHA on request.
- The petitioner asserts that the proposed alternative method will at all

times guarantee no less than the same measure of protection afforded by the existing standard.

Docket Number: M–2019–040–C.

Petitioner: Hampden Coal, LLC, One Oxford Centre, 301 Grant Street, Suite 4300, Pittsburgh, Pennsylvania 15219.

Mines: Washington Mine, MSHA I.D. No. 46–09294, located in Logan County, West Virginia.

Regulation Affected: 30 CFR 75.1002(a) (Installation of electric equipment and conductors; permissibility).

Modification Request: The petitioner requests a modification of the existing standard to permit an alternative method of compliance to allow the use of battery-powered nonpermissible surveying equipment including, but not limited to, portable battery-operated mine transits, total station surveying equipment, distance meters, and data loggers, within 150 feet of pillar workings and longwall faces.

The petitioner states that:

(1) To comply with requirements for mine ventilation maps and mine maps in 30 CFR 75.372, 75.1002(a), and 75.1200, use of the most practical and accurate surveying equipment is necessary. It is necessary to determine the exact location and extent of mine workings to ensure the safety of miners in active mines and to protect miners in future mines which may mine in close proximity to the active mines.

(2) Application of the existing standard would result in a diminution of safety to miners. Underground mining by its nature, size, and complexity of mine plans requires that accurate and precise measurements be completed in a prompt and efficient manner.

As an alternative to the existing standard, the petitioner proposes the following:

(a) The operator may use the following total stations and theodolites and similar low-voltage battery-operated total stations and theodolites if they have an ingress protection (IP) rating of 66 or greater within 150 feet of pillar workings or longwall faces subject to this petition:

—Sokkia CX–105

—TopCon 235

(b) The nonpermissible electronic surveying equipment is low-voltage or battery-powered nonpermissible total stations and theodolites. All nonpermissible electronic total stations and theodolites will have an IP 66 or greater rating.

(c) The operator will maintain a logbook for electronic surveying equipment with the equipment, or in

the location where mine record books are kept, or in the location where the surveying record books are kept. The logbook will contain the date of manufacture and/or purchase of each particular piece of electronic surveying equipment. The logbook will be made available to MSHA on request.

(d) All nonpermissible electronic surveying equipment to be used within 150 feet of pillar workings or longwall faces will be examined by the person who operates the equipment prior to taking the equipment underground to ensure the equipment is being maintained in a safe operating condition. The result of these examinations will be recorded in the logbook and will include:

(i) Checking the instrument for any physical damage and the integrity of the case;

(ii) Removing the battery and inspecting for corrosion;

(iii) Inspecting the contact points to ensure a secure connection to the battery;

(iv) Reinserting the battery and powering up and shutting down to ensure proper connections; and

(v) Checking the battery compartment cover or battery attachment to ensure that it is securely fastened.

(e) The equipment will be examined at least weekly by a qualified person, as defined in 30 CFR 75.153. The examination results will be recorded weekly in the equipment logbook and will be maintained for at least 1 year.

(f) The operator will ensure that all nonpermissible electronic surveying equipment is serviced according to the manufacturer's recommendations. Dates of service will be recorded in the equipment's logbook and will include a description of the work performed.

(g) The nonpermissible electronic surveying equipment used within 150 feet of pillar workings or longwall faces will not be put into service until MSHA has initially inspected the equipment and determined that it is in compliance with all the terms and conditions of this petition.

(h) Nonpermissible electronic surveying equipment will not be used if methane is detected in concentrations at or above 1.0 percent. When 1.0 percent or more methane is detected while such equipment is being used, the equipment will be de-energized immediately and withdrawn further than 150 feet from pillar workings and longwall faces. All requirements of 30 CFR 75.323 will be complied with prior to entering within 150 feet of pillar workings or longwall faces.

(i) Prior to setting up and energizing nonpermissible electronic surveying

equipment within 150 feet of pillar workings or longwall faces, the surveyor(s) will conduct a visual examination of the immediate area for evidence that the area appears to be sufficiently rock-dusted and for the presence of accumulated float coal dust. If the rock-dusting appears insufficient or the presence of accumulated float coal dust is observed, the equipment will not be energized until sufficient rock-dust has been applied and/or the accumulations of float coal dust have been cleaned up. If nonpermissible electronic surveying equipment is to be used in an area not rock-dusted within 40 feet of a working face where a continuous mining machine is used, the area will be rock-dusted prior to energizing the nonpermissible electronic surveying equipment.

(j) All hand-held methane detectors will be MSHA-approved and maintained in permissible and proper operating condition, as defined in 30 CFR 75.320. All methane detectors will provide visual and audible warnings when methane is detected at or above 1.0 percent.

(k) Prior to energizing nonpermissible electronic surveying equipment within 150 feet of pillar workings and longwall faces, methane tests will be made in accordance with 30 CFR 75.323(a). Nonpermissible electronic surveying equipment will not be used within 150 feet of pillar workings or longwall faces when production is occurring.

(l) Prior to surveying, the area will be examined according to 30 CFR 75.360. If the area has not been examined, a supplemental examination according to 30 CFR 75.361 will be performed before any non-certified person enters the area.

(m) A qualified person, as defined in 30 CFR 75.151, will continuously monitor for methane immediately before and during the use of nonpermissible electronic surveying equipment within 150 feet of pillar workings and longwall faces. If there are two people in the surveying crew, both persons will continuously monitor for methane. The other person will either be a qualified person, as defined in 30 CFR 75.151, or be in the process of being trained to be a qualified person but has yet to make such tests for a period of 6 months, as required in 30 CFR 75.150. Upon completion of the 6-month training period, the second person on the surveying crew must become qualified, as defined in 30 CFR 75.151, in order to continue on the surveying crew. If the surveying crew consists of one person, that person will monitor for methane with two separate devices.

(n) Batteries contained in the nonpermissible electronic surveying

equipment will be changed out or charged in fresh air more than 150 feet from pillar workings or longwall faces. Replacement batteries will be carried only in the compartment provided for a spare battery in the nonpermissible electronic surveying equipment carrying case. Before each shift of surveying, all batteries for the nonpermissible electronic surveying equipment will be charged sufficiently so that they are not expected to be replaced on that shift.

(o) When using nonpermissible electronic surveying equipment within 150 feet of pillar workings or longwall faces, the surveyor will confirm by measurement or by inquiry of the person in charge of the section, that the air quantity on the section, on that shift, within 150 feet of pillar workings or longwall faces is at least the minimum quantity that is required by the mine's ventilation plan.

(p) Personnel engaged in the use of nonpermissible electronic surveying equipment will be properly trained to recognize the hazards and limitations associated with the use of such equipment in areas where methane could be present.

(q) All members of the surveying crew will receive specific training on the terms and conditions of the petition before using nonpermissible electronic surveying equipment within 150 feet of pillar workings or longwall faces. A record of the training will be kept with the other training records.

(r) If the petition is granted, the operator will submit within 60 days after the petition is final, proposed revisions for its approved 30 CFR part 48 training plans to the District Manager. These revisions will specify initial and refresher training regarding the terms and conditions of the petition. When training is conducted on the terms and conditions in the petition, an MSHA Certificate of Training (Form 5000-23) will be completed and will indicate that it was surveyor training.

(s) The operator will replace or retire from service any electronic surveying instrument that was acquired prior to December 31, 2004 within 1 year of the petition becoming final. Within 3 years of the date that the petition becomes final, the operator will replace or retire from service any theodolite that was acquired more than 5 years prior to the date that the petition becomes final or any total station or other electronic surveying equipment identified in this petition and acquired more than 10 years prior to the date that the petition becomes final. After 5 years, the operator will maintain a cycle of purchasing new electronic surveying equipment whereby theodolites will be

no older than 5 years from the date of manufacture and total stations and other electronic surveying equipment will be no older than 10 years from the date of manufacture.

(t) The operator will ensure that all surveying contractors hired by the operator are using nonpermissible electronic surveying equipment in accordance with the terms and conditions of this petition. The conditions of use in the petition will apply to all nonpermissible electronic surveying equipment used within 150 feet of pillar workings or longwall faces, regardless of whether the equipment is used by the operator or by an independent contractor.

(u) The petitioner states that it may use nonpermissible electronic surveying equipment when production is occurring, subject to the following conditions:

- On a mechanized mining unit (MMU) where production is occurring, nonpermissible electronic surveying equipment will not be used downwind of the discharge point of any face ventilation controls, such as tubing (including controls such as “baloney skins”) or curtains.
- Production may continue while nonpermissible electronic surveying equipment is used, if such equipment is used in a separate split of air from where production is occurring.
- Nonpermissible electronic surveying equipment will not be used in a split of air ventilating an MMU if any ventilation controls will be disrupted during such surveying. Disruption of ventilation controls means any change to the mine's ventilation system that causes the ventilation system not to function in accordance with the mine's approved ventilation plan.
- If, while surveying, a surveyor must disrupt ventilation, the surveyor will cease surveying and communicate to the section foreman that ventilation must be disrupted. Production will stop while ventilation is disrupted. Ventilation controls will be reestablished immediately after the disruption is no longer necessary. Production will only resume after all ventilation controls are reestablished and are in compliance with approved ventilation or other plans, and other applicable laws, standards, or regulations.
- Any disruption in ventilation will be recorded in the logbook required by the petition. The logbook will include a description of the nature of the disruption, the location of the disruption, the date and time of the disruption and the date and time the

surveyor communicated the disruption to the section foreman, the date and time production ceased, the date and time ventilation was reestablished, and the date and time production resumed.

- All surveyors, section foremen, section crew members, and other personnel who will be involved with or affected by surveying operations will receive training in accordance with 30 CFR 48.7 on the requirements of the petition within 60 days of the date the petition becomes final. The training will be completed before any nonpermissible electronic surveying equipment can be used while production is occurring. The operator will keep a record of the training and provide the record to MSHA on request.
- The operator will provide annual retraining to all personnel who will be involved with or affected by surveying operations in accordance with 30 CFR 48.8. The operator will train new miners on the requirements of the petition in accordance with 30 CFR 48.5, and will train experienced miners, as defined in 30 CFR 48.6, on the requirements of the petition in accordance with 30 CFR 48.6. The operator will keep a record of the training and provide the record to MSHA on request.

The petitioner asserts that the proposed alternative method will at all times guarantee no less than the same measure of protection afforded by the existing standard.

Docket Number: M–2019–041–C.

Petitioner: Hampden Coal, LLC, One Oxford Centre, 301 Grant Street, Suite 4300, Pittsburgh, Pennsylvania 15219.

Mines: Washington Mine, MSHA I.D. No. 46–09294, located in Logan County, West Virginia.

Regulation Affected: 30 CFR 75.500(d) (Permissible electric equipment).

Modification Request: The petitioner requests a modification of the existing standard to permit an alternative method of compliance to allow the use of battery-powered nonpermissible surveying equipment including, but not limited to, portable battery-operated mine transits, total station surveying equipment, distance meters, and data loggers, in or inby the last open crosscut.

The petitioner states that:

- (1) To comply with requirements for mine ventilation maps and mine maps in 30 CFR 75.372 and 75.1200, use of the most practical and accurate surveying equipment is necessary.
- (2) The operator utilizes the continuous mining method. Accurate

surveying is critical to the safety of the miners at the mine.

(3) Mechanical surveying equipment has been obsolete for a number of years. Such equipment of acceptable quality is not commercially available. Further, it is difficult, if not impossible, to have such equipment serviced or repaired.

(4) Electronic surveying equipment is, at a minimum, 8 to 10 times more accurate than mechanical equipment.

(5) Application of the existing standard would result in a diminution of safety to miners. Underground mining by its nature, size, and complexity of mine plans requires that accurate and precise measurements be completed in a prompt and efficient manner.

As an alternative to the existing standard, the petitioner proposes the following:

(a) The operator may use the following total stations and theodolites and similar low-voltage battery-operated total stations and theodolites if they have an ingress protection (IP) rating of 66 or greater in or inby the last open crosscut, subject to this petition:

—Sokkia CX–105

—TopCon 235

(b) The nonpermissible electronic surveying equipment is low-voltage or battery-powered nonpermissible total stations and theodolites. All nonpermissible electronic total stations and theodolites will have an IP 66 or greater rating.

(c) The operator will maintain a logbook for electronic surveying equipment with the equipment, or in the location where mine record books are kept, or in the location where the surveying record books are kept. The logbook will contain the date of manufacture and/or purchase of each particular piece of electronic surveying equipment. The logbook will be made available to MSHA on request.

(d) All nonpermissible electronic surveying equipment to be used in or inby the last open crosscut will be examined by the person who operates the equipment prior to taking the equipment underground to ensure the equipment is being maintained in a safe operating condition. The result of these examinations will be recorded in the logbook and will include:

- (i) Checking the instrument for any physical damage and the integrity of the case;
- (ii) Removing the battery and inspecting for corrosion;
- (iii) Inspecting the contact points to ensure a secure connection to the battery;

(iv) Reinserting the battery and powering up and shutting down to ensure proper connections; and

(v) Checking the battery compartment cover or battery attachment to ensure that it is securely fastened.

(e) The equipment will be examined at least weekly by a qualified person, as defined in 30 CFR 75.153. The examination results will be recorded weekly in the equipment logbook and will be maintained for at least 1 year.

(f) The operator will ensure that all nonpermissible electronic surveying equipment is serviced according to the manufacturer's recommendations. Dates of service will be recorded in the equipment's logbook and will include a description of the work performed.

(g) The nonpermissible electronic surveying equipment used in or inby the last open crosscut will not be put into service until MSHA has initially inspected the equipment and determined that it is in compliance with all the terms and conditions of this petition.

(h) Nonpermissible electronic surveying equipment will not be used if methane is detected in concentrations at or above 1.0 percent. When 1.0 percent or more methane is detected while such equipment is being used, the equipment will be de-energized immediately and withdrawn outby the last open crosscut. All requirements of 30 CFR 75.323 will be complied with prior to entering in or inby the last open crosscut.

(i) Prior to setting up and energizing nonpermissible electronic surveying equipment within in or inby the last open crosscut, the surveyor(s) will conduct a visual examination of the immediate area for evidence that the area appears to be sufficiently rock-dusted and for the presence of accumulated float coal dust. If the rock-dusting appears insufficient or the presence of accumulated float coal dust is observed, the equipment will not be energized until sufficient rock-dust has been applied and/or the accumulations of float coal dust have been cleaned up. If nonpermissible electronic surveying equipment is to be used in an area not rock-dusted within 40 feet of a working face where a continuous mining machine is used, the area will be rocked-dusted prior to energizing the nonpermissible electronic surveying equipment.

(j) All hand-held methane detectors will be MSHA-approved and maintained in permissible and proper operating condition, as defined in 30 CFR 75.320. All methane detectors will provide visual and audible warnings when methane is detected at or above 1.0 percent.

(k) Prior to energizing nonpermissible electronic surveying equipment in or inby the last open crosscut, methane tests will be made in accordance with 30 CFR 75.323(a). Nonpermissible electronic surveying equipment will not be used in or inby the last open crosscut when production is occurring.

(l) Prior to surveying, the area will be examined according to 30 CFR 75.360. If the area has not been examined, a supplemental examination according to 30 CFR 75.361 will be performed before any non-certified person enters the area.

(m) A qualified person, as defined in 30 CFR 75.151, will continuously monitor for methane immediately before and during the use of nonpermissible electronic surveying equipment in or inby the last open crosscut. If there are two people in the surveying crew, both persons will continuously monitor for methane. The other person will either be a qualified person, as defined in 30 CFR 75.151, or be in the process of being trained to be a qualified person but has yet to make such tests for a period of 6 months, as required in 30 CFR 75.150. Upon completion of the 6-month training period, the second person on the surveying crew must become qualified, as defined in 30 CFR 75.151, in order to continue on the surveying crew. If the surveying crew consists of one person, that person will monitor for methane with two separate devices.

(n) Batteries contained in the nonpermissible electronic surveying equipment will be changed out or charged in fresh air outby the last open crosscut. Replacement batteries will be carried only in the compartment provided for a spare battery in the nonpermissible electronic surveying equipment carrying case. Before each shift of surveying, all batteries for the nonpermissible electronic surveying equipment will be charged sufficiently so that they are not expected to be replaced on that shift.

(o) When using nonpermissible electronic surveying equipment in or inby the last open crosscut, the surveyor will confirm by measurement or by inquiry of the person in charge of the section, that the air quantity on the section, on that shift, in or inby the last open crosscut is at least the minimum quantity that is required by the mine's ventilation plan.

(p) Personnel engaged in the use of nonpermissible electronic surveying equipment will be properly trained to recognize the hazards and limitations associated with the use of such equipment in areas where methane could be present.

(q) All members of the surveying crew will receive specific training on the terms and conditions of the petition before using nonpermissible electronic surveying equipment in or inby the last open crosscut. A record of the training will be kept with the other training records.

(r) If the petition is granted, the operator will submit within 60 days after the petition is final, proposed revisions for its approved 30 CFR part 48 training plans to the District Manager. These revisions will specify initial and refresher training regarding the terms and conditions of the petition. When training is conducted on the terms and conditions in the petition, an MSHA Certificate of Training (Form 5000–23) will be completed and will indicate that it was surveyor training.

(s) The operator will replace or retire from service any electronic surveying instrument that was acquired prior to December 31, 2004 within 1 year of the petition becoming final. Within 3 years of the date that the petition becomes final, the operator will replace or retire from service any theodolite that was acquired more than 5 years prior to the date that the petition becomes final or any total station or other electronic surveying equipment identified in this petition and acquired more than 10 years prior to the date that the petition becomes final. After 5 years, the operator will maintain a cycle of purchasing new electronic surveying equipment whereby theodolites will be no older than 5 years from the date of manufacture and total stations and other electronic surveying equipment will be no older than 10 years from the date of manufacture.

(t) The operator will ensure that all surveying contractors hired by the operator are using nonpermissible electronic surveying equipment in accordance with the terms and conditions of this petition. The conditions of use in the petition will apply to all nonpermissible electronic surveying equipment used in or inby the last open crosscut, regardless of whether the equipment is used by the operator or by an independent contractor.

(u) The petitioner states that it may use nonpermissible electronic surveying equipment when production is occurring, subject to the following conditions:

—On a mechanized mining unit (MMU) where production is occurring, nonpermissible electronic surveying equipment will not be used downwind of the discharge point of any face ventilation controls, such as tubing (including controls such as “baloney skins”) or curtains.

—Production may continue while nonpermissible electronic surveying equipment is used, if such equipment is used in a separate split of air from where production is occurring.

—Nonpermissible electronic surveying equipment will not be used in a split of air ventilating an MMU if any ventilation controls will be disrupted during such surveying. Disruption of ventilation controls means any change to the mine's ventilation system that causes the ventilation system not to function in accordance with the mine's approved ventilation plan.

—If, while surveying, a surveyor must disrupt ventilation, the surveyor will cease surveying and communicate to the section foreman that ventilation must be disrupted. Production will stop while ventilation is disrupted. Ventilation controls will be reestablished immediately after the disruption is no longer necessary. Production will only resume after all ventilation controls are reestablished and are in compliance with approved ventilation or other plans, and other applicable laws, standards, or regulations.

—Any disruption in ventilation will be recorded in the logbook required by the petition. The logbook will include a description of the nature of the disruption, the location of the disruption, the date and time of the disruption and the date and time the surveyor communicated the disruption to the section foreman, the date and time production ceased, the date and time ventilation was reestablished, and the date and time production resumed.

—All surveyors, section foremen, section crew members, and other personnel who will be involved with or affected by surveying operations will receive training in accordance with 30 CFR 48.7 on the requirements of the petition within 60 days of the date the petition becomes final. The training will be completed before any nonpermissible electronic surveying equipment can be used while production is occurring. The operator will keep a record of the training and provide the record to MSHA on request.

—The operator will provide annual retraining to all personnel who will be involved with or affected by surveying operations in accordance with 30 CFR 48.8. The operator will train new miners on the requirements of the petition in accordance with 30 CFR 48.5, and will train experienced miners, as defined in 30 CFR 48.6, on the requirements of the petition in accordance with 30 CFR 48.6. The

operator will keep a record of the training and provide the record to MSHA on request.

The petitioner asserts that the proposed alternative method will at all times guarantee no less than the same measure of protection afforded by the existing standard.

Docket Number: M-2019-042-C.

Petitioner: Hampden Coal, LLC, One Oxford Centre, 301 Grant Street, Suite 4300, Pittsburgh, Pennsylvania 15219.

Mines: Washington Mine, MSHA I.D. No. 46-09294, located in Logan 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).

Modification Request: The petitioner requests a modification of the existing standard to permit an alternative method of compliance to allow the use of battery-powered nonpermissible surveying equipment including, but not limited to, portable battery-operated mine transits, total station surveying equipment, distance meters, and data loggers, in return airways.

The petitioner states that:

(1) To comply with requirements for mine ventilation maps and mine maps in 30 CFR 75.372 and 75.1200(a), use of the most practical and accurate surveying equipment is necessary.

(2) Application of the existing standard would result in a diminution of safety to miners. Underground mining by its nature, size, and complexity of mine plans requires that accurate and precise measurements be completed in a prompt and efficient manner.

As an alternative to the existing standard, the petitioner proposes the following:

(a) The operator may use the following total stations and theodolites and similar low-voltage battery-operated total stations and theodolites if they have an ingress protection (IP) rating of 66 or greater in return airways, subject to this petition:

—Sokkia CX-105

—TopCon 235

(b) The nonpermissible electronic surveying equipment is low-voltage or battery-powered nonpermissible total stations and theodolites. All nonpermissible electronic total stations and theodolites will have an IP 66 or greater rating.

(c) The operator will maintain a logbook for electronic surveying equipment with the equipment, or in the location where mine record books are kept, or in the location where the

surveying record books are kept. The logbook will contain the date of manufacture and/or purchase of each particular piece of electronic surveying equipment. The logbook will be made available to MSHA on request.

(d) All nonpermissible electronic surveying equipment to be used in return airways will be examined by the person who operates the equipment prior to taking the equipment underground to ensure the equipment is being maintained in a safe operating condition. The result of these examinations will be recorded in the logbook and will include:

(i) Checking the instrument for any physical damage and the integrity of the case;

(ii) Removing the battery and inspecting for corrosion;

(iii) Inspecting the contact points to ensure a secure connection to the battery;

(iv) Reinserting the battery and powering up and shutting down to ensure proper connections; and

(v) Checking the battery compartment cover or battery attachment to ensure that it is securely fastened.

(e) The equipment will be examined at least weekly by a qualified person, as defined in 30 CFR 75.153. The examination results will be recorded weekly in the equipment logbook and will be maintained for at least 1 year.

(f) The operator will ensure that all nonpermissible electronic surveying equipment is serviced according to the manufacturer's recommendations. Dates of service will be recorded in the equipment's logbook and will include a description of the work performed.

(g) The nonpermissible electronic surveying equipment used in return airways will not be put into service until MSHA has initially inspected the equipment and determined that it is in compliance with all the terms and conditions of this petition.

(h) Nonpermissible electronic surveying equipment will not be used if methane is detected in concentrations at or above 1.0 percent. When 1.0 percent or more methane is detected while such equipment is being used, the equipment will be de-energized immediately and withdrawn out of return airways. All requirements of 30 CFR 75.323 will be complied with prior to entering in return airways.

(i) Prior to setting up and energizing nonpermissible electronic surveying equipment in return airways, the surveyor(s) will conduct a visual examination of the immediate area for evidence that the area appears to be sufficiently rock-dusted and for the presence of accumulated float coal dust.

If the rock-dusting appears insufficient or the presence of accumulated float coal dust is observed, the equipment will not be energized until sufficient rock-dust has been applied and/or the accumulations of float coal dust have been cleaned up. If nonpermissible electronic surveying equipment is to be used in an area not rock-dusted within 40 feet of a working face where a continuous mining machine is used, the area will be rock-dusted prior to energizing the nonpermissible electronic surveying equipment.

(j) All hand-held methane detectors will be MSHA-approved and maintained in permissible and proper operating condition, as defined in 30 CFR 75.320. All methane detectors will provide visual and audible warnings when methane is detected at or above 1.0 percent.

(k) Prior to energizing nonpermissible electronic surveying equipment in return airways, methane tests will be made in accordance with 30 CFR 75.323(a). Nonpermissible electronic surveying equipment will not be used in return airways when production is occurring.

(l) Prior to surveying, the area will be examined according to 30 CFR 75.360. If the area has not been examined, a supplemental examination according to 30 CFR 75.361 will be performed before any non-certified person enters the area.

(m) A qualified person, as defined in 30 CFR 75.151, will continuously monitor for methane immediately before and during the use of nonpermissible electronic surveying equipment in return airways. If there are two people in the surveying crew, both persons will continuously monitor for methane. The other person will either be a qualified person, as defined in 30 CFR 75.151, or be in the process of being trained to be a qualified person but has yet to make such tests for a period of 6 months, as required in 30 CFR 75.150. Upon completion of the 6-month training period, the second person on the surveying crew must become qualified, as defined in 30 CFR 75.151, in order to continue on the surveying crew. If the surveying crew consists of one person, that person will monitor for methane with two separate devices.

(n) Batteries contained in the nonpermissible electronic surveying equipment will be changed out or charged in fresh air out of return airways. Replacement batteries will be carried only in the compartment provided for a spare battery in the nonpermissible electronic surveying equipment carrying case. Before each shift of surveying, all batteries for the nonpermissible electronic surveying

equipment will be charged sufficiently so that they are not expected to be replaced on that shift.

(o) When using nonpermissible electronic surveying equipment in return airways, the surveyor will confirm by measurement or by inquiry of the person in charge of the section, that the air quantity on the section, on that shift, in return airways is at least the minimum quantity that is required by the mine's ventilation plan.

(p) Personnel engaged in the use of nonpermissible electronic surveying equipment will be properly trained to recognize the hazards and limitations associated with the use of such equipment in areas where methane could be present.

(q) All members of the surveying crew will receive specific training on the terms and conditions of the petition before using nonpermissible electronic surveying equipment in return airways. A record of the training will be kept with the other training records.

(r) If the petition is granted, the operator will submit within 60 days after the petition is final, proposed revisions for its approved 30 CFR part 48 training plans to the District Manager. These revisions will specify initial and refresher training regarding the terms and conditions of the petition. When training is conducted on the terms and conditions in the petition, an MSHA Certificate of Training (Form 5000-23) will be completed and will indicate that it was surveyor training.

(s) The operator will replace or retire from service any electronic surveying instrument that was acquired prior to December 31, 2004 within 1 year of the petition becoming final. Within 3 years of the date that the petition becomes final, the operator will replace or retire from service any theodolite that was acquired more than 5 years prior to the date that the petition becomes final or any total station or other electronic surveying equipment identified in this petition and acquired more than 10 years prior to the date that the petition becomes final. After 5 years, the operator will maintain a cycle of purchasing new electronic surveying equipment whereby theodolites will be no older than 5 years from the date of manufacture and total stations and other electronic surveying equipment will be no older than 10 years from the date of manufacture.

(t) The operator will ensure that all surveying contractors hired by the operator are using nonpermissible electronic surveying equipment in accordance with the terms and conditions of this petition. The conditions of use in the petition will

apply to all nonpermissible electronic surveying equipment used in return airways, regardless of whether the equipment is used by the operator or by an independent contractor.

(u) The petitioner states that it may use nonpermissible electronic surveying equipment when production is occurring, subject to the following conditions:

- On a mechanized mining unit (MMU) where production is occurring, nonpermissible electronic surveying equipment will not be used downwind of the discharge point of any face ventilation controls, such as tubing (including controls such as “baloney skins”) or curtains.
- Production may continue while nonpermissible electronic surveying equipment is used, if such equipment is used in a separate split of air from where production is occurring.
- Nonpermissible electronic surveying equipment will not be used in a split of air ventilating an MMU if any ventilation controls will be disrupted during such surveying. Disruption of ventilation controls means any change to the mine's ventilation system that causes the ventilation system not to function in accordance with the mine's approved ventilation plan.
- If, while surveying, a surveyor must disrupt ventilation, the surveyor will cease surveying and communicate to the section foreman that ventilation must be disrupted. Production will stop while ventilation is disrupted. Ventilation controls will be reestablished immediately after the disruption is no longer necessary. Production will only resume after all ventilation controls are reestablished and are in compliance with approved ventilation or other plans, and other applicable laws, standards, or regulations.
- Any disruption in ventilation will be recorded in the logbook required by the petition. The logbook will include a description of the nature of the disruption, the location of the disruption, the date and time of the disruption and the date and time the surveyor communicated the disruption to the section foreman, the date and time production ceased, the date and time ventilation was reestablished, and the date and time production resumed.
- All surveyors, section foremen, section crew members, and other personnel who will be involved with or affected by surveying operations will receive training in accordance with 30 CFR 48.7 on the requirements of the petition within 60 days of the

date the petition becomes final. The training will be completed before any nonpermissible electronic surveying equipment can be used while production is occurring. The operator will keep a record of the training and provide the record to MSHA on request.

- The operator will provide annual retraining to all personnel who will be involved with or affected by surveying operations in accordance with 30 CFR 48.8. The operator will train new miners on the requirements of the petition in accordance with 30 CFR 48.5, and will train experienced miners, as defined in 30 CFR 48.6, on the requirements of the petition in accordance with 30 CFR 48.6. The operator will keep a record of the training and provide the record to MSHA on request.

The petitioner asserts that the proposed alternative method will at all times guarantee no less than the same measure of protection afforded by the existing standard.

Docket Number: M-2019-043-C.

Petitioner: Hampden Coal, LLC, One Oxford Centre, 301 Grant Street, Suite 4300, Pittsburgh, Pennsylvania 15219.

Mines: Muddy Bridge Mine, MSHA I.D. No. 46-09514, located in Logan County, West Virginia.

Regulation Affected: 30 CFR 75.1002(a) (Installation of electric equipment and conductors; permissibility).

Modification Request: The petitioner requests a modification of the existing standard to permit an alternative method of compliance to allow the use of battery-powered nonpermissible surveying equipment including, but not limited to, portable battery-operated mine transits, total station surveying equipment, distance meters, and data loggers, within 150 feet of pillar workings and longwall faces.

The petitioner states that:

(1) To comply with requirements for mine ventilation maps and mine maps in 30 CFR 75.372, 75.1002(a), and 75.1200, use of the most practical and accurate surveying equipment is necessary. It is necessary to determine the exact location and extent of mine workings to ensure the safety of miners in active mines and to protect miners in future mines which may mine in close proximity to the active mines.

(2) Application of the existing standard would result in a diminution of safety to miners. Underground mining by its nature, size, and complexity of mine plans requires that accurate and precise measurements be completed in a prompt and efficient manner.

As an alternative to the existing standard, the petitioner proposes the following:

(a) The operator may use the following total stations and theodolites and similar low-voltage battery-operated total stations and theodolites if they have an ingress protection (IP) rating of 66 or greater within 150 feet of pillar workings or longwall faces subject to this petition:

—Sokkia CX-105

—TopCon 235

(b) The nonpermissible electronic surveying equipment is low-voltage or battery-powered nonpermissible total stations and theodolites. All nonpermissible electronic total stations and theodolites will have an IP 66 or greater rating.

(c) The operator will maintain a logbook for electronic surveying equipment with the equipment, or in the location where mine record books are kept, or in the location where the surveying record books are kept. The logbook will contain the date of manufacture and/or purchase of each particular piece of electronic surveying equipment. The logbook will be made available to MSHA on request.

(d) All nonpermissible electronic surveying equipment to be used within 150 feet of pillar workings or longwall faces will be examined by the person who operates the equipment prior to taking the equipment underground to ensure the equipment is being maintained in a safe operating condition. The result of these examinations will be recorded in the logbook and will include:

(i) Checking the instrument for any physical damage and the integrity of the case;

(ii) Removing the battery and inspecting for corrosion;

(iii) Inspecting the contact points to ensure a secure connection to the battery;

(iv) Reinserting the battery and powering up and shutting down to ensure proper connections; and

(v) Checking the battery compartment cover or battery attachment to ensure that it is securely fastened.

(e) The equipment will be examined at least weekly by a qualified person, as defined in 30 CFR 75.153. The examination results will be recorded weekly in the equipment logbook and will be maintained for at least 1 year.

(f) The operator will ensure that all nonpermissible electronic surveying equipment is serviced according to the manufacturer's recommendations. Dates of service will be recorded in the equipment's logbook and will include a description of the work performed.

(g) The nonpermissible electronic surveying equipment used within 150 feet of pillar workings or longwall faces will not be put into service until MSHA has initially inspected the equipment and determined that it is in compliance with all the terms and conditions of this petition.

(h) Nonpermissible electronic surveying equipment will not be used if methane is detected in concentrations at or above 1.0 percent. When 1.0 percent or more methane is detected while such equipment is being used, the equipment will be de-energized immediately and withdrawn further than 150 feet from pillar workings and longwall faces. All requirements of 30 CFR 75.323 will be complied with prior to entering within 150 feet of pillar workings or longwall faces.

(i) Prior to setting up and energizing nonpermissible electronic surveying equipment within 150 feet of pillar workings or longwall faces, the surveyor(s) will conduct a visual examination of the immediate area for evidence that the area appears to be sufficiently rock-dusted and for the presence of accumulated float coal dust. If the rock-dusting appears insufficient or the presence of accumulated float coal dust is observed, the equipment will not be energized until sufficient rock-dust has been applied and/or the accumulations of float coal dust have been cleaned up. If nonpermissible electronic surveying equipment is to be used in an area not rock-dusted within 40 feet of a working face where a continuous mining machine is used, the area will be rock-dusted prior to energizing the nonpermissible electronic surveying equipment.

(j) All hand-held methane detectors will be MSHA-approved and maintained in permissible and proper operating condition, as defined in 30 CFR 75.320. All methane detectors will provide visual and audible warnings when methane is detected at or above 1.0 percent.

(k) Prior to energizing nonpermissible electronic surveying equipment within 150 feet of pillar workings and longwall faces, methane tests will be made in accordance with 30 CFR 75.323(a). Nonpermissible electronic surveying equipment will not be used within 150 feet of pillar workings or longwall faces when production is occurring.

(l) Prior to surveying, the area will be examined according to 30 CFR 75.360. If the area has not been examined, a supplemental examination according to 30 CFR 75.361 will be performed before any non-certified person enters the area.

(m) A qualified person, as defined in 30 CFR 75.151, will continuously

monitor for methane immediately before and during the use of nonpermissible electronic surveying equipment within 150 feet of pillar workings and longwall faces. If there are two people in the surveying crew, both persons will continuously monitor for methane. The other person will either be a qualified person, as defined in 30 CFR 75.151, or be in the process of being trained to be a qualified person but has yet to make such tests for a period of 6 months, as required in 30 CFR 75.150. Upon completion of the 6-month training period, the second person on the surveying crew must become qualified, as defined in 30 CFR 75.151, in order to continue on the surveying crew. If the surveying crew consists of one person, that person will monitor for methane with two separate devices.

(n) Batteries contained in the nonpermissible electronic surveying equipment will be changed out or charged in fresh air more than 150 feet from pillar workings or longwall faces. Replacement batteries will be carried only in the compartment provided for a spare battery in the nonpermissible electronic surveying equipment carrying case. Before each shift of surveying, all batteries for the nonpermissible electronic surveying equipment will be charged sufficiently so that they are not expected to be replaced on that shift.

(o) When using nonpermissible electronic surveying equipment within 150 feet of pillar workings or longwall faces, the surveyor will confirm by measurement or by inquiry of the person in charge of the section, that the air quantity on the section, on that shift, within 150 feet of pillar workings or longwall faces is at least the minimum quantity that is required by the mine's ventilation plan.

(p) Personnel engaged in the use of nonpermissible electronic surveying equipment will be properly trained to recognize the hazards and limitations associated with the use of such equipment in areas where methane could be present.

(q) All members of the surveying crew will receive specific training on the terms and conditions of the petition before using nonpermissible electronic surveying equipment within 150 feet of pillar workings or longwall faces. A record of the training will be kept with the other training records.

(r) If the petition is granted, the operator will submit within 60 days after the petition is final, proposed revisions for its approved 30 CFR part 48 training plans to the District Manager. These revisions will specify initial and refresher training regarding the terms and conditions of the petition.

When training is conducted on the terms and conditions in the petition, an MSHA Certificate of Training (Form 5000–23) will be completed and will indicate that it was surveyor training.

(s) The operator will replace or retire from service any electronic surveying instrument that was acquired prior to December 31, 2004 within 1 year of the petition becoming final. Within 3 years of the date that the petition becomes final, the operator will replace or retire from service any theodolite that was acquired more than 5 years prior to the date that the petition becomes final or any total station or other electronic surveying equipment identified in this petition and acquired more than 10 years prior to the date that the petition becomes final. After 5 years, the operator will maintain a cycle of purchasing new electronic surveying equipment whereby theodolites will be no older than 5 years from the date of manufacture and total stations and other electronic surveying equipment will be no older than 10 years from the date of manufacture.

(t) The operator will ensure that all surveying contractors hired by the operator are using nonpermissible electronic surveying equipment in accordance with the terms and conditions of this petition. The conditions of use in the petition will apply to all nonpermissible electronic surveying equipment used within 150 feet of pillar workings or longwall faces, regardless of whether the equipment is used by the operator or by an independent contractor.

(u) The petitioner states that it may use nonpermissible electronic surveying equipment when production is occurring, subject to the following conditions:

- On a mechanized mining unit (MMU) where production is occurring, nonpermissible electronic surveying equipment will not be used downwind of the discharge point of any face ventilation controls, such as tubing (including controls such as “baloney skins”) or curtains.
- Production may continue while nonpermissible electronic surveying equipment is used, if such equipment is used in a separate split of air from where production is occurring.
- Nonpermissible electronic surveying equipment will not be used in a split of air ventilating an MMU if any ventilation controls will be disrupted during such surveying. Disruption of ventilation controls means any change to the mine’s ventilation system that causes the ventilation system not to function in accordance with the mine’s approved ventilation plan.

—If, while surveying, a surveyor must disrupt ventilation, the surveyor will cease surveying and communicate to the section foreman that ventilation must be disrupted. Production will stop while ventilation is disrupted. Ventilation controls will be reestablished immediately after the disruption is no longer necessary. Production will only resume after all ventilation controls are reestablished and are in compliance with approved ventilation or other plans, and other applicable laws, standards, or regulations.

—Any disruption in ventilation will be recorded in the logbook required by the petition. The logbook will include a description of the nature of the disruption, the location of the disruption, the date and time of the disruption and the date and time the surveyor communicated the disruption to the section foreman, the date and time production ceased, the date and time ventilation was reestablished, and the date and time production resumed.

—All surveyors, section foremen, section crew members, and other personnel who will be involved with or affected by surveying operations will receive training in accordance with 30 CFR 48.7 on the requirements of the petition within 60 days of the date the petition becomes final. The training will be completed before any nonpermissible electronic surveying equipment can be used while production is occurring. The operator will keep a record of the training and provide the record to MSHA on request.

—The operator will provide annual retraining to all personnel who will be involved with or affected by surveying operations in accordance with 30 CFR 48.8. The operator will train new miners on the requirements of the petition in accordance with 30 CFR 48.5, and will train experienced miners, as defined in 30 CFR 48.6, on the requirements of the petition in accordance with 30 CFR 48.6. The operator will keep a record of the training and provide the record to MSHA on request.

The petitioner asserts that the proposed alternative method will at all times guarantee no less than the same measure of protection afforded by the existing standard.

Docket Number: M–2019–044–C.

Petitioner: Hampden Coal, LLC, One Oxford Centre, 301 Grant Street, Suite 4300, Pittsburgh, Pennsylvania 15219.

Mines: Muddy Bridge Mine, MSHA I.D. No. 46–09514, located in Logan County, West Virginia.

Regulation Affected: 30 CFR 75.500(d) (Permissible electric equipment).

Modification Request: The petitioner requests a modification of the existing standard to permit an alternative method of compliance to allow the use of battery-powered nonpermissible surveying equipment including, but not limited to, portable battery-operated mine transits, total station surveying equipment, distance meters, and data loggers, in or inby the last open crosscut.

The petitioner states that:

(1) To comply with requirements for mine ventilation maps and mine maps in 30 CFR 75.372 and 75.1200, use of the most practical and accurate surveying equipment is necessary.

(2) The operator utilizes the continuous mining method. Accurate surveying is critical to the safety of the miners at the mine.

(3) Mechanical surveying equipment has been obsolete for a number of years. Such equipment of acceptable quality is not commercially available. Further, it is difficult, if not impossible, to have such equipment serviced or repaired.

(4) Electronic surveying equipment is, at a minimum, 8 to 10 times more accurate than mechanical equipment.

(5) Application of the existing standard would result in a diminution of safety to miners. Underground mining by its nature, size, and complexity of mine plans requires that accurate and precise measurements be completed in a prompt and efficient manner.

As an alternative to the existing standard, the petitioner proposes the following:

(a) The operator may use the following total stations and theodolites and similar low-voltage battery-operated total stations and theodolites if they have an ingress protection (IP) rating of 66 or greater in or inby the last open crosscut, subject to this petition:

—Sokkia CX–105

—TopCon 235

(b) The nonpermissible electronic surveying equipment is low-voltage or battery-powered nonpermissible total stations and theodolites. All nonpermissible electronic total stations and theodolites will have an IP 66 or greater rating.

(c) The operator will maintain a logbook for electronic surveying equipment with the equipment, or in the location where mine record books are kept, or in the location where the surveying record books are kept. The

logbook will contain the date of manufacture and/or purchase of each particular piece of electronic surveying equipment. The logbook will be made available to MSHA on request.

(d) All nonpermissible electronic surveying equipment to be used in or inby the last open crosscut will be examined by the person who operates the equipment prior to taking the equipment underground to ensure the equipment is being maintained in a safe operating condition. The result of these examinations will be recorded in the logbook and will include:

(i) Checking the instrument for any physical damage and the integrity of the case;

(ii) Removing the battery and inspecting for corrosion;

(iii) Inspecting the contact points to ensure a secure connection to the battery;

(iv) Reinserting the battery and powering up and shutting down to ensure proper connections; and

(v) Checking the battery compartment cover or battery attachment to ensure that it is securely fastened.

(e) The equipment will be examined at least weekly by a qualified person, as defined in 30 CFR 75.153. The examination results will be recorded weekly in the equipment logbook and will be maintained for at least 1 year.

(f) The operator will ensure that all nonpermissible electronic surveying equipment is serviced according to the manufacturer's recommendations. Dates of service will be recorded in the equipment's logbook and will include a description of the work performed.

(g) The nonpermissible electronic surveying equipment used in or inby the last open crosscut will not be put into service until MSHA has initially inspected the equipment and determined that it is in compliance with all the terms and conditions of this petition.

(h) Nonpermissible electronic surveying equipment will not be used if methane is detected in concentrations at or above 1.0 percent. When 1.0 percent or more methane is detected while such equipment is being used, the equipment will be de-energized immediately and withdrawn outby the last open crosscut. All requirements of 30 CFR 75.323 will be complied with prior to entering in or inby the last open crosscut.

(i) Prior to setting up and energizing nonpermissible electronic surveying equipment within in or inby the last open crosscut, the surveyor(s) will conduct a visual examination of the immediate area for evidence that the area appears to be sufficiently rock-dusted and for the presence of

accumulated float coal dust. If the rock-dusting appears insufficient or the presence of accumulated float coal dust is observed, the equipment will not be energized until sufficient rock-dust has been applied and/or the accumulations of float coal dust have been cleaned up. If nonpermissible electronic surveying equipment is to be used in an area not rock-dusted within 40 feet of a working face where a continuous mining machine is used, the area will be rock-dusted prior to energizing the nonpermissible electronic surveying equipment.

(j) All hand-held methane detectors will be MSHA-approved and maintained in permissible and proper operating condition, as defined in 30 CFR 75.320. All methane detectors will provide visual and audible warnings when methane is detected at or above 1.0 percent.

(k) Prior to energizing nonpermissible electronic surveying equipment in or inby the last open crosscut, methane tests will be made in accordance with 30 CFR 75.323(a). Nonpermissible electronic surveying equipment will not be used in or inby the last open crosscut when production is occurring.

(l) Prior to surveying, the area will be examined according to 30 CFR 75.360. If the area has not been examined, a supplemental examination according to 30 CFR 75.361 will be performed before any non-certified person enters the area.

(m) A qualified person, as defined in 30 CFR 75.151, will continuously monitor for methane immediately before and during the use of nonpermissible electronic surveying equipment in or inby the last open crosscut. If there are two people in the surveying crew, both persons will continuously monitor for methane. The other person will either be a qualified person, as defined in 30 CFR 75.151, or be in the process of being trained to be a qualified person but has yet to make such tests for a period of 6 months, as required in 30 CFR 75.150. Upon completion of the 6-month training period, the second person on the surveying crew must become qualified, as defined in 30 CFR 75.151, in order to continue on the surveying crew. If the surveying crew consists of one person, that person will monitor for methane with two separate devices.

(n) Batteries contained in the nonpermissible electronic surveying equipment will be changed out or charged in fresh air outby the last open crosscut. Replacement batteries will be carried only in the compartment provided for a spare battery in the nonpermissible electronic surveying equipment carrying case. Before each

shift of surveying, all batteries for the nonpermissible electronic surveying equipment will be charged sufficiently so that they are not expected to be replaced on that shift.

(o) When using nonpermissible electronic surveying equipment in or inby the last open crosscut, the surveyor will confirm by measurement or by inquiry of the person in charge of the section, that the air quantity on the section, on that shift, in or inby the last open crosscut is at least the minimum quantity that is required by the mine's ventilation plan.

(p) Personnel engaged in the use of nonpermissible electronic surveying equipment will be properly trained to recognize the hazards and limitations associated with the use of such equipment in areas where methane could be present.

(q) All members of the surveying crew will receive specific training on the terms and conditions of the petition before using nonpermissible electronic surveying equipment in or inby the last open crosscut. A record of the training will be kept with the other training records.

(r) If the petition is granted, the operator will submit within 60 days after the petition is final, proposed revisions for its approved 30 CFR part 48 training plans to the District Manager. These revisions will specify initial and refresher training regarding the terms and conditions of the petition. When training is conducted on the terms and conditions in the petition, an MSHA Certificate of Training (Form 5000-23) will be completed and will indicate that it was surveyor training.

(s) The operator will replace or retire from service any electronic surveying instrument that was acquired prior to December 31, 2004 within 1 year of the petition becoming final. Within 3 years of the date that the petition becomes final, the operator will replace or retire from service any theodolite that was acquired more than 5 years prior to the date that the petition becomes final or any total station or other electronic surveying equipment identified in this petition and acquired more than 10 years prior to the date that the petition becomes final. After 5 years, the operator will maintain a cycle of purchasing new electronic surveying equipment whereby theodolites will be no older than 5 years from the date of manufacture and total stations and other electronic surveying equipment will be no older than 10 years from the date of manufacture.

(t) The operator will ensure that all surveying contractors hired by the operator are using nonpermissible

electronic surveying equipment in accordance with the terms and conditions of this petition. The conditions of use in the petition will apply to all nonpermissible electronic surveying equipment used in or in by the last open crosscut, regardless of whether the equipment is used by the operator or by an independent contractor.

(u) The petitioner states that it may use nonpermissible electronic surveying equipment when production is occurring, subject to the following conditions:

- On a mechanized mining unit (MMU) where production is occurring, nonpermissible electronic surveying equipment will not be used downwind of the discharge point of any face ventilation controls, such as tubing (including controls such as “baloney skins”) or curtains.
- Production may continue while nonpermissible electronic surveying equipment is used, if such equipment is used in a separate split of air from where production is occurring.
- Nonpermissible electronic surveying equipment will not be used in a split of air ventilating an MMU if any ventilation controls will be disrupted during such surveying. Disruption of ventilation controls means any change to the mine’s ventilation system that causes the ventilation system not to function in accordance with the mine’s approved ventilation plan.
- If, while surveying, a surveyor must disrupt ventilation, the surveyor will cease surveying and communicate to the section foreman that ventilation must be disrupted. Production will stop while ventilation is disrupted. Ventilation controls will be reestablished immediately after the disruption is no longer necessary. Production will only resume after all ventilation controls are reestablished and are in compliance with approved ventilation or other plans, and other applicable laws, standards, or regulations.
- Any disruption in ventilation will be recorded in the logbook required by the petition. The logbook will include a description of the nature of the disruption, the location of the disruption, the date and time of the disruption and the date and time the surveyor communicated the disruption to the section foreman, the date and time production ceased, the date and time ventilation was reestablished, and the date and time production resumed.
- All surveyors, section foremen, section crew members, and other personnel who will be involved with

or affected by surveying operations will receive training in accordance with 30 CFR 48.7 on the requirements of the petition within 60 days of the date the petition becomes final. The training will be completed before any nonpermissible electronic surveying equipment can be used while production is occurring. The operator will keep a record of the training and provide the record to MSHA on request.

- The operator will provide annual retraining to all personnel who will be involved with or affected by surveying operations in accordance with 30 CFR 48.8. The operator will train new miners on the requirements of the petition in accordance with 30 CFR 48.5, and will train experienced miners, as defined in 30 CFR 48.6, on the requirements of the petition in accordance with 30 CFR 48.6. The operator will keep a record of the training and provide the record to MSHA on request.

The petitioner asserts that the proposed alternative method will at all times guarantee no less than the same measure of protection afforded by the existing standard.

Docket Number: M–2019–045–C.

Petitioner: Hampden Coal, LLC, One Oxford Centre, 301 Grant Street, Suite 4300, Pittsburgh, Pennsylvania 15219.

Mines: Muddy Bridge Mine, MSHA I.D. No. 46–09514, located in Logan 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).

Modification Request: The petitioner requests a modification of the existing standard to permit an alternative method of compliance to allow the use of battery-powered nonpermissible surveying equipment including, but not limited to, portable battery-operated mine transits, total station surveying equipment, distance meters, and data loggers, in return airways.

The petitioner states that:

(1) To comply with requirements for mine ventilation maps and mine maps in 30 CFR 75.372 and 75.1200(a), use of the most practical and accurate surveying equipment is necessary.

(2) Application of the existing standard would result in a diminution of safety to miners. Underground mining by its nature, size, and complexity of mine plans requires that accurate and precise measurements be completed in a prompt and efficient manner.

As an alternative to the existing standard, the petitioner proposes the following:

(a) The operator may use the following total stations and theodolites and similar low-voltage battery-operated total stations and theodolites if they have an ingress protection (IP) rating of 66 or greater in return airways, subject to this petition:

—Sokkia CX–105

—TopCon 235

(b) The nonpermissible electronic surveying equipment is low-voltage or battery-powered nonpermissible total stations and theodolites. All nonpermissible electronic total stations and theodolites will have an IP 66 or greater rating.

(c) The operator will maintain a logbook for electronic surveying equipment with the equipment, or in the location where mine record books are kept, or in the location where the surveying record books are kept. The logbook will contain the date of manufacture and/or purchase of each particular piece of electronic surveying equipment. The logbook will be made available to MSHA on request.

(d) All nonpermissible electronic surveying equipment to be used in return airways will be examined by the person who operates the equipment prior to taking the equipment underground to ensure the equipment is being maintained in a safe operating condition. The result of these examinations will be recorded in the logbook and will include:

(i) Checking the instrument for any physical damage and the integrity of the case;

(ii) Removing the battery and inspecting for corrosion;

(iii) Inspecting the contact points to ensure a secure connection to the battery;

(iv) Reinserting the battery and powering up and shutting down to ensure proper connections; and

(v) Checking the battery compartment cover or battery attachment to ensure that it is securely fastened.

(e) The equipment will be examined at least weekly by a qualified person, as defined in 30 CFR 75.153. The examination results will be recorded weekly in the equipment logbook and will be maintained for at least 1 year.

(f) The operator will ensure that all nonpermissible electronic surveying equipment is serviced according to the manufacturer’s recommendations. Dates of service will be recorded in the equipment’s logbook and will include a description of the work performed.

(g) The nonpermissible electronic surveying equipment used in return

airways will not be put into service until MSHA has initially inspected the equipment and determined that it is in compliance with all the terms and conditions of this petition.

(h) Nonpermissible electronic surveying equipment will not be used if methane is detected in concentrations at or above 1.0 percent. When 1.0 percent or more methane is detected while such equipment is being used, the equipment will be de-energized immediately and withdrawn out of return airways. All requirements of 30 CFR 75.323 will be complied with prior to entering in return airways.

(i) Prior to setting up and energizing nonpermissible electronic surveying equipment in return airways, the surveyor(s) will conduct a visual examination of the immediate area for evidence that the area appears to be sufficiently rock-dusted and for the presence of accumulated float coal dust. If the rock-dusting appears insufficient or the presence of accumulated float coal dust is observed, the equipment will not be energized until sufficient rock-dust has been applied and/or the accumulations of float coal dust have been cleaned up. If nonpermissible electronic surveying equipment is to be used in an area not rock-dusted within 40 feet of a working face where a continuous mining machine is used, the area will be rock-dusted prior to energizing the nonpermissible electronic surveying equipment.

(j) All hand-held methane detectors will be MSHA-approved and maintained in permissible and proper operating condition, as defined in 30 CFR 75.320. All methane detectors will provide visual and audible warnings when methane is detected at or above 1.0 percent.

(k) Prior to energizing nonpermissible electronic surveying equipment in return airways, methane tests will be made in accordance with 30 CFR 75.323(a). Nonpermissible electronic surveying equipment will not be used in return airways when production is occurring.

(l) Prior to surveying, the area will be examined according to 30 CFR 75.360. If the area has not been examined, a supplemental examination according to 30 CFR 75.361 will be performed before any non-certified person enters the area.

(m) A qualified person, as defined in 30 CFR 75.151, will continuously monitor for methane immediately before and during the use of nonpermissible electronic surveying equipment in return airways. If there are two people in the surveying crew, both persons will continuously monitor for methane. The other person will either be a qualified

person, as defined in 30 CFR 75.151, or be in the process of being trained to be a qualified person but has yet to make such tests for a period of 6 months, as required in 30 CFR 75.150. Upon completion of the 6-month training period, the second person on the surveying crew must become qualified, as defined in 30 CFR 75.151, in order to continue on the surveying crew. If the surveying crew consists of one person, that person will monitor for methane with two separate devices.

(n) Batteries contained in the nonpermissible electronic surveying equipment will be changed out or charged in fresh air out of return airways. Replacement batteries will be carried only in the compartment provided for a spare battery in the nonpermissible electronic surveying equipment carrying case. Before each shift of surveying, all batteries for the nonpermissible electronic surveying equipment will be charged sufficiently so that they are not expected to be replaced on that shift.

(o) When using nonpermissible electronic surveying equipment in return airways, the surveyor will confirm by measurement or by inquiry of the person in charge of the section, that the air quantity on the section, on that shift, in return airways is at least the minimum quantity that is required by the mine's ventilation plan.

(p) Personnel engaged in the use of nonpermissible electronic surveying equipment will be properly trained to recognize the hazards and limitations associated with the use of such equipment in areas where methane could be present.

(q) All members of the surveying crew will receive specific training on the terms and conditions of the petition before using nonpermissible electronic surveying equipment in return airways. A record of the training will be kept with the other training records.

(r) If the petition is granted, the operator will submit within 60 days after the petition is final, proposed revisions for its approved 30 CFR part 48 training plans to the District Manager. These revisions will specify initial and refresher training regarding the terms and conditions of the petition. When training is conducted on the terms and conditions in the petition, an MSHA Certificate of Training (Form 5000-23) will be completed and will indicate that it was surveyor training.

(s) The operator will replace or retire from service any electronic surveying instrument that was acquired prior to December 31, 2004 within 1 year of the petition becoming final. Within 3 years of the date that the petition becomes

final, the operator will replace or retire from service any theodolite that was acquired more than 5 years prior to the date that the petition becomes final or any total station or other electronic surveying equipment identified in this petition and acquired more than 10 years prior to the date that the petition becomes final. After 5 years, the operator will maintain a cycle of purchasing new electronic surveying equipment whereby theodolites will be no older than 5 years from the date of manufacture and total stations and other electronic surveying equipment will be no older than 10 years from the date of manufacture.

(t) The operator will ensure that all surveying contractors hired by the operator are using nonpermissible electronic surveying equipment in accordance with the terms and conditions of this petition. The conditions of use in the petition will apply to all nonpermissible electronic surveying equipment used in return airways, regardless of whether the equipment is used by the operator or by an independent contractor.

(u) The petitioner states that it may use nonpermissible electronic surveying equipment when production is occurring, subject to the following conditions:

- On a mechanized mining unit (MMU) where production is occurring, nonpermissible electronic surveying equipment will not be used downwind of the discharge point of any face ventilation controls, such as tubing (including controls such as “baloney skins”) or curtains.
- Production may continue while nonpermissible electronic surveying equipment is used, if such equipment is used in a separate split of air from where production is occurring.
- Nonpermissible electronic surveying equipment will not be used in a split of air ventilating an MMU if any ventilation controls will be disrupted during such surveying. Disruption of ventilation controls means any change to the mine's ventilation system that causes the ventilation system not to function in accordance with the mine's approved ventilation plan.
- If, while surveying, a surveyor must disrupt ventilation, the surveyor will cease surveying and communicate to the section foreman that ventilation must be disrupted. Production will stop while ventilation is disrupted. Ventilation controls will be reestablished immediately after the disruption is no longer necessary. Production will only resume after all ventilation controls are reestablished

and are in compliance with approved ventilation or other plans, and other applicable laws, standards, or regulations.

- Any disruption in ventilation will be recorded in the logbook required by the petition. The logbook will include a description of the nature of the disruption, the location of the disruption, the date and time of the disruption and the date and time the surveyor communicated the disruption to the section foreman, the date and time production ceased, the date and time ventilation was reestablished, and the date and time production resumed.
- All surveyors, section foremen, section crew members, and other personnel who will be involved with or affected by surveying operations will receive training in accordance with 30 CFR 48.7 on the requirements of the petition within 60 days of the date the petition becomes final. The training will be completed before any nonpermissible electronic surveying equipment can be used while production is occurring. The operator will keep a record of the training and provide the record to MSHA on request.
- The operator will provide annual retraining to all personnel who will be involved with or affected by surveying operations in accordance with 30 CFR 48.8. The operator will train new miners on the requirements of the petition in accordance with 30 CFR 48.5, and will train experienced miners, as defined in 30 CFR 48.6, on the requirements of the petition in accordance with 30 CFR 48.6. The operator will keep a record of the training and provide the record to MSHA on request.

The petitioner asserts that the proposed alternative method will at all times guarantee no less than the same measure of protection afforded by the existing standard.

Roslyn B. Fontaine,

Deputy Director, Office of Standards, Regulations, and Variances.

[FR Doc. 2019-17832 Filed 8-19-19; 8:45 am]

BILLING CODE 4520-43-P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA-2018-0012]

Advisory Committee on Construction Safety and Health (ACCSH): Notice of Meeting

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

ACTION: Announcement of a teleconference/WebEx meeting of ACCSH.

SUMMARY: ACCSH will hold a teleconference/WebEx meeting September 9, 2019, to consider a proposed rule on occupational exposure to beryllium and beryllium compounds in the construction industry.

DATES: ACCSH will meet from 10:00 a.m. to 12:00 p.m., ET, Monday, September 9, 2019, by teleconference/WebEx.

ADDRESSES:

Submission of comments and requests to speak: Submit comments and requests to speak at the ACCSH meeting by September 4, 2019, identified by the docket number for this **Federal Register** notice (Docket No. OSHA-2018-0012), using one of the following methods:

Electronically: You may submit comments, including attachments, electronically at: <http://www.regulations.gov>, the Federal eRulemaking Portal. Follow the online instructions for submitting comments.

Facsimile: If your comments, including attachments, do not exceed 10 pages, you may fax them to the OSHA Docket Office at (202) 693-1648.

Regular mail, express mail, hand delivery, and messenger or courier service: You may submit comments and attachments to the OSHA Docket Office, Docket No. OSHA-2018-0012, Occupational Safety and Health Administration, U.S. Department of Labor, Room N-3653, 200 Constitution Avenue NW, Washington, DC 20210. Deliveries (express mail, hand (courier) delivery, and messenger service) are accepted during the OSHA 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 the OSHA docket number for this **Federal Register** notice (Docket No. OSHA-2018-0012). Because of security-related procedures, submissions by regular mail may result in a significant delay in receipt. Please contact the OSHA Docket Office for information about security procedures for making submissions by express mail,

hand (courier) delivery, and messenger service.

Requests for special accommodations: Please submit requests for special accommodations for this ACCSH meeting by September 4, 2019, to Ms. Greta Jameson, OSHA, Office of Communications, Room N-3647, U.S. Department of Labor, 200 Constitution Avenue NW, Washington, DC 20210; telephone: (202) 693-1999; email: jameson.gretah@dol.gov.

FOR FURTHER INFORMATION CONTACT:

For press inquiries: Mr. Frank Meilinger, Director, OSHA Office of Communications, U.S. Department of Labor; telephone (202) 693-1999; email: meilinger.francis2@dol.gov.

For general information about ACCSH: Mr. Damon Bonneau, OSHA, Directorate of Construction, U.S. Department of Labor; telephone (202) 693-2183; email: bonneau.damon@dol.gov.

For copies of this Federal Register Notice: Electronic copies of this **Federal Register** Notice are available at: <http://www.regulations.gov>. This notice, as well as news releases and other relevant information, are also available at OSHA's web page at www.osha.gov.

SUPPLEMENTARY INFORMATION:

I. Background

ACCSH advises the Secretary of Labor and the Assistant Secretary of Labor for Occupational Safety and Health (Assistant Secretary) in the formulation of standards affecting the construction industry, and on policy matters arising in the administration of the safety and health provisions under the Contract Work Hours and Safety Standards Act (Construction Safety Act (CSA)) (40 U.S.C. 3701 *et seq.*) and the Occupational Safety and Health Act of 1970 (OSH Act) (29 U.S.C. 651 *et seq.*) (see also 29 CFR 1911.10 and 1912.3). In addition, the OSH Act and CSA require the Assistant Secretary to consult with ACCSH before the agency proposes any occupational safety and health standard affecting construction activities (29 CFR 1911.10; 40 U.S.C. 3704).

ACCSH operates in accordance with the CSA, the OSH Act, the Federal Advisory Committee Act (FACA) (5 U.S.C. App. 2), and regulations issued pursuant to those statutes (29 CFR part 1912, 41 CFR part 102-3). ACCSH generally meets two times a year.

II. Meeting Information

Attending the meeting: Attendance at this ACCSH meeting will be by teleconference/WebEx only. The dial-in number and passcode for the meeting are as follows: Dial-in number: 1-888-

658–5408; Passcode: 2389167. Directions for signing into the WebEx portion of the meeting will be posted in the Docket and on the ACCSH web page, <https://www.osha.gov/doc/accsch/index.html>, prior to the meeting. For additional information about the telecommunication requirements for the meeting, please contact Ms. Veneta Chatmon, OSHA, Directorate of Construction, Room N–3468, U.S. Department of Labor, 200 Constitution Avenue NW, Washington, DC 20210; telephone (202) 693–2020; email: chatmon.veneta@dol.gov.

Meeting agenda: The tentative agenda for this meeting includes:

- ACCSH's consideration of, and recommendation on, the following proposal:

1. Occupational exposure to beryllium and beryllium compounds in the construction industry.

Requests to speak at ACCSH meeting: Attendees who want to address ACCSH at the meeting must submit a request to speak, as well as any written or electronic presentation, by September 4, 2019, using one of the methods listed in the **ADDRESSES** section. The request must state:

- The amount of time requested to speak;
- The interest you represent (e.g., business, organization, affiliation), if any; and
- A brief outline of your presentation.

PowerPoint presentations and other electronic materials must be compatible with PowerPoint 2010 and other Microsoft Office 2010 formats.

OSHA will place comments and requests to speak, including personal information, in the public docket, which may be available online. Therefore, OSHA cautions interested parties about submitting personal information such as Social Security Numbers and birthdates.

Docket: To read or download documents in the public docket for this ACCSH meeting, go to <http://www.regulations.gov>. All documents in the public docket are listed in the index; however, some documents (e.g., copyrighted material) are not publicly available to read or download through <http://www.regulations.gov>. All submissions are available for inspection and, when permitted, copying at the OSHA Docket Office at the above address. For information on using <http://www.regulations.gov> to make submissions or to access the docket, click on the “Help” tab at the top of the homepage. Contact the OSHA Docket Office for information about materials not available through that website and for assistance in using the internet to

locate submissions and other documents in the docket.

Authority and Signature

Loren Sweatt, Principal Deputy Assistant Secretary of Labor for Occupational Safety and Health, authorized the preparation of this notice under the authority granted by 29 U.S.C. 655(b)(1) and 656(b), 5 U.S.C. App. 2, Secretary of Labor's Order No. 1–2012 (77 FR 3912), and 29 CFR part 1912.

Signed at Washington, DC, on August 14, 2019.

Loren Sweatt,

Principal Deputy Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2019–17825 Filed 8–19–19; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA–2018–0005]

Aviation Industry Whistleblower Stakeholder Meeting

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

ACTION: Notice of public meeting.

SUMMARY: The Occupational Safety and Health Administration (OSHA) is announcing a public meeting to solicit comments and suggestions from stakeholders on issues facing the agency in the administration of the whistleblower protection provisions under the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (AIR21).

DATES: The public meeting will be held on October 8, 2019, from 1:00 p.m. to 3:00 p.m., ET. Persons interested in attending the meeting must register by September 24, 2019. In addition, comments relating to the “Scope of Meeting” section of this document must be submitted in written or electronic form by September 30, 2019.

ADDRESSES: The public meeting will be held in Room N–4437 A–D, U.S. Department of Labor, 200 Constitution Avenue NW, Washington, DC 20210.

Written Comments: Submit written comments to the OSHA Docket Office, Docket No. OSHA–2018–0005, Room N–3653, U.S. Department of Labor, 200 Constitution Avenue NW, Washington, DC 20210; telephone (202) 693–2350. You may submit materials, including attachments, electronically at <http://www.regulations.gov>, which is the Federal eRulemaking Portal. Follow the on-line instructions for submissions. All

comments should be identified with Docket No. OSHA–2018–0005.

Registration to Attend and/or to Participate in the Meeting: If you wish to attend the public meeting, make an oral presentation at the meeting, or participate in the meeting via telephone, you must register using this link <https://www.eventbrite.com/e/aviation-industry-whistleblower-stakeholder-meeting-tickets-65421231665> by close of business on September 24, 2019. Participants may speak and hand out written materials, but there will not be an opportunity to give an electronic presentation. Actual times provided for presentation will depend on the number of requests, but no more than 10 minutes per participant. There is no fee to register for the public meeting. Registration on the day of the public meeting will be permitted on a space-available basis beginning at 12:00 p.m., ET. After reviewing the requests to present, each participant will be contacted prior to the meeting with the approximate time that the participant's presentation is scheduled to begin.

FOR FURTHER INFORMATION CONTACT:

For press inquiries: Mr. Frank Meilinger, Director, OSHA Office of Communications, U.S. Department of Labor; telephone (202) 693–1999; email meilinger.francis2@dol.gov.

For general information: Mr. Anthony Rosa, Deputy Director, OSHA Directorate of Whistleblower Protection Programs, U.S. Department of Labor; telephone (202) 693–2199; email osha.dwpp@dol.gov.

SUPPLEMENTARY INFORMATION:

Scope of Meeting

OSHA is interested in obtaining information from the public on key issues facing the agency's whistleblower program. This meeting is the fourth in a series of meetings requesting public input on this program. For this meeting, OSHA is focusing on issues relating to whistleblower protection under the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (AIR21). In particular, the agency invites input on the following:

1. How can OSHA deliver better whistleblower customer service?
2. What kind of assistance can OSHA provide to help explain the whistleblower laws it enforces?
3. Are there any safety issues in the airline industry that you think the agency needs to be aware of?

Request for Comments

Regardless of attendance at the public meeting, interested persons may submit written or electronic comments (see

ADDRESSES). Submit a single copy of electronic comments or two paper copies of any mailed comments. To permit time for interested persons to submit data, information, or views on the issues in the "Scope of Meeting" section of this notice, submit comments by September 30, 2019, please include Docket No. OSHA–2018–0005.

Comments received may be seen in the OSHA Docket Office, (see **ADDRESSES**), between 10:00 a.m. and 3:00 p.m., ET, Monday through Friday.

Access to the Public Record

Electronic copies of this **Federal Register** notice are available at <http://www.regulations.gov>. This notice, as well as news releases and other relevant information, also are available on the Directorate of Whistleblower Protection Programs' web page at: <http://www.whistleblowers.gov>.

Authority and Signature

Loren Sweatt, Principal Deputy Assistant Secretary for Occupational Safety and Health, authorized the preparation of this notice under the authority granted by Secretary's Order 01–2012 (Jan. 18, 2012), 77 FR 3912 (Jan. 25, 2012), and 49 U.S.C. 42121.

Signed at Washington, DC, on August 14, 2019.

Loren Sweatt,

Principal Deputy Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2019–17826 Filed 8–19–19; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR

Advisory Committee on Veterans' Employment, Training and Employer Outreach (ACVETEO): Meeting

AGENCY: Veterans' Employment and Training Service (VETS), Department of Labor (DOL).

ACTION: Notice of open meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the ACVETEO. The ACVETEO will discuss the DOL core programs and services that assist veterans seeking employment and raise employer awareness as to the advantages of hiring veterans. There will be an opportunity for individuals or organizations to address the committee. Any individual or organization that wishes to do so should contact Mr. Gregory Green at 202–693–4734.

Individuals who will need accommodations for a disability in order to attend the meeting (e.g., interpreting services, assistive listening devices,

and/or materials in alternative format) should notify the Advisory Committee no later than Friday, September 6, 2019 by contacting Mr. Gregory Green at 202–693–4734. Requests made after this date will be reviewed, but availability of the requested accommodations cannot be guaranteed. The meeting site is accessible to individuals with disabilities. This Notice also describes the functions of the ACVETEO. Notice of this meeting is required under Section 10(a) (2) of the Federal Advisory Committee Act. This document is intended to notify the general public.

DATE AND TIME: Tuesday, September 17, 2019 beginning at 9:00 a.m. and ending at approximately 4:30 p.m. (EST).

ADDRESSES: The meeting will take place at the U.S. Department of Labor, Frances Perkins Building, 200 Constitution Avenue NW, Washington, DC 20210, Conference Room N–5437 A & B. Members of the public are encouraged to arrive early to allow for security clearance into the Frances Perkins Building.

Security Instructions: Meeting participants should use the visitor's entrance to access the Frances Perkins Building, one block north of Constitution Avenue at 3rd and C Streets NW. For security purposes meeting participants must:

1. Present a valid photo ID to receive a visitor badge.

2. Know the name of the event being attended: The meeting event is the Advisory Committee on Veterans' Employment, Training and Employer Outreach (ACVETEO).

3. Visitor badges are issued by the security officer at the Visitor Entrance located at 3rd and C Streets NW. When receiving a visitor badge, the security officer will retain the visitor's photo ID until the visitor badge is returned to the security desk.

4. Laptops and other electronic devices may be inspected and logged for identification purposes.

5. Due to limited parking options, Metro's Judiciary Square station is the easiest way to access the Frances Perkins Building.

Notice of Intent To Attend the Meeting: All meeting participants should submit a notice of intent to attend by Friday, September 6, 2019, via email to Mr. Gregory Green at green.gregory.b@dol.gov, subject line "September 2019 ACVETEO Meeting."

FOR FURTHER INFORMATION CONTACT: Mr. Gregory Green, Designated Federal Official for the ACVETEO, (202) 693–4734.

SUPPLEMENTARY INFORMATION: The ACVETEO is a Congressionally

mandated advisory committee authorized under Title 38, U.S. Code, Section 4110 and subject to the Federal Advisory Committee Act, 5 U.S.C. App. 2, as amended. The ACVETEO is responsible for: Assessing employment and training needs of veterans; determining the extent to which the programs and activities of the U.S. Department of Labor meet these needs; assisting to conduct outreach to employers seeking to hire veterans; making recommendations to the Secretary, through the Assistant Secretary for Veterans' Employment and Training Service, with respect to outreach activities and employment and training needs of veterans; and carrying out such other activities necessary to make required reports and recommendations. The ACVETEO meets at least quarterly.

Agenda

9:00 a.m. Welcome and remarks, Sam Shellenberger, Acting Assistant Secretary, Veterans' Employment and Training Service
9:05 a.m. Administrative Business, Gregory Green, Designated Federal Official
9:15 a.m. Subcommittee Service Delivery Briefing
10:00 a.m. Subcommittee Underserved Population Briefing
10:45 a.m. Break
11:00 a.m. Subcommittee Innovative Veteran Training and Employment Briefing
11:45 a.m. Lunch
1:00 p.m. Subcommittees Breakout Sessions
3:45 p.m. Subcommittee Assignments, Eric Eversole, Committee Chairman
4:00 p.m. Public Forum, Gregory Green, Designated Federal Official
4:30 p.m. Adjourn

Signed in Washington, DC, this 14th day of August 2019.

Joseph S. Shellenberger,

Acting Assistant Secretary, Veterans' Employment and Training Service.

[FR Doc. 2019–17833 Filed 8–19–19; 8:45 am]

BILLING CODE 4510–79–P

LEGAL SERVICES CORPORATION

Notice of Funds and Request for Applications for 2019 Disaster Supplemental Grant Funding

AGENCY: Legal Services Corporation.

ACTION: Notice.

SUMMARY: The Legal Services Corporation (LSC) issues this Notice describing the application and award process for up to \$14,250,000 of grants

to support delivery of legal services related to the consequences of Hurricanes Florence, Michael, and Lane; the Typhoons Yutu and Mangkhut; calendar year 2018 wildfires, volcanic eruptions, and earthquakes; and calendar year 2019 tornadoes and floods.

DATES: Applications must be submitted by 11:59 p.m. E.S.T. on September 9, 2019.

ADDRESSES: Applicants must email applications to emergencygrants@lsc.gov. LSC will not accept hard copy applications.

FOR FURTHER INFORMATION CONTACT: Application instructions are in the Notice of Funds and Request for Applications available at www.lsc.gov/disastergrants. We strongly encourage you to seek technical assistance from LSC's disaster team (Marty Costello and John Eidleman) while completing your applications. Please register for a time to speak with the team about your application by using this web address: <https://calendly.com/probonoinnovationfund/2019-disaster-supplemental-technical-assistance>. For more information or to reach a member of the Disaster Team, please send an email to emergencygrants@lsc.gov.

SUPPLEMENTARY INFORMATION: The Legal Services Corporation (LSC) is accepting applications from current LSC grantees for grants to support delivery of legal services related to the consequences of Hurricanes Florence, Michael, and Lane; the Typhoons Yutu and Mangkhut; calendar year 2018 wildfires, volcanic eruptions, and earthquakes; and calendar year 2019 tornadoes and floods. LSC will have approximately \$14,250,000 available for these grants. Grant decisions for these funds will be made in fall 2019. There is no maximum amount for these grants within the total funding available. LSC recommends submitting applications with a budget of at least \$250,000. LSC will fund grants for 24-month grant terms. All application materials and budgets must cover the entire grant term. Application materials and descriptions of eligible activities, grant requirements and the review and selection process are posted in the Notice of Funds and Request for Applications available at www.lsc.gov/disastergrants. LSC will post all additional information regarding this grant process at that website.

Eligible Applicants

To be eligible for Project grants, applicants must be current grantees of LSC grants for Basic Field-General, Basic Field-Migrant, or Basic Field-Native American funding. Eligible

applicants must be providing legal services in areas significantly affected by of Hurricanes Florence, Michael, and Lane; Typhoons Yutu and Mangkhut; calendar year 2018 wildfires, volcanic eruptions, and earthquakes; and calendar year 2019 tornadoes and floods. Those areas include all areas covered by Major Disaster Declarations for the for the above-named events by the Federal Emergency Management Agency (FEMA) (<https://www.fema.gov/disasters>). If you are not sure if you qualify, please send your question to emergencygrants@lsc.gov.

Eligible Activities and Expenses

Applicants are permitted to use these funds for any activities and expenses that are allowable pursuant to the Legal Services Corporation Act as long as they are related to the consequences of Hurricanes Florence, Michael, and Lane, Typhoons Yutu and Mangkhut, calendar year 2018 wildfires, volcanic eruptions, and earthquakes, and calendar year 2019 tornadoes and floods. Funds from these grants cannot be used for disaster preparedness activities for future disasters, except insofar as funded activities undertaken to respond to the listed disasters will also have continuing value in preparing for and responding to future disasters.

In addition to hiring and supporting staff, eligible activities include everything from the leasing of new office space in an area hard-hit by a disaster and adjacent to survivors with legal needs related to the disaster, to the purchase of office equipment and supplies, to the hiring of a project or grant manager, to the hiring of other administrative support staff—as long as these activities and expenses are related to the consequences of the disasters listed above.

Reimbursement of Pre-Award Disaster Expenses

Grants can support (1) prospective expenses and activities that will occur during the grant term; and (2) pre-award expenses and activities that otherwise meet all the grant criteria involving responding to the eligible disasters for efficient and timely provision of any of the disaster-response resources. All costs for which reimbursement is sought, whether incurred pre-award or post-award, must meet LSC requirements. LSC will provide a procedure for handling prior approvals for already-incurred costs that you did not expect to charge to LSC funds.

Dated: August 15, 2019.

Mark F. Freedman,

Senior Associate General Counsel.

[FR Doc. 2019-17911 Filed 8-19-19; 8:45 am]

BILLING CODE P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice: 19-049]

NASA Advisory Council; Regulatory and Policy Committee; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, as amended, the National Aeronautics and Space Administration (NASA) announces a meeting of the Regulatory and Policy Committee of the NASA Advisory Council (NAC). This Committee reports to the NAC.

DATES: Thursday, September 5, 2019, from 10:00 a.m.–4:00 p.m., Eastern Time.

ADDRESSES: NASA Headquarters, Glennan Conference Room 1Q39, First Floor, 300 E Street SW, Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Mr. Andrew Rowe, Designated Federal Officer, Office of Legislative and Intergovernmental Affairs, NASA Headquarters, Washington, DC 20546, (202) 358-4269 or andrew.rowe@nasa.gov.

SUPPLEMENTARY INFORMATION: This meeting will be open to the public up to the capacity of the meeting room. This meeting is also available telephonically and by WebEx. You must use a touch-tone phone to participate in this meeting. Any interested person may dial the toll number 1-720-259-6462 and then the numeric passcode 713620, followed by the # sign, or toll-free 1-844-467-6272 and then the numeric passcode 713620, followed by the # sign. *Note:* If dialing in, please “mute” your phone. To join via WebEx, the link is <https://nasaenterprise.webex.com/>. The meeting number is: 905 419 181 and the meeting password is qSpTpD?7 (case sensitive).

The agenda for the meeting will include:

—Extraction and Utilization of Extraterrestrial Resources

Attendees will be requested to sign a register and to comply with NASA Headquarters security requirements, including the presentation of a valid picture ID to NASA Security before

access to NASA Headquarters. Foreign nationals attending this meeting will be required to provide a copy of their passport and visa in addition to providing the following information no less than 10 days prior to the meeting: Full name; gender; date/place of birth; citizenship; passport information (number, country, telephone); visa information (number, type, expiration date); employer/affiliation information (name of institution, address, country, telephone); title/position of attendee. To expedite admittance, attendees that are U.S. citizens and Permanent Residents (green card holders) are requested to provide full name and citizenship status no less than 3 working days prior to the meeting. Information should be sent to Mr. Andrew Rowe, at andrew.rowe@nasa.gov.

Patricia Rausch,

*Advisory Committee Management Officer,
National Aeronautics and Space
Administration.*

[FR Doc. 2019-17944 Filed 8-19-19; 8:45 am]

BILLING CODE 7510-13-P

NEIGHBORHOOD REINVESTMENT CORPORATION

Sunshine Act Meetings; Regular Board of Directors Meeting

TIME & DATE: 3:00 p.m., Wednesday, September 4, 2019.

PLACE: NeighborWorks America—Gramlich Boardroom, 999 North Capitol Street NE, Washington, DC 20002.

STATUS: Open (with the exception of Executive Session).

MATTERS TO BE CONSIDERED: The General Counsel of the Corporation has certified that in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552 (b)(2) and (4) permit closure of the following portion(s) of this meeting:

- Report From CEO
- Board and Officer Elections

Agenda

- I. Call to Order
- II. Approval of Minutes
- III. Executive Session: Report from CEO
- IV. Action Item Recognition of Service for Senior Deputy Controller Grovetta Gardineer
- V. Action Item FY2020 Preliminary Budget
- VI. Action Item Investment Policy Update
- VII. Action Item Lapse Plan Policy
- VIII. Discussion Item Corporate Goals for FY2020
- IX. Discussion Item FY2021 Budget Submission Process

X. Discussion Item Non-Core Private Funds

XI. Discussion Item Western Region—Denver Office Lease Renewal

XII. Discussion Item 40th Anniversary Event

XIII. Management Program Background and Updates

XIV. Adjournment

CONTACT PERSON FOR MORE INFORMATION: Rutledge Simmons, EVP & General Counsel/Secretary, (202) 760-4105; Rsimmons@nw.org.

Rutledge Simmons,

EVP & General Counsel/Corporate Secretary.

[FR Doc. 2019-18039 Filed 8-16-19; 4:15 pm]

BILLING CODE 7570-02-P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-293; NRC-2019-0152]

Entergy Nuclear Operations Inc; Pilgrim Nuclear Power Station

AGENCY: Nuclear Regulatory Commission.

ACTION: Environmental assessment and finding of no significant impact; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is considering issuance of an exemption in response to a November 16, 2018, request from Entergy Nuclear Operations, Inc. (ENOI or the licensee) on behalf of Entergy Nuclear Generation Company (ENGCO) (to be renamed Holtec Pilgrim, LLC) and Holtec Decommissioning International, LLC (HDI), related to Pilgrim Nuclear Power Station (Pilgrim), located in Plymouth County, Massachusetts. The proposed action would permit Holtec Pilgrim, LLC and HDI to use funds from the Pilgrim decommissioning trust fund (the Trust) for management of spent fuel and site restoration activities. The staff is issuing a final environmental assessment (EA) and a final finding of no significant impact (FONSI) associated with the proposed exemption.

DATES: The EA and FONSI referenced in this document are available on August 20, 2019.

ADDRESSES: Please refer to Docket ID NRC-2019-0152 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-2019-0152. Address

questions about NRC docket IDs in *Regulations.gov* 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 "Begin Web-based ADAMS Search." For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1-800-397-4209, 301-415-4737, or by email to pdr.resource@nrc.gov. For the convenience of the reader, instructions about obtaining materials referenced in this document are provided in the Availability of Documents section.

- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1-F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

FOR FURTHER INFORMATION CONTACT: Scott P. Wall, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone: 301-415-2855; email: Scott.Wall@nrc.gov.

SUPPLEMENTARY INFORMATION:

I. Introduction

Pursuant to section 50.12 of title 10 of the *Code of Federal Regulations* (10 CFR), "Specific exemptions," the NRC is considering issuance of an exemption from 10 CFR 50.82(a)(8)(i)(A) for Renewed Facility Operating License No. DPR-35, issued to HDI for Pilgrim, located in Plymouth County, Massachusetts. By letter dated November 16, 2018 (ADAMS Accession No. ML18320A031), ENOI, on behalf of itself, Entergy Nuclear Generation Company (ENGCO) (to be known as Holtec Pilgrim, LLC), Holtec International (Holtec), and HDI submitted a License Transfer Application (LTA) requesting that the NRC consent to the proposed direct and indirect transfer of the Pilgrim Renewed Facility Operating License No. DPR-35 and the general license for the Pilgrim ISFSI (collectively referred to as the facility). Specifically, the Applicants requested that the NRC consent to the direct transfer of ENOI's currently licensed authority (licensed operator for decommissioning) to HDI. In addition, the Applicants requested the indirect transfer of control of ENGCO's ownership interests in the facility licenses to

Holtec. In Enclosure 2 of the November 16, 2018, LTA, HDI requested an exemption from 10 CFR 50.82(a)(8)(i)(A). The exemption would allow Holtec Pilgrim, LLC and HDI to use funds from the Trust for spent fuel management and site restoration activities, in the same manner that funds from the Trust are used under 10 CFR 50.82(a)(8) for radiological decommissioning activities. This exemption would only apply following NRC approval of the LTA and closing of the underlying transaction.

In accordance with 10 CFR 51.21, the NRC has prepared an environmental assessment (EA) that analyzes the environmental effects of the proposed action. Based on the results of this EA, and in accordance with 10 CFR 51.31(a), the NRC has determined not to prepare an environmental impact statement for the proposed licensing action and is issuing a finding of no significant impact (FONSI).

II. Environmental Assessment

Description of the Proposed Action

The proposed action would partially exempt Holtec Pilgrim, LLC and HDI from the requirements set forth in 10 CFR 50.82(a)(8)(i)(A). Specifically, the proposed action would allow Holtec Pilgrim, LLC and HDI to use funds from the Trust for spent fuel management and site restoration activities not associated with radiological decommissioning activities.

The proposed action is also described in the licensee's application dated November 16, 2018 (ADAMS Accession No. ML18320A031).

Need for the Proposed Action

By letter dated November 10, 2015 (ADAMS Accession No. ML15328A053), ENOI informed the NRC that it planned to permanently cease power operations at Pilgrim no later than June 1, 2019. ENOI permanently ceased power operations at Pilgrim on May 31, 2019. ENOI permanently defueled Pilgrim on June 9, 2019.

As required by 10 CFR 50.82(a)(8)(i)(A), decommissioning trust funds may be used by Holtec Pilgrim, LLC and HDI if the withdrawals are for legitimate decommissioning activity expenses, consistent with the definition of decommissioning in 10 CFR 50.2. This definition addresses radiological decontamination and does not include activities associated with spent fuel management or site restoration. Therefore, exemption from 10 CFR 50.82(a)(8)(i)(A) is needed to allow Holtec Pilgrim, LLC and HDI to use funds from the Trust for spent fuel

management and site restoration activities.

HDI stated that Table 1 of the application dated November 16, 2018, demonstrates that the Trust contains the amount needed to cover the estimated costs of radiological decommissioning, as well as spent fuel management and site restoration activities. The adequacy of funds in the Trust to cover the costs of activities associated with spent fuel management, site restoration, and radiological decontamination through license termination is supported by the revised Pilgrim Post-Shutdown Decommissioning Activities Report submitted by HDI in a letter dated November 16, 2018 (ADAMS Accession No. ML18320A034), as supplemented by letters dated January 9, 2019 and July 29, 2019 (ADAMS Accession Nos. ML19015A020 and ML19210E470, respectively). HDI stated that it needs access to the funds in the Trust to support spent fuel management and site restoration activities not associated with radiological decontamination.

In summary, by letter dated November 16, 2018, HDI requested an exemption from NRC regulations to allow Trust withdrawals for spent fuel management and site restoration activities.

Environmental Impacts of the Proposed Action

The proposed action involves regulatory requirements that are of a financial or administrative nature and that do not have an impact on the environment. The NRC has completed its evaluation of the proposed action and concludes that there is reasonable assurance that adequate funds are available in the Trust to complete all activities associated with radiological decommissioning. There would be no decrease in safety associated with the use of the Trust to fund activities associated with spent fuel management and site restoration. The NRC regulations in 10 CFR 50.82(a)(8)(v) require licensees to submit a financial assurance status report annually between the time of submitting their decommissioning cost estimate until they submit their final radiation survey and demonstrate that residual radioactivity has been reduced to a level that permits termination of the operating license. Section 50.82(a)(8)(vi) of 10 CFR requires that if the sum of the balance of any remaining decommissioning funds, plus expected rate of return, plus any other financial surety mechanism relied upon by the licensee, does not cover the estimated costs to complete the decommissioning, the financial assurance status report must include additional financial

assurance to cover the cost of completion. These annual reports provide a means for the NRC to monitor the adequacy of available funding. The proposed exemption would allow Holtec Pilgrim, LLC and HDI to use Trust funds to support spent fuel management and site restoration activities not associated with radiological decontamination. The NRC staff has determined that there is reasonable assurance of adequate funding for radiological decommissioning based on the remaining Trust funds dedicated for radiological decontamination. Specifically, HDI has provided detailed, site-specific, cost-estimates for radiological decommissioning that the NRC staff finds sufficiently demonstrate that the Trust funds dedicated to radiological decommissioning are adequate. Thus, there is reasonable assurance that there will be no environmental effect due to lack of adequate funding for decommissioning.

The proposed action will not significantly increase the probability or consequences of radiological accidents or change the types of effluents released offsite. In addition, there would be no significant increase in the amount of any radiological effluent released offsite, and no significant increase in occupational or public radiation exposure. There would be no materials or chemicals introduced into the plant affecting the characteristics or types of effluents released offsite. In addition, waste processing systems would not be affected by the proposed exemption. Therefore, there would be no significant radiological environmental impacts associated with the proposed action.

Regarding potential nonradiological impacts, the proposed action would have no direct impacts on land use or water resources, including terrestrial and aquatic biota, as it involves no new construction or modification of plant operational systems. There would be no changes to the quality or quantity of nonradiological effluents, and no changes to the plant's National Pollutant Discharge Elimination System permits would be needed. In addition, there would be no noticeable effect on socioeconomic and environmental justice conditions in the region, no air quality impacts, and no potential to affect historic properties. Therefore, there would be no significant nonradiological environment impacts associated with the proposed action.

Accordingly, the NRC concludes that there would be no significant environmental impacts associated with the proposed action.

Environmental Impacts of the Alternatives to the Proposed Action

As an alternative to the proposed action, the NRC staff considered the denial of the proposed action (*i.e.*, the “no-action” alternative). Denial of the exemption request would result in no change in current environmental impacts. The environmental impacts of the proposed action and the alternative action would be similar.

Alternative Use of Resources

There are no unresolved conflicts concerning alternative uses of available resources under the proposed action.

Agencies or Persons Consulted

No additional agencies or persons were consulted regarding the environmental impact of the proposed action. On August 14, 2019, the NRC notified the Commonwealth of Massachusetts representative of the EA and FONSI.

III. Finding of No Significant Impact

The requested exemption from 10 CFR 50.82(a)(8)(i)(A) would allow Holtec Pilgrim, LLC and HDI to use funds from the Trust for spent fuel

management and site restoration activities.

The NRC is considering issuing the requested exemption. The proposed action would not significantly affect plant safety, would not have a significant adverse effect on the probability of an accident occurring, and would not have any significant radiological or nonradiological impacts. The reason the human environment would not be significantly affected is that the proposed action involves an exemption from requirements that are of a financial or administrative nature that do not have an impact on the human environment. Consistent with 10 CFR 51.21, the NRC conducted the EA for the proposed action, and this FONSI incorporates by reference the EA included in Section II of this document. Therefore, the NRC concludes that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the NRC has determined there is no need to prepare an environmental impact statement for the proposed action.

As required by 10 CFR 51.32(a)(5), the related environmental document is the “Generic Environmental Impact Statement for License Renewal of

Nuclear Plants: Regarding Pilgrim Nuclear Power Station, Final Report,” January 2007 (NUREG-1437, Supplement 29, Volumes 1 and 2), which provides the latest environmental review of current operations and description of environmental conditions at Pilgrim.

The finding and other related environmental documents may be examined, and/or copied for a fee, at the NRC’s Public Document Room (PDR), located at One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852. Publicly-available records are accessible electronically from ADAMS Public Electronic Reading Room on the internet at the NRC’s website: <https://www.nrc.gov/reading-rm/adams.html>. Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS should contact the NRC’s PDR Reference staff by telephone at 1-800-397-4209 or 301-415-4737, or by email to pdr.resource@nrc.gov.

IV. Availability of Documents

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

Date	Title	ADAMS Accession No.
6/10/2019	Letter from Entergy to NRC titled “Certifications of Permanent Cessation of Power Operations and Permanent Removal of Fuel from the Reactor Vessel”.	ML19161A033
11/16/2018	Letter from Entergy to NRC titled “Application for Order Consenting to Direct and Indirect Transfers of Control of Licenses and Approving Conforming License Amendment; and Request for Exemption from 10 CFR 50.82(a)(8)(i)(A)”.	ML18320A031
11/16/2018	Letter from HDI to NRC titled “Notification of Revised Post-Shutdown Decommissioning Activities Report and Revised Site-Specific Decommissioning Cost Estimate for Pilgrim Nuclear Power Station”.	ML18320A040
11/10/2015	Letter from Entergy to NRC titled “Notification of Permanent Cessation of Power Operations”	ML15328A053
7/2007	NUREG-1437, Supplement 29, “Generic Environmental Impact Statement for License Renewal of Nuclear Plants: Regarding Pilgrim Nuclear Power Station,” Volumes 1 and 2.	ML071990020; ML071990027

Dated at Rockville, Maryland, this 15th day of August, 2019.

For the Nuclear Regulatory Commission.

Scott P. Wall,

Senior Project Manager, Plant Licensing Branch III, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 2019-17888 Filed 8-19-19; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-289; NRC-2019-0079]

Exelon Generation Company LLC; Three Mile Island Nuclear Station Unit 1

AGENCY: Nuclear Regulatory Commission.

ACTION: License amendment application; withdrawal by applicant.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) has granted the request of Exelon Generation Company, LLC to withdraw its application dated December 14, 2018, for a proposed amendment to Renewed Facility Operating License No. DPR-50 for the Three Mile Island Nuclear Station, Unit

1. The proposed amendment would have revised Technical Specification 6.8.5 “Reactor Building Leakage Rate Testing Program,” to allow for a one-cycle extension to the 10-year frequency of the containment leakage rate test (*i.e.*, Integrated Leakage Rate Test (ILRT) or Type A test).

DATES: The withdrawal of the proposed amendment takes effect on August 20, 2019.

ADDRESSES: Please refer to Docket ID NRC-2019-0079 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–2019–0079. Address questions about NRC docket IDs in *Regulations.gov* 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 "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 (if it is available in ADAMS) is provided the first time that it is mentioned in this document.

- *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:

Justin C. Poole, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–2048, email: Justin.Poole@nrc.gov.

SUPPLEMENTARY INFORMATION: The NRC has granted the request, dated June 17, 2019 (ADAMS Accession No. ML19169A031), of Exelon Generation Company, LLC (the licensee) to withdraw its application, dated December 14, 2018 (ADAMS Accession No. ML18351A006), for proposed amendment to Renewed Facility Operating License No. DPR–50 for the Three Mile Island Nuclear Station, Unit 1, located in Dauphin County, Pennsylvania.

The amendment would have revised Technical Specification 6.8.5 "Reactor Building Leakage Rate Testing Program." The amendment would have allowed for a one-cycle extension to the 10-year frequency of the Three Mile Island Nuclear Station, Unit 1, containment leakage rate test (*i.e.*, ILRT or Type A test). The proposed change would have permitted the existing ILRT to be extended from 10 years to 11.75 years. This extension would have moved the performance of the next ILRT from the scheduled fall 2019 refueling outage to the fall 2021 refueling outage.

Exelon's December 14, 2018, request was noticed in the **Federal Register** on March 26, 2019 (84 FR 11338).

Dated at Rockville, Maryland, this 14th day of August, 2019.

For the Nuclear Regulatory Commission.

James G. Danna,

Chief, Plant Licensing Branch I, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 2019–17839 Filed 8–19–19; 8:45 am]

BILLING CODE 7590–01–P

PENSION BENEFIT GUARANTY CORPORATION

Proposed Submission of Information Collection for OMB Review; Comment Request; Annual Reporting (Form 5500 Series)

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Notice of intent to request extension of OMB approval, with modifications.

SUMMARY: The Pension Benefit Guaranty Corporation (PBGC) intends to request that the Office of Management and Budget (OMB) extend approval (with modifications), under the Paperwork Reduction Act of 1995, of its collection of information for Annual Reporting under OMB control number 1212–0057, which expires on January 31, 2022. This notice informs the public of PBGC's intent and solicits public comment on the collection of information.

DATES: Comments must be submitted by October 21, 2019.

ADDRESSES: Comments may be submitted by any of the following methods:

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

- *Email:* paperwork.comments@pbgc.gov. Refer to Annual Reporting (Form 5500 Series) in the subject line.

- *Mail or Hand Delivery:* Regulatory Affairs Division, Office of the General Counsel, Pension Benefit Guaranty Corporation, 1200 K Street NW, Washington, DC 20005–4026.

All submissions received must include the agency's name (Pension Benefit Guaranty Corporation, or PBGC) and refer to the Annual Reporting (Form 5500 Series). All comments received will be posted without change to PBGC's website, www.pbgc.gov, including any personal information provided. Copies of the collection of information may be obtained by writing to Disclosure Division, Office of the General Counsel, Pension Benefit Guaranty Corporation, 1200 K Street NW, Washington, DC 20005–4026, or calling 202–326–4040 during normal business hours. TTY users may call the

Federal relay service toll-free at 800–877–8339 and ask to be connected to 202–326–4040.

FOR FURTHER INFORMATION CONTACT:

Karen Levin (levin.karen@pbgc.gov), Attorney, Regulatory Affairs Division, Office of the General Counsel, Pension Benefit Guaranty Corporation, 1200 K Street, NW, Washington, DC 20005–4026, 202–326–4400, extension 3559. TTY users may call the Federal relay service toll-free at 800–877–8339 and ask to be connected to 202–326–4400, extension 3559.

SUPPLEMENTARY INFORMATION: Annual reporting to the Internal Revenue Service (IRS), the Employee Benefits Security Administration (EBSA), and the Pension Benefit Guaranty Corporation (PBGC) is required by law for most employee benefit plans. For example, section 4065 of the Employee Retirement Income Security Act of 1974 (ERISA) requires annual reporting to PBGC for pension plans covered by title IV of ERISA. To accommodate these filing requirements, IRS, EBSA, and PBGC have jointly promulgated the Form 5500 Series, which includes the Form 5500 Annual Return/Report of Employee Benefit Plan and the Form 5500–SF Short Form Annual Return/Report of Small Employee Benefit Plan.

The collection of information has been approved by OMB under control number 1212–0057 through January 31, 2022. PBGC intends to request that OMB extend its approval, with modifications, for three years. An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

PBGC is proposing modifications to the 2020 Schedule R (Retirement Plan Information) and its related instructions. The proposed modifications to Schedule R affect multiemployer defined benefit plans covered by Title IV of ERISA. PBGC is also proposing minor modifications to the Form 5500 Series to improve the accuracy of reported information.

Section 103(f)(2)(C) of ERISA requires that a multiemployer defined benefit plan include in its annual report, "[t]he number of participants under the plan on whose behalf no contributions were made by an employer as an employer of the participant for such plan year and for each of the 2 preceding plan years." Line 14a of Schedule R requires the plan to report the participant counts for the current plan year's filing. Lines 14b and 14c require the plan to report the participant counts for the previous two respective plan years. PBGC has found a majority of plans that are required to

report do not provide accurate information on line 14 of Schedule R.

The current instructions for line 14 require multiemployer plans to count inactive participants using the last contributing employer counting method. Under the last contributing employer method, a plan counts only those participants whose last contributing employer withdrew from the plan by the beginning of the relevant plan year for which the Form 5500 relates. The plan does not count any participants whose employers had not withdrawn from the plan, even if, in the relevant year, no contributions were made by the employer on behalf of those participants.

PBGC is proposing to modify Schedule R to provide multiemployer plans with a choice of the last contributing employer counting method and two proposed counting methods: The alternative method and the approximation method. PBGC anticipates that providing plans with three alternative counting methods will allow each plan to choose the counting method that will be most accurate and least burdensome for the plan to count its inactive participants.

Under the first proposed counting method, the alternative method, a plan would count only those participants whose last contributing employer and all prior contributing employers had withdrawn from the plan by the beginning of the relevant plan year. Under this method, the plan would review the list of all contributing employers (employers that had not withdrawn from the plan by the beginning of the relevant plan year), and include on Line 14 only those inactive participants who had no covered service with any of these employers.

Under the second proposed counting method, the reasonable approximation method, a plan that is unable to use the other two methods would make a reasonable, good faith effort to count inactive participants to satisfy the requirements of section 103(f)(2)(C) of ERISA. The plan would be required to provide an attachment that explains the plan's approximation method, including a description of the data and a breakdown describing the number of clearly identified inactive participants and the number of estimated inactive participants.

PBGC also is proposing that when a plan reports a number on line 14b or 14c that differs from the number it reported for the plan year immediately preceding the plan year, it would be required to submit an attachment with an explanation of the reason for the change.

Both attachments will provide PBGC with data information that it uses in its Pension Insurance Modeling System (PIMS). PBGC's evaluation of the data submitted in the attachments will allow PBGC to review the integrity of the data. PBGC estimates that the proposed changes would have an offsetting effect and would not change the hour or cost burden for the Schedule R.

PBGC estimates that it will receive approximately 24,800 Form 5500 and Form 5500-SF filings per year under this collection of information for the Form 5500 Series. PBGC further estimates that the total annual burden of this collection of information for the Form 5500 Series, attributable to PBGC, will be 1,200 hours and \$1,664,000.

PBGC is soliciting public comments to—

- 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 methodologies 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.

Issued in Washington, DC.

Hilary Duke,

Assistant General Counsel for Regulatory Affairs, Pension Benefit Guaranty Corporation.

[FR Doc. 2019-17341 Filed 8-19-19; 8:45 am]

BILLING CODE 7709-02-P

OFFICE OF PERSONNEL MANAGEMENT

Submission for Review: RI 30-2, Annuitant's Report of Earned Income, 3206-0034

AGENCY: Office of Personnel Management.

ACTION: 30-Day notice and request for comments.

SUMMARY: The Retirement Services, Office of Personnel Management (OPM) offers the general public and other Federal agencies the opportunity to

comment on a revised information collection request RI 30-2, Annuitant's Report of Earned Income.

DATES: Comments are encouraged and will be accepted until September 19, 2019.

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street NW, Washington, DC 20503, Attention: Desk Officer for the Office of Personnel Management or sent via electronic mail to oir_submission@omb.eop.gov or faxed to (202) 395-6974.

FOR FURTHER INFORMATION CONTACT: A copy of this information collection, with applicable supporting documentation, may be obtained by contacting the Retirement Services Publications Team, Office of Personnel Management, 1900 E Street NW, Room 3316-L, Washington, DC 20415, Attention: Cyrus S. Benson, or sent via electronic mail to Cyrus.Benson@opm.gov or faxed to (202) 606-0910 or via telephone at (202) 606-4808.

SUPPLEMENTARY INFORMATION: As required by the Paperwork Reduction Act of 1995 OPM is soliciting comments for this collection. The information collection (OMB No. 3206-0034) was previously published in the **Federal Register** on April 17, 2019 at 84 FR 16050, allowing for a 60-day public comment period. No comments were received for this collection. The purpose of this notice is to allow an additional 30 days for public comments. The Office of Management and Budget is particularly interested in comments that:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of functions of the agency, including whether the information will have practical utility;
 2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
 3. Enhance the quality, utility, and clarity of the information to be collected; and
 4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.
- RI 30-2, Annuitant's Report of Earned Income, is used annually to determine

if disability retirees under age 60 have earned income which will result in the termination of their annuity benefits under title 5, U.S.C. Sections 8337 and 8455. It also specifies the conditions to be met and the documentation required for a person to request reinstatement.

Analysis

Agency: Retirement Operations, Retirement Services, Office of Personnel Management.

Title: Annuitant's Report of Earned Income.

OMB Number: 3206-0034.

Frequency: On occasion.

Affected Public: Individuals or Households.

Number of Respondents: 21,000.

Estimated Time per Respondent: 35 minutes.

Total Burden Hours: 12,250 hours.

U.S. Office of Personnel Management.

Stephen Hickman,

Federal Register Liaison.

[FR Doc. 2019-17908 Filed 8-19-19; 8:45 am]

BILLING CODE 6325-38-P

OFFICE OF PERSONNEL MANAGEMENT

Submission for Review: Health Benefits Election Form, OPM 2809, 3206-0141

AGENCY: U.S. Office of Personnel Management.

ACTION: 60-Day Notice and request for comments.

SUMMARY: The Retirement Services, Office of Personnel Management (OPM) offers the general public and other federal agencies the opportunity to comment on a revised information collection request (ICR), Health Benefits Election Form (OPM 2809).

DATES: Comments are encouraged and will be accepted until October 21, 2019.

ADDRESS: Interested persons are invited to submit written comments on the proposed information collection to Retirement Services, U.S. Office of Personnel Management, 1900 E Street NW, Washington, DC 20415, Attention: Alberta Butler, Room 2523-AC, or sent via electronic mail to Alberta.Butler@opm.gov.

FOR FURTHER INFORMATION CONTACT: A copy of this ICR with applicable supporting documentation, may be obtained by contacting the Retirement Services Publications Team, Office of Personnel Management, 1900 E Street NW, Room 3316-L, Washington, DC 20415, Attention: Cyrus S. Benson, or sent via electronic mail to

Cyrus.Benson@opm.gov or faxed to (202) 606-0910 or via telephone at (202) 606-4808.

SUPPLEMENTARY INFORMATION: As required by the Paperwork Reduction Act of 1995 (Pub. L. 104-13, 44 U.S.C. chapter 35) as amended by the Clinger-Cohen Act (Pub. L. 104-106), OPM is soliciting comments for this collection (OMB No. 3206-0141). The Office of Management and Budget is particularly interested in comments that:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

3. Enhance the quality, utility, and clarity of the information to be collected; and

4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

OPM 2809, Health Benefits Election, is used by annuitants and former spouses to elect, cancel, suspend, or change health benefits enrollment during periods other than open season.

Analysis

Agency: Federal Employee Insurance Operations, Office of Personnel Management.

Title: Health Benefits Election Form.

OMB Number: 3206-0141.

Frequency: On occasion.

Affected Public: Individuals or Households.

Number of Respondents: 30,000 (Forms = 20,000; Verbal/Written collection = 10,000).

Estimated Time per Respondent: 30 minutes (Telephone/Mail collection = 10 mins).

Total Burden Hours: 11,667 hours.

U.S. Office of Personnel Management.

Stephen Hickman,

Federal Register Liaison.

[FR Doc. 2019-17915 Filed 8-19-19; 8:45 am]

BILLING CODE 6325-38-P

POSTAL SERVICE

Product Change—Parcel Select Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* August 20, 2019.

FOR FURTHER INFORMATION CONTACT:

Elizabeth Reed, 202-268-3179.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on August 15, 2019, it filed with the Postal Regulatory Commission a *USPS Request to Add Parcel Select Contract 34 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2019-188, CP2018-211.

Elizabeth Reed,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2019-17906 Filed 8-19-19; 8:45 am]

BILLING CODE 7710-12-P

POSTAL SERVICE

International Product Change—Inbound Market Dominant Non-Published Rate Agreements With Foreign Postal Operators

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add Inbound Market Dominant Non-Published Rate Agreements with Foreign Postal Operators to the Market Dominant Product List.

DATES: *Date of notice:* August 20, 2019.

FOR FURTHER INFORMATION CONTACT: Christopher C. Meyerson, 202-268-7820.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642, on August 14, 2019, it filed with the Postal Regulatory Commission a *Request of United States Postal Service to add Inbound Market Dominant Non-Published Rate Agreements with Foreign Postal Operators to the Market Dominant Product List, Notice of a Type 2 Rate Adjustment in the form of an Inbound Market Dominant NPR-FPO 1*

Model Contract, and Application for Non-Public Treatment of Materials Filed Under Seal. Documents are available at www.prc.gov, Docket Nos. MC2019–187 and R2019–2.

Christopher C. Meyerson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2019–17885 Filed 8–19–19; 8:45 am]

BILLING CODE 7710–12–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–86662; File No. SR–CboeBYX–2019–005]

Self-Regulatory Organizations; Cboe BYX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Relating To Clarify Portions of Its Rules Under Chapter 14 (Securities Traded) Related to the Applicability of Certain Disclosure Requirements

August 14, 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 31, 2019, Cboe BYX Exchange, Inc. (the “Exchange” or “BYX”) 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 19(b)(3)(A)(iii) of the Act³ 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 BYX Exchange, Inc. (the “Exchange” or “BYX”) proposes to clarify portions of its rules under Chapter 14 (Securities Traded) related to the applicability of certain disclosure requirements. 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://markets.cboe.com/us/equities/regulation/rule_filings/byx/), at the Exchange’s Office of the Secretary, and at the Commission’s Public Reference Room.

II. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to clarify portions of the rules under Chapter 14 (Securities Traded) related to the applicability of certain disclosure requirements.

Currently, under Rule 14.1 (Unlisted Trading Privileges), Rule 14.2 (Investment Company Units), and Rule 14.8 (Portfolio Depositary Receipts) a Member is required to provide to all purchasers a written description of the terms and characteristics of the applicable securities (or a “product description”). In addition, Members also have a separate prospectus delivery requirement under Section 24(d) of the Investment Company Act of 1940 (“1940 Act”). A Member, however, is not required to send a Section 24(d) prospectus for a security if such security is subject of an order by the Securities and Exchange Commission (“Commission”) exempting it from Section 24(d) prospectus delivery requirements, and is not otherwise subject to prospectus delivery requirements under the Securities Act of 1933 (“1933 Act”). As such, the Exchange provides rules requiring Members to deliver a product description for securities exempt from the prospectus delivery requirements. The Exchange notes that a product description is a written description of the terms and characteristics of a security in a form prepared or approved by the Exchange, whereas a prospectus is a legal document required by and filed with the Commission which contains detailed disclosures about a security.

Currently, Rule 14.1(c)(3)(A), Rule 14.2(d)(1), and Rule 14.8(j)(1) provide govern the written description requirements for derivative securities traded under unlisted trading privileges

(“UTP Derivative Securities”), series of Investment Company Units, and series of Portfolio Depositary Receipts, respectively. As written, these subparagraphs under their respective Rules do not make it explicit to Members that the product description requirement is applicable only to prospectus-exempt products. Furthermore, current Rules 14.2(d)(1) and 14.8(j)(1) do not contain a provision (like that of 14.1(c)(3)(B)) that the Exchange will inform its Members by means of an information circular when the product description delivery requirements apply. Therefore, in order to provide Members with better understanding of the provisions in connection with these requirements, the Exchange now proposes to amend its rules to explicitly state that the product description delivery requirements apply only to the respective products that are exempt from the 1940 Act prospectus delivery requirements and are not otherwise subject to the prospectus delivery requirements under the 1933 Act. The Exchange also proposes to add language to Rule 14.2(d)(1) and Rule 14.8(j)(1) to inform Members that the Exchange will announce the applicability of the product description delivery requirements to particular series of Portfolio Depositary Receipts or Investment Company Units via information circular. This change is intended to provide clarity to Members regarding when and how the Exchange will notify Members of their product delivery obligations. The Exchange notes that Rule 14.1(c)(3)(B) currently provides that the Exchange informs its Members of the application of product description delivery requirements related to UTP Derivative Securities by means of information circular. The Exchange also notes that the proposed amendments are substantially similar to the disclosure requirement provision currently applicable to Managed Fund Shares on its affiliated exchange, Cboe BZX Exchange, Inc. (“BZX”).⁵

The Exchange proposes to update the heading of Rule 14.1(c)(3)(A), which currently states “Prospectus Delivery”, to “Scope of Product Description” as it believes this better aligns with the requirements provided for under paragraph (c)(3), thus provides further clarity regarding the product description requirements contained within this paragraph.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b–4.

³ 15 U.S.C. 78s(b)(3)(A)(iii).

⁴ 17 CFR 240.19b–4(f)(6).

⁵ See BZX Rule 14.11(i)(6).

“Act”) and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.⁶ Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)⁷ 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)⁸ requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers. The Exchange also believes the proposed rule change is consistent with Section 6(b)(1) of the Act, which provides that the Exchange be organized and have the capacity to be able to carry out the purposes of the Act and to enforce compliance by the Exchange’s Members and persons associated with its Members with the Act, the rules and regulations thereunder, and the rules of the Exchange.

In particular, the Exchange believes that this proposal benefits and protects investors because it is designed to bolster Member understanding of its rules and the applicability of the subparagraphs providing for written description disclosure requirements to certain products. Because such current subparagraphs (Rule 14.1(c)(3)(A), Rule 14.2(d)(1), and Rule 14.8(j)(1)) do not explicitly state under what circumstances they will apply to the respective products under each subparagraph, the Exchange has found that it is unclear to Members that the subparagraphs in connection with the required written description only apply to securities or series that are exempt from the Section 24(d) prospectus delivery requirements, and otherwise not subject to prospectus delivery requirements under the 1933 Act. The Exchange thus believes this proposed change will enhance Members’ understanding with respect to when and to which products the relevant subparagraphs are applicable, thereby protecting investors and the public

interest. The Exchange notes that this proposal does not alter any of the disclosure requirements applicable to market participants, but merely intends to make explicit when the written disclosure provisions apply, as well as establish that the Exchange will notify Members via information circular of their product description obligations for particular series of Portfolio Depository Receipts and Investment Company Units. Additionally, the Exchange believes that providing clear rules regarding the applicability of provisions requiring written product description deliveries will enable the Exchange to be organized and have the capacity to enforce compliance its Members with the Act and the rules of Exchange.

Additionally, the proposed changes are substantially similar to the rule of affiliated exchange, BZX, for disclosure requirements currently applicable to Managed Fund Shares.⁹

B. Self-Regulatory Organization’s Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act, as amended. On the contrary, the proposed rule change is not designed to address any competitive issues but is only intended to bolster Member understanding of its rules with respect to the applicability of certain disclosure requirement provisions.

C. Self-Regulatory Organization’s Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No comments were solicited or received 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 Act¹⁰ and Rule 19b-4(f)(6)¹¹ 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-CboeBYX-2019-005 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-CboeBYX-2019-005. 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

⁶ 15 U.S.C. 78f(b).

⁷ 15 U.S.C. 78f(b)(5).

⁸ *Id.*

⁹ See *supra* note 5.

¹⁰ 15 U.S.C. 78s(b)(3)(A).

¹¹ 17 CFR 240.19b-4(f)(6).

submit only information that you wish to make available publicly. All submissions should refer to File Number SR-CboeBYX-2019-005 and should be submitted on or before September 10, 2019.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹²

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2019-17857 Filed 8-19-19; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-86664; File No. SR-CboeBZX-2019-031]

Self-Regulatory Organizations; Cboe BZX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Relating to Clarify Portions of Rule 14.11 (Other Securities) Related to the Applicability of Certain Disclosure Requirements

August 14, 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 31, 2019, Cboe BZX Exchange, Inc. (the “Exchange” or “BZX”) filed with the Securities and Exchange Commission (the “Commission”) the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Exchange filed the proposal as a “non-controversial” proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act³ and Rule 19b-4(f)(6) thereunder.⁴ The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization’s Statement of the Terms of Substance of the Proposed Rule Change

Cboe BZX Exchange, Inc. (the “Exchange” or “BZX”) proposes to clarify portions of rule 14.11 (Other Securities) related to the applicability of certain disclosure requirements. 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://markets.cboe.com/us/equity/regulation/rule_filings/bzx/), at

the Exchange’s Office of the Secretary, and at the Commission’s Public Reference Room.

II. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to clarify portions of Rule 14.11 related to the applicability of certain disclosure requirements, as well as make non-substantive changes to correct an inadvertent spelling error throughout Rule 14.11(a) and (b).

Currently, under Rule 14.11(b) (Portfolio Depositary Receipts), Rule 14.11(c) (Index Fund Shares), and Rule 14.11(j) (Derivative Securities Traded under Unlisted Trading Privileges) a Member is required to provide to all purchasers a written description of the terms and characteristics of the applicable securities (or a “product description”). In addition, Members also have a separate prospectus delivery requirement under Section 24(d) of the Investment Company Act of 1940 (“1940 Act”). A Member, however, is not required to send a Section 24(d) prospectus for a security if such security is subject of an order by the Securities and Exchange Commission (“Commission”) exempting it from Section 24(d) prospectus delivery requirements, and is not otherwise subject to prospectus delivery requirements under the Securities Act of 1933 (“1933 Act”). As such, the Exchange provides rules requiring Members to deliver a product description for securities exempt from the prospectus delivery requirements. The Exchange notes that a product description is a written description of the terms and characteristics of a security in a form prepared or approved by the Exchange, whereas a prospectus is a legal document required by and filed with the Commission which

contains detailed disclosures about a security.

Currently, subparagraphs (j)(3), (b)(2), and (c)(2) to Rule 14.11 govern the written description disclosure requirements for derivative securities traded under unlisted trading privileges (“UTP Derivative Securities”), series of Portfolio Depositary Receipts, or series of Index Fund Shares, respectively. As written, these subparagraphs under 14.11 do not make it explicit to Members that the product description requirements are applicable only to prospectus-exempt products. Furthermore, current subparagraphs (b)(2) and (c)(2) to Rule 14.11 do not contain a provision (like that of subparagraph (j)(3)(B)) that the Exchange will inform its Members by means of an information circular when the product description delivery requirements apply. Therefore, in order to provide Members with better understanding of the provisions in connection these requirements, the Exchange now proposes to amend its rules to explicitly state that the product description delivery requirements apply only to the respective products that are exempt from the 1940 Act prospectus delivery requirements and are not otherwise subject to the prospectus delivery requirements under the 1933 Act. The Exchange also proposes to add language to subparagraphs (b)(2) and (c)(2) to inform Members that the Exchange will announce the applicability of the product description delivery requirements to particular series of Portfolio Depositary Receipts or Index Fund Shares via information circular. This change is intended to provide clarity to Members regarding when and how the Exchange will notify Members of their product delivery obligations. The Exchange notes that Rule 14.11(j)(3)(B) currently provides that the Exchange informs its Members of the application of product description delivery requirements related to UTP Derivative Securities by means of information circular. The Exchange also notes that the proposed amendments are substantially similar to the disclosure requirement provision currently applicable to Managed Fund Shares.⁵ The Exchange proposes to update the heading of Rule 14.11(j)(3)(A), which currently states “Prospectus Delivery”, to “Scope of Product Description” as it believes this better aligns with the requirements provided for under paragraph (j)(3), thus provides further clarity regarding the product description requirements contained within this paragraph.

⁵ See Rule 14.11(i)(6).

¹² 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ 15 U.S.C. 78s(b)(3)(A)(iii).

⁴ 17 CFR 240.19b-4(f)(6).

Additionally, the Exchange proposes to correct an inadvertent spelling mistake throughout Rule 14.11(b). Current Rule 14.11(b) spells the term “Depository” incorrectly as “Depository”, therefore the Exchange proposes to correct this spelling where applicable throughout Rule 14.11(b).

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.⁶ Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)⁷ 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)⁸ requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers. The Exchange also believes the proposed rule change is consistent with Section 6(b)(1) of the Act, which provides that the Exchange be organized and have the capacity to be able to carry out the purposes of the Act and to enforce compliance by the Exchange’s Members and persons associated with its Members with the Act, the rules and regulations thereunder, and the rules of the Exchange.

In particular, the Exchange believes that this proposal benefits and protects investors because it is designed to bolster Member understanding of its rules and the applicability of the subparagraphs providing for written description disclosure requirements to certain products. Because current subparagraphs (j)(3), (b)(2), and (c)(2) to Rule 14.11 currently do not explicitly state under what circumstances they will apply to the respective products under each subparagraph, the Exchange has found that it is unclear to Members the subparagraphs in connection with

required written descriptions only apply to securities or series that are exempt from the Section 24(d) prospectus delivery requirements, and otherwise not subject to prospectus delivery requirements under the 1933 Act. The Exchange thus believes this proposed change will enhance Members’ understanding with respect to when and to which products the relevant subparagraphs are applicable, thereby protecting investors and the public interest. The Exchange notes that this proposal does not alter any of the disclosure requirements applicable to market participants, but merely intends to make explicit when the written disclosure provisions apply, as well as establish that the Exchange will notify Members via information circular of their product description obligations for particular series Portfolio Depository Receipts and Index Fund Shares. Additionally, the Exchange believes that providing clear rules regarding the applicability of provisions requiring written product description deliveries will enable the Exchange to be organized and have the capacity to enforce compliance its Members with the Act and the rules of Exchange. The Exchange notes that the proposed changes are substantially similar to Rule 14.11(i)(6), which covers the disclosure requirements applicable to Managed Fund Shares.

Additionally, the Exchange makes corrective changes to an inadvertent incorrect spelling of the term “Depository” throughout Rule 14.11(b), which it believes will protect investors by alleviating any potential confusion.

B. Self-Regulatory Organization’s Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act, as amended. On the contrary, the proposed rule change is not designed to address any competitive issues but is only intended to bolster Member understanding of its rules with respect to the applicability of certain disclosure requirement provisions.

C. Self-Regulatory Organization’s Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No comments were solicited or received 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 Act⁹ and Rule 19b-4(f)(6)¹⁰ thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission’s internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include File Number SR-CboeBZX-2019-031 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090. All submissions should refer to File Number SR-CboeBZX-2019-031. 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

⁶ 15 U.S.C. 78f(b).

⁷ 15 U.S.C. 78f(b)(5).

⁸ *Id.*

⁹ 15 U.S.C. 78s(b)(3)(A).

¹⁰ 17 CFR 240.19b-4(f)(6).

Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR-CboeBZX-2019-031 and should be submitted on or before September 10, 2019.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹¹

Jill M. Peterson,
Assistant Secretary.

[FR Doc. 2019-17860 Filed 8-19-19; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meetings

TIME AND DATE: 2:00 p.m. on Thursday, August 22, 2019.

PLACE: The meeting will be held at the Commission's headquarters, 100 F Street NE, Washington, DC 20549.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED:

Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the closed meeting. Certain staff members who have an interest in the matters also may be present.

In the event that the time, date, or location of this meeting changes, an announcement of the change, along with the new time, date, and/or place of the meeting will be posted on the Commission's website at <https://www.sec.gov>.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5

U.S.C. 552b(c)(3), (5), (6), (7), (8), 9(B) and (10) and 17 CFR 200.402(a)(3), (a)(5), (a)(6), (a)(7), (a)(8), (a)(9)(ii) and (a)(10), permit consideration of the scheduled matters at the closed meeting.

The subject matters of the closed meeting will consist of the following topics:

Institution and settlement of injunctive actions;

Institution and settlement of administrative proceedings;

Resolution of litigation claims; and

Other matters relating to enforcement proceedings.

At times, changes in Commission priorities require alterations in the scheduling of meeting agenda items that may consist of adjudicatory, examination, litigation, or regulatory matters.

CONTACT PERSON FOR MORE INFORMATION:

For further information; please contact Vanessa A. Countryman from the Office of the Secretary at (202) 551-5400.

Dated: August 15, 2019.

Vanessa A. Countryman,
Secretary.

[FR Doc. 2019-17974 Filed 8-16-19; 11:15 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-86659; File No. SR-NYSEArca-2019-57]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing of Proposed Rule Change To List and Trade Shares of the Franklin Liberty Systematic Style Premia ETF, a Series of the Franklin Templeton ETF Trust Under NYSE Arca Rule 8.600-E

August 14, 2019.

Pursuant to Section 19(b)(1) ¹ of the Securities Exchange Act of 1934 (the "Act") ² and Rule 19b-4 thereunder, ³ notice is hereby given that, on August 8, 2019, NYSE Arca, Inc. ("NYSE Arca" or the "Exchange") filed with the Securities and Exchange Commission (the "Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

¹ 15 U.S.C. 78s(b)(1).

² 15 U.S.C. 78a.

³ 17 CFR 240.19b-4.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to list and trade shares of the Franklin Liberty Systematic Style Premia ETF, a series of the Franklin Templeton ETF Trust ("Trust"), under NYSE Arca Rule 8.600-E ("Managed Fund Shares"). The proposed change is available on the Exchange's website at www.nyse.com, at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to list and trade shares ("Shares") of the Franklin Liberty Systematic Style Premia ETF (the "Fund") ⁴ under NYSE Arca Rule 8.600-E, which governs the listing and trading of Managed Fund Shares ⁵ on the Exchange.

⁴ The Trust is registered under the 1940 Act. On July 31, 2019, the Trust filed with the Commission an amendment to its registration statement on Form N-1A under the Securities Act of 1933 (15 U.S.C. 77a) ("Securities Act") and the 1940 Act relating to the Fund (File Nos. 333-208873 and 811-23124) (the "Registration Statement"). The description of the operation of the Trust and the Fund herein is based, in part, on the Registration Statement. In addition, the Commission has issued an order granting certain exemptive relief to Franklin ETF Trust, Franklin Advisers, Inc. and Franklin Templeton Distributors, Inc. under the 1940 Act that the Trust relies on. See Investment Company Act Release No. 30350 (January 15, 2013) ("Exemptive Order"). Investments made by the Fund will comply with the conditions set forth in the Exemptive Order.

⁵ A Managed Fund Share is a security that represents an interest in an investment company registered under the Investment Company Act of 1940 (15 U.S.C. 80a-1) ("1940 Act") organized as an open-end investment company or similar entity that invests in a portfolio of securities selected by its investment adviser consistent with its investment objectives and policies. In contrast, an open-end investment company that issues Investment Company Units, listed and traded on the Exchange

¹¹ 17 CFR 200.30-3(a)(12).

Franklin Advisers, Inc. (“Adviser”) will be the investment adviser to the Fund. Franklin Templeton Distributors, Inc. (“Distributor”) will be the distributor of the Fund’s Shares. State Street Bank and Trust Company will be the custodian and transfer agent for the Fund.

Commentary .06 to Rule 8.600–E provides that, if the investment adviser to the investment company issuing Managed Fund Shares is affiliated with a broker-dealer, such investment adviser shall erect and maintain a “fire wall” between the investment adviser and the broker-dealer with respect to access to information concerning the composition and/or changes to such investment company portfolio.⁶ In addition, Commentary .06 further requires that personnel who make decisions on the open-end fund’s portfolio composition must be subject to procedures designed to prevent the use and dissemination of material nonpublic information regarding the open-end fund’s portfolio. The Adviser is not registered as a broker-dealer but is affiliated with a broker-dealer and has implemented and will maintain a fire wall with respect to such broker-dealer affiliate regarding access to information concerning the composition and/or changes to the portfolio. In the event (a) the Adviser becomes registered as a broker-dealer or newly affiliated with one or more broker-dealers, or (b) any new adviser or sub-adviser is a registered broker-dealer or becomes affiliated with a broker-

dealer, it will implement and maintain a fire wall with respect to its relevant personnel or its broker-dealer affiliate regarding access to information concerning the composition and/or changes to the portfolio, and will be subject to procedures designed to prevent the use and dissemination of material non-public information regarding such portfolio.

Franklin Liberty Systematic Style Premia ETF

According to the Registration Statement, the Fund will seek to provide absolute return. The Fund will seek to achieve its investment goal by allocating its assets across two underlying “alternative” investment strategies, which represent top-down and bottom-up approaches to capturing factor-based risk premia.⁷ The strategies consist of a top-down risk premia strategy (“Risk Premia Strategy”) and a bottom-up long/short equity strategy (“Long/Short Equity Strategy”), each of which is described below.

Risk Premia Strategy. The top-down risk premia strategy focuses on value, momentum and carry factors in investing across equity, fixed income, commodity and currency asset classes, as described below.

Value: Value strategies favor investments that appear cheap over those that appear expensive based on fundamental measures related to price, seeking to capture the tendency for relatively cheap assets to outperform relatively expensive assets. The Adviser will seek to buy assets that are “cheap” and sell those that are “expensive.” For purposes of the Risk Premia Strategy, examples of value measures include using price to earnings, price to forward earnings, price to book value and dividend yield.

Momentum: Momentum strategies favor investments that have performed relatively well over those that have underperformed over the medium-term (*i.e.*, one year or less), seeking to capture the tendency that an asset’s recent relative performance will continue in the near future. The Adviser will seek to buy assets that recently outperformed their peers and sell those that recently underperformed. For purposes of the Risk Premia Strategy, examples of momentum measures include simple price momentum (measured over the prior twelve months with the most recent month removed) for selecting

stocks and price- and yield-based momentum for selecting bonds.

Carry: An asset’s “carry” is its expected return assuming market conditions, including its price, stay the same. Carry strategies favor investments with higher yields over those with lower yields, seeking to capture the tendency for higher-yielding assets to provide higher returns than lower-yielding assets. The Adviser will seek to take long positions in high-yielding assets and short positions in low-yielding assets. An example of carry measures includes selecting currencies and bonds based on interest rates.

Under normal market conditions,⁸ the Risk Premia Strategy will invest primarily in equity, interest rate/bond and commodity index futures; equity and commodity-linked total return swaps; and currency forwards (as described below).

Long/Short Equity Strategy. The bottom-up Long/Short Equity Strategy focuses on quality, value and momentum factors in determining whether to hold long or short positions in individual equity securities.

Quality: Quality strategies favor investments that exhibit relatively higher quality characteristics. Examples of quality measures include return on equity, earnings variability, cash return on assets and leverage.

Value: For the Long/Short Equity Strategy, the value factor is used to identify cheapness by using earnings, book value, sales and cash flow ratios relative to market capitalization, and enterprise value compared against a peer group. For purposes of the Long/Short Equity Strategy, examples of value measures include earnings yield, EBITDA to enterprise value and dividend yield.

Momentum: For the Long/Short Equity Strategy, the momentum factor is used to identify investment trends by looking at historical price movements that are believed to persist and forward-looking information from analyst estimates. For purposes of the Long/Short Equity Strategy, examples of momentum measures include 12-month return with the most recent month removed (simple price momentum), analyst revisions and market breadth.

Under normal market conditions, the Long/Short Equity Strategy will invest primarily in equity securities and equity total return swaps (as described below). Long/short equity strategies generally seek to produce returns from investments in the equity markets by taking long and short positions in stocks

under NYSE Arca Rule 5.2–E(j)(3), seeks to provide investment results that correspond generally to the price and yield performance of a specific foreign or domestic stock index, fixed income securities index or combination thereof.

⁶ An investment adviser to an open-end fund is required to be registered under the Investment Advisers Act of 1940 (the “Advisers Act”). As a result, the Adviser and its related personnel are subject to the provisions of Rule 204A–1 under the Advisers Act relating to codes of ethics. This Rule requires investment advisers to adopt a code of ethics that reflects the fiduciary nature of the relationship to clients as well as compliance with other applicable securities laws. Accordingly, procedures designed to prevent the communication and misuse of non-public information by an investment adviser must be consistent with Rule 204A–1 under the Advisers Act. In addition, Rule 206(4)–7 under the Advisers Act makes it unlawful for an investment adviser to provide investment advice to clients unless such investment adviser has (i) adopted and implemented written policies and procedures reasonably designed to prevent violation, by the investment adviser and its supervised persons, of the Advisers Act and the Commission rules adopted thereunder; (ii) implemented, at a minimum, an annual review regarding the adequacy of the policies and procedures established pursuant to subparagraph (i) above and the effectiveness of their implementation; and (iii) designated an individual (who is a supervised person) responsible for administering the policies and procedures adopted under subparagraph (i) above.

⁷ According to the Registration Statement a “risk premium” is the economic concept that an investor should receive a premium (that is, a higher expected return) for bearing risk. In other words, risk premium refers to the return that is expected for assuming a particular market risk.

⁸ The term “normal market conditions” is defined in NYSE Arca Rule 8.600–E(c)(5).

and stock indices (through the use of derivatives or through a short position in an exchange-traded fund (“ETF”)). Under normal market conditions, the Fund expects to obtain short exposures pursuant to the bottom-up long/short equity strategy primarily through the use of equity total return swaps.

Under normal market conditions, the Adviser will seek to allocate assets between the two factor-based risk premia alternative investment strategies described above in approximately equal weights. However, in varying market, economic or other conditions, allocations between the two strategies may differ. Through the two strategies, the Adviser will invest the Fund’s assets based on a systematic investment process for securities selection and asset allocation (seeking to profit by utilizing quantitative models to identify investment opportunities across different asset classes and markets in order to construct a portfolio of investments). Quantitative trading models are proprietary systems that rely on mathematical computations to identify trading opportunities. By employing these two approaches, the Adviser seeks to provide positive absolute return over time while maintaining a relatively low correlation with traditional markets. The exposure to individual factors may vary based on the market opportunity of the individual factors. Additional factors may be identified over time.

Principal Investments

According to the Registration Statement, through the Long/Short Equity Strategy and the Risk Premia Strategy, the Fund may invest in a wide range of securities and other investments, as described below. For purposes of calculating the percentage of principal investments under this proposed rule change, under normal market conditions, at least 80% of the Fund’s assets will be invested in the securities and financial instruments described in this “Principal Investments” section.

The Fund may use derivatives for both hedging and non-hedging (investment) purposes. The Fund’s derivative investments are the following: (i) Futures contracts on U.S. and foreign equity, interest rate/bond and commodity indices; (ii) U.S. and foreign equity and commodity-linked total return swaps; and (iii) currency forward contracts. These derivatives may be used to enhance Fund returns, increase liquidity, gain long or short exposure to certain instruments, markets or factors in a more efficient or less expensive way and/or hedge risks

associated with its other portfolio investments.

The Fund may hold its commodity-linked derivative instruments indirectly through a wholly-owned subsidiary established in the Cayman Islands (Subsidiary). The Subsidiary will only invest in commodity-linked total return swaps and futures on commodity indices and will also hold any necessary cash or cash equivalents as collateral. No more than 25% of the Fund’s total assets may be invested in the Subsidiary.

The Fund may hold cash and cash equivalents.⁹

The Fund may hold U.S. and foreign bonds (including convertible bonds), debentures and non-cash equivalent U.S. government securities (other than debt securities with variable interest rates, as referenced below).

The Fund may hold U.S. and foreign exchange-traded common stock, preferred stock (including convertible preferred stock), rights and warrants of U.S. and foreign companies.

The Fund may engage in short sales in securities and financial instruments in which the Fund may invest, including short sales “against the box.”¹⁰

Other Investments

While the Fund, under normal market conditions, will invest at least 80% of its assets in the securities and financial instruments described above, the Fund may invest its remaining assets in other assets and financial instruments, as described below. The Fund may invest in ETFs.¹¹

The Fund may invest in U.S. and foreign corporate debt.

The Fund may invest in foreign governmental and supranational debt securities.

The Fund may invest in U.S. and foreign exchange-listed and non-exchange-traded “Depository Receipts”.¹²

⁹ The term “cash equivalents” is defined in Commentary .01(c) to NYSE Arca Rule 8.600–E.

¹⁰ According to the Registration Statement, short sales “against the box” are transactions in which the Fund sells a security short but it also owns an equal amount of the securities sold short or owns securities that are convertible or exchangeable, without payment of further consideration, into an equal amount of such security.

¹¹ For purposes of this filing, “ETFs” are Investment Company Units (as described in NYSE Arca Rule 5.2–E(j)(3)); Portfolio Depositary Receipts (as described in NYSE Arca Rule 8.100–E); and Managed Fund Shares (as described in NYSE Arca Rule 8.600–E). All ETFs will be listed and traded in the U.S. on a national securities exchange. While the Fund may invest in inverse ETFs, the Fund will not invest in leveraged (e.g., 2X, –2X, 3X or –3X) ETFs.

¹² According to the Registration Statement, many securities of foreign issuers are represented by

The Fund may invest in the following debt securities with variable interest rates: Floating rate, adjustable rate and inverse floating rate debt securities.

The Fund and the Subsidiary will not invest in securities or other financial instruments that have not been described in this proposed rule change.

Creation and Redemption of Creation Units

According to the Registration Statement, the Trust will issue and sell Shares of the Fund only in “Creation Units” (as defined below) on a continuous basis at a price based on the Fund’s net asset value (“NAV”) next determined after receipt, on any “Business Day” of an order received by the Distributor or its agent in proper form. A “Business Day” with respect to the Fund is any day on which the Exchange is open for business. The number of Shares of the Fund that constitutes a Creation Unit is 100,000. The size of a Creation Unit is subject to change.

The consideration for purchase of Creation Units of the Fund generally will consist of the “Deposit Securities” (i.e., the in-kind deposit of a designated portfolio of securities (including any portion of such securities for which cash may be substituted)) and the “Cash Component” computed as described below. Together, the Deposit Securities and the Cash Component constitute the “Fund Deposit,” which will be applicable to creation requests received in proper form. The Fund Deposit represents the minimum initial and subsequent investment amount for a Creation Unit of the Fund.

The “Cash Component” is an amount equal to the difference between the NAV of the Shares (per Creation Unit) and the “Deposit Amount,” which is an amount equal to the market value of the Deposit Securities, and serves to compensate for any differences between the NAV per

American Depositary Receipts (ADRs), Global Depositary Receipts (GDRs), and European Depositary Receipts (EDRs) (collectively, “Depository Receipts”). Generally, Depository Receipts in registered form are designed for use in the U.S. securities market and Depository Receipts in bearer form are designed for use in securities markets outside the U.S. ADRs evidence ownership of, and represent the right to receive, securities of foreign issuers deposited in a domestic bank or trust company or a foreign correspondent bank. Prices of ADRs are quoted in U.S. dollars, and ADRs are traded in the U.S. on exchanges or over-the-counter. EDRs and GDRs are typically issued by foreign banks or trust companies and evidence ownership of underlying securities issued by either a foreign or a U.S. corporation. EDRs and GDRs may not necessarily be denominated in the same currency as the underlying securities into which they may be converted. No more than 10% of the equity weight of the Fund’s portfolio will be invested in non-exchange-traded ADRs.

Creation Unit and the Deposit Amount. The Fund generally will offer Creation Units partially for cash.

The Adviser will make available through the National Securities Clearing Corporation ("NSCC") on each Business Day prior to the Exchange Core Trading Session (normally 9:30 a.m. to 4:00 p.m. Eastern Time ("E.T.")), the list of names and the required number of shares of each Deposit Security and the amount of the Cash Component (if any) to be included in the current Fund Deposit (based on information as of the end of the previous Business Day for the Fund). Such Fund Deposit is applicable, subject to any adjustments, to purchases of Creation Units of Shares of the Fund until such time as the next-announced Fund Deposit is made available.

The Fund reserves the right to permit or require the substitution of a "cash in lieu" amount to be added to the Cash Component to replace any Deposit Security that may not be available in sufficient quantity for delivery or that may not be eligible for transfer through the facilities of the Depository Trust Company ("DTC") (DTC Facilities) or the clearing process through the Continuous Net Settlement System of the NSCC (NSCC Clearing Process), or that the "Authorized Participant" (as defined below) is not able to trade due to a trading restriction.

When partial or full cash purchases of Creation Units are available or specified for the Fund, they will be effected in essentially the same manner as in-kind purchases thereof. In the case of a partial or full cash purchase, the Authorized Participant must pay the cash equivalent of the Deposit Securities it would otherwise be required to provide through an in-kind purchase, plus the same Cash Component required to be paid by an in-kind purchaser.

To be eligible to place orders with the Distributor and to create a Creation Unit of the Fund, an entity must be: (i) A "Participating Party," *i.e.*, a broker-dealer or other participant in the NSCC Clearing Process, or (ii) a DTC Participant, and, in either case, must have executed an agreement with the Distributor with respect to creations and redemptions of Creation Units (Authorized Participant Agreement). A Participating Party or DTC Participant who has executed an Authorized Participant Agreement is referred to as an "Authorized Participant."

Creation Units may be purchased only by or through an Authorized Participant that has entered into an Authorized Participant Agreement with the Distributor.

An Authorized Participant must submit an irrevocable order to purchase

or redeem Shares of the Fund, in proper form, generally before 4:00 p.m., E.T. on any Business Day in order to receive that day's NAV.

Shares of the Fund may be redeemed by Authorized Participants only in Creation Units at their NAV next determined after receipt of a redemption request in proper form by the Distributor or its agent on a Business Day.

The Adviser will make available through the NSCC, prior to the Exchange Core Trading Session on each Business Day, the designated portfolio of securities (including any portion of such securities for which cash may be substituted) that will be applicable to redemption requests received in proper form on that day (Fund Securities), and an amount of cash (Cash Amount) (if any). Such Fund Securities and the corresponding Cash Amount are applicable in order to effect redemptions of Creation Units of the Fund until such time as the next announced composition of the Fund Securities and Cash Amount is made available. Fund Securities received on redemption may not be identical to Deposit Securities that are applicable to creations of Creation Units under certain circumstances.

Unless cash redemptions are available or specified for the Fund, the redemption proceeds for a Creation Unit generally consist of Fund Securities, plus the Cash Amount, which is an amount equal to the difference between the NAV of the Shares being redeemed, as next determined after the receipt of a redemption request in proper form, and the value of Fund Securities, less a redemption transaction fee.

The Fund may, in its sole discretion, substitute a "cash in lieu" amount to replace any Fund Security that may not be eligible for transfer through DTC Facilities or the NSCC Clearing Process or that the Authorized Participant is not able to trade due to a trading restriction. The Fund generally will redeem Creation Units partially for cash.¹³

Redemption requests for Creation Units of the Fund must be submitted to the Distributor or its agent by or through an Authorized Participant.

Investment Restrictions

The Fund's investments, including derivatives, will be consistent with the Fund's investment objective and will not be used to enhance leverage (although certain derivatives and other

investments may result in leverage). That is, while the Fund will be permitted to borrow as permitted under the 1940 Act, the Fund's investments will not be used to seek performance that is the multiple or inverse multiple (*e.g.*, 2Xs and 3Xs) of the Fund's primary broad-based securities benchmark index (as defined in Form N-1A).¹⁴

The Fund's Use of Derivatives

Investments in derivative instruments will be made in accordance with the Fund's investment objective and policies.

To limit the potential risk associated with such transactions, the Fund will enter into offsetting transactions or segregate or " earmark " assets determined to be liquid by the Adviser in accordance with procedures established by the Trust's Board of Trustees. In addition, the Fund has included appropriate risk disclosure in its offering documents, including leveraging risk. Leveraging risk is the risk that certain transactions of the Fund, including the Fund's use of derivatives, may give rise to leverage, causing the Fund to be more volatile than if it had not been leveraged.

Disclosed Portfolio

The Fund's disclosure of derivative positions in the applicable Disclosed Portfolio includes information that market participants can use to value these positions intraday. On a daily basis, the Fund will disclose the information regarding the Disclosed Portfolio required under NYSE Arca Rule 8.600-E (c)(2) to the extent applicable. The Fund's website information will be publicly available at no charge.

Impact on Arbitrage Mechanism

The Adviser believes there will be minimal impact to the arbitrage mechanism as a result of the use of derivatives. Market makers and participants should be able to value derivatives as long as the positions are disclosed with relevant information. The Adviser believes that the price at which Shares trade will continue to be disciplined by arbitrage opportunities created by the ability to purchase or redeem Shares at their NAV, which should ensure that Shares will not trade at a material discount or premium in relation to their NAV.

The Adviser does not believe there will be any significant impacts to the

¹³ The Adviser represents that, to the extent the Trust effects the creation or redemption of Shares wholly or partially in cash, such transactions will be effected in the same manner for all Authorized Participants.

¹⁴ The Fund's broad-based securities benchmark index will be identified in a future amendment to the Registration Statement following the Fund's first full calendar year of performance.

settlement or operational aspects of the Fund's arbitrage mechanism due to the use of derivatives.

Application of Generic Listing Requirements

The Exchange is submitting this proposed rule change because the portfolio for the Fund will not meet all of the "generic" listing requirements of Commentary .01 to NYSE Arca Rule 8.600–E applicable to the listing of Managed Fund Shares. The Fund's portfolio would meet all such requirements except for those set forth in Commentary .01(e) to NYSE Arca Rule 8.600–E regarding investments in OTC derivatives.¹⁵

With respect to Commentary .01(e), the aggregate gross notional value of the Fund's investments in OTC derivatives is expected to exceed 20% of Fund assets, calculated based on the aggregate gross notional value of such OTC derivatives.

The Adviser believes that it is important to provide the Fund with additional flexibility to manage risk associated with its investments. Depending on market conditions, it may be critical that the Fund be able to utilize available OTC swaps and currency forwards to efficiently gain exposure to equities, currencies and commodities, in furtherance of the Fund's investment objective.¹⁶

¹⁵ Commentary .01(e) to NYSE Arca Rule 8.600–E provides that a portfolio may hold OTC derivatives, including forwards, options and swaps on commodities, currencies and financial instruments (e.g., stocks, fixed income, interest rates, and volatility) or a basket or index of any of the foregoing; however, on both an initial and continuing basis, no more than 20% of the assets in the portfolio may be invested in OTC derivatives. For purposes of calculating this limitation, a portfolio's investment in OTC derivatives will be calculated as the aggregate gross notional value of the OTC derivatives.

¹⁶ The Commission has previously approved an exception from requirements set forth in Commentary .01(e) relating to investments in OTC derivatives similar to those proposed with respect to the Fund in Securities Exchange Act Release No. 80657 (May 11, 2017), 82 FR 22702 (May 17, 2017) (SR–NYSEArca–2017–09) (Notice of Filing of Amendment No. 2 and Order Granting Accelerated Approval of a Proposed Rule Change, as Modified by Amendment No. 2, Regarding Investments of the Janus Short Duration Income ETF Listed Under NYSE Arca Equities Rule 8.600). See also Securities Exchange Act Release Nos. 82492 (January 12, 2018), 83 FR 2850 (January 19, 2018) (SR–NYSEArca–2017–87) (Order Granting Approval of a Proposed Rule Change, as Modified by Amendment No. 6, to List and Trade Shares of the JPMorgan Long/Short ETF under NYSE Arca Rule 8.600–E); 84047 (September 6, 2018), 83 FR 46200 (September 12, 2018) (SR–Nasdaq–2017–128) (Notice of Filing of Amendment No. 3 and Order Granting Accelerated Approval of a Proposed Rule Change, as Modified by Amendment No. 3, to List and Trade Shares of the Western Asset Total Return ETF, stating that "there shall be no limit on the Fund's investment in Interest Rate and Currency

The Adviser represents that it intends to engage in strategies that utilize foreign currency forward transactions and U.S. and foreign equity and commodity-linked total return swaps (which swaps will be traded OTC) based on its investment strategies. Depending on market conditions, the exposure due to these strategies is expected to exceed 20% of the Fund's assets.¹⁷ The Adviser represents further that the foreign currency forward transactions and total return swaps will be traded OTC, and, as such, it is not possible to implement these strategies efficiently using listed derivatives. Swaps on equity securities may be an important means to reduce risk in the Fund's equity investments, or, depending on market conditions, to enhance returns of such investments. If the Fund were limited to investing up to 20% of assets in OTC derivatives, the Fund would have to exclude or underweight these strategies and would be less diversified, concentrating risk in the other strategies it will utilize. Therefore, the Exchange believes that increasing the percentage limit in Commentary .01(e), as described above, to the Fund's investments in OTC derivatives, including forwards and swaps, would help protect investors and the public interest.

As noted above, the Fund may use the derivative instruments described above to enhance Fund returns, increase liquidity, gain long or short exposure to certain instruments, markets or factors in a more efficient or less expensive way

Derivatives, and the weight of all OTC Derivatives other than Interest Rate and Currency Derivatives shall not exceed 10% of the Fund's assets"; 84818 (December 13, 2018), 83 FR 65189 (December 19, 2018) (SR–NYSEArca–2018–75) (Order Approving a Proposed Rule Change, as Modified by Amendment No. 1 Thereto, Regarding the Listing and Trading of Shares of the PGIM Ultra Short Bond ETF, permitting up to 50% of the fund's assets to be invested in OTC derivatives that are used to reduce currency, interest rate, credit, or duration risk arising from the fund's investments ("Hedging Derivatives") and up to 20% of the Fund's assets to be invested in OTC derivatives other than Hedging Derivatives); 85022 (January 31, 2019), 84 FR 2265 (February 6, 2019) (SR–Nasdaq–2018–080) (Notice of Filing of Amendment No. 3 and Order Granting Accelerated Approval of a Proposed Rule Change To List and Trade Shares of the BrandywineGLOBAL—Global Total Return ETF); 79683 (December 23, 2016), 81 FR 96539 (December 30, 2016) (SR–NYSEArca–2016–82) (order approving a proposed rule change to list and trade shares of the JPMorgan Diversified Event Driven ETF under NYSE Arca Equities Rule 8.600); 77904 (May 25, 2016), 81 FR 35101 (June 1, 2016) (SR–NYSEArca–2016–17) (order approving a proposed rule change to list and trade of shares of the JPMorgan Diversified Alternatives ETF under NYSE Arca Equities Rule 8.600).

¹⁷ The Adviser and its affiliates actively monitor counterparty credit risk exposure (including for OTC derivatives) and evaluate counterparty credit quality on a continuous basis.

and/or hedge risks associated with its other portfolio investments.

The Exchange notes that, other than Commentary .01(e) to Rule 8.600–E, the Fund will meet all other requirements of Rule 8.600–E.

Availability of Information

The Fund's website (www.franklintempleton.com), which will be publicly available prior to the public offering of Shares, will include a form of the prospectus for the Fund that may be downloaded. The Fund's website will include additional quantitative information updated on a daily basis, including, for the Fund, (1) daily trading volume, the prior Business Day's reported closing price, NAV and mid-point of the bid/ask spread at the time of calculation of such NAV (the "Bid/Ask Price"),¹⁸ and a calculation of the premium and discount of the Bid/Ask Price against the NAV, and (2) data in chart format displaying the frequency distribution of discounts and premiums of the daily Bid/Ask Price against the NAV, within appropriate ranges, for each of the four previous calendar quarters. On each Business Day, before commencement of trading in Shares in the Core Trading Session on the Exchange, the Adviser will disclose on the Fund's website the Disclosed Portfolio for the Fund as defined in NYSE Arca Rule 8.600–E(c)(2) that will form the basis for the Fund's calculation of NAV at the end of the business day.¹⁹

Investors can also obtain the Fund's Statement of Additional Information ("SAI"), its Shareholder Reports, its Form N–CSR, filed twice a year, and its Form N–CEN, filed annually. The Fund's SAI and Shareholder Reports are available free upon request from the Trust, and those documents and the Form N–CSR and Form N–CEN may be viewed on-screen or downloaded from the Commission's website at www.sec.gov.

Quotation and last sale information for the Shares and for securities holdings of the Fund that are U.S. exchange-listed, including common stocks, preferred stocks, rights, warrants, ETFs and Depositary Receipts

¹⁸ The Bid/Ask Price of the Fund's Shares will be determined using the mid-point of the highest bid and the lowest offer on the Exchange as of the time of calculation of the Fund's NAV. The records relating to Bid/Ask Prices will be retained by the Fund and its service providers.

¹⁹ Under accounting procedures to be followed by the Fund, trades made on the prior business day ("T") will be booked and reflected in NAV on the current business day ("T+1"). Accordingly, the Fund will be able to disclose at the beginning of the Business Day the portfolio that will form the basis for the NAV calculation at the end of the Business Day.

will be available via the CTA high speed line. Quotation and last sale information for such U.S. exchange-listed securities as well as U.S. and foreign exchange-traded futures will be available from the exchange on which they are listed and from major market data vendors.

Quotation and last sale information for foreign exchange-listed common stocks, preferred stocks, rights and warrants will be available from the exchanges on which they trade and from major market data vendors, as applicable. Price information for total return swaps and currency forward contracts is available from major market data vendors. Information regarding market price and trading volume for the Shares will be continually available on a real-time basis throughout the day on brokers' computer screens and other electronic services. Information regarding the previous day's closing price and trading volume information for the Shares will be published daily in the financial section of newspapers.

Quotation information for cash equivalents, bonds, debentures, swaps, foreign governmental and supranational debt securities, U.S. Government securities, debt securities with variable interest rates and U.S. and foreign corporate debt may be obtained from brokers and dealers who make markets in such securities or through nationally recognized pricing services through subscription agreements. The U.S. dollar value of foreign securities, instruments and currencies can be derived by using foreign currency exchange rate quotations obtained from nationally recognized pricing services. Price information for non-exchange-traded Depositary Receipts is available from major market data vendors.

In addition, the PIV, as defined in NYSE Arca Rule 8.600-E(c)(3), will be widely disseminated by one or more major market data vendors at least every 15 seconds during the Core Trading Session.²⁰ The dissemination of the PIV, together with the Disclosed Portfolio, will allow investors to determine the approximate value of the underlying portfolio of the Fund on a daily basis and will provide a close estimate of that value throughout the trading day.

Trading Halts

With respect to trading halts, the Exchange may consider all relevant factors in exercising its discretion to halt or suspend trading in the Shares of the Fund.²¹ Trading in Shares of the

Fund will be halted if the circuit breaker parameters in NYSE Arca Rule 7.12-E have been reached. Trading also may be halted because of market conditions or for reasons that, in the view of the Exchange, make trading in the Shares of the Fund inadvisable.

Trading in the Shares will be subject to NYSE Arca Rule 8.600-E(d)(2)(D), which sets forth circumstances under which Shares of the Fund may be halted.

Trading Rules

The Exchange deems the Shares to be equity securities, thus rendering trading in the Shares subject to the Exchange's existing rules governing the trading of equity securities. Shares will trade on the NYSE Arca Marketplace from 4:00 a.m. to 8:00 p.m. E.T. in accordance with NYSE Arca Rule 7.34-E (Early, Core, and Late Trading Sessions). The Exchange has appropriate rules to facilitate transactions in the Shares during all trading sessions. As provided in NYSE Arca Rule 7.6-E, the minimum price variation ("MPV") for quoting and entry of orders in equity securities traded on the NYSE Arca Marketplace is \$0.01, with the exception of securities that are priced less than \$1.00 for which the MPV for order entry is \$0.0001.

Except as described herein, the Shares of the Fund will conform to the initial and continued listing criteria under NYSE Arca Rule 8.600-E. The Exchange represents that, for initial and/or continued listing, the Fund will be in compliance with Rule 10A-3²² under the Act, as provided by NYSE Arca Rule 5.3-E. A minimum of 100,000 Shares of the Fund will be outstanding at the commencement of trading on the Exchange. The Exchange will obtain a representation from the issuer of the Shares of the Fund that the NAV and the Disclosed Portfolio will be made available to all market participants at the same time.

Surveillance

The Exchange represents that trading in the Shares will be subject to the existing trading surveillances administered by the Exchange, as well as cross-market surveillances administered by the Financial Industry Regulatory Authority ("FINRA") on behalf of the Exchange, which are designed to detect violations of Exchange rules and applicable federal securities laws.²³ The Exchange

represents that these procedures are adequate to properly monitor Exchange trading of the Shares in all trading sessions and to deter and detect violations of Exchange rules and applicable federal securities laws.

The surveillances referred to above generally focus on detecting securities trading outside their normal patterns, which could be indicative of manipulative or other violative activity. When such situations are detected, surveillance analysis follows and investigations are opened, where appropriate, to review the behavior of all relevant parties for all relevant trading violations.

The Exchange or FINRA, on behalf of the Exchange, or both, will communicate as needed regarding trading in the Shares, certain futures, and certain exchange-traded equity securities with other markets and other entities that are members of the Intermarket Surveillance Group ("ISG"), and the Exchange or FINRA, on behalf of the Exchange, or both, may obtain trading information regarding trading such securities and financial instruments from such markets and other entities. In addition, the Exchange may obtain information regarding trading in such securities and financial instruments from markets and other entities that are members of ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement.²⁴ FINRA, on behalf of the Exchange, is able to access, as needed, trade information for certain fixed income securities held by the Fund reported to FINRA's Trade Reporting and Compliance Engine ("TRACE").

In addition, the Exchange also has a general policy prohibiting the distribution of material, non-public information by its employees.

All statements and representations made in this filing regarding (a) the description of the portfolio holdings or reference assets, (b) limitations on portfolio holdings or reference assets, or (c) the applicability of Exchange listing rules specified in this rule filing shall constitute continued listing requirements for listing the Shares on the Exchange.

The issuer has represented to the Exchange that it will advise the Exchange of any failure by the Fund to comply with the continued listing requirements, and, pursuant to its obligations under Section 19(g)(1) of the

²² 17 CFR 240 10A-3.

²³ FINRA conducts cross-market surveillances on behalf of the Exchange pursuant to a regulatory services agreement. The Exchange is responsible for FINRA's performance under this regulatory services agreement.

²⁰ Currently, it is the Exchange's understanding that several major market data vendors display and/or make widely available PIVs taken from the CTA or other data feeds.

²¹ See NYSE Arca Rule 7.12-E.

²⁴ For a list of the current members of ISG, see www.isgportal.org. The Exchange notes that not all components of the Disclosed Portfolio for the Fund may trade on markets that are members of ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement.

Act, the Exchange will monitor for compliance with the continued listing requirements. If the Fund is not in compliance with the applicable listing requirements, the Exchange will commence delisting procedures under NYSE Arca Rule 5.5–E(m).

Information Bulletin

Prior to the commencement of trading, the Exchange will inform its Equity Trading Permit (“ETP”) Holders in an Information Bulletin (“Bulletin”) of the special characteristics and risks associated with trading the Shares of the Fund. Specifically, the Bulletin will discuss the following: (1) The procedures for purchases and redemptions of Shares in Creation Units (and that Shares are not individually redeemable); (2) NYSE Arca 9.2–E(a), which imposes a duty of due diligence on its ETP Holders to learn the essential facts relating to every customer prior to trading the Shares; (3) the risks involved in trading the Shares during the Early and Late Trading Sessions when an updated PIV will not be calculated or publicly disseminated; (4) how information regarding the PIV and the Disclosed Portfolio is disseminated; (5) the requirement that ETP Holders deliver a prospectus to investors purchasing newly issued Shares prior to or concurrently with the confirmation of a transaction; and (6) trading information.

In addition, the Bulletin will reference that the Fund is subject to various fees and expenses described in the Registration Statement. The Bulletin will discuss any exemptive, no-action, and interpretive relief granted by the Commission from any rules under the Act. The Bulletin will also disclose that the NAV for the Shares of the Fund will be calculated after 4:00 p.m. E.T. each trading day.

2. Statutory Basis

The basis under the Act for this proposed rule change is the requirement under Section 6(b)(5)²⁵ that an exchange have rules that are designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to, and perfect the mechanism of a free and open market and, in general, to protect investors and the public interest.

The Exchange believes that the proposed rule change is designed to prevent fraudulent and manipulative acts and practices in that the Shares will be listed and traded on the Exchange pursuant to the initial and continued

listing criteria in NYSE Arca Rule 8.600–E. The Adviser is not registered as a broker-dealer but is affiliated with a broker-dealer and has implemented and will maintain a fire wall with respect to such broker-dealer affiliate regarding access to information concerning the composition and/or changes to the portfolio. The Exchange represents that trading in the Shares will be subject to the existing trading surveillances administered by the Exchange, as well as cross-market surveillances administered by FINRA on behalf of the Exchange, which are designed to detect violations of Exchange rules and applicable federal securities laws. The Exchange represents that these procedures are adequate to properly monitor Exchange trading of the Shares in all trading sessions and to deter and detect violations of Exchange rules and applicable federal securities laws. The Exchange or FINRA, on behalf of the Exchange, or both, will communicate as needed regarding trading in the Shares, certain futures and certain exchange-traded equity securities with other markets and other entities that are members of the ISG, and the Exchange or FINRA, on behalf of the Exchange, or both, may obtain trading information regarding trading such securities and financial instruments from such markets and other entities. In addition, the Exchange may obtain information regarding trading in such securities and financial instruments from markets and other entities that are members of ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement. FINRA, on behalf of the Exchange, is able to access, as needed, trade information for certain fixed income securities held by the Fund reported to FINRA’s TRACE.

The PIV, as defined in NYSE Arca Rule 8.600–E (c)(3), will be widely disseminated by one or more major market data vendors at least every 15 seconds during the Core Trading Session. The Fund may hold up to an aggregate amount of 15% of its net assets in illiquid assets (calculated at the time of investment), deemed illiquid by the Adviser, consistent with Commission guidance.

Except as described herein, the Shares of the Fund will conform to the initial and continued listing criteria under NYSE Arca Rule 8.600–E. The Exchange represents that, for initial and/or continued listing, the Fund will be in compliance with Rule 10A–3 under the Act, as provided by NYSE Arca Rule 5.3–E. A minimum of 100,000 Shares of the Fund will be outstanding at the commencement of trading on the

Exchange. The Exchange will obtain a representation from the issuer of the Shares of the Fund that the NAV per Share will be calculated daily and that the NAV and the Disclosed Portfolio will be made available to all market participants at the same time. In addition, a large amount of information is publicly available regarding the Fund and the Shares, thereby promoting market transparency. The Fund’s portfolio holdings will be disclosed on its website daily after the close of trading on the Exchange and prior to the opening of trading on the Exchange the following day. On a daily basis, the Fund will disclose the information regarding the Disclosed Portfolio required under NYSE Arca Rule 8.600–E (c)(2) to the extent applicable. The Fund’s website information will be publicly available at no charge.

Investors can also obtain the Fund’s Statement of Additional Information (“SAI”), its Shareholder Reports, its Form N–CSR, filed twice a year, and its Form N–CEN, filed annually. The Fund’s SAI and Shareholder Reports are available free upon request from the Trust, and those documents and the Form N–CSR and Form N–CEN may be viewed on-screen or downloaded from the Commission’s website at www.sec.gov.

Quotation and last sale information for the Shares and for portfolio securities of the Fund that are U.S. exchange listed, including common stocks, preferred stocks, rights, warrants, ETFs, and U.S. exchange-traded Depositary Receipts will be available via the CTA high speed line.

With respect to Commentary .01(e), the aggregate gross notional value of the Fund’s investments in OTC derivatives is expected to exceed 20% of Fund assets, calculated based on the aggregate gross notional value of such OTC derivatives.

The Adviser believes that it is important to provide the Fund with additional flexibility to manage risk associated with its investments. Depending on market conditions, it may be critical that the Fund be able to utilize available OTC swaps and currency forwards to efficiently gain exposure to equities, currencies and commodities, in furtherance of the Fund’s investment objective.²⁶

The Adviser represents that it intends to engage in strategies that utilize foreign currency forward transactions

²⁶ As noted above, the Commission has previously approved an exception from requirements set forth in Commentary .01(e) relating to investments in OTC derivatives similar to those proposed with respect to the Fund. *See*, note 16, *supra*.

²⁵ 15 U.S.C. 78f(b)(5).

and total return swaps (which swaps will be traded OTC) based on its investment strategies. Depending on market conditions, the exposure due to these strategies is expected to exceed 20% of the Fund's assets.²⁷ The Adviser represents further that the foreign currency forward transactions and total return swaps will be traded OTC, and, as such, it is not possible to implement these strategies efficiently using listed derivatives. Swaps on equity securities may be an important means to reduce risk in the Fund's equity investments, or, depending on market conditions, to enhance returns of such investments. If the Fund were limited to investing up to 20% of assets in OTC derivatives, the Fund would have to exclude or underweight these strategies and would be less diversified, concentrating risk in the other strategies it will utilize. Therefore, the Exchange believes that increasing the percentage limit in Commentary .01(e), as described above, to the Fund's investments in OTC derivatives, including forwards and swaps, would help protect investors and the public interest.

As noted above, the Fund may use the derivative instruments described above to enhance Fund returns, increase liquidity, gain long or short exposure to certain instruments, markets or factors in a more efficient or less expensive way and/or hedge risks associated with its other portfolio investments.

The Exchange notes that, other than Commentary .01(e) to Rule 8.600–E, the Fund will meet all other requirements of Rule 8.600–E.

The website for the Fund will include a form of the prospectus for the Fund and additional data relating to NAV and other applicable quantitative information. Moreover, prior to the commencement of trading, the Exchange will inform its ETP Holders in an Information Bulletin of the special characteristics and risks associated with trading the Shares of the Fund. Trading in Shares of the Fund will be halted if the circuit breaker parameters in NYSE Arca Rule 7.12–E have been reached or because of market conditions or for reasons that, in the view of the Exchange, make trading in the Shares inadvisable, and trading in the Shares will be subject to NYSE Arca Rule 8.600–E(d)(2)(D), which sets forth circumstances under which Shares of the Fund may be halted. In addition, as noted above, investors will have ready access to information regarding the Fund's holdings, the PIV, the Disclosed Portfolio, and quotation and last sale information for the Shares. The Fund's

investments, including derivatives, will be consistent with the Fund's investment objective and will not be used to enhance leverage (although certain derivatives and other investments may result in leverage). That is, while the Fund will be permitted to borrow as permitted under the 1940 Act, the Fund's investments will not be used to seek performance that is the multiple or inverse multiple (e.g., 2Xs and 3Xs) of the Fund's primary broad-based securities benchmark index (as defined in Form N–1A).²⁸

The proposed rule change is designed to perfect the mechanism of a free and open market and, in general, to protect investors and the public interest in that it will facilitate the listing and trading of an actively-managed exchange-traded product that, through permitted use of an increased level of OTC derivatives above that currently permitted by the generic listing requirements of Commentary .01 to NYSE Arca Rule 8.600–E, will enhance competition among market participants, to the benefit of investors and the marketplace. As noted above, the Exchange has in place surveillance procedures relating to trading in the Shares and may obtain information via ISG from other exchanges that are members of ISG or with which the Exchange has entered into a comprehensive surveillance sharing agreement. In addition, as noted above, investors have ready access to information regarding the Fund's holdings, the PIV, the Disclosed Portfolio for the Fund, and quotation and last sale information for the Shares.

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 purpose of the Act. The Exchange notes that the proposed rule change will facilitate the listing and trading of an additional type of actively-managed exchange-traded product that holds fixed income securities, equity securities and derivatives and that will enhance competition among market participants, to the benefit of investors and the marketplace.

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

Within 45 days of the date of publication of this notice in the **Federal Register** or up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve or disapprove the proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the 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–2019–57 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–2019–57. 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

²⁷ See note 16, *supra*.

²⁸ See note 14, *supra*.

inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSEArca–2019–57 and should be submitted on or before September 10, 2019.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.²⁹

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2019–17854 Filed 8–19–19; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–86679; File No. SR–MIAX–2019–36]

Self-Regulatory Organizations; Miami International Securities Exchange, LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Exchange Rule 518, Complex Orders

August 14, 2019.

Pursuant to the provisions of 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 August 12, 2019, Miami International Securities Exchange, LLC (“MIAX Options” or the “Exchange”) filed with the Securities and Exchange Commission (“Commission”) a proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization’s Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is filing a proposal to amend Exchange Rule 518, Complex Orders, to amend subsection (d)(7) and to make a minor non-substantive change to correct a typographical error in subsection (f)(1) of Interpretation and Policy .05.

The text of the proposed rule change is available on the Exchange’s website at <http://www.miaxoptions.com/rule-filings/> at MIAX Options’ principal

office, and at the Commission’s Public Reference Room.

II. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Exchange Rule 518, Complex Orders, to amend subsection (d)(7), Allocation at the Conclusion of a Complex Auction, to adopt a new parenthetical to existing rule text to state that orders and quotes executed in a Complex Auction ³ will be allocated first in price priority based on their original limit price (or protected price, as described in Interpretation and Policy .05, if price protection is engaged).

Currently, subsection (d)(7) of the Rule provides that orders and quotes executed in a Complex Auction will be allocated first in price priority based on their original limit price, and thereafter as follows, and the Rule lists six different scenarios which influence allocation. The Exchange is proposing to adopt the parenthetical, “or protected price if price protection, as described in Interpretation and Policy .05, is engaged” after the term “original limit price” to improve the fairness and consistency of allocations among participants at the end of a Complex Auction.

Under the proposal, allocations will continue to be calculated based on original limit price, with the exception that if price protection is engaged, allocation will then be based on the order’s protected price as opposed to the order’s original limit price. The following examples using the MPC Protection better illustrate this scenario.⁴

³ See Exchange Rule 518(d).

⁴ The Exchange notes that the System provides a number of price protections as described in Policy .05 of Interpretations and Policies to this Rule. Price protections include a Vertical Spread Variance

Example #1A

End of Complex Auction Allocation Using Current Allocation Methodology

icMBBO ⁵/dcMBBO ⁶ 1.75 × 2.00

cNBBO ⁷ 1.85 × 1.95

MPC 0.05

MPC Protection:

cNBB ⁸ – MPC (1.85 – 0.05 = 1.80)

cNBO ⁹ + MPC (1.95 + 0.05 = 2.00)

Complex Order 1 (CO1) Buy 10 @ 2.00

(Auction on Arrival) ¹⁰

CO1 marked AOA initiates an auction upon receipt.

Market Maker (“MM”) ¹¹ Complex Order 2

(CO2) Sell 10 @ 1.80 (MPC = 1.80)

MM Complex AOC eQuote ¹² 3 (CO3) Sell 10 @ 1.00 (MPC = 1.80)

price protection (.05(a)); a Calendar Spread Variance price protection (.05(b)); an Implied Away Best Bid or Offer (“ixABBO”) price protection. The ixABBO price protection feature is a price protection mechanism under which, when in operation as requested by the submitting Member, a buy order will not be executed at a price that is higher than each other single exchange’s best displayed offer for the complex strategy, and under which a sell order will not be executed at a price that is lower than each other single exchange’s best displayed bid for the complex strategy (.05(d)); and a Complex MIAX Options Price Collar (“MPC”) price protection (.05(f)).

⁵ Implied Complex MIAX Best Bid or offer (“icMBBO”). The icMBBO is a calculation that uses the best price from the Simple Order Book for each component of a complex strategy including displayed and non-displayed trading interest. For stock-option orders, the icMBBO for a complex strategy will be calculated using the best price (whether displayed or non-displayed) on the Simple Order Book in the individual option component(s), and the NBBO in the stock component. See Exchange Rule 518(a)(11).

⁶ Displayed Complex MIAX Best Bid or Offer (“dcMBBO”). The dcMBBO is calculated using the best displayed price for each component of a complex strategy from the Simple Order Book. For stock-option orders, the dcMBBO for a complex strategy will be calculated using the Exchange’s best displayed bid or offer in the individual option component(s) and the NBBO in the stock component. See Exchange Rule 518(a)(8).

⁷ The Complex National Best Bid or Offer (“cNBBO”) is calculated using the NBBO for each component of a complex strategy to establish the best net bid and offer for a complex strategy. See Exchange Rule 100.

⁸ NBB means the National Best Bid.

⁹ NBO means the National Best Offer.

¹⁰ A “Complex Auction-on-Arrival” or “cAOA” order is a complex order designated to be placed into a Complex Auction upon receipt or upon evaluation. Complex orders that are not designated as cAOA will, by default, not initiate a Complex Auction upon arrival, but except as described herein will be eligible to participate in a Complex Auction that is in progress when such complex order arrives or if placed on the Strategy Book may participate in or may initiate a Complex Auction, following evaluation conducted by the System. See Exchange Rule 518(b)(2)(i).

¹¹ The term “Market Makers” refers to “Lead Market Makers”, “Primary Lead Market Makers” and “Registered Market Makers” collectively. See Exchange Rule 100.

¹² A “Complex Auction-or-Cancel eQuote” or “cAOC eQuote,” which is an eQuote submitted by a Market Maker that is used to provide liquidity during a specific Complex Auction with a time in force that corresponds with the duration of the

²⁹ 17 CFR 200.30–3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b–4.

Unrelated order CO2 and related response CO3 arrive during the auction and join the auction in progress. The Auction concludes with no further interest being received.

Upon conclusion of the Auction CO2 and CO3 are subject to MPC Protection and cannot trade more than 0.05 lower than the Away Best Bid (1.85); meaning that these orders cannot trade lower than 1.80. With allocation based upon the original limit price CO3 trades 10 with CO1 at 1.80 ahead of CO2 since CO3's original limit price (1.00) was more aggressive than the original limit price of CO2 (1.80). CO2 does not trade and leaves a balance of 10 to sell at 1.80.

cToM¹³ 1.75×1.80 (10)

Example 1B below illustrates the same scenario but with allocation as proposed by the new rule language.

Example #1B

End of Complex Auction Allocation Using Proposed Allocation Methodology (Price Protection Engaged)

icMBBO/dcMBBO 1.75×2.00

cNBBO 1.85×1.95

MPC 0.05

MPC Protection:

cNBB – MPC ($1.85 - 0.05 = 1.80$)

cNBO + MPC ($1.95 + 0.05 = 2.00$)

Complex Order 1 (CO1) Buy 10 @ 2.00
(Auction on Arrival)

CO1 marked AOA initiates an auction upon receipt.

MM Complex Order 2 (CO2) Sell 10 @ 1.80
(MPC = 1.80)

MM Complex AOC eQuote 3 (CO3) Sell 10
@ 1.00 (MPC = 1.80)

Unrelated order CO2 and related response CO3 arrive during the auction and join the auction in progress. The Auction concludes with no further interest being received.

Upon conclusion of the Auction CO2 and CO3 are subject to MPC Protection and cannot trade more than 0.05 lower than the Away Best Bid (1.85); meaning that these orders cannot trade lower than 1.80. With allocation priority based on the protected price CO3 trades a pro-rata share of 5 with CO1 at 1.80 based on its protected price. CO2 also trades a pro-rata share of 5 with CO1 at 1.80 based on its protected price. CO1 is filled, CO2 and CO3 each leave a balance of 5, booked at their protected price of 1.80.

cToM 1.75×1.80 (10)

The Exchange believes that using the protected price is more meaningful than using an order's original limit price in the context of determining trade allocation priority as orders cannot be executed at prices that would violate their protected price. Additionally, changing the allocation priority in this fashion would align allocations for

orders with the same protected price, when price protection is engaged, with allocations for orders with the same original limit price, when price protection is not engaged, which can be seen in the examples below.

Example #2A

End of Complex Auction Allocation Using Current Allocation Methodology

icMBBO/dcMBBO 1.75×2.00

cNBBO 1.85×1.95

MPC 0.05

MPC Protection:

cNBB – MPC ($1.85 - 0.05 = 1.80$)

cNBO + MPC ($1.95 + 0.05 = 2.00$)

Complex Order 1 (CO1) Buy 10 @ 2.00
(Auction on Arrival)

CO1 marked AOA initiates an auction upon receipt.

Market Maker ("MM") Complex Order 2
(CO2) Sell 10 @ 1.90 (MPC = 1.80)

MM Complex AOC eQuote 3 (CO3) Sell 10
@ 1.90 (MPC = 1.80)

Unrelated order CO2 and related response CO3 arrive during the auction and joins the auction in progress. The Auction concludes with no further interest being received.

Upon conclusion of the Auction CO2 and CO3 when subject to MPC Protection cannot trade more than 0.05 lower than the Away Best Bid (1.85); meaning that these orders cannot trade lower than 1.80. However since the limit price of CO2 and CO3 is not through the MPC Protected Price, price protection is not engaged and the trade is based on the best limit price among CO2 and CO3. With allocation based upon the original limit price; CO3 trades a pro-rata share of 5 with CO1 at 1.90 based on its original price. CO2 also trades a pro-rata share of 5 with CO1 at 1.90 based on its original price. CO1 is filled, CO2 and CO3 each leave a balance of 5, booked at their limit price.

Example 2B below illustrates the same scenario but with allocation as proposed by the new rule language.

Example #2B

End of Complex Auction Allocation Using Proposed Allocation Methodology (Price Protection Not Engaged)

icMBBO/dcMBBO 1.75×2.00

cNBBO 1.85×1.95

MPC 0.05

MPC Protection = cNBB – MPC ($1.85 - 0.05 = 1.80$)

Complex Order 1 (CO1) Buy 10 @ 2.00
(Auction on Arrival)

CO1 marked AOA initiates an auction upon receipt.

Market Maker ("MM") Complex Order 2
(CO2) Sell 10 @ 1.90 (MPC = 1.80)

MM Complex AOC eQuote 3 (CO3) Sell 10
@ 1.90 (MPC = 1.80)

Unrelated order CO2 and related response CO3 arrive during the auction and joins the auction in progress. The Auction concludes with no further interest being received.

Upon conclusion of the Auction CO2 and CO3 when subject to MPC Protection cannot

trade more than 0.05 lower than the Away Best Bid (1.85); meaning that these orders cannot trade lower than 1.80. However since the limit price of CO2 and CO3 is not through the MPC Protected Price, price protection is not engaged and the trade is based on the best limit price among CO2 and CO3. With allocation based upon the original limit price; CO3 trades a pro-rata share of 5 with CO1 at 1.90 based on its original price. CO2 also trades a pro-rata share of 5 with CO1 at 1.90 based on its original price. CO1 is filled, CO2 and CO3 each leave a balance of 5, booked at their limit price.

There is no difference in the allocation results under the proposed allocation algorithm or the current allocation algorithm for orders with identical original limit prices when price protection is not engaged. Additionally, as demonstrated in Example 3A and 3B below, there is no difference in the allocation results under the proposed allocation algorithm or the current allocation algorithm for orders with differing original limit prices when price protection is not engaged.

Example #3A

End of Complex Auction Allocation Using Current Allocation Methodology

icMBBO/dcMBBO 1.75×2.00

cNBBO 1.85×1.95

MPC 0.05

MPC Protection:

cNBB – MPC ($1.85 - 0.05 = 1.80$)

cNBO + MPC ($1.95 + 0.05 = 2.00$)

Complex Order 1 (CO1) Buy 10 @ 2.00
(Auction on Arrival)

CO1 marked AOA initiates an auction upon receipt.

Market Maker ("MM") Complex Order 2
(CO2) Sell 10 @ 1.95 (MPC = 1.80)

MM Complex AOC eQuote 3 (CO3) Sell 10
@ 1.85 (MPC = 1.80)

Unrelated order CO2 and related response CO3 arrive during the auction and join the auction in progress. The Auction concludes with no further interest being received.

Upon conclusion of the Auction CO2 and CO3 when subject to MPC Protection cannot trade more than 0.05 lower than the Away Best Bid (1.85); meaning that these orders cannot trade lower than 1.80. However since the limit price of CO2 and CO3 is not through the MPC Protected Price, price protection is not engaged. With allocation based upon the original limit price; CO3 trades 10 with CO1 at 1.90 ahead of CO2 since its original limit price (1.85) was more aggressive than the original limit price of CO2 (1.95). CO2 does not trade and leaves a balance of 10 to sell at 1.95.

Example #3B

End of Complex Auction Allocation Using Proposed Allocation Methodology (Price Protection Not Engaged)

icMBBO/dcMBBO 1.75×2.00

cNBBO 1.85×1.95

MPC 0.05

Complex Auction. A AOC eQuote with a size greater than the aggregate auctioned size (as defined in Rule 518(d)(4)) will be capped for allocation purposes at the aggregate auctioned size. See Exchange Rule 518.02(c)(1).

¹³ cToM is the Exchange's Complex Top of Market data feed.

MPC Protection = cNBB – MPC (1.85 – 0.05 = 1.80)

Complex Order 1 (CO1) Buy 10 @ 2.00
(Auction on Arrival)

CO1 marked AOA initiates an auction upon receipt.

Market Maker (“MM”) Complex Order 2
(CO2) Sell 10 @ 1.95 (MPC = 1.80)

MM Complex AOC eQuote 3 (CO3) Sell 10
@ 1.85 (MPC = 1.80)

Unrelated order CO2 and related response CO3 arrive during the auction and joins the auction in progress. The Auction concludes with no further interest being received.

Upon conclusion of the Auction CO2 and CO3 when subject to MPC Protection cannot trade more than 0.05 lower than the Away Best Bid; meaning that these orders cannot trade lower than 1.80. However since the limit price of CO2 and CO3 is not through the MPC Protected Price, price protection is not engaged. Allocation remains based upon original limit price as price protection is not engaged. CO3 trades 10 with CO1 at 1.90 ahead of CO2 since its original limit price (1.85) was more aggressive than the original limit price of CO2 (1.95). CO2 does not trade and leaves a balance of 10 to sell at 1.95.

As illustrated by the examples above, there is no difference in allocations under the proposal when orders have the same, or different, original limit prices when price protection is not engaged (Examples 2 and 3 respectively). Under the current rule there is a difference in allocation when orders have the same protected price but different original limit prices, as illustrated in Example 1. Under the Exchange’s proposal, using the order’s protected price, when price protection is engaged, to determine allocation, will provide the same allocation result as when orders have the same original limit price, but when price protection is not engaged (as demonstrated in Example 2). The Exchange believes that allocating interest at the conclusion of a Complex Auction based upon an order’s protected price, when price protection is engaged, as opposed to its original limit price, provides a consistent allocation methodology when orders have the same price (either original limit price when price protection is not engaged, or protected price when price protection is engaged).

Additionally, the Exchange proposes to amend section (f) of Interpretation and Policy .05 to add an opening quotation to the term eQuotes in subsection (1), which states, [a]ll complex orders on the Exchange, together with cAOC eQuotes and cIOC eQuotes¹⁴ (as defined in Interpretations

and Policies: 02.(c)(1) and (2) of this Rule) (collectively, “eQuotes”), are subject to the MPC Price Protection feature. This is non-substantive change to make a typographical correction to the rule text.

2. Statutory Basis

The Exchange believes that its proposed rule change is consistent with Section 6(b) of the Act¹⁵ in general, and furthers the objectives of Section 6(b)(5) of the Act¹⁶ in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to and perfect the mechanisms of a free and open market and a national market system and, in general, to protect investors and the public interest.

The Exchange believes that determining priority for allocating interest at the conclusion of a Complex Auction based on an order’s protected price, when price protection is engaged, removes impediments to and perfects the mechanisms of a free and open market and a national market system and, in general, protects investors and the public interest by providing a consistent allocation methodology. Basing trade allocation priority on an order’s protected price provides for a more equitable allocation of interest at the conclusion of a Complex Auction versus using an order’s original limit price to determine allocation priority. An order’s original limit price is not relevant for determining allocation as the order cannot trade through its protected price. Therefore, the Exchange believes that when price protection is engaged, using the protected price as the basis for allocation priority at the conclusion of a Complex Auction is more appropriate.

As demonstrated in Example 1A, under the current rule an order with a limit price that is through its protected price supersedes an order with a limit price equal to its protected price. In Example 1A, the trade price is equal to the protected price, however the order with a more aggressive original limit price receives the first allocation. In

into the System. cIOC eQuotes will not: (i) Be executed against individual orders and quotes resting on the Simple Order Book; (ii) be eligible to initiate a Complex Auction or join a Complex Auction in progress; (iii) rest on the Strategy Book; or (iv) be displayed. Any portion of a cIOC eQuote that is not executed will be immediately cancelled. See Exchange Rule 518.02(c)(2).

¹⁵ 15 U.S.C. 78f(b).

¹⁶ 15 U.S.C. 78f(b)(5).

Example 1A, the order’s \$1.00 original limit price to sell is illusory in the sense that the order can never be executed below its protected price of \$1.80 due to price protection being engaged. With two orders that can be executed at \$1.80 the Exchange believes that basing allocation on the protected price promotes just and equitable principles of trade, as both orders receive an allocation. This aligns to the allocation that results when two orders can be executed at their original limit price without price protection being engaged, and provides consistency in the allocation process used on the Exchange, and prevents unfair allocations from occurring, which promotes just and equitable principles of trade.

The Exchange believes its proposal to make a non-substantive change to correct a typographical error protects investors and the public interest by providing accuracy in the Exchange’s rules. Clarity and precision in the Exchange’s rules helps avoid the potential for confusion which benefits investors and the public.

B. Self-Regulatory Organization’s Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

The Exchange’s proposal will not impose any burden on inter-market competition as the proposal will only affect trade allocations performed at the conclusion of a Complex Auction on the Exchange, when price protection is engaged.

The Exchange does not believe the proposed rule change will impose any burden on intra-market competition as the rules of the Exchange are applicable to all Members¹⁷ equally, and will equally impact those Members who participate in Complex Auctions.

C. Self-Regulatory Organization’s Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect

¹⁷ The term “Member” means an individual or organization approved to exercise the trading rights associated with a Trading Permit. Members are deemed “members” under the Exchange Act. See Exchange Rule 100.

¹⁴ A “Complex Immediate-or-Cancel eQuote” or “cIOC eQuote,” which is a complex eQuote with a time-in-force of IOC that may be matched with another complex quote or complex order for an execution to occur in whole or in part upon receipt

the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act¹⁸ and Rule 19b-4(f)(6) thereunder.¹⁹

A proposed rule change filed pursuant to Rule 19b-4(f)(6) under the Act²⁰ normally does not become operative for 30 days after the date of its filing. However, Rule 19b-4(f)(6)(iii)²¹ permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has requested that the Commission waive the 30-day operative delay so that the proposed rule change may become operative upon filing. As discussed above, the Exchange believes that using an order's protected price when price protection is engaged, rather than an order's original limit price, is appropriate for determining allocation priority at the conclusion of a Complex Auction because an order cannot be executed at a price that would violate its protected price. Thus, an order's original limit price is not relevant for determining allocation priority when price protection is engaged, and the Exchange believes that using an order's protected price to determine auction allocations when price protection is engaged will prevent unfair Complex Auction allocations. The Commission believes that determining Complex Auction allocations based on an order's protected price when price protection is engaged, rather than on the order's original limit price, is appropriate because an order will never execute at a price that violates its protected price. The Commission believes that using an order's protected price when price protection is engaged will help to assure that orders are allocated fairly at the conclusion of a Complex Auction. Therefore, the Commission believes that waiver of the 30-day operative delay is consistent with the protection of investors and the public interest. Accordingly, the Commission hereby waives the operative delay and

designates the proposed rule change operative upon filing.²²

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule 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-MIAX-2019-36 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-MIAX-2019-36. 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

²² For purposes only of waiving the 30-day operative delay, the Commission also has considered the proposed rule's impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

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-MIAX-2019-36, and should be submitted on or before September 10, 2019.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.²³

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2019-17845 Filed 8-19-19; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-86670; File No. SR-CboeBYX-2019-012]

Self-Regulatory Organizations; Cboe BYX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Introduce a Small Retail Broker Distribution Program

August 14, 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 August 1, 2019, Cboe BYX Exchange, Inc. ("Exchange" or "BYX") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The 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 BYX Exchange, Inc. ("BYX" or the "Exchange") is filing with the Securities and Exchange Commission (the "Commission") a proposed rule change to introduce a Small Retail Broker Distribution Program. The text of the proposed changes to the fee schedule are enclosed [sic] as Exhibit 5.

²³ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

¹⁸ 15 U.S.C. 78s(b)(3)(A).

¹⁹ 17 CFR 240.19b-4(f)(6). In addition, Rule 19b-4(f)(6)(iii) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

²⁰ 17 CFR 240.19b-4(f)(6).

²¹ 17 CFR 240.19b-4(f)(6)(iii).

The text of the proposed rule change is also available on the Exchange's website (http://markets.cboe.com/us/equities/regulation/rule_filings/byx/), 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 introduce a pricing program that would allow small retail brokers that purchase top of book market data from the Exchange to benefit from discounted fees for access to such market data. The Small Retail Broker Distribution Program (the "Program") would reduce the distribution and consolidation fees paid by small broker-dealers that operate a retail business. In turn, the Program may increase retail investor access to real-time U.S. equity quote and trade information, and allow the Exchange to better compete for this business with competitors that offer similar optional products.

Current Fees

Today, the Exchange offers two top of book data feeds that provide real-time U.S. equity quote and trade information to investors. First, the Exchange offers the BYX Top Feed, which is an uncompressed data feed that offers top of book quotations and execution information based on equity orders entered into the System.³ The fee for external distribution of BYX Top data is \$1,000 per month, and external distributors are also liable for a fee of \$1 per month for each Professional User, and \$0.025 per month for each Non-Professional User.

Second, the Exchange offers the Cboe One Summary Feed, which offers similar information based on equity

orders submitted to the Exchange and its affiliated equities exchanges—*i.e.*, Cboe BZX Exchange, Inc., Cboe EDGX Exchange, Inc., and Cboe EDGA Exchange, Inc. Specifically, the Cboe One Summary Feed is a data feed that contains the aggregate best bid and offer of all displayed orders for securities traded on the Exchange and its affiliated exchanges. The Cboe One Summary Feed also contains the individual last sale information for the Exchange and each of its affiliated exchanges, and consolidated volume for all listed equity securities. The fee for external distribution of the Cboe One Summary Feed is \$5,000 per month, and external distributors are also liable for a Data Consolidation Fee of \$1,000 per month, and User fees equal to \$10 per month for each Professional User, and \$0.25 per month for each Non-Professional User.⁴

Small Retail Broker Eligibility Requirements

The Exchange proposes to introduce a Program that would reduce costs for small retail brokers that provide top of book data to their clients. In order to be approved for the Small Retail Broker Distribution Program, Distributors would have to provide either the BYX Top Feed or Cboe One Summary Feed ("BYX Equities Exchange Data") to a limited number of clients with which the firm has established a brokerage relationship, and would have to provide such data primarily to Non-Professional Data Users. Specifically, distributors would have to attest that they meet the following criteria: (1) Distributor is a broker-dealer distributing BYX Equities Exchange Data to Non-Professional Data Users with whom the broker-dealer has a brokerage relationship; (2) More than 50% of the Distributor's total Data User population must consist of Non-Professional Data Users, inclusive of those not receiving BYX Equities Exchange Data; and (3) Distributor distributes BYX Equities Exchange Data to no more than 5,000 Non-Professional Data Users.⁵

⁴ The Exchange also offers an Enterprise license for the BYX Top and Cboe One Summary Feeds. An Enterprise license permits distribution to an unlimited number of Professional and Non-Professional Users, keeping costs down for firms that provide access to a large number of subscribers. An Enterprise license is \$10,000 per month for the BYX Top Feed, and \$50,000 per month for the Cboe One Summary Feed.

⁵ Distributors would have to meet these requirements for whichever product they would like to distribute pursuant to the Program. For example, a distributor that distributes Cboe One Summary Feed data pursuant to the Program, would be limited to distributing the Cboe One Summary Feed to no more than 5,000 Non-Professional Data Users.

These proposed requirements for participating in the Program are designed to ensure that the benefits provided by the Program inure to the benefit of small retail brokers that provide BYX Equities Exchange Data to a limited number of subscribers. As explained later in this filing, distributors that provide BYX Exchange Data to a larger number of subscribers can benefit from the current pricing structure through scale, due to subscriber fees that are significantly lower than those charged by the Exchange's competitors, and an Enterprise license that caps the total fees to be paid by firms that distribute market data to a sizeable customer base. The Exchange believes that offering similarly attractive pricing to small retail brokers, including regional firms both inside and outside of the U.S. that may not have the same established client base as the larger retail brokers, would make the Exchange's data a more competitive alternative for those firms, and would help ensure that such information is widely available to a larger number of retail investors globally. The Program would also be available to retail brokers more generally, regardless of size, that wish to trial the Exchange's top of book products with a limited number of subscribers before potentially expanding distribution to additional clients, potentially further increasing the accessibility of the Exchange's market data to retail investors. The Program would be exclusive to the Exchange's top of book offerings as retail investors typically do not need or use depth of book data to facilitate their equity investments, and their brokers typically do purchase such market data on their behalf.

Discounted Fees

Distributors that participate in the Program would be liable for lower distribution fees for access to the BYX Top Feed, and lower distribution and consolidation fees for access to the Cboe One Summary Data Feed.⁶ First, the distribution fee charged for BYX Top would be lowered by 75% from the current \$1,000 per month to \$250 per month for distributors that meet the requirements of the Program. Second, the distribution fee charged to these distributors for the Cboe One Summary Feed would be lowered by 30% from the current \$5,000 per month to \$3,500

⁶ New external distributors of the BYX Top Feed or Cboe One Summary Feed are not currently charged external distributor fees for their first month of service. This would continue to be the case for external distributors that participate in the Program.

³ See BZX Rule 11.22(d).

per month. Finally, the Data Consolidation Fee charged for the Cboe One Summary Feed would be lowered by 65% from the current \$1,000 per month to \$350 per month. User fees for any Professional or Non-Professional Users that access BYX Top or Cboe One Summary Feed data from a distributor that participates in the Program would remain at their current levels as the current subscriber charges are already among the most competitive in the industry.⁷

The Exchange believes that these fees, which represent a significant cost savings for small retail brokers, would help ensure that retail investors continue to have fair and efficient access to U.S. equity market data. While retail investors normally pay a fixed commission when buying or selling equities, and do not typically pay separate fees for market data, the Exchange believes that the proposed reduction in fees would make the Exchange's data more competitive with other available alternatives, and may encourage retail brokers to make such data more readily available to their clients. In sum, the Exchange believes that the proposed fee reductions may facilitate more cost effective access to top of book data that is purchased on a voluntary basis by retail brokers and provided to their retail investor clients.

Market Background

The market for top of book data is highly competitive as national securities exchanges compete both with each other and with the securities information processors ("SIPs") to provide efficient, reliable, and low cost data to a wide range of investors and market participants. In fact, Regulation NMS requires all U.S. equities exchanges to provide their best bids and offers, and executed transactions, to the two registered SIPs for dissemination to the public. Top of book data is therefore widely available to investors today at a relatively modest cost. National securities exchanges may also disseminate their own top of book data, but no rule or regulation of the Commission requires market participants to purchase top of book data from an exchange.⁸ The BYX Top

Feed and Cboe One Summary Feed therefore compete with the SIP and with similar products offered by other national securities exchanges that offer their own competing top of book products. In fact, there are ten competing top of book products offered by other national securities exchanges today, not counting products offered by the Exchange's affiliates.⁹ The purpose of the proposed rule change is to further increase the competitiveness of the Exchange's top of book market data products compared to competitor offerings that may currently be cheaper for firms with a limited subscriber base that do not yet have the scale to take advantage of the lower subscriber fees offered by the Exchange. In turn, the Exchange believes that this change may benefit market participants and investors by spurring additional competition and increasing the accessibility of the Exchange's top of book data.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the objectives of Section 6 of the Act,¹⁰ in general, and furthers the objectives of Section 6(b)(4),¹¹ in particular, as it is designed to provide for the equitable allocation of reasonable dues, fees and other charges among its members and other recipients of Exchange data.

The Exchange also believes that the proposed rule change is consistent with Section 11(A) of the Act.¹² Specifically, the proposed rule change supports (i) fair competition among brokers and dealers, among exchange markets, and between exchange markets and markets other than exchange markets, and (ii) the availability to brokers, dealers, and investors of information with respect to quotations for and transactions in securities. In addition, the proposed rule change is consistent with Rule 603 of Regulation NMS,¹³ which provides that any national securities exchange that distributes information with respect to quotations for or transactions in an NMS stock do so on terms that are not unreasonably discriminatory.

In adopting Regulation NMS, the Commission granted SROs and broker-dealers increased authority and flexibility to offer new and unique market data to the public. It was

believed that this authority would expand the amount of data available to consumers, and also spur innovation and competition for the provision of market data. The Exchange believes that the proposed fee change would further broaden the availability of U.S. equity market data to investors, and in particular retail investors, consistent with the principles of Regulation NMS.

The Exchange operates in a highly competitive environment. Indeed, there are thirteen registered national securities exchanges that trade U.S. equities and offer associated top of book market data products to their customers. The national securities exchanges also compete with the SIPs for market data customers. 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."¹⁴ The proposed fee change is a result of the competitive environment, as the Exchange seeks to amend its fees to attract additional subscribers for its proprietary top of book data offerings.

The proposed fee change would reduce fees charged to small retail brokers that provide access to two top of book data products: The BYX Top Feed and the Cboe One Summary Feed. The BYX Top Feed provides top of book quotations and transactions executed on the Exchange, and provides a valuable window into the market for securities traded on a market that accounts for about 4% of U.S. equity market volume today.¹⁵ The Cboe One Summary Feed is a competitively-priced alternative to top of book data disseminated by SIPs, or similar data disseminated by other national securities exchanges.¹⁶ It provides subscribers with consolidated top of book quotes and trades from four Cboe U.S. equities markets, which together account for about 17% of consolidated U.S. equities trading volume.¹⁷ Together, these products are

⁷ By comparison, The Nasdaq Stock Market LLC ("Nasdaq") charges a subscriber fee for Nasdaq Basic that adds up to \$26 per month for Professional Subscribers and \$1 per month for Non-Professional Subscribers (Tapes A, B, and C). See Nasdaq Equity Rules, Equity 7, Pricing Schedule, Section 147(b)(1).

⁸ By contrast, Rule 603(c) of Regulation NMS (the "Vendor Display Rule") effectively requires that SIP data or some other consolidated display be utilized in any context in which a trading or order-routing decision can be implemented.

⁹ Competing top of book products include, Nasdaq Basic, BX Basic, PSX Basic, NYSE BQT, NYSE BBO/Trades, NYSE Arca BBO/Trades, NYSE American BBO/Trades, NYSE Chicago BBO/Trades, and IEX TOPS.

¹⁰ 15 U.S.C. 78f.

¹¹ 15 U.S.C. 78f(b)(4).

¹² 15 U.S.C. 78k-1.

¹³ See 17 CFR 242.603.

¹⁴ See Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005) ("Regulation NMS Adopting Release").

¹⁵ See https://markets.cboe.com/us/equities/market_share/.

¹⁶ See e.g., supra note 5 (discussing Nasdaq Basic).

¹⁷ *Id.*

purchased by a wide variety of market participants and vendors, including data platforms, websites, fintech firms, buy-side investors, retail brokers, regional banks, and securities firms inside and outside of the U.S. that desire low cost, high quality, real-time U.S. equity market data. By providing lower cost access to U.S. equity market data, the BYX Top and Cboe One Summary Feeds benefit a wide range of investors that participate in the national market system. Reducing fees for broker-dealers that represent retail investors and that may have more limited resources than some of their larger competitors would further increase access to such data and facilitate a competitive market for U.S. equity securities, consistent with the goals of the Act.

While the Exchange is not required to make any data, including top of book data, available through its proprietary market data platform, the Exchange believes that making such data available increases investor choice, and contributes to a fair and competitive market. Specifically, making such data publicly available through proprietary data feeds allows investors to choose alternative, potentially less costly, market data based on their business needs. While some market participants that desire a consolidated display choose the SIP for their top of book data needs, and in some cases are effectively required to do so under the Vendor Display Rule, others may prefer to purchase data directly from one or more national securities exchanges. For example, a buy-side investor may choose to purchase the Cboe One Summary Feed, or a similar product from another exchange, in order to perform investment analysis. The Cboe One Summary Feed represents quotes from four highly liquid equities markets. As a result, the Cboe One Summary Feed is within 1% of the national best bid and offer approximately 98% of the time,¹⁸ and therefore serves as a valuable reference for investors that do not require a consolidated display that contains quotations for all U.S. equities exchanges. Making alternative products available to market participants ultimately ensures increased competition in the marketplace, and constrains the ability of exchanges to charge supracompetitive fees. In the event that a market participant views one exchanges top of book data fees as more or less attractive than the competition they can and frequently do switch between competing products. In fact, the competitiveness of the market for

such top of book data products is one of the primary factors animating this proposed rule change, which is designed to allow the Exchange to further compete for this business.

The Exchange believes that the proposed fees are reasonable as they represent a significant cost reduction for smaller, primarily regional, retail brokers that provide top of book data from BYX and its affiliated equities exchanges to their retail investor clients. The market for top of book data is intensely competitive due to the availability of substitutable products that can be purchased either from other national securities exchanges, or from registered SIPs that make such top of book data publicly available to investors at a modest cost. The proposed fee reduction is being made to make the Exchange's fees more competitive with such offerings for this segment of market participants, thereby increasing the availability of the Exchange's data products, and expanding the options available to firms making data purchasing decisions based on their business needs. The Exchange believes that this is consistent with the principles enshrined in Regulation NMS to "promote the wide availability of market data and to allocate revenues to SROs that produce the most useful data for investors."¹⁹

Today, the Exchange's top of book market data products are among the most competitively priced in the industry due to modest subscriber fees, and a lower Enterprise cap, both of which keep fees at a relatively modest level for larger firms that provide market data to a sizeable number of Professional or Non-Professional Users. Distributors with a smaller user base, however, may choose to use competitor products that have a lower distribution fee and higher subscriber fees. The Program would help the Exchange compete for this segment of the market, and may broaden the reach of the Exchange's data products by providing an additional low cost alternative to competitor products for small retail brokers. While such firms may already utilize similar market data products from other sources, the Exchange believes that offering its own data to small retail brokers at lower distribution and data consolidation costs has the potential to increase choice for market participants, and ultimately increase the data available to retail investors when coupled with the Exchange's lower subscriber fees.

The Exchange also believes that the proposed fees are equitable and not unfairly discriminatory as the proposed fee structure is designed to decrease the price and increase the availability of U.S. equities market data to retail investors. The Program is designed to reduce the cost of top of book market data for broker-dealers that provide such data to Non-Professional Data User clients that make up the majority of the distributor's total subscriber population. As such, the Program would be broadly available to a wide range of retail brokers that either purchase the BYX Top Feed or Cboe One Summary Feed today, or that may choose to switch from competing products due to the potential cost savings. Dozens of distributors that currently purchase top of book data from one of the four Cboe U.S. equities exchanges, and many more prospective customers, could benefit from the Program. Each of these current or prospective retail broker customers would receive the same benefits in terms of reduced distribution and consolidation fees based on the product that they purchase from the Exchange.

The Commission has long stressed the need to ensure that the equities markets are structured in a way that meets the needs of ordinary investors. For example, the Commission's strategic plan for fiscal years 2018–2022 touts "focus on the long-term interests of our Main Street investors" as the Commission's number one strategic goal.²⁰ The Program would be consistent with the Commission's stated goal of improving the retail investor experience in the public markets. Furthermore, national securities exchanges commonly charge reduced fees and offer market structure benefits to retail investors, and the Commission has consistently held that such incentives are consistent with the Act. The Exchange believes that the Program is consistent with longstanding precedent indicating that it is consistent with the Act to provide reasonable incentives to retail investors that rely on the public markets for their investment needs.

In addition, while the Program would be effectively limited to smaller firms that distribute data to no more than 5,000 Non-Professional Data Users, the Exchange does not believe that this limitation makes the fees inequitable, unfairly discriminatory, or otherwise contrary to the purposes of the Act. Large broker-dealers and/or vendors that

¹⁸ See https://markets.cboe.com/us/equities/market_data_services/cboe_one/.

¹⁹ See Regulation NMS Adopting Release, *supra* note 10, at 37503.

²⁰ See U.S. Securities and Exchange Commission, Strategic Plan, Fiscal Years 2018–2022, available at https://www.sec.gov/files/SEC_Strategic_Plan_FY18-FY22_FINAL_0.pdf.

distribute the Exchange's data products to a sizeable number of investors benefit from the current fee structure, which includes lower subscriber fees and Enterprise licenses. Due to lower subscriber fees, distributors that provide BYX Equities Exchange Data to more than 5,000 Non-Professional Data Users already enjoy cost savings compared to competitor products. The Program would therefore ensure that small retail brokers that distribute top of book data to their retail investor customers could also benefit from reduced pricing, and would aid in increasing the competitiveness of the Exchange's data products for this key segment of the market.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change would result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange operates in a highly competitive environment, and its ability to price these data products is constrained by: (i) Competition among exchanges that offer similar data products to their customers; and (ii) the existence of inexpensive real-time consolidated data disseminated by the SIPs. Top of book data is disseminated by both the SIPs and the thirteen equities exchanges. There are therefore a number of alternative products available to market participants and investors. In this competitive environment potential subscribers are free to choose which competing product to purchase to satisfy their need for market information. Often, the choice comes down to price, as broker-dealers or vendors look to purchase the cheapest top of book data product, or quality, as market participants seek to purchase data that represents significant market liquidity. In order to better compete for this segment of the market, the Exchange is proposing to reduce the cost of top of book data provided by small retail brokers to their retail investor clients. The Exchange believes that this would facilitate greater access to such data, ultimately benefiting the retail investors that are provided access to such market data.

The Exchange does not believe that this price reduction would cause any unnecessary or inappropriate burden on intermarket competition as other exchanges and data vendors are free to lower their prices to better compete with the Exchange's offering. Indeed, as explained in the basis section of this proposed rule change, the Exchange's decision to lower its distribution and

consolidation fees for small retail brokers is itself a competitive response to different fee structures available on competing markets. The Exchange therefore believes that the proposed rule change is pro-competitive as it seeks to offer pricing incentives to customers to better position the Exchange as it competes to attract additional market data subscribers. The Exchange also believes that the proposed reduction in fees for small retail brokers would not cause any unnecessary or inappropriate burden on intramarket competition. Although the proposed fee discount would be largely limited to small retail broker subscribers, larger broker-dealers and vendors can already purchase top of book data from the Exchange at prices that represent a significant cost savings when compared to competitor products that combine higher subscriber fees with lower fees for distribution. In light of the benefits already provided to this group of subscribers, the Exchange believes that additional discounts to small retail brokers would increase rather than decrease competition among broker-dealers that participate on the Exchange. Furthermore, as discussed earlier in this proposed rule change, the Exchange believes that offering pricing benefits to brokers that represent retail investors facilitates the Commission's mission of protecting ordinary investors, and is therefore consistent with the Act.

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 Act²¹ and paragraph (f) of Rule 19b-4²² 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.

²¹ 15 U.S.C. 78s(b)(3)(A).

²² 17 CFR 240.19b-4(f).

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include File Number SR-CboeBYX-2019-012 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-CboeBYX-2019-012. 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-CboeBYX-2019-012 and should be submitted on or before September 10, 2019.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.²³

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2019-17862 Filed 8-19-19; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-86682; File No. SR-MIAX-2019-37]

Self-Regulatory Organizations; Miami International Securities Exchange, LLC; Notice of Filing of a Proposed Rule Change To Amend Exchange Rule 518, Complex Orders, To Adopt New Interpretation and Policy .07

August 14, 2019.

Pursuant to the provisions of 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 August 9, 2019, Miami International Securities Exchange, LLC (“MIAX Options” or the “Exchange”) filed with the Securities and Exchange Commission (“Commission”) a proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization’s Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is filing a proposal to amend Exchange Rule 518, Complex Orders, to adopt new Interpretation and Policy .07.

The text of the proposed rule change is available on the Exchange’s website at <http://www.miaxoptions.com/rule-filings/> at MIAX Options’ principal office, and at the Commission’s Public Reference Room.

II. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set

forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Exchange Rule 518, Complex Orders, to adopt new Interpretation and Policy .07, SPIKES Combo Orders, to further facilitate delta neutral transactions for investors that use complex orders to trade SPIKES options.

Complex Orders on the Exchange

Under the Exchange’s current rule a “complex order” is any order involving the concurrent purchase and/or sale of two or more different options in the same underlying security (the “legs” or “components” of the complex order), for the same account, in a ratio that is equal to or greater than one-to-three (.333) and less than or equal to three-to-one (3.00) and for the purposes of executing a particular investment strategy.³ This allows the Exchange to place the complex strategy ⁴ on the Exchange’s Strategy Book.⁵ All strategies placed on the Exchange’s Strategy Book conform to this allowable ratio (“conforming strategy”).⁶ The ratio between the size of the smallest sized option component and the largest sized option component must be equal to or greater than one-to-three (1:3) or less than or equal to three-to-one (3:1). (e.g., Buy 30 XYZ May 18 Calls, Sell 10 XYZ April 16 Calls (30:10 or 3:1))

A complex order can also be a “stock-option order.” A stock-option order is an order to buy or sell a stated number of units of an underlying security (stock or Exchange Traded Fund Share (“ETF”)) or a security convertible into the underlying stock (“convertible security”) coupled with the purchase or sale of options contract(s) on the opposite side of the market representing either (i) the same number of units of the underlying security or convertible

security, or (ii) the number of units of the underlying stock necessary to create a delta neutral position, but in no case in a ratio greater than eight-to-one (8.00), where the ratio represents the total number of units of the underlying security or convertible security (*i.e.*, contracts) in the option leg to the total number of units of the underlying security (*i.e.*, 100 shares) or convertible security in the stock leg.⁷

An option’s price can be influenced by a number of different factors. Some of these are known as the “Greeks” because they are commonly abbreviated with Greek letters; Delta, Gamma, Theta, and Vega.

Delta

The Delta (Δ) is a measure of the change in an option’s price (premium of an option) resulting from a change in the underlying security. The value of Delta ranges from -100 to 0 for puts and 0 to 100 for calls (multiplied by 100 to shift the decimal). Puts generate negative delta because they have a negative relationship with the underlying; that is, put premiums fall when the underlying rises and vice versa.

Conversely, call options have a positive relationship with the price of the underlying; If the underlying rises, so does the call premium provided there are no changes in other variables such as implied volatility or time remaining until expiration. If the price of the underlying falls, the call premium will also decline provided all other things remain constant.⁸

Delta changes as an option becomes more valuable or in-the-money. In-the-money means that the value of the option increases due to the option’s strike price being more favorable to the underlying’s price. As the option gets further in the money, Delta approaches 100 on a call and -100 on a put with the extremes eliciting a one-for-one relationship between changes in the option price and changes in the price of the underlying. In effect, at Delta values of -100 and 100 , the option behaves like the underlying in terms of price changes.⁹

Gamma

The Gamma (Γ), sometimes referred to as the option’s curvature, is the rate of change in the delta as the underlying price changes. The gamma is usually expressed in deltas gained or lost per

³ See Exchange Rule 518(a)(5).

⁴ The term “complex strategy” means a particular combination of components and their ratios to one another. New Complex strategies can be created as the result of the receipt of a complex order or by the Exchange for a complex strategy that is not currently in the System. The Exchange may limit the number of new complex strategies that may be in the System at a particular time and will communicate this limitation to Members via Regulatory Circular. See Exchange Rule 518(a)(6).

⁵ The “Strategy Book” is the Exchange’s electronic book or complex orders and complex quotes. See Exchange Rule 518(a)(17).

⁶ The Exchange notes that orders representing non-conforming strategies are rejected.

⁷ See Exchange Rule 518(a)(5).

⁸ John Summa, *Option Greeks: The 4 Factors to Measure Risks*, Investopedia (July 18, 2019), <https://www.investopedia.com/trading/getting-to-know-the-greeks/>

⁹ See *id.*

²³ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

one-point change in the underlying, with the delta increasing by the amount of gamma when the underlying rises and falling by the amount of the gamma when the underlying falls. If an option has a gamma of 5, for each point rise (fall) in the price of the underlying, the option will gain (lose) 5 deltas. If the option initially has a delta of 25 and the underlying moves up (down) one full point, the new delta will be 30 (20).¹⁰

Theta

An option's value is made up of intrinsic value¹¹ and time value.¹² As time passes, the time-value portion gradually disappears until, at expiration, the option is worth exactly its intrinsic value. The theta (Θ), or time decay, is the rate at which an option loses value as time passes, assuming that all other market conditions remain unchanged. It is usually expressed as value lost per one day's passage of time. An option with a theta of 0.05 will lose 0.05 in value for each day that passes with no movement in the underlying contract. If its theoretical value today is 4.00, one day later it will be worth 3.95. Two days later it will be worth 3.90.¹³

Vega

Just as option values are sensitive to changes in the underlying price (delta) and to the passage of time (theta), they are also sensitive to changes in volatility. Although the terms delta, gamma, and theta are used by all option traders, there is no one generally accepted term for the sensitivity of an option's theoretical value to a change in volatility. The most commonly used term in the trading community is vega.¹⁴

The vega of an option is usually expressed as the change in theoretical value for each one percentage point change in volatility. Because all options gain value with rising volatility, the vega for both calls and puts is positive. If an option has a vega of 0.15, for each percentage point increase (decrease) in volatility, the option will gain (lose) 0.15 in theoretical value. If the option has a theoretical value of 3.25 at a volatility of 20 percent, then it will have a theoretical value of 3.40 at a volatility of 21 percent and a theoretical value of 3.10 at a volatility of 19 percent.¹⁵

Options can be traded not only for profits attributable to movements in the underlying, but also for profits attributable to changes in other factors such as volatility or the amount of time left until expiration. An investor may seek exposure to the Greeks (*i.e.*, Delta, Gamma, Theta, and Vega) while minimizing exposure to movements in the price of the underlying by creating a delta neutral position. An options position could be hedged with options exhibiting a delta that is opposite to that of the current options holding to maintain a delta neutral position.

Delta Neutral

Delta hedging is an options strategy that aims to reduce or hedge, the risk associated with price movements in the underlying asset.¹⁶ Strategies that involve creating a delta neutral position are typically used for one of three main purposes. They can be used to profit from time decay, or from volatility, or they can be used to hedge an existing position and protect it against small price movements.¹⁷

A delta neutral position is one in which the overall delta is approximately zero, which minimizes the options' price movements in relation to the underlying asset. For example, assume an investor holds one call option with a delta of 0.50, which indicates the option is at-the-money and wishes to maintain a delta neutral position. The investor could purchase an at-the-money put option with a delta of -0.50 to offset the positive delta, which would make the position have a delta of zero, thereby minimizing unwanted exposure to the price of the underlying and allowing the investor to focus instead on the desired exposure (*i.e.*, Delta, Gamma, Theta, or Vega).

An options position could also be delta hedged using shares of the underlying stock. One share of the underlying stock has a delta of one as the stock's value changes by \$1. For example, assume an investor is long one call option on a stock with a delta of 0.75—or 75 since options have a multiplier of 100. In this case, the investor could delta hedge the call option by selling 75 shares of the underlying stock.¹⁸

Following is an example of a delta neutral stock-option order which

provides the investor volatility exposure.

Example #1

Strategy 1: Buy 8 XYZ May 18 Calls and Sell 100 Shares XYZ Underlying (25 times)
 Buy 8(25×) XYZ May18 Calls
 Sell 100(25×) Shares XYZ Underlying
 Buy 8 XYZ May 18 Calls (12.5 delta)
 Sell 100 XYZ Shares (100 delta) (where 100 shares of the underlying = 1 option contract)
 $(8 * 12.5 \text{ delta}) + (-1 * 100 \text{ delta})$
 $+100 \text{ delta} - 100 \text{ delta} = 0 \text{ delta}$
 Strategy 1 Position = +200 XYZ May 18 Calls—2500 shares of XYZ

Creation of a Synthetic Underlying Position

Buying a call on an equity stock and selling a put on an equity stock, (or selling a call on an equity stock and buying a put on an equity stock), with the same expiration date and strike price results in the creation of a synthetic stock position. For example, assume a call and put for XYZ have a strike price of \$15. Buying a call gives the buyer the right, but not the obligation, to purchase the stock (XYZ) at the strike price (\$15). Selling a put imposes upon the seller the obligation, (and not just the right), to purchase the stock (XYZ) at the strike price (\$15), should the put be exercised.

If the stock price of XYZ is greater than the strike price of the call option (\$15) at expiration, the call option may be exercised and the holder of the call option has the right to purchase XYZ at \$15 resulting in a long position of 100 shares of XYZ. If the stock price of XYZ is greater than the strike price of the put option (\$15), the put expires worthless as the holder of the put can sell shares on the open market at a price greater than the option's strike price.

If the stock price of XYZ is less than the strike price of the call option (\$15), the call option expires worthless as it is cheaper to purchase the stock on the open market. If the stock price of XYZ is less than the strike price of the put option at expiration, the put will be exercised and the seller of the put will be obligated to purchase 100 shares of XYZ.

The net result is that the combination of buying a call and selling a put with the same expiration date and strike price results in an effective (or synthetic) long position of 100 shares of XYZ stock, regardless of whether the stock price is above or below the strike price of the call or put option. Similarly, selling the call and buying the put for the same expiration date and strike price would result in an effective (or

¹⁰ Sheldon Natenberg, *Option Volatility & Pricing* 105 (McGraw Hill Education., 2nd ed. 2015).

¹¹ The intrinsic value of an option is the difference between the price of the underlying asset and the strike price.

¹² Time value is equal to the option premium minus its intrinsic value.

¹³ Sheldon Natenberg, *Option Volatility & Pricing* 108 (2nd ed. 2015).

¹⁴ Sheldon Natenberg, *Option Volatility & Pricing* 110 (2nd ed. 2015).

¹⁵ See *id.*

¹⁶ James Chen, *Delta Hedging*, Investopedia (May 22, 2019), <https://www.investopedia.com/terms/d/deltahedging.asp>.

¹⁷ *Delta Neutral Options Strategies*, OptionsTrading.Org, <https://www.optionstrading.org/strategies/other/delta-neutral/>.

¹⁸ See *supra* note 16.

synthetic) short position of 100 shares of XYZ stock (–100).

Example #2 below provides an example of a synthetic underlying.

Example #2 (Reversal or Conversion)

Strategy 2: Sell 1 XYZ May 15 Call, Buy 1 XYZ May 15 Put and Buy 100 XYZ Stock (25 times)

Combination:

Sell 1(25×) XYZ May 15 Calls

Buy 1(25×) XYZ May 15 Puts

Stock:

Buy 100(25×) shares XYZ Stock

Sell 1 XYZ May 15 Call (55 delta)

Buy 1 XYZ May 15 Put (45 delta)

Buy 100 XYZ shares (100 delta) (where 100 shares of stock = 1 option)

(–1 * 55 delta) + (1 * –45 delta) + (1 * 100 delta)

–55 + (–45) + 100 = 0

Strategy 2 Position = –25 May 15 Calls

+25 May 15 Puts + 2500 XYZ Stock

Example #3 (Combining the Positions of Strategy 1 and 2)

Strategy 1 Position: +200 XYZ May 18 Calls – 2500 XYZ Stock

Strategy 2 Position: –25 XYZ May 15 Calls +25 XYZ May 15 Put + 2500 XYZ Stock

Net Position:

+ 200 XYZ May 18 Calls – 25 XYZ May 15 Calls +25 XYZ May 15 Puts

+2500 deltas (200 × 12.5)

–2500 deltas (–25 × 55) + (25 × –45)

0 net deltas

Combined the equation may be expressed as:
 $(200 \times 12.5) + (-25 \times 55) + (25 \times -45)$
 = 0

The net position that results from combining Strategy 1 from Example #1 above and Strategy 2 from Example #2 above is a long position of 200 May 18 Calls—the May 15 Combination 25× (a short synthetic stock position of 2,500 shares as a result of selling a call and buying a put with the same expiration date and strike price.)¹⁹

Proposal

The Exchange now proposes to adopt Interpretation and Policy .07 to Rule 518, to codify and further facilitate delta neutral hedging for SPIKES options. Members²⁰ on the Exchange that transact in SPIKES options currently have the ability to submit complex orders which are delta neutral, so long as the component ratio conforms to the

current rule for complex orders of 1:3/3:1.²¹

The Exchange now proposes to adopt a definition of a “SPIKES Combination” as a purchase (sale) of a SPIKES call option and the sale (purchase) of a SPIKES put option having the same expiration date and strike price. The Exchange also proposes to adopt a definition for “delta” as the positive (negative) number of SPIKES Combinations that must be sold (purchased) to establish a market neutral hedge with one or more SPIKES option series. Additionally, the Exchange proposes to adopt a definition for a “SPIKES Combo Order” as an order to purchase or sell one or more SPIKES option series and the offsetting number of SPIKES Combinations defined by the delta.

The Exchange proposes to adopt a provision that states for the purposes of this Rule a SPIKES Combo Order may not have a ratio greater than eight options to one SPIKES Combination (8:1). The Exchange proposes to use this ratio as it is already a defined conforming ratio in the Exchange’s System²² used for stock-option orders and it will allow the Exchange to implement the trading of SPIKES Combo Orders in a fashion similar to stock-option orders. Currently, stock-options may be traded in a ratio of eight-to-one, where the ratio represents contracts to the underlying security. Similarly, the Exchange proposes to use the same ratio for SPIKES Combo Orders where the ratio would represent contracts to SPIKES Combination Orders. Lastly, the Exchange proposes to add an internal cross reference to state that SPIKES Combo Orders will be subject to the same provisions of Rule 518 that complex orders on the Exchange are subject to, with the exception of the 1:3/3:1 ratio requirement as described in Rule 518.

SPIKES options do not have an underlying that can serve as a hedge, as the option is based on an Index. However, a synthetic underlying position may be created by purchasing a call and selling a put (or selling a call and purchasing a put), as discussed above. A SPIKES Combination Order creates a synthetic underlying position that is the functional equivalent of the stock leg in stock-option orders. Therefore, the Exchange proposes to amend the ratio from 1:3/3:1 to 8:1 for SPIKES Combo Orders to align the treatment of these orders to that of

stock-option orders. This will allow for more transactions with better hedging opportunities.

Below is an example of a SPIKES delta neutral strategy that provides the investor exposure to the Greeks that may be created under the Exchange’s proposal to allow SPIKES Combo Orders to leverage the 8:1 ratio afforded stock-option orders.

Example #4

Strategy A: Buy 8 SPIKES May 18 Calls, Sell 1 SPIKES May 15 Call, and Buy 1 SPIKES May 15 Put (25 times)

Calls:

Buy 8(25) SPIKES May 18 Calls

Combination:

Sell 1(25) SPIKES May 15 Call

Buy 1(25) SPIKES May 15 Puts

Buy 8 SPIKES May 18 Calls (12.5 delta)

Sell 1 SPIKES May 15 Call (55 delta)

Buy 1 SPIKES May 15 Put (45 delta)

(8 * 12.5) + (–1 * 55) + (1 * –45)

100 – 55 – 45 = 0

Net Position: + 200 SPIKES May 18 Calls

– 25 SPIKES May 15 Calls +25 SPIKES

May 15 Puts

+2500 deltas (200 × 12.5)

–2500 deltas (–25 × 55) + (25 × –45)

0 net delta

Combined the equation may be expressed as:
 $(200 \times 12.5) + (-25 \times 55) + (25 \times -45)$
 = 0

Example #4 illustrates a delta neutral position in SPIKES which is identical to the net delta neutral position demonstrated in Example #1 for a stock-option order. This position may be accomplished in a single transaction by using the proposed SPIKES Combo Order which includes a SPIKES Combination order. The SPIKES Combination order (sell call, buy put with the same expiration date and strike price) creates the synthetic underlying position for the SPIKES option, similar to the way selling the XYZ call and buying the XYZ put creates the synthetic stock position demonstrated in Example #3.

Under the Exchange’s proposal, SPIKES Combination orders would be treated similar to the stock-leg component of a stock-option order. As demonstrated in Example #3 above, the stock leg component of a stock-option order can be created synthetically by selling a call and buying a put option with the same expiration date and strike price. The Exchange proposes to define this transaction as a SPIKES Combination order and allow SPIKES Combo Orders to be treated similarly to stock-option orders by permitting these orders to leverage the 8–1 ratio defined for stock-option orders. The Exchange believes that a ratio greater than three-

¹⁹ Strategy 1 and Strategy 2 may currently be entered and executed on the Exchange under the Exchange’s current rules.

²⁰ The term “Member” means an individual or organization approved to exercise the trading rights associated with a Trading Permit. Members are deemed “members” under the Exchange Act. See Exchange Rule 100.

²¹ See Exchange Rule 518(a)(5).

²² The term “System” means the automated trading system used by the Exchange for the trading of securities. See Exchange Rule 100.

to-one, but not greater than eight-to-one, would allow investors the opportunity to create additional delta neutral transactions with SPIKES Index options. Therefore, the Exchange proposes to adopt new rule text to state that for the purposes of Rule 518 a SPIKES Combo Order may not have a ratio greater than eight-to-one, in order to facilitate hedging SPIKES options with SPIKES Combo Orders.

The Exchange represents that it has the System capacity and capability to handle the potential increase in transaction rates. Further, the Exchange represents that it has surveillances in place to surveil for conduct that violates the Exchange's rules, specifically as it pertains to delta neutral transactions as described herein.

2. Statutory Basis

MIAX Options believes that its proposed rule change is consistent with Section 6(b) of the Act²³ in general, and furthers the objectives of Section 6(b)(5) of the Act²⁴ in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to and perfect the mechanisms of a free and open market and a national market system and, in general, to protect investors and the public interest.

The Exchange's proposal promotes just and equitable principles of trade and removes impediments to and perfects the mechanisms of a free and open market and a national market system and, in general, protects investors and the public interest, by further facilitating the creation of delta neutral transactions in SPIKES options. Delta neutral strategies protect investors and the public interest by providing a means to gain exposure to other elements related to the price of an option while reducing the risk associated with changes in the price of the underlying. Permitting additional delta neutral transactions will improve liquidity in the marketplace which will benefit all investors. Additionally, the Exchange's proposal protects investors and the public interest as all the rules applicable to complex orders on the Exchange will apply equally to SPIKES Combo Orders, with the exception of the 3:1/1:3 ratio limitation.

The proposed 8:1 ratio for SPIKES Combo Orders is already a conforming ratio on the Exchange for stock-option

orders. The Exchange's proposal promotes just and equitable principles of trade and removes impediments to and perfects the mechanisms of a free and open market and a national market system and, in general, protects investors and the public interest, by providing similar hedging capabilities as afforded stock-option orders.

Additionally, other exchanges that offer options on index products provide for the creation of delta neutral strategies.²⁵ Providing investors the ability to create delta neutral transactions similar to those created on other exchanges reduces investor confusion and in turn strengthens investor confidence in the marketplace by providing consistency among 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 not necessary or appropriate in furtherance of the purposes of the Act. The Exchange's proposal will not impose any burden on inter-market competition as the Exchange's proposal is specifically for SPIKES Index options which are a Proprietary Product²⁶ of the Exchange, and are not listed or traded on any other venue.

The Exchange does not believe the proposed rule change will impose any burden on intra-market competition as the rules of the Exchange are applicable to all Members equally. Any Member of the Exchange may trade SPIKES options and all Members can benefit from the creation of delta neutral transactions as described in this proposal.

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may

designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve or disapprove such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include File Number SR-MIAX-2019-37 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-MIAX-2019-37. 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

²³ 15 U.S.C. 78f(b).

²⁴ 15 U.S.C. 78f(b)(5).

²⁵ See NYSE American Rule 965NY and Cboe Exchange Rule 24.20.

²⁶ The term "Proprietary Product" means a class of options that is listed exclusively on the Exchange and any of its affiliates. See Exchange Rule 100.

to make available publicly. All submissions should refer to File Number SR–MIAX–2019–37, and should be submitted on or before September 10, 2019.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.²⁷

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2019–17846 Filed 8–19–19; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–86661; File No. SR–CboeEDGX–2019–025]

Self-Regulatory Organizations; Cboe EDGX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Relating To Clarify Portions of Its Rules Under Chapter 14 (Securities Traded) Related to the Applicability of Certain Disclosure Requirements

August 14, 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 31, 2019, Cboe EDGX Exchange, Inc. (the “Exchange” or “EDGX”) 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 19(b)(3)(A)(iii) of the Act³ and Rule 19b–4(f)(6) thereunder.⁴ The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization’s Statement of the Terms of Substance of the Proposed Rule Change

Cboe EDGX Exchange, Inc. (the “Exchange” or “EDGX”) proposes to clarify portions of its rules under Chapter 14 (Securities Traded) related to the applicability of certain disclosure requirements. 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://markets.cboe.com/us/options/regulation/rule_filings/edgx/),

at the Exchange’s Office of the Secretary, and at the Commission’s Public Reference Room.

II. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to clarify portions of the rules under Chapter 14 (Securities Traded) related to the applicability of certain disclosure requirements.

Currently, under Rule 14.1 (Unlisted Trading Privileges), Rule 14.2 (Investment Company Units), and Rule 14.8 (Portfolio Depositary Receipts) a Member is required to provide to all purchasers a written description of the terms and characteristics of the applicable securities (or a “product description”). In addition, Members also have a separate prospectus delivery requirement under Section 24(d) of the Investment Company Act of 1940 (“1940 Act”). A Member, however, is not required to send a Section 24(d) prospectus for a security if such security is subject of an order by the Securities and Exchange Commission (“Commission”) exempting it from Section 24(d) prospectus delivery requirements, and is not otherwise subject to prospectus delivery requirements under the Securities Act of 1933 (“1933 Act”). As such, the Exchange provides rules requiring Members to deliver a product description for securities exempt from the prospectus delivery requirements. The Exchange notes that a product description is a written description of the terms and characteristics of a security in a form prepared or approved by the Exchange, whereas a prospectus is a legal document required by and filed with the Commission which contains detailed disclosures about a security.

Currently, Rule 14.1(c)(3)(A), Rule 14.2(d)(1), and Rule 14.8(j)(1) provide govern the written description requirements for derivative securities traded under unlisted trading privileges (“UTP Derivative Securities”), series of Investment Company Units, and series of Portfolio Depositary Receipts, respectively. As written, these subparagraphs under their respective Rules do not make it explicit to Members that the product description requirement is applicable only to prospectus-exempt products. Furthermore, current Rules 14.2(d)(1) and 14.8(j)(1) do not contain a provision (like that of 14.1(c)(3)(B)) that the Exchange will inform its Members by means of an information circular when the product description delivery requirements apply. Therefore, in order to provide Members with better understanding of the provisions in connection with these requirements, the Exchange now proposes to amend its rules to explicitly state that the product description delivery requirements apply only to the respective products that are exempt from the 1940 Act prospectus delivery requirements and are not otherwise subject to the prospectus delivery requirements under the 1933 Act. The Exchange also proposes to add language to Rule 14.2(d)(1) and Rule 14.8(j)(1) to inform Members that the Exchange will announce the applicability of the product description delivery requirements to particular series of Portfolio Depositary Receipts or Investment Company Units via information circular. This change is intended to provide clarity to Members regarding when and how the Exchange will notify Members of their product delivery obligations. The Exchange notes that Rule 14.1(c)(3)(B) currently provides that the Exchange informs its Members of the application of product description delivery requirements related to UTP Derivative Securities by means of information circular. The Exchange also notes that the proposed amendments are substantially similar to the disclosure requirement provision currently applicable to Managed Fund Shares on its affiliated exchange, Cboe BZX Exchange, Inc. (“BZX”).⁵

The Exchange proposes to update the heading of Rule 14.1(c)(3)(A), which currently states “Prospectus Delivery”, to “Scope of Product Description” as it believes this better aligns with the requirements provided for under paragraph (c)(3), thus provides further clarity regarding the product description requirements contained within this paragraph.

⁵ See BZX Rule 14.11(i)(6).

²⁷ 17 CFR 200.30–3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b–4.

³ 15 U.S.C. 78s(b)(3)(A)(iii).

⁴ 17 CFR 240.19b–4(f)(6).

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.⁶ Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)⁷ 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)⁸ requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers. The Exchange also believes the proposed rule change is consistent with Section 6(b)(1) of the Act, which provides that the Exchange be organized and have the capacity to be able to carry out the purposes of the Act and to enforce compliance by the Exchange’s Members and persons associated with its Members with the Act, the rules and regulations thereunder, and the rules of the Exchange.

In particular, the Exchange believes that this proposal benefits and protects investors because it is designed to bolster Member understanding of its rules and the applicability of the subparagraphs providing for written description disclosure requirements to certain products. Because such current subparagraphs (Rule 14.1(c)(3)(A), Rule 14.2(d)(1), and Rule 14.8(j)(1)) do not explicitly state under what circumstances they will apply to the respective products under each subparagraph, the Exchange has found that it is unclear to Members that the subparagraphs in connection with the required written description only apply to securities or series that are exempt from the Section 24(d) prospectus delivery requirements, and otherwise not subject to prospectus delivery requirements under the 1933 Act. The Exchange thus believes this proposed

change will enhance Members’ understanding with respect to when and to which products the relevant subparagraphs are applicable, thereby protecting investors and the public interest. The Exchange notes that this proposal does not alter any of the disclosure requirements applicable to market participants, but merely intends to make explicit when the written disclosure provisions apply, as well as establish that the Exchange will notify Members via information circular of their product description obligations for particular series of Portfolio Depositary Receipts and Investment Company Units. Additionally, the Exchange believes that providing clear rules regarding the applicability of provisions requiring written product description deliveries will enable the Exchange to be organized and have the capacity to enforce compliance its Members with the Act and the rules of Exchange.

Additionally, the proposed changes are substantially similar to the rule of affiliated exchange, BZX, for disclosure requirements currently applicable to Managed Fund Shares.⁹

B. Self-Regulatory Organization’s Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act, as amended. On the contrary, the proposed rule change is not designed to address any competitive issues but is only intended to bolster Member understanding of its rules with respect to the applicability of certain disclosure requirement provisions.

C. Self-Regulatory Organization’s Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No comments were solicited or received 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

Act¹⁰ and Rule 19b-4(f)(6)¹¹ 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-2019-025 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090.

All submissions should refer to File Number SR-CboeEDGX-2019-025. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission’s internet website (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission’s Public Reference Room, 100 F Street NE, Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the

⁶ 15 U.S.C. 78f(b).

⁷ 15 U.S.C. 78f(b)(5).

⁸ *Id.*

⁹ See *supra* note 5.

¹⁰ 15 U.S.C. 78s(b)(3)(A).

¹¹ 17 CFR 240.19b-4(f)(6).

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-2019-025 and should be submitted on or before September 10, 2019.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹²

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2019-17856 Filed 8-19-19; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-86676; File No. SR-CboeEDGA-2019-013]

Self-Regulatory Organizations; Cboe EDGA Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Introduce a Small Retail Broker Distribution Program

August 14, 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 August 1, 2019, Cboe EDGA Exchange, Inc. ("Exchange" or "EDGA") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The 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 EDGA Exchange, Inc. ("EDGA" or the "Exchange") is filing with the Securities and Exchange Commission (the "Commission") a proposed rule change to introduce a Small Retail Broker Distribution Program. The text of the proposed changes to the fee schedule are enclosed [sic] as Exhibit 5.

The text of the proposed rule change is also available on the Exchange's website (<http://markets.cboe.com/us/>

[equities/regulation/rule_filings/edga/](http://markets.cboe.com/us/equities/regulation/rule_filings/edga/)), 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 introduce a pricing program that would allow small retail brokers that purchase top of book market data from the Exchange to benefit from discounted fees for access to such market data. The Small Retail Broker Distribution Program (the "Program") would reduce the distribution and consolidation fees paid by small broker-dealers that operate a retail business. In turn, the Program may increase retail investor access to real-time U.S. equity quote and trade information, and allow the Exchange to better compete for this business with competitors that offer similar optional products.

Current Fees

The Cboe One Summary Feed is a top of book data feed that provides real-time U.S. equity quote and trade information to investors based on equity orders submitted to the Exchange and its affiliated equities exchanges—*i.e.*, Cboe EDGX Exchange, Inc., Cboe BZX Exchange, Inc., and Cboe BYX Exchange, Inc. Specifically, the Cboe One Summary Feed is a data feed that contains the aggregate best bid and offer of all displayed orders for securities traded on the Exchange and its affiliated exchanges. The Cboe One Summary Feed also contains the individual last sale information for the Exchange and each of its affiliated exchanges, and consolidated volume for all listed equity securities. The fee for external distribution of the Cboe One Summary Feed is \$5,000 per month, and external distributors are also liable for a Data

Consolidation Fee of \$1,000 per month, and User fees equal to \$10 per month for each Professional User, and \$0.25 per month for each Non-Professional User.³

Small Retail Broker Eligibility Requirements

The Exchange proposes to introduce a Program that would reduce costs for small retail brokers that provide top of book data to their clients. In order to be approved for the Small Retail Broker Distribution Program, Distributors would have to provide Cboe One Summary Feed Data to a limited number of clients with which the firm has established a brokerage relationship, and would have to provide such data primarily to Non-Professional Data Users. Specifically, distributors would have to attest that they meet the following criteria: (1) Distributor is a broker-dealer distributing Cboe One Summary Feed Data to Non-Professional Data Users with whom the broker-dealer has a brokerage relationship; (2) More than 50% of the Distributor's total Data User population must consist of Non-Professional Data Users, inclusive of those not receiving Cboe One Summary Feed Data; and (3) Distributor distributes Cboe One Summary Feed Data to no more than 5,000 Non-Professional Data Users.

These proposed requirements for participating in the Program are designed to ensure that the benefits provided by the Program inure to the benefit of small retail brokers that provide Cboe One Summary Feed Data to a limited number of subscribers. As explained later in this filing, distributors that provide EDGA Exchange Data to a larger number of subscribers can benefit from the current pricing structure through scale, due to subscriber fees that are significantly lower than those charged by the Exchange's competitors, and an Enterprise license that caps the total fees to be paid by firms that distribute market data to a sizeable customer base. The Exchange believes that offering similarly attractive pricing to small retail brokers, including regional firms both inside and outside of the U.S. that may not have the same established client base as the larger retail brokers, would make the Exchange's data a more competitive alternative for those firms, and would help ensure that such information is widely available to a

³ The Exchange also offers an Enterprise license for the Cboe One Summary Feed at a cost of \$50,000 per month. An Enterprise license permits distribution to an unlimited number of Professional and Non-Professional Users, keeping costs down for firms that provide access to a large number of subscribers.

¹² 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

larger number of retail investors globally. The Program would also be available to retail brokers more generally, regardless of size, that wish to trial the Cboe One Summary Feed with a limited number of subscribers before potentially expanding distribution to additional clients, potentially further increasing the accessibility of the Exchange's market data to retail investors. The Program would be exclusive to the Cboe One Summary Feed, which is a top of book offering, as retail investors typically do not need or use depth of book data to facilitate their equity investments, and their brokers typically do purchase such market data on their behalf.

Discounted Fees

Distributors that participate in the Program would be liable for lower distribution and consolidation fees for access to the Cboe One Summary Data Feed.⁴ The distribution fee charged for the Cboe One Summary Feed would be lowered by 30% from the current \$5,000 per month to \$3,500 per month for distributors that meet the requirements of the Program. In addition, the Data Consolidation Fee charged for the Cboe One Summary Feed would be lowered by 65% from the current \$1,000 per month to \$350 per month. User fees for any Professional or Non-Professional Users that access Cboe One Summary Feed data from a distributor that participates in the Program would remain at their current levels as the current subscriber charges are already among the most competitive in the industry.⁵

The Exchange believes that these fees, which represent a significant cost savings for small retail brokers, would help ensure that retail investors continue to have fair and efficient access to U.S. equity market data. While retail investors normally pay a fixed commission when buying or selling equities, and do not typically pay separate fees for market data, the Exchange believes that the proposed reduction in fees would make the Exchange's data more competitive with other available alternatives, and may encourage retail brokers to make such data more readily available to their

clients. In sum, the Exchange believes that the proposed fee reductions may facilitate more cost effective access to top of book data that is purchased on a voluntary basis by retail brokers and provided to their retail investor clients.

Market Background

The market for top of book data is highly competitive as national securities exchanges compete both with each other and with the securities information processors ("SIPs") to provide efficient, reliable, and low cost data to a wide range of investors and market participants. In fact, Regulation NMS requires all U.S. equities exchanges to provide their best bids and offers, and executed transactions, to the two registered SIPs for dissemination to the public. Top of book data is therefore widely available to investors today at a relatively modest cost. National securities exchanges may also disseminate their own top of book data, but no rule or regulation of the Commission requires market participants to purchase top of book data from an exchange.⁶ The Cboe One Summary Feed therefore competes with the SIP and with similar products offered by other national securities exchanges that offer their own competing top of book products. In fact, there are ten competing top of book products offered by other national securities exchanges today, not counting products offered by the Exchange's affiliates.⁷ The purpose of the proposed rule change is to further increase the competitiveness of the Exchange's top of book market data products compared to competitor offerings that may currently be cheaper for firms with a limited subscriber base that do not yet have the scale to take advantage of the lower subscriber fees offered by the Exchange. In turn, the Exchange believes that this change may benefit market participants and investors by spurring additional competition and increasing the accessibility of the Exchange's top of book data.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the objectives of Section 6 of the Act,⁸ in general, and furthers the objectives of

Section 6(b)(4),⁹ in particular, as it is designed to provide for the equitable allocation of reasonable dues, fees and other charges among its members and other recipients of Exchange data.

The Exchange also believes that the proposed rule change is consistent with Section 11(A) of the Act.¹⁰ Specifically, the proposed rule change supports (i) fair competition among brokers and dealers, among exchange markets, and between exchange markets and markets other than exchange markets, and (ii) the availability to brokers, dealers, and investors of information with respect to quotations for and transactions in securities. In addition, the proposed rule change is consistent with Rule 603 of Regulation NMS,¹¹ which provides that any national securities exchange that distributes information with respect to quotations for or transactions in an NMS stock do so on terms that are not unreasonably discriminatory.

In adopting Regulation NMS, the Commission granted SROs and broker-dealers increased authority and flexibility to offer new and unique market data to the public. It was believed that this authority would expand the amount of data available to consumers, and also spur innovation and competition for the provision of market data. The Exchange believes that the proposed fee change would further broaden the availability of U.S. equity market data to investors, and in particular retail investors, consistent with the principles of Regulation NMS.

The Exchange operates in a highly competitive environment. Indeed, there are thirteen registered national securities exchanges that trade U.S. equities and offer associated top of book market data products to their customers. The national securities exchanges also compete with the SIPs for market data customers. 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."¹² The

⁴ New external distributors of the Cboe One Summary Feed are not currently charged external distributor fees for their first month of service. This would continue to be the case for external distributors that participate in the Program.

⁵ By comparison, The Nasdaq Stock Market LLC ("Nasdaq") charges a subscriber fee for Nasdaq Basic that adds up to \$26 per month for Professional Subscribers and \$1 per month for Non-Professional Subscribers (Tapes A, B, and C). See Nasdaq Equity Rules, Equity 7, Pricing Schedule, Section 147(b)(1).

⁶ By contrast, Rule 603(c) of Regulation NMS (the "Vendor Display Rule") effectively requires that SIP data or some other consolidated display be utilized in any context in which a trading or order-routing decision can be implemented.

⁷ Competing top of book products include, Nasdaq Basic, BX Basic, PSX Basic, NYSE BQT, NYSE BBO/Trades, NYSE Arca BBO/Trades, NYSE American BBO/Trades, NYSE Chicago BBO/Trades, and IEX TOPS.

⁸ 15 U.S.C. 78f.

⁹ 15 U.S.C. 78f(b)(4).

¹⁰ 15 U.S.C. 78k-1.

¹¹ See 17 CFR 242.603.

¹² See Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005) ("Regulation NMS Adopting Release").

proposed fee change is a result of the competitive environment, as the Exchange seeks to amend its fees to attract additional subscribers for its proprietary top of book data offerings.

The proposed fee change would reduce fees charged to small retail brokers that provide access to the Cboe One Summary Feed. The Cboe One Summary Feed is a competitively-priced alternative to top of book data disseminated by SIPs, or similar data disseminated by other national securities exchanges.¹³ It provides subscribers with consolidated top of book quotes and trades from four Cboe U.S. equities markets, which together account for about 17% of consolidated U.S. equities trading volume.¹⁴ The Cboe One Summary Feed is purchased by a wide variety of market participants and vendors, including data platforms, websites, fintech firms, buy-side investors, retail brokers, regional banks, and securities firms inside and outside of the U.S. that desire low cost, high quality, real-time U.S. equity market data. By providing lower cost access to U.S. equity market data, the Cboe One Summary Feed benefits a wide range of investors that participate in the national market system. Reducing fees for broker-dealers that represent retail investors and that may have more limited resources than some of their larger competitors would further increase access to such data and facilitate a competitive market for U.S. equity securities, consistent with the goals of the Act.

While the Exchange is not required to make any data, including top of book data, available through its proprietary market data platform, the Exchange believes that making such data available increases investor choice, and contributes to a fair and competitive market. Specifically, making such data publicly available through proprietary data feeds allows investors to choose alternative, potentially less costly, market data based on their business needs. While some market participants that desire a consolidated display choose the SIP for their top of book data needs, and in some cases are effectively required to do so under the Vendor Display Rule, others may prefer to purchase data directly from one or more national securities exchanges. For example, a buy-side investor may choose to purchase the Cboe One Summary Feed, or a similar product from another exchange, in order to perform investment analysis. The Cboe

One Summary Feed represents quotes from four highly liquid equities markets. As a result, the Cboe One Summary Feed is within 1% of the national best bid and offer approximately 98% of the time,¹⁵ and therefore serves as a valuable reference for investors that do not require a consolidated display that contains quotations for all U.S. equities exchanges. Making alternative products available to market participants ultimately ensures increased competition in the marketplace, and constrains the ability of exchanges to charge supracompetitive fees. In the event that a market participant views one exchanges top of book data fees as more or less attractive than the competition they can and frequently do switch between competing products. In fact, the competitiveness of the market for such top of book data products is one of the primary factors animating this proposed rule change, which is designed to allow the Exchange to further compete for this business.

The Exchange believes that the proposed fees are reasonable as they represent a significant cost reduction for smaller, primarily regional, retail brokers that provide top of book data from EDGA and its affiliated equities exchanges to their retail investor clients. The market for top of book data is intensely competitive due to the availability of substitutable products that can be purchased either from other national securities exchanges, or from registered SIPs that make such top of book data publicly available to investors at a modest cost. The proposed fee reduction is being made to make the Exchange's fees more competitive with such offerings for this segment of market participants, thereby increasing the availability of the Exchange's data products, and expanding the options available to firms making data purchasing decisions based on their business needs. The Exchange believes that this is consistent with the principles enshrined in Regulation NMS to "promote the wide availability of market data and to allocate revenues to SROs that produce the most useful data for investors."¹⁶

Today, the Cboe One Summary Feed is among the most competitively priced top of book offerings in the industry due to modest subscriber fees, and a lower Enterprise cap, both of which keep fees at a relatively modest level for larger firms that provide market data to a sizeable number of Professional or Non-

Professional Users. Distributors with a smaller user base, however, may choose to use competitor products that have a lower distribution fee and higher subscriber fees. The Program would help the Exchange compete for this segment of the market, and may broaden the reach of the Exchange's data products by providing an additional low cost alternative to competitor products for small retail brokers. While such firms may already utilize similar market data products from other sources, the Exchange believes that offering its own data to small retail brokers at lower distribution and data consolidation costs has the potential to increase choice for market participants, and ultimately increase the data available to retail investors when coupled with the Exchange's lower subscriber fees.

The Exchange also believes that the proposed fees are equitable and not unfairly discriminatory as the proposed fee structure is designed to decrease the price and increase the availability of U.S. equities market data to retail investors. The Program is designed to reduce the cost of top of book market data for broker-dealers that provide such data to Non-Professional Data User clients that make up the majority of the distributor's total subscriber population. As such, the Program would be broadly available to a wide range of retail brokers that either purchase the Cboe One Summary Feed today, or that may choose to switch from competing products due to the potential cost savings. Dozens of distributors that currently purchase top of book data from one of the four Cboe U.S. equities exchanges, and many more prospective customers, could benefit from the Program. Each of these current or prospective retail broker customers would receive the same benefits in terms of reduced distribution and consolidation fees based on the product that they purchase from the Exchange.

The Commission has long stressed the need to ensure that the equities markets are structured in a way that meets the needs of ordinary investors. For example, the Commission's strategic plan for fiscal years 2018–2022 touts "focus on the long-term interests of our Main Street investors" as the Commission's number one strategic goal.¹⁷ The Program would be consistent with the Commission's stated goal of improving the retail investor experience in the public markets. Furthermore, national securities

¹³ See e.g., supra note 5 (discussing Nasdaq Basic).

¹⁴ Id.

¹⁵ See https://markets.cboe.com/us/equities/market_data_services/cboe_one/.

¹⁶ See Regulation NMS Adopting Release, supra note 12, at 37503.

¹⁷ See U.S. Securities and Exchange Commission, Strategic Plan, Fiscal Years 2018–2022, available at https://www.sec.gov/files/SEC_Strategic_Plan_FY18-FY22_FINAL_0.pdf.

exchanges commonly charge reduced fees and offer market structure benefits to retail investors, and the Commission has consistently held that such incentives are consistent with the Act. The Exchange believes that the Program is consistent with longstanding precedent indicating that it is consistent with the Act to provide reasonable incentives to retail investors that rely on the public markets for their investment needs.

In addition, while the Program would be effectively limited to smaller firms that distribute data to no more than 5,000 Non-Professional Data Users, the Exchange does not believe that this limitation makes the fees inequitable, unfairly discriminatory, or otherwise contrary to the purposes of the Act. Large broker-dealers and/or vendors that distribute the Exchange's data products to a sizeable number of investors benefit from the current fee structure, which includes lower subscriber fees and Enterprise licenses. Due to lower subscriber fees, distributors that provide Cboe One Summary Feed Data to more than 5,000 Non-Professional Data Users already enjoy cost savings compared to competitor products. The Program would therefore ensure that small retail brokers that distribute top of book data to their retail investor customers could also benefit from reduced pricing, and would aid in increasing the competitiveness of the Exchange's data products for this key segment of the market.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change would result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange operates in a highly competitive environment, and its ability to price these data products is constrained by: (i) Competition among exchanges that offer similar data products to their customers; and (ii) the existence of inexpensive real-time consolidated data disseminated by the SIPs. Top of book data is disseminated by both the SIPs and the thirteen equities exchanges. There are therefore a number of alternative products available to market participants and investors. In this competitive environment potential subscribers are free to choose which competing product to purchase to satisfy their need for market information. Often, the choice comes down to price, as broker-dealers or vendors look to purchase the cheapest top of book data product, or quality, as market participants seek to

purchase data that represents significant market liquidity. In order to better compete for this segment of the market, the Exchange is proposing to reduce the cost of top of book data provided by small retail brokers to their retail investor clients. The Exchange believes that this would facilitate greater access to such data, ultimately benefiting the retail investors that are provided access to such market data.

The Exchange does not believe that this price reduction would cause any unnecessary or inappropriate burden on intermarket competition as other exchanges and data vendors are free to lower their prices to better compete with the Exchange's offering. Indeed, as explained in the basis section of this proposed rule change, the Exchange's decision to lower its distribution and consolidation fees for small retail brokers is itself a competitive response to different fee structures available on competing markets. The Exchange therefore believes that the proposed rule change is pro-competitive as it seeks to offer pricing incentives to customers to better position the Exchange as it competes to attract additional market data subscribers. The Exchange also believes that the proposed reduction in fees for small retail brokers would not cause any unnecessary or inappropriate burden on intramarket competition. Although the proposed fee discount would be largely limited to small retail broker subscribers, larger broker-dealers and vendors can already purchase top of book data from the Exchange at prices that represent a significant cost savings when compared to competitor products that combine higher subscriber fees with lower fees for distribution. In light of the benefits already provided to this group of subscribers, the Exchange believes that additional discounts to small retail brokers would increase rather than decrease competition among broker-dealers that participate on the Exchange. Furthermore, as discussed earlier in this proposed rule change, the Exchange believes that offering pricing benefits to brokers that represent retail investors facilitates the Commission's mission of protecting ordinary investors, and is therefore consistent with the Act.

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 Act¹⁸ and paragraph (f) of Rule 19b-4¹⁹ 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-CboeEDGA-2019-013 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-CboeEDGA-2019-013. 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

¹⁸ 15 U.S.C. 78s(b)(3)(A).

¹⁹ 17 CFR 240.19b-4(f).

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-CboeEDGA-2019-013 and should be submitted on or before September 10, 2019.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.²⁰

Jill M. Peterson,
Assistant Secretary.

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-86683; File No. SR-CboeEDGX-2019-050]

Self-Regulatory Organizations; Cboe EDGX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Relating to Amending Its Fee Schedule Assessed on Members To Establish a Monthly Trading Rights Fee

August 14, 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 August 1, 2019, Cboe EDGX Exchange, Inc. (the "Exchange" or "EDGX") filed with the Securities and Exchange Commission (the "Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Cboe EDGX Exchange, Inc. (the "Exchange" or "EDGX Equities") proposes to amend its fee schedule assessed on Members to establish a monthly Trading Rights Fee. 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://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 establish a monthly Trading Rights Fee under the "Membership Fees" section of the fee schedule. The Trading Rights Fee will be assessed on Members that trade more than a specified volume in U.S. equities, and will assist in covering the cost of a well-regulated and maintained Exchange. Self-regulation, with oversight by the Commission, is a basic premise of the Exchange Act.³ For example, Congress recognized the regulatory role of national securities exchanges in section 6 of the Exchange Act, requiring all existing securities exchanges to register with the Commission and to function as self-regulatory organizations.⁴ The Exchange remains committed to its regulatory responsibilities under the Exchange Act, and has devoted significant resources to providing a fair, orderly, and well-regulated market for its members. The proposed Trading Rights Fees will help fund a small portion of the Exchange's regulatory efforts, and therefore facilitate effective regulation of the U.S. equities markets, consistent with the goals of Congress and the Commission.

The proposed Trading Rights Fee represents a modest charge to firms that have chosen to become members of the

Exchange, and that therefore both consume more regulatory resources, and benefit from the Exchange's regulatory efforts by having access to a well-regulated market. Specifically, the Exchange proposes to charge Member firms a monthly Trading Rights Fee of \$500 per month for the ability to trade on the Exchange. So as to continue to encourage active participation on the Exchange by smaller Members, the Trading Rights Fee would not be charged to Members with a monthly ADV⁵ of less than 100,000 shares. Similarly, to continue to support individual investor order flow on the Exchange, the Trading Rights Fee would not be charged to Members in which at least 90% of their order volume on the Exchange per month is retail order volume. In addition to this, the proposed fee will not be charged to new Exchange Members for their first three months of Membership. The Exchange intends to implement the proposed fee on August 1, 2019. The proposed fee and waivers are described in detail below.

Membership Fee per Month

As stated, the Exchange will apply a \$500 Trading Rights charge to Members per month. The Exchange believes the proposed Trading Rights Fee assessed aligns with the benefit provided by allowing Members to trade on an efficient and well-regulated market. The proposed Trading Rights Fee will fund a portion of the costs incurred by the Exchange in regulating and maintaining its equities market. These costs incurred by the Exchange are necessary to maintain an efficient equities exchange, as a well-regulated exchange is inherent in the nature of all self-regulatory organizations ("SROs"). Due to the importance of effective regulation of the securities markets, an efficient regulatory division must be appropriately funded at all times. In particular, in order to successfully carry out the purposes of the Act and maintain fair, orderly, and efficient markets, and the protection of investors, SROs must invest in robust programs, policies, and procedures to enforce member compliance with both the rules of the exchange and federal securities laws.⁶ In order to achieve this objective, the Exchange continuously invests in compliance, surveillance, technology, resources, and staff necessary to build and maintain such programs, policies,

⁵ "ADV" means average daily volume calculated as the number of shares added or removed, combined, per day. ADV is calculated on a monthly basis.

⁶ See 15 U.S.C. 78f(b).

²⁰ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ See Securities Exchange Act Release No. 58092 (July 3, 2008), 73 FR 40143 (July 11, 2008).

⁴ *Id.*

and procedures, some of which must be implemented in order to carry out industry-wide plans adopted by the Commission. For example, the Exchange's Regulatory Service Agreement ("RSA") costs alone, which include funding for regulatory services in connection with market and financial surveillance, examinations, investigations, and disciplinary procedure, have increased 17.5% from 2016 to 2019. In addition to this, the Exchange's overall regulatory costs have grown 117% from 2016 to 2019. These costs have been incurred as a result of the allocation of increased regulatory resources and capabilities to implement and conduct regular surveillance for initiatives and programs such as regulatory software and infrastructure, alerts for various rules and initiatives, new and continued product listings, improvements to investigative processes, and so on. Therefore, the Exchange believes the proposed fee is appropriate to cover a portion of costs for the surveillance, technology, and vast resources necessary to ensure that the Exchange is effectively organized and has the capacity to be able to carry out the purposes of the Act.

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 Exchange represents a small percentage of the overall market, and broker-dealers routinely choose among a number of different venues to execute their equity order flow. These venues include thirteen registered equities exchanges, as well as a number of alternative trading systems and other off-exchange venues that do not have similar self-regulatory responsibilities under the Exchange Act. Broker-dealers are not compelled to be Members of the Exchange, and a significant proportion of broker-dealers that trade U.S. equity securities have, in fact, chosen not to apply for membership on the Exchange. The Exchange currently has 135 registered members. By contrast, the Nasdaq Stock Market LLC ("Nasdaq") has approximately 337 current members,⁷ which is more than twice as many as EDGX. Indeed, broker-dealers even choose between affiliated exchanges in deciding where to become a member. Of the Exchange's affiliated exchanges, Cboe BZX Exchange, Inc. ("BZX") currently has 158 members, Cboe EDGA Exchange, Inc. ("EDGA")

116 members, and Cboe BYX Exchange, Inc. ("BYX") 124 members. None of the Exchange's Members or members of any of the affiliated exchanges are required to hold memberships across the affiliated exchanges. The same is true for participation on the Exchange itself; Membership is not a requirement to participate on the Exchange. Indeed, a number of firms, including larger firms with significant daily trading volume, currently participate on the Exchange though sponsored access arrangements rather than by becoming a member.

The cost of membership on the Exchange, including the proposed Trading Rights Fees, is significantly lower than the cost of membership in a number of other SROs.⁸ For example, the Exchange's proposed Trading Rights Fee at \$500 a month is substantially lower than Nasdaq's analogous fee, which assesses a monthly Trading Rights Fee of \$1,250 per member. In sum, the Exchange believes the fee is priced appropriately as it is competitive with other exchanges that offer membership to their exchanges while also helping to pay for the increased cost of regulation.

New Member Waiver

As stated above, the proposed fee would not apply to new Members for their first three months of Exchange Membership. The Exchange recognizes that new Members provide new and important sources of liquidity. As such, the Exchange proposes that new Exchange Members will not be charged the proposed Trading Rights Fee for their first three months of Membership. The Exchange believes that the proposed waiver will allow new firms the flexibility in resources needed to initially adjust to the Exchange's market-model and functionality. The Exchange notes that for any month in which a firm is approved for Membership with the Exchange, the monthly Trading Rights Fee will be pro-

rated in accordance with the date on which Membership is approved. For example, if a firm's Membership is approved on August 15, 2019, then, as proposed, it would not be charged for its first three months of Membership. The month of November would then be pro-rated and the Trading Rights Fee would be assessed from November 15, 2019 through the end of the month. During any month in which a firm terminates Membership with the Exchange, the monthly Trading Rights Fee will not be pro-rated.

ADV Threshold Waiver

As stated above, the Exchange would also waive the monthly Trading Rights fee for Members with a monthly ADV⁹ of less than 100,000 shares. The proposed waiver is designed to reduce the costs of smaller Members that transact on the Exchange. Smaller Members execute low volumes on the Exchange, and, as a result, consume few regulatory resources. In addition, allowing smaller Members to trade on the Exchange without incurring a Trading Rights Fee may encourage participation from such Members as they grow their business, and thereby contribute to a more diverse and competitive market for equity securities traded on the Exchange. The median ADV per firm per month on the Exchange is 443,192. Therefore, the Exchange believes that ADV of 100,000 serves as an appropriate threshold to capture firms that are truly smaller volume firm outliers as compared to the overall ADV across all firms.

Retail Order Threshold Waiver

Similar to that of the ADV threshold waiver, the Exchange would waive the monthly Trading Rights fee for Members if at least 90% of their order volume on the Exchange per month is Retail Order volume. The Exchange believes that this will serve to support individual investor order flow on the Exchange by ensuring that retail broker Members can continue to submit orders for individual investors at a lower cost, thereby continuing to encourage retail investor participation on the Exchange. Like the small Member waiver, the Exchange believes this will contribute to a more diverse and competitive market for equity securities traded on the Exchange. Furthermore, the Exchange notes that continued liquidity in retail orders may incentivize other Members to send order flow to the Exchange to trade with such retail

⁸ See Nasdaq Stock Market Equity Rules, Equity 7, Sec. 10(a) (assessing a trading rights fee of \$1,250 per month per each member); New York Stock Exchange Price List 2019, "Trading Licenses" (assessing an annual fee \$50,000 for the first trading license held by a member, to which the Exchange notes that the Exchange assesses a \$2,500 annual fee for membership, and that this annual fee coupled with 12 months of the proposed Trading Rights Fees remains substantially lower than NYSE's annual trading license fee); see also Securities Exchange Act Release No. 81133 (July 12, 2017), 82 FR 32904 (July 18, 2017) (The Nasdaq Stock Market LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Increase the Trading Rights Fee) (SR-NASDAQ-2017-065). The Exchange notes that this Nasdaq filing supports its implemented Trading Rights Fee without explanation as to why an increase in funding was necessary or as to specific items covered under the broad umbrella of a well-regulated market.

⁷ See *NasdaqTrader.com* Symbol Lookup (July 31, 2019), available at <http://www.nasdaqtrader.com/trader.aspx?id=symbollookup>.

⁹ "ADV" means average daily volume calculated as the number of shares added or removed, combined, per day. ADV is calculated on a monthly basis.

orders. Also, retail participation is more likely to reflect long-term investment intentions, and may therefore positively impact market quality. Retail order flow is highly competitive across trading venues, particularly as it relates to exchange versus off-exchange venues as many retail brokers route the majority of their retail orders to off-exchange venues. Accordingly, competitive forces compel the Exchange to use incentives to compete for retail order flow. The Exchange believes that the proposed 90% retail order volume threshold will capture broker-dealers that are primarily in the business of handling orders on behalf of retail investors rather than larger broker-dealers that may route retail orders on behalf of other broker-dealers but are also engaged in significant other activity that is not related to servicing retail investors. As such, the Exchange believes that the 90% retail order volume threshold will function to best capture those firms whose overall business and trading model focuses on the handling and execution of orders for retail clients.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the "Act") and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.¹⁰ Specifically, the Exchange believes the proposed rule change is consistent with Section 6(b)(4) of the Act,¹¹ which requires that Exchange rules provide for the equitable allocation of reasonable dues, fees, and other charges among its Members and other persons using its facilities. The Exchange also believes that the proposed rule change is consistent with the objectives of Section 6(b)(5) 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, and, particularly, is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

In particular, the Exchange believes that the proposed Trading Rights Fee is

reasonable because the fee will assist in funding the overall regulation and maintenance of the Exchange. Effective regulation is central to the proper functioning of the securities markets. Recognizing the importance of such efforts, Congress decided to require national securities exchanges to register with the Commission as self-regulatory organizations to carry out the purposes of the Exchange Act. The Exchange therefore believes that it is critical to ensure that regulation is appropriately funded. While the proposed Trading Rights Fees are set at a modest level, and will fund only a relatively small portion of the Exchange's total regulatory costs, the Exchange believes that such fees will contribute appropriately to ensuring that adequate resources are devoted to regulation, as contemplated by Congress.

The proposed Trading Rights Fee is reasonable because it represents a modest charge to firms that have chosen to become members of the Exchange, and that therefore both consume more regulatory resources, and benefit from the Exchange's regulatory efforts by having access to a well-regulated market. As stated, the Exchange will apply a \$500 Trading Rights charge to Members per month. Allocating the proposed Trading Rights Fee to fund a portion of the cost incurred by the Exchange in regulating and maintaining its equities market is reasonable because the costs incurred are necessary to maintain an efficient and well-regulated equities exchange. In order to successfully carry out the purposes of the Act and maintain fair, orderly, and efficient markets, and the protection of investors, the Exchange, like all SROs, continuously invests in robust programs, policies, and procedures to enforce member compliance with both the rules of the exchange and federal securities laws.¹² As discussed above, from 2016 to 2019, the Exchange's RSA costs alone, which cover regulatory services in connection with market and financial surveillance, examinations, investigations, and disciplinary procedure, have increased 17.5%, while the Exchange's overall regulatory costs have grown 117%. Such regulatory costs have been incurred as a result of the allocation of increased regulatory resources and capabilities to implement and conduct regular surveillance for initiatives and programs such as regulatory software and infrastructure, alerts for various rules and initiatives, new and continued product listings, improvements to investigative processes, and so on. It is reasonable to

apply the proposed fee to contribute to a small portion of such costs that will help to fund surveillance, technology, and vast resources necessary to ensure that the Exchange is so organized and has the capacity to be able to carry out the purposes of the Act.

Additionally, the Exchange believes the fee is reasonable because the cost of this membership fee is generally less than the analogous membership fees of other markets. As indicated above, the Exchange's proposed Trading Rights Fee at \$500 a month is substantially lower than Nasdaq's analogous fee, which assesses a monthly Trading Rights Fee of \$1,250 per member. Trading Rights Fees, like those proposed here, are not new in the equities markets. A number of national securities exchanges currently charge such fees to assist in funding their regulatory efforts. The Exchange believes that it is appropriate to institute a similar fee to fund its increasing regulatory costs.

The Exchange believes that not charging its new Members the proposed Trading Rights Fee for their first three months of Membership is reasonable because it provides an incentive for firms and other participants that are not currently Members of the Exchange to apply for Membership and bring additional liquidity to the market, thus greater trading opportunities, to the benefit of all market participants. The proposed waiver is also reasonable because it will allow new firms the flexibility in resources needed to initially adjust to the Exchange's market-model and functionality. The Exchange believes that not charging a Trading Rights Fee for new Members will incentivize firms to become Members of the Exchange. Furthermore, creating incentives for new Exchange Members protects investors and the public interest by increasing the competition and liquidity across the Exchange.

Similarly, the Exchange believes that not charging a Trading Rights Fee for Members that trade less than a monthly ADV of 100,000 shares is reasonable because it ensures that smaller Members who do not trade significant volume on the Exchange can continue to trade on the Exchange at a lower cost. Because smaller Members with lower volumes executed on the Exchange consume fewer regulatory resources the Exchange believes it is reasonable to apply a waiver to Members on the lower side of the ADV scale for all firms. Moreover, the Exchange believes that the proposed threshold is reasonable because the median ADV per firm per month on the Exchange is 443,192, therefore, an ADV threshold of 100,000 will serve as an

¹⁰ 15 U.S.C. 78f(b).

¹¹ 15 U.S.C. 78f(b)(4).

¹² See 15 U.S.C. 78f(b).

appropriate threshold to capture firms which are true, smaller volume firm outliers as compared to the overall ADV across all firms.

The Exchange also believes that not charging a Trading Rights Fee for Members whose retail order volume comprises 90% or more of their order volume per month is reasonable because it ensures retail broker Members can continue to submit orders for individual investors at a lower cost, thereby continuing to encourage retail investor participation on the Exchange. Furthermore, encouraging continued retail broker Members to trade on the Exchange without incurring a Trading Rights Fee may encourage additional participation from such Members and thereby contribute to a more diverse and competitive market for equity securities traded on the Exchange. Furthermore, the Exchange notes that continued liquidity in retail orders would incentivize other Members to send order flow to the Exchange to trade with such retail orders; such increased liquidity provides more trading opportunities to the benefit of all market participants. In addition to this, retail participation is more likely to reflect long-term investment intentions, and may therefore positively impact market quality, also to the benefit of all market participants. In addition to this, the Exchange believes that the 90% or more retail order volume threshold is reasonable because it will serve to capture broker-dealers that are primarily in the business of handling orders on behalf of retail investors rather than larger broker-dealers that may route retail orders on behalf of other broker-dealers but are also engaged in significant other activity that is not related to servicing retail investors. Therefore, the 90% retail order volume threshold reasonably ensures that those firms whose overall business and trading model focuses on the handling and execution of orders for retail clients, are identified for the waiver to appropriately apply.

The Exchange believes that the proposed Trading Rights Fee is equitable and is not unfairly discriminatory because it will apply equally to all Members with an ADV of 100,000 shares or more traded per month, all Members in which less than 90% of their order volume is comprised of retail order volume per month,¹³ and all Members that are not within their

first three months of new Membership on the Exchange. As proposed, all members that do not qualify for a waiver would be charged the same, modest fee for their membership. The proposed fee is therefore charged on an equal and non-discriminatory basis for all such members. At the same time, the Exchange believes that it is important to continue to encourage participation from firms that represent ordinary investors, that have more limited trading activity, or that are new members.

Specifically, the Exchange believes that not charging the Trading Rights Fee for Members that do not meet the ADV threshold in a month is equitable and not unfairly discriminatory because it will apply equally to all such firms that meet this criteria and it considers the fact that smaller firms with significantly lower volume than most firms consume less regulatory resources, therefore, it ensures that disparate treatment does not exist for firms that are much smaller than the average firm on the Exchange. The Exchange believes that not charging the Trading Rights Fee for Members that do not meet the 90% retail order volume threshold is equitable and not unfairly discriminatory because it will apply equally to all such firms that meet this criteria. The waiver is equitable as it will encourage continued retail participation and liquidity on the Exchange which is more likely to reflect long-term investment intentions, and may therefore positively impact market quality, as well as incentivize other Members to send order flow to the Exchange to trade with such retail orders, which benefits all market participants by providing more trading opportunities. Finally, the Exchange believes that not charging a Trading Rights Fee for a new Member for the first three months of Membership is equitable and not unfairly discriminatory because the proposed waiver will be offered to all market participants that wish to become Members of the Exchange and is equitable because it will allow new firms the flexibility in resources needed to initially adjust to the Exchange's market-model and functionality. In addition to this, the proposed waiver intends to incentivize new Membership which will bring increased liquidity and competition to the benefit of all market participants.

The Exchange also notes that the proposed fee is equitable and not unfairly discriminatory because it will contribute to a portion of the costs incurred by the Exchange in providing its Members with an efficient and well-regulated market, which benefits all

Members. As stated, as an SRO, it is necessary for the Exchange to continuously invest in robust programs, policies, and procedures to ensure its markets are well-regulated in order to successfully carry out the purposes of the Act and maintain fair, orderly, and efficient markets, and the protection of investors.

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 competition that is not necessary in furtherance of the purposes of the Act because the proposed rule change will apply equally to all Members that reach an ADV of 100,000 shares traded or greater, those in which less than 90% of their order volume is retail order volume per month, and those that are not within their first three months of new Membership on the Exchange. Although smaller Members would be excluded from the proposed fee, the Exchange believes that this may increase competition by encouraging additional order flow from such smaller Members thereby contributing to a more diverse, vibrant, and competitive market. In addition to this, though true retail firms would be excluded from the proposed fee, the Exchange believes that encouraging retail order flow to the Exchange will benefit all market participants by providing more trading opportunities and encouraging other Members to send orders which will contribute to more robust levels of liquidity. 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. Finally, while the proposed three month waiver of the Trading Rights Fee only applies to new Members, this incentivizes new Members which can be an important source of liquidity and facilitate competition within the market.

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, including competition for exchange memberships. Members have numerous alternative venues that they may participate on, including 12 other equities exchanges, as well as off-exchange venues, including over 50

¹³ A Member will not be charged if it meets either one (or both) of the exceptions. To illustrate, if a Member executes 5% of its total order volume as retail order volume but only has an ADV of 90,000 shares traded, that Member will not be charged the proposed Trading Rights Fee.

alternative trading systems.¹⁴ The Exchange represents a small percentage of the overall market. Based on publicly available information, no single equities exchange has more than 20% market share, and no exchange group has more than 22% market share.¹⁵ Indeed, while trade through and best execution obligations may require a firm to access the Exchange, no firm is compelled to be a Member of the Exchange in order to participate in the Exchange and may freely choose to participate on the Exchange without holding a Membership. If the proposed fee is unattractive to members, it is likely that the Exchange will lose membership and market share as a result. As a result, the Exchange carefully considers any increases to its fees in concert, balancing the utility in remaining competitive with other exchanges and with alternative trading systems exempted from compliance with the statutory standards applicable to exchanges, including the requirement to regulate their members, and in covering costs described in the filing that are associated with maintaining its equities market and its regulatory programs to ensure that the Exchange remains an efficient and well-regulated marketplace. In addition to this the Exchange notes that other exchanges currently have trading rights fees in place,¹⁶ which have been previously filed with the Commission.

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.” 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’. . . .” 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.

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

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act¹⁷ and paragraph (f) of Rule 19b-4¹⁸ 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–2019–050 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.

¹⁷ 15 U.S.C. 78s(b)(3)(A).

¹⁸ 17 CFR 240.19b–4(f).

All submissions should refer to File Number SR–CboeEDGX–2019–050. 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–2019–050 and should be submitted on or before September 10, 2019.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹⁹

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2019–17847 Filed 8–19–19; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–86663; File No. SR–MIAX–2019–34]

Self-Regulatory Organizations; Miami International Securities Exchange LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Its Fee Schedule

August 14, 2019.

Pursuant to the provisions of Section 19(b)(1) of the Securities Exchange Act of 1934 (“Act”)¹ and Rule 19b–4

¹⁹ 17 CFR 200.30–3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

¹⁴ See U.S. Securities and Exchange Commission Alternative Trading Systems (“ATS”) List (June 30, 2019), available at <https://www.sec.gov/foia/docs/atstlist.htm>.

¹⁵ See Cboe Global Markets U.S. Equities Market Volume Summary (July 31, 2019), available at https://markets.cboe.com/us/equities/market_share.

¹⁶ See *supra* note 5.

thereunder,² notice is hereby given that on July 31, 2019, Miami International Securities Exchange LLC (“MIAX Options” or “Exchange”) filed with the Securities and Exchange Commission (“Commission”) a 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 is filing a proposal to amend the MIAX Options Fee Schedule (the “Fee Schedule”).

While changes to the Fee Schedule pursuant to this proposal are effective upon filing, the Exchange has designated these changes to be operative on August 1, 2019.

The text of the proposed rule change is available on the Exchange’s website at <http://www.miaxoptions.com/rule-filings>, at MIAX’s principal office, and at the Commission’s Public Reference Room.

II. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend the Fee Schedule to (i) increase the amount of the per contract credit assessable to Agency Orders (defined below) in a PRIME Auction (“PRIME Agency Order Credit”) for Members³ in Tiers 2, 3 and 4 of the Priority Customer Rebate Program (“PCR”) ⁴ and (ii) lower the

separate, additional PRIME Agency Order Credit that is also available for Priority Customer ⁵ PRIME Agency Orders executed over a monthly threshold of 0.60% of the Options Clearing Corporation (“OCC”) customer volume for Members who are in PCR Tier 3 or higher.

Background

PRIME is a process by which a Member may electronically submit for execution an order it represents as agent (an “Agency Order”) against principal interest and/or solicited interest. The Member that submits the Agency Order (“Initiating Member”) agrees to guarantee the execution of the Agency Order by submitting a contra-side order representing principal interest or solicited interest (“Contra-Side Order”). When the Exchange receives a properly designated Agency Order for Auction processing, a request for response (“RFR”) detailing the option, side, size and initiating price is broadcasted to MIAX participants up to an optional designated limit price. Members may submit responses to the RFR, which can be either an Auction or Cancel (“AOC”) order or an AOC eQuote. The PRIME mechanism is used for orders on the Exchange’s Simple Order Book.⁶ The Exchange notes that for Complex

Orders⁷ on the Strategy Book,⁸ the Exchange’s cPRIME⁹ mechanism operates in the same manner for processing and execution of cPRIME Orders that is used for PRIME Orders on the Simple Order Book. The Exchange is not proposing to amend the PCR rebates for cPRIME orders at this time.

The Priority Customer rebate payment is calculated from the first executed contract at the applicable threshold per contract credit with rebate payments made at the highest achieved volume tier for each contract traded in that month. The percentage thresholds are calculated based on the percentage of national customer volume in multiply-listed options classes listed on MIAX entered and executed over the course of the month (excluding QCC and cQCC Orders, Priority Customer-to-Priority Customer Orders, C2C and cC2C Orders, PRIME and cPRIME AOC Responses, PRIME and cPRIME Contra-side Orders, and PRIME and cPRIME Orders for which both the Agency and Contra-side Order are Priority Customers). Volume for transactions in both simple and complex orders are aggregated to determine the appropriate volume tier threshold applicable to each transaction. Volume is recorded for and credits are delivered to the Member that submits the order to MIAX. MIAX aggregates the contracts resulting from Priority Customer orders transmitted and executed electronically on MIAX from Members and their Affiliates for purposes of the thresholds described in the PCR table.

Proposed Rule Change

Pursuant to the PCR, the Exchanges assesses an Agency Order Credit for PRIME Agency Orders. The Exchange

Customer order transmitted by that Member which is executed electronically on the Exchange in all multiply-listed option classes (excluding, in simple or complex as applicable, QCC and cQCC Orders, mini-options, Priority Customer-to-Priority Customer Orders, C2C and cC2C Orders, PRIME and cPRIME AOC Responses, PRIME and cPRIME Contra-side Orders, PRIME and cPRIME Orders for which both the Agency and Contra-side Order are Priority Customers, and executions related to contracts that are routed to one or more exchanges in connection with the Options Order Protection and Locked/Crossed Market Plan referenced in Exchange Rule 1400), provided the Member meets certain percentage thresholds in a month as described in the PCR table. *See* Fee Schedule, Section 1(a)iii.

⁵ “Priority Customer” means a person or entity that (i) is not a broker or dealer in securities, and (ii) does not place more than 390 orders in listed options per day on average during a calendar month for its own beneficial accounts(s). A “Priority Customer Order” means an order for the account of a Priority Customer. *See* Exchange Rule 100.

⁶ The “Simple Order Book” is the Exchange’s regular electronic book of orders and quotes. *See* Exchange Rule 518(a)(15).

⁷ A “complex order” is any order involving the concurrent purchase and/or sale of two or more different options in the same underlying security (the “legs” or “components” of the complex order), for the same account, in a ratio that is equal to or greater than one-to-three (.333) and less than or equal to three-to-one (3.00) and for the purposes of executing a particular investment strategy. Mini-options may only be part of a complex order that includes other mini-options. Only those complex orders in the classes designated by the Exchange and communicated to Members via Regulatory Circular with no more than the applicable number of legs, as determined by the Exchange on a class-by-class basis and communicated to Members via Regulatory Circular, are eligible for processing. *See* Exchange Rule 518(a)(5).

⁸ The “Strategy Book” is the Exchange’s electronic book of complex orders and complex quotes. *See* Exchange Rule 518(a)(17).

⁹ “cPRIME” is the process by which a Member may electronically submit a “cPRIME Order” (as defined in Rule 518(b)(7)) it represents as agent (a “cPRIME Agency Order”) against principal or solicited interest for execution (a “cPRIME Auction”), subject to the restrictions set forth in Exchange Rule 515A, Interpretation and Policy .12. *See* Exchange Rule 515A.

² 17 CFR 240.19b-4.

³ The term “Member” means an individual or organization approved to exercise the trading rights associated with a Trading Permit. Members are deemed “members” under the Exchange Act. *See* Exchange Rule 100.

⁴ Under the PCR, MIAX credits each Member the per contract amount resulting from each Priority

currently credits each Member \$0.10 per contract for each Priority Customer order submitted into the PRIME Auction as a PRIME Agency Order in all Tiers. The Exchange proposes to increase the PRIME Agency Order Credit for Members who achieve the volume thresholds applicable to Tiers 2, 3 and 4 from \$0.10 to \$0.11 per contract.

The Exchange also proposes to lower the additional PRIME Agency Order Credit for Priority Customer PRIME Agency Orders executed over a threshold of 0.60% of OCC customer volume for Members who are in PCRP Tier 3 or higher. Currently, any Member or its Affiliate¹⁰ that qualifies for PCRP volume Tiers 3 or higher will be credited an additional \$0.02 per contract for each Priority Customer order executed in the PRIME Auction as a PRIME Agency Order over a threshold of above 0.60% of national customer volume in multiply-listed options classes listed on MIAX during the relevant month (excluding QCC and cQCC Orders, mini-options, Priority Customer-to-Priority Customer Orders, C2C and cC2C Orders, cPRIME Agency Orders, PRIME and cPRIME AOC Responses, PRIME and cPRIME Contra-side Orders, PRIME and cPRIME Orders for which both the Agency and Contra-side Order are Priority Customers, and

executions related to contracts that are routed to one or more exchanges in connection with the Options Order Protection and Locked/Crossed Market Plan referenced in MIAX Rule 1400). Volume is recorded for and credits are delivered to the Member Firm that submits the order to MIAX. The current potential \$0.02 per contract credit is in addition to the current credit of \$0.10 per contract for all Tiers that applies to PRIME Agency Order transactions for Priority Customer orders.

The Exchange now proposes to lower the additional PRIME Agency Order Credit for Priority Customer PRIME Agency Orders over a threshold of 0.60% of OCC customer volume for Members who are in PCRP Tier 3 or higher from \$0.02 per contract to \$0.01 per contract. The newly proposed additional \$0.01 per contract credit, for Members that achieve PCRP Tier 3 or higher and the described threshold, will be added to the newly proposed PRIME Agency Order Credit of \$0.11 per contract for Members in Tiers 3 or 4 for PRIME Agency Order transactions for Priority Customer orders.

The Exchange believes these proposed changes (which increase certain credit amounts from \$0.10 per contract to \$0.11 per contract, and decrease the additional credit amount from \$0.02 per contract to \$0.01 per contract) will encourage market participants to submit more Priority Customer PRIME Agency Orders and therefore increase Priority Customer order flow, resulting in increased liquidity which benefits all Exchange participants by providing more trading opportunities and tighter spreads.

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 self-regulatory organization (“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.”¹¹ There are currently 16 registered options exchanges competing for order flow. Based on publicly-available information, and excluding index-based options, no single exchange has exceeded approximately 18% of the market share of executed volume of multiply-listed equity and exchange-

traded fund (“ETF”) options trades as of July 25, 2019, for the month of July 2019.¹² Therefore, no exchange possesses significant pricing power in the execution of multiply-listed equity and ETF options order flow. More specifically, for all of June 2019, the Exchange had a total market share of 3.73% of all equity options volume.¹³ The Exchange believes that the ever-shifting market shares among the exchanges from month to month demonstrates that market participants can shift order flow (as further described below), or discontinue or reduce use of certain categories of products, in response to transaction and non-transaction fee changes. For example, on March 1, 2019, the Exchange filed with the Commission an immediately effective filing to decrease certain credits assessable to Members pursuant to the PCRP.¹⁴ The Exchange experienced a decrease in total market share between the months of February and March of 2019. Accordingly, the Exchange believes that the March 1, 2019 fee change may have contributed to the decrease in the Exchange’s market share and, as such, the Exchange believes competitive forces constrain options exchange transaction and non-transaction fees.

The Exchange cannot predict with certainty whether any Priority Customers would avail themselves of the proposed fee change, but the Exchange believes that between two and four Members may achieve the applicable Tier volume thresholds to receive the proposed increased PRIME Agency Order Credit for Members in Tiers 2, 3 and 4 of the PCRP. Similarly, the Exchange cannot predict with certainty whether any Member will achieve the separate, additional PRIME Agency Order Credit that is also available for Priority Customer PRIME Agency Orders executed over a monthly threshold of 0.60% of OCC customer volume for Members in PCRP Tier 3 or higher, but the Exchange believes that no Member will be currently impacted as no Member currently reaches such threshold.

2. Statutory Basis

The Exchange believes that its proposal to amend its Fee Schedule is consistent with Section 6(b) of the Act¹⁵

¹² The OCC publishes options and futures volume in a variety of formats, including daily and monthly volume by exchange, available at: <https://www.theocc.com/market-data/volume/default.jsp>.

¹³ See *id.*

¹⁴ See Securities Exchange Act Release No. 85301 (March 13, 2019), 84 FR 10166 (March 19, 2019) (SR-MIAX-2019-09).

¹⁵ 15 U.S.C. 78f(b).

¹⁰ For purposes of the Fee Schedule, the term “Affiliate” means (i) an affiliate of a Member of at least 75% common ownership between the firms as reflected on each firm’s Form BD, Schedule A, (“Affiliate”), or (ii) the Appointed Market Maker of an Appointed EEM (or, conversely, the Appointed EEM of an Appointed Market Maker). An “Appointed Market Maker” is a MIAX Market Maker (who does not otherwise have a corporate affiliation based upon common ownership with an EEM) that has been appointed by an EEM and an “Appointed EEM” is an EEM (who does not otherwise have a corporate affiliation based upon common ownership with a MIAX Market Maker) that has been appointed by a MIAX Market Maker, pursuant to the following process. A MIAX Market Maker appoints an EEM and an EEM appoints a MIAX Market Maker, for the purposes of the Fee Schedule, by each completing and sending an executed Volume Aggregation Request Form by email to membership@miaxoptions.com no later than 2 business days prior to the first business day of the month in which the designation is to become effective. Transmittal of a validly completed and executed form to the Exchange along with the Exchange’s acknowledgement of the effective designation to each of the Market Maker and EEM will be viewed as acceptance of the appointment. The Exchange will only recognize one designation per Member. A Member may make a designation not more than once every 12 months (from the date of its most recent designation), which designation shall remain in effect unless or until the Exchange receives written notice submitted 2 business days prior to the first business day of the month from either Member indicating that the appointment has been terminated. Designations will become operative on the first business day of the effective month and may not be terminated prior to the end of the month. Execution data and reports will be provided to both parties. See Fee Schedule, Section 1(a)(i).

¹¹ See Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496 (June 29, 2005).

in general, and furthers the objectives of Section 6(b)(4) of the Act¹⁶ in particular, in that it is an equitable allocation of reasonable fees and other charges among its members and issuers and other persons using its facilities. The Exchange also believes the proposal furthers the objectives of Section 6(b)(5) of the Act in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest and is not designed to permit unfair discrimination between customers, issuers, brokers and dealers.

The Exchange believes its proposal to increase the PRIME Agency Order Credit for Members in Tiers 2, 3 and 4 of the PCRP and to lower the separate, additional PRIME Agency Order Credit that is also available for Priority Customer Orders executed over a monthly threshold of 0.60% of OCC customer volume for Members who are in PCRP Tier 3 or higher provides for the equitable allocation of reasonable dues and fees and is not unfairly discriminatory for the following reasons. First, 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. 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 There are currently 16 registered options exchanges competing for order flow. Based on publicly-available information, and excluding index-based options, no single exchange has exceeded approximately 18% of the market share of executed volume of multiply-listed equity and ETF options trades as of July 25, 2019, for the month of July 2019.¹⁸ Therefore, no exchange possesses significant pricing power in the execution of multiply-listed equity and ETF options order flow. More specifically, for all of June 2019, the Exchange had a total market share of 3.73% for all equity options volume.¹⁹

The Exchange believes that the ever-shifting market shares among the exchanges from month to month demonstrates that market participants can shift order flow, or discontinue or reduce use of certain categories of products, in response to transaction and/or non-transaction fee changes.

For example, on March 1, 2019, the Exchange filed with the Commission an immediately effective filing to decrease certain credits assessable to Members pursuant to the PCRP.²⁰ The Exchange experienced a decrease in total market share between the months of February and March of 2019. Accordingly, the Exchange believes that the March 1, 2019 fee change may have contributed to the decrease in the Exchange’s market share and, as such, the Exchange believes competitive forces constrain options exchange transaction and non-transaction fees and market participants can shift order flow based on fee changes instituted by the exchanges.

Second, the Exchange believes its proposal to increase the PRIME Agency Order Credit for Members in Tiers 2, 3 and 4 of the PCRP and to lower the additional PRIME Agency Order Credit for Priority Customer orders over a threshold of 0.60% of OCC customer volume for Members who are in PCRP Tier 3 or higher is an equitable allocation of reasonable dues and fees pursuant to Section 6(b)(4) of the Act²¹ because the proposed changes are designed to incentivize overall Priority Customer order flow. The Exchange believes that with the proposed changes, providers of Priority Customer order flow will be incentivized to send that Priority Customer order flow to the Exchange in order to obtain the highest volume threshold and receive credits in a manner that enables the Exchange to improve its overall competitiveness and strengthen its market quality for all market participants. The Exchange believes that increased Priority Customer order flow will attract liquidity providers, which in turn should make the MIAX marketplace an attractive venue where Market Makers may submit narrow quotations with greater size, deepening and enhancing the quality of the MIAX marketplace. This should provide more trading opportunities and tighter spreads for other market participants and result in a corresponding increase in order flow from such other market participants. Additionally, the Exchange believes that for competitive and business reasons, it is appropriate to lower the additional PRIME Agency Order Credit for Priority

Customer PRIME Agency Orders over a threshold of 0.60% of OCC customer volume for Members who are in PCRP Tier 3 or higher from \$0.02 to \$0.01. As the Exchange previously noted, no Member currently achieves this threshold and, as such, the Exchange believes that by lowering this additional credit while increasing the PRIME Agency Order Credit for Members in Tiers 2, 3 and 4 of the PCRP, will incentivize order flow to the Exchange, providing more liquidity, to the benefit of all market participants, because it will likely result in a net increase in credits paid to Members.

The Exchange believes that the proposed rule changes would be an equitable allocation of reasonable dues and fees and would not permit unfair discrimination between market participants. The Exchange cannot predict with certainty whether any Priority Customers would avail themselves of the proposed fee change, but the Exchange believes that between two and four Members may achieve the applicable Tier volume thresholds to receive the proposed increased PRIME Agency Order Credit for Members in Tiers 2, 3 and 4 of the PCRP. Similarly, the Exchange cannot predict with certainty whether any Member will achieve the separate, additional PRIME Agency Order Credit that is also available for Priority Customer PRIME Agency Orders executed over a monthly threshold of 0.60% of OCC customer volume for Members in PCRP Tier 3 or higher, but the Exchange believes that no Member will be currently impacted as no Member currently reaches such threshold.

The Exchange also believes its proposal is consistent with Section 6(b)(5) of the Act²² and is designed to prevent fraudulent and manipulative acts and practices, promotes just and equitable principles of trade, fosters cooperation and coordination with persons engaged in regulating, clearing, setting, processing information with respect to, and facilitating transaction in securities, removes impediments to and perfects the mechanism of a free and open market and a national market system, and, in general, protects investors and the public interest; and is not designed to permit unfair discrimination. This is because the Exchange believes the proposed changes will incentivize Priority Customer order flow and an increase in Priority Customer order flow will bring greater volume and liquidity, which benefits all market participants by providing more trading opportunities and tighter

¹⁶ 15 U.S.C. 78f(b)(4) and (5).

¹⁷ See Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496 (June 29, 2005).

¹⁸ See *supra* note 12.

¹⁹ See *id.*

²⁰ See *supra* note 14.

²¹ 15 U.S.C. 78f(b)(4).

²² 15 U.S.C. 78f(b)(1) and (b)(5).

spreads. To the extent Priority Customer order flow is increased by the proposal, market participants will increasingly compete for the opportunity to trade on the Exchange including sending more orders and providing narrower and larger-sized quotations in the effort to trade with such Priority Customer order flow. Further, based on the current Tier volume thresholds achieved by the Exchange's Members and the potential changes going forward as a result of the proposed fee change, the Exchange believes that the proposed increase to certain credit amounts from \$0.10 per contract to \$0.11 per contract and proposed decrease to the additional credit amount from \$0.02 per contract to \$0.01 per contract may not result in any Member receiving a lower credit amount per contract, and may result in two to four Members receiving a higher credit amount per contract.

B. Self-Regulatory Organization's Statement on Burden on Competition

In accordance with Section 6(b)(8) of the Act,²³ 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 all market participants. 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.

Intra-Market Competition

The Exchange does not believe that other market participants at the Exchange would be placed at a relative disadvantage by the proposed changes to increase the PRIME Agency Order Credit for Members in Tiers 2, 3 and 4 of the PCRP and to lower the additional PRIME Agency Order Credit for Priority Customer PRIME Agency Orders over a threshold of 0.60% of OCC customer volume for Members who are in PCRP Tier 3 or higher. The proposed changes are designed to attract additional order flow to the Exchange. Accordingly, the Exchange believes that increasing the PRIME Agency Order Credit for Members in Tiers 2 through 4 of the PCRP and lowering the additional PRIME Agency Order Credit for Priority Customer orders over a threshold of

0.60% of OCC customer volume for Members in PCRP Tier 3 or higher will not impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act because it will continue to encourage Priority Customer order flow and an increase in Priority Customer order flow will bring greater volume and liquidity, which benefit all market participants by providing more trading opportunities and tighter spreads. Further, based on the current Tier volume thresholds achieved by the Exchange's Members and the potential changes going forward as a result of the proposed fee change, the Exchange believes that the proposed increase to certain credit amounts from \$0.10 per contract to \$0.11 per contract and proposed decrease to the additional credit amount from \$0.02 per contract to \$0.01 per contract may not result in any Member receiving a lower credit amount per contract, and may result in two to four Members receiving a higher credit amount per contract.

Inter-Market Competition

The Exchange operates in a highly competitive market in which market participants can readily favor competing venues if they deem fee levels at a particular venue to be excessive. There are currently 16 registered options exchanges competing for order flow. Based on publicly-available information, and excluding index-based options, no single exchange has exceeded approximately 18% of the market share of executed volume of multiply-listed equity and ETF options trades as of July 25, 2019, for the month of July 2019.²⁴ Therefore, no exchange possesses significant pricing power in the execution of multiply-listed equity and ETF options order flow. More specifically, for all of June 2019, the Exchange had a total market share of 3.73% for all equity options volume.²⁵ In such an environment, the Exchange must continually adjust its transaction and non-transaction fees to remain competitive with other exchanges and to attract order flow. The Exchange believes that the proposed rule changes reflect this competitive environment because they modify the Exchange's fees in a manner that encourages market participants to provide Priority Customer liquidity and to send order flow to the Exchange. To the extent this is achieved, all the Exchange's market participants should benefit from the improved market quality.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act,²⁶ and Rule 19b-4(f)(2)²⁷ 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 shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include File Number SR-MIAX-2019-34 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090.
- All submissions should refer to File Number SR-MIAX-2019-34. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the

²³ 15 U.S.C. 78f(b)(8).

²⁴ See *supra* note 12.

²⁵ See *id.*

²⁶ 15 U.S.C. 78s(b)(3)(A)(ii).

²⁷ 17 CFR 240.19b-4(f)(2).

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-MIAX-2019-34 and should be submitted on or before September 10, 2019.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.²⁸

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2019-17858 Filed 8-19-19; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-86660; File No. SR-CboeEDGA-2019-007]

Self-Regulatory Organizations; Cboe EDGA Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Relating to Clarify Portions of its Rules Under Chapter 14 (Securities Traded) Related To the Applicability of Certain Disclosure Requirements

August 14, 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 31, 2019, Cboe EDGA Exchange, Inc. (the "Exchange" or "EDGA") 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 19(b)(3)(A)(iii) of the Act³ 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 EDGA Exchange, Inc. (the "Exchange" or "EDGA") proposes to clarify portions of its rules under Chapter 14 (Securities Traded) related to the applicability of certain disclosure requirements. 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://markets.cboe.com/us/equities/regulation/rule_filings/edga/), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to clarify portions of the rules under Chapter 14 (Securities Traded) related to the applicability of certain disclosure requirements.

Currently, under Rule 14.1 (Unlisted Trading Privileges), Rule 14.2 (Investment Company Units), and Rule 14.8 (Portfolio Depositary Receipts) a Member is required to provide to all purchasers a written description of the terms and characteristics of the applicable securities (or a "product description"). In addition, Members also have a separate prospectus delivery requirement under Section 24(d) of the Investment Company Act of 1940 ("1940 Act"). A Member, however, is not required to send a Section 24(d) prospectus for a security if such security is subject of an order by the Securities and Exchange Commission

("Commission") exempting it from Section 24(d) prospectus delivery requirements, and is not otherwise subject to prospectus delivery requirements under the Securities Act of 1933 ("1933 Act"). As such, the Exchange provides rules requiring Members to deliver a product description for securities exempt from the prospectus delivery requirements. The Exchange notes that a product description is a written description of the terms and characteristics of a security in a form prepared or approved by the Exchange, whereas a prospectus is a legal document required by and filed with the Commission which contains detailed disclosures about a security.

Currently, Rule 14.1(c)(3)(A), Rule 14.2(d)(1), and Rule 14.8(j)(1) provide govern the written description requirements for derivative securities traded under unlisted trading privileges ("UTP Derivative Securities"), series of Investment Company Units, and series of Portfolio Depositary Receipts, respectively. As written, these subparagraphs under their respective Rules do not make it explicit to Members that the product description requirement is applicable only to prospectus-exempt products. Furthermore, current Rules 14.2(d)(1) and 14.8(j)(1) do not contain a provision (like that of 14.1(c)(3)(B)) that the Exchange will inform its Members by means of an information circular when the product description delivery requirements apply. Therefore, in order to provide Members with better understanding of the provisions in connection with these requirements, the Exchange now proposes to amend its rules to explicitly state that the product description delivery requirements apply only to the respective products that are exempt from the 1940 Act prospectus delivery requirements and are not otherwise subject to the prospectus delivery requirements under the 1933 Act. The Exchange also proposes to add language to Rule 14.2(d)(1) and Rule 14.8(j)(1) to inform Members that the Exchange will announce the applicability of the product description delivery requirements to particular series of Portfolio Depositary Receipts or Investment Company Units via information circular. This change is intended to provide clarity to Members regarding when and how the Exchange will notify Members of their product delivery obligations. The Exchange notes that Rule 14.1(c)(3)(B) currently provides that the Exchange informs its Members of the application of product description delivery requirements

²⁸ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ 15 U.S.C. 78s(b)(3)(A)(iii).

⁴ 17 CFR 240.19b-4(f)(6).

related to UTP Derivative Securities by means of information circular. The Exchange also notes that the proposed amendments are substantially similar to the disclosure requirement provision currently applicable to Managed Fund Shares on its affiliated exchange, Cboe BZX Exchange, Inc. ("BZX").⁵

The Exchange proposes to update the heading of Rule 14.1(c)(3)(A), which currently states "Prospectus Delivery", to "Scope of Product Description" as it believes this better aligns with the requirements provided for under paragraph (c)(3), thus provides further clarity regarding the product description requirements contained within this paragraph.

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.⁶ Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)⁷ 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)⁸ requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers. The Exchange also believes the proposed rule change is consistent with Section 6(b)(1) of the Act, which provides that the Exchange be organized and have the capacity to be able to carry out the purposes of the Act and to enforce compliance by the Exchange's Members and persons associated with its Members with the Act, the rules and regulations thereunder, and the rules of the Exchange.

In particular, the Exchange believes that this proposal benefits and protects investors because it is designed to bolster Member understanding of its

rules and the applicability of the subparagraphs providing for written description disclosure requirements to certain products. Because such current subparagraphs (Rule 14.1(c)(3)(A), Rule 14.2(d)(1), and Rule 14.8(j)(1)) do not explicitly state under what circumstances they will apply to the respective products under each subparagraph, the Exchange has found that it is unclear to Members that the subparagraphs in connection with the required written description only apply to securities or series that are exempt from the Section 24(d) prospectus delivery requirements, and otherwise not subject to prospectus delivery requirements under the 1933 Act. The Exchange thus believes this proposed change will enhance Members' understanding with respect to when and to which products the relevant subparagraphs are applicable, thereby protecting investors and the public interest. The Exchange notes that this proposal does not alter any of the disclosure requirements applicable to market participants, but merely intends to make explicit when the written disclosure provisions apply, as well as establish that the Exchange will notify Members via information circular of their product description obligations for particular series of Portfolio Depositary Receipts and Investment Company Units. Additionally, the Exchange believes that providing clear rules regarding the applicability of provisions requiring written product description deliveries will enable the Exchange to be organized and have the capacity to enforce compliance its Members with the Act and the rules of Exchange.

Additionally, the proposed changes are substantially similar to the rule of affiliated exchange, BZX, for disclosure requirements currently applicable to Managed Fund Shares.⁹

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act, as amended. On the contrary, the proposed rule change is not designed to address any competitive issues but is only intended to bolster Member understanding of its rules with respect to the applicability of certain disclosure requirement provisions.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No comments were solicited or received 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 Act¹⁰ and Rule 19b-4(f)(6)¹¹ 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-CboeEDGA-2019-007 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-CboeEDGA-2019-007. 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

⁵ See BZX Rule 14.11(i)(6).

⁶ 15 U.S.C. 78f(b).

⁷ 15 U.S.C. 78f(b)(5).

⁸ *Id.*

⁹ See *supra* note 5.

¹⁰ 15 U.S.C. 78s(b)(3)(A).

¹¹ 17 CFR 240.19b-4(f)(6).

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-CboeEDGA-2019-007 and should be submitted on or before September 10, 2019.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹²

Jill M. Peterson,
Assistant Secretary.

[FR Doc. 2019-17855 Filed 8-19-19; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-86667; File No. SR-CboeBZX-2019-069]

Self-Regulatory Organizations; Cboe BZX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Introduce a Small Retail Broker Distribution Program

August 14, 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 August 1, 2019, Cboe BZX Exchange, Inc. ("Exchange" or "BZX") filed with the Securities and Exchange Commission ("Commission") the proposed rule

change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Cboe BZX Exchange, Inc. ("BZX" or the "Exchange") is filing with the Securities and Exchange Commission (the "Commission") a proposed rule change to introduce a Small Retail Broker Distribution Program. The text of the proposed changes to the fee schedule are enclosed [sic] as Exhibit 5.

The text of the proposed rule change is also available on the Exchange's website (http://markets.cboe.com/us/equities/regulation/rule_filings/bzx/), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to introduce a pricing program that would allow small retail brokers that purchase top of book market data from the Exchange to benefit from discounted fees for access to such market data. The Small Retail Broker Distribution Program (the "Program") would reduce the distribution and consolidation fees paid by small broker-dealers that operate a retail business. In turn, the Program may increase retail investor access to real-time U.S. equity quote and trade information, and allow the Exchange to better compete for this business with competitors that offer similar optional products.

Current Fees

The Cboe One Summary Feed is a top of book data feed that provides real-time

U.S. equity quote and trade information to investors based on equity orders submitted to the Exchange and its affiliated equities exchanges—i.e., Cboe BYX Exchange, Inc., Cboe EDGX Exchange, Inc., and Cboe EDGA Exchange, Inc. Specifically, the Cboe One Summary Feed is a data feed that contains the aggregate best bid and offer of all displayed orders for securities traded on the Exchange and its affiliated exchanges. The Cboe One Summary Feed also contains the individual last sale information for the Exchange and each of its affiliated exchanges, and consolidated volume for all listed equity securities. The fee for external distribution of the Cboe One Summary Feed is \$5,000 per month, and external distributors are also liable for a Data Consolidation Fee of \$1,000 per month, and User fees equal to \$10 per month for each Professional User, and \$0.25 per month for each Non-Professional User.³

Small Retail Broker Eligibility Requirements

The Exchange proposes to introduce a Program that would reduce costs for small retail brokers that provide top of book data to their clients. In order to be approved for the Small Retail Broker Distribution Program, Distributors would have to provide Cboe One Summary Feed Data to a limited number of clients with which the firm has established a brokerage relationship, and would have to provide such data primarily to Non-Professional Data Users. Specifically, distributors would have to attest that they meet the following criteria: (1) Distributor is a broker-dealer distributing Cboe One Summary Feed Data to Non-Professional Data Users with whom the broker-dealer has a brokerage relationship; (2) More than 50% of the Distributor's total Data User population must consist of Non-Professional Data Users, inclusive of those not receiving Cboe One Summary Feed Data; and (3) Distributor distributes Cboe One Summary Feed Data to no more than 5,000 Non-Professional Data Users.

These proposed requirements for participating in the Program are designed to ensure that the benefits provided by the Program inure to the benefit of small retail brokers that provide Cboe One Summary Feed Data to a limited number of subscribers. As explained later in this filing,

³ The Exchange also offers an Enterprise license for the Cboe One Summary Feed at a cost of \$50,000 per month. An Enterprise license permits distribution to an unlimited number of Professional and Non-Professional Users, keeping costs down for firms that provide access to a large number of subscribers.

¹² 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

distributors that provide BZX Exchange Data to a larger number of subscribers can benefit from the current pricing structure through scale, due to subscriber fees that are significantly lower than those charged by the Exchange's competitors, and an Enterprise license that caps the total fees to be paid by firms that distribute market data to a sizeable customer base. The Exchange believes that offering similarly attractive pricing to small retail brokers, including regional firms both inside and outside of the U.S. that may not have the same established client base as the larger retail brokers, would make the Exchange's data a more competitive alternative for those firms, and would help ensure that such information is widely available to a larger number of retail investors globally. The Program would also be available to retail brokers more generally, regardless of size, that wish to trial the Cboe One Summary Feed with a limited number of subscribers before potentially expanding distribution to additional clients, potentially further increasing the accessibility of the Exchange's market data to retail investors. The Program would be exclusive to the Cboe One Summary Feed, which is a top of book offering, as retail investors typically do not need or use depth of book data to facilitate their equity investments, and their brokers typically do purchase such market data on their behalf.

Discounted Fees

Distributors that participate in the Program would be liable for lower distribution and consolidation fees for access to the Cboe One Summary Data Feed.⁴ The distribution fee charged for the Cboe One Summary Feed would be lowered by 30% from the current \$5,000 per month to \$3,500 per month for distributors that meet the requirements of the Program. In addition, the Data Consolidation Fee charged for the Cboe One Summary Feed would be lowered by 65% from the current \$1,000 per month to \$350 per month. User fees for any Professional or Non-Professional Users that access Cboe One Summary Feed data from a distributor that participates in the Program would remain at their current levels as the current subscriber charges are already among the most competitive in the industry.⁵

⁴ New external distributors of the Cboe One Summary Feed are not currently charged external distributor fees for their first month of service. This would continue to be the case for external distributors that participate in the Program.

⁵ By comparison, The Nasdaq Stock Market LLC ("Nasdaq") charges a subscriber fee for Nasdaq

The Exchange believes that these fees, which represent a significant cost savings for small retail brokers, would help ensure that retail investors continue to have fair and efficient access to U.S. equity market data. While retail investors normally pay a fixed commission when buying or selling equities, and do not typically pay separate fees for market data, the Exchange believes that the proposed reduction in fees would make the Exchange's data more competitive with other available alternatives, and may encourage retail brokers to make such data more readily available to their clients. In sum, the Exchange believes that the proposed fee reductions may facilitate more cost effective access to top of book data that is purchased on a voluntary basis by retail brokers and provided to their retail investor clients.

Market Background

The market for top of book data is highly competitive as national securities exchanges compete both with each other and with the securities information processors ("SIPs") to provide efficient, reliable, and low cost data to a wide range of investors and market participants. In fact, Regulation NMS requires all U.S. equities exchanges to provide their best bids and offers, and executed transactions, to the two registered SIPs for dissemination to the public. Top of book data is therefore widely available to investors today at a relatively modest cost. National securities exchanges may also disseminate their own top of book data, but no rule or regulation of the Commission requires market participants to purchase top of book data from an exchange.⁶ The Cboe One Summary Feed therefore competes with the SIP and with similar products offered by other national securities exchanges that offer their own competing top of book products. In fact, there are ten competing top of book products offered by other national securities exchanges today, not counting products offered by the Exchange's affiliates.⁷ The purpose of the proposed

Basic that adds up to \$26 per month for Professional Subscribers and \$1 per month for Non-Professional Subscribers (Tapes A, B, and C). See Nasdaq Equity Rules, Equity 7, Pricing Schedule, Section 147(b)(1).

⁶ By contrast, Rule 603(c) of Regulation NMS (the "Vendor Display Rule") effectively requires that SIP data or some other consolidated display be utilized in any context in which a trading or order-routing decision can be implemented.

⁷ Competing top of book products include, Nasdaq Basic, BX Basic, PSX Basic, NYSE BQT, NYSE BBO/Trades, NYSE Arca BBO/Trades, NYSE American BBO/Trades, NYSE Chicago BBO/Trades, and IEX TOPS.

rule change is to further increase the competitiveness of the Exchange's top of book market data products compared to competitor offerings that may currently be cheaper for firms with a limited subscriber base that do not yet have the scale to take advantage of the lower subscriber fees offered by the Exchange. In turn, the Exchange believes that this change may benefit market participants and investors by spurring additional competition and increasing the accessibility of the Exchange's top of book data.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the objectives of Section 6 of the Act,⁸ in general, and furthers the objectives of Section 6(b)(4),⁹ in particular, as it is designed to provide for the equitable allocation of reasonable dues, fees and other charges among its members and other recipients of Exchange data.

The Exchange also believes that the proposed rule change is consistent with Section 11(A) of the Act.¹⁰ Specifically, the proposed rule change supports (i) fair competition among brokers and dealers, among exchange markets, and between exchange markets and markets other than exchange markets, and (ii) the availability to brokers, dealers, and investors of information with respect to quotations for and transactions in securities. In addition, the proposed rule change is consistent with Rule 603 of Regulation NMS,¹¹ which provides that any national securities exchange that distributes information with respect to quotations for or transactions in an NMS stock do so on terms that are not unreasonably discriminatory.

In adopting Regulation NMS, the Commission granted SROs and broker-dealers increased authority and flexibility to offer new and unique market data to the public. It was believed that this authority would expand the amount of data available to consumers, and also spur innovation and competition for the provision of market data. The Exchange believes that the proposed fee change would further broaden the availability of U.S. equity market data to investors, and in particular retail investors, consistent with the principles of Regulation NMS.

The Exchange operates in a highly competitive environment. Indeed, there are thirteen registered national securities exchanges that trade U.S. equities and offer associated top of book

⁸ 15 U.S.C. 78f.

⁹ 15 U.S.C. 78f(b)(4).

¹⁰ 15 U.S.C. 78k-1.

¹¹ See 17 CFR 242.603.

market data products to their customers. The national securities exchanges also compete with the SIPs for market data customers. 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.”¹² The proposed fee change is a result of the competitive environment, as the Exchange seeks to amend its fees to attract additional subscribers for its proprietary top of book data offerings.

The proposed fee change would reduce fees charged to small retail brokers that provide access to the Cboe One Summary Feed. The Cboe One Summary Feed is a competitively-priced alternative to top of book data disseminated by SIPs, or similar data disseminated by other national securities exchanges.¹³ It provides subscribers with consolidated top of book quotes and trades from four Cboe U.S. equities markets, which together account for about 17% of consolidated U.S. equities trading volume.¹⁴ The Cboe One Summary Feed is purchased by a wide variety of market participants and vendors, including data platforms, websites, fintech firms, buy-side investors, retail brokers, regional banks, and securities firms inside and outside of the U.S. that desire low cost, high quality, real-time U.S. equity market data. By providing lower cost access to U.S. equity market data, the Cboe One Summary Feed benefits a wide range of investors that participate in the national market system. Reducing fees for broker-dealers that represent retail investors and that may have more limited resources than some of their larger competitors would further increase access to such data and facilitate a competitive market for U.S. equity securities, consistent with the goals of the Act.

While the Exchange is not required to make any data, including top of book data, available through its proprietary market data platform, the Exchange believes that making such data available

increases investor choice, and contributes to a fair and competitive market. Specifically, making such data publicly available through proprietary data feeds allows investors to choose alternative, potentially less costly, market data based on their business needs. While some market participants that desire a consolidated display choose the SIP for their top of book data needs, and in some cases are effectively required to do so under the Vendor Display Rule, others may prefer to purchase data directly from one or more national securities exchanges. For example, a buy-side investor may choose to purchase the Cboe One Summary Feed, or a similar product from another exchange, in order to perform investment analysis. The Cboe One Summary Feed represents quotes from four highly liquid equities markets. As a result, the Cboe One Summary Feed is within 1% of the national best bid and offer approximately 98% of the time,¹⁵ and therefore serves as a valuable reference for investors that do not require a consolidated display that contains quotations for all U.S. equities exchanges. Making alternative products available to market participants ultimately ensures increased competition in the marketplace, and constrains the ability of exchanges to charge supracompetitive fees. In the event that a market participant views one exchanges top of book data fees as more or less attractive than the competition they can and frequently do switch between competing products. In fact, the competitiveness of the market for such top of book data products is one of the primary factors animating this proposed rule change, which is designed to allow the Exchange to further compete for this business.

The Exchange believes that the proposed fees are reasonable as they represent a significant cost reduction for smaller, primarily regional, retail brokers that provide top of book data from BZX and its affiliated equities exchanges to their retail investor clients. The market for top of book data is intensely competitive due to the availability of substitutable products that can be purchased either from other national securities exchanges, or from registered SIPs that make such top of book data publicly available to investors at a modest cost. The proposed fee reduction is being made to make the Exchange's fees more competitive with such offerings for this segment of market participants, thereby increasing the availability of the Exchange's data

products, and expanding the options available to firms making data purchasing decisions based on their business needs. The Exchange believes that this is consistent with the principles enshrined in Regulation NMS to “promote the wide availability of market data and to allocate revenues to SROs that produce the most useful data for investors.”¹⁶

Today, the Cboe One Summary Feed is among the most competitively priced top of book offerings in the industry due to modest subscriber fees, and a lower Enterprise cap, both of which keep fees at a relatively modest level for larger firms that provide market data to a sizeable number of Professional or Non-Professional Users. Distributors with a smaller user base, however, may choose to use competitor products that have a lower distribution fee and higher subscriber fees. The Program would help the Exchange compete for this segment of the market, and may broaden the reach of the Exchange's data products by providing an additional low cost alternative to competitor products for small retail brokers. While such firms may already utilize similar market data products from other sources, the Exchange believes that offering its own data to small retail brokers at lower distribution and data consolidation costs has the potential to increase choice for market participants, and ultimately increase the data available to retail investors when coupled with the Exchange's lower subscriber fees.

The Exchange also believes that the proposed fees are equitable and not unfairly discriminatory as the proposed fee structure is designed to decrease the price and increase the availability of U.S. equities market data to retail investors. The Program is designed to reduce the cost of top of book market data for broker-dealers that provide such data to Non-Professional Data User clients that make up the majority of the distributor's total subscriber population. As such, the Program would be broadly available to a wide range of retail brokers that either purchase the Cboe One Summary Feed today, or that may choose to switch from competing products due to the potential cost savings. Dozens of distributors that currently purchase top of book data from one of the four Cboe U.S. equities exchanges, and many more prospective customers, could benefit from the Program. Each of these current or prospective retail broker customers would receive the same benefits in terms of reduced distribution and

¹² See Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005) (“Regulation NMS Adopting Release”).

¹³ See e.g., supra note 5 (discussing Nasdaq Basic).

¹⁴ Id.

¹⁵ See https://markets.cboe.com/us/equities/market_data_services/cboe_one/.

¹⁶ See Regulation NMS Adopting Release, supra note 12, at 37503.

consolidation fees based on the product that they purchase from the Exchange.

The Commission has long stressed the need to ensure that the equities markets are structured in a way that meets the needs of ordinary investors. For example, the Commission's strategic plan for fiscal years 2018–2022 touts “focus on the long-term interests of our Main Street investors” as the Commission's number one strategic goal.¹⁷ The Program would be consistent with the Commission's stated goal of improving the retail investor experience in the public markets. Furthermore, national securities exchanges commonly charge reduced fees and offer market structure benefits to retail investors, and the Commission has consistently held that such incentives are consistent with the Act. The Exchange believes that the Program is consistent with longstanding precedent indicating that it is consistent with the Act to provide reasonable incentives to retail investors that rely on the public markets for their investment needs.

In addition, while the Program would be effectively limited to smaller firms that distribute data to no more than 5,000 Non-Professional Data Users, the Exchange does not believe that this limitation makes the fees inequitable, unfairly discriminatory, or otherwise contrary to the purposes of the Act. Large broker-dealers and/or vendors that distribute the Exchange's data products to a sizeable number of investors benefit from the current fee structure, which includes lower subscriber fees and Enterprise licenses. Due to lower subscriber fees, distributors that provide Choe One Summary Feed Data to more than 5,000 Non-Professional Data Users already enjoy cost savings compared to competitor products. The Program would therefore ensure that small retail brokers that distribute top of book data to their retail investor customers could also benefit from reduced pricing, and would aid in increasing the competitiveness of the Exchange's data products for this key segment of the market.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change would result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange operates in a highly

competitive environment, and its ability to price these data products is constrained by: (i) Competition among exchanges that offer similar data products to their customers; and (ii) the existence of inexpensive real-time consolidated data disseminated by the SIPs. Top of book data is disseminated by both the SIPs and the thirteen equities exchanges. There are therefore a number of alternative products available to market participants and investors. In this competitive environment potential subscribers are free to choose which competing product to purchase to satisfy their need for market information. Often, the choice comes down to price, as broker-dealers or vendors look to purchase the cheapest top of book data product, or quality, as market participants seek to purchase data that represents significant market liquidity. In order to better compete for this segment of the market, the Exchange is proposing to reduce the cost of top of book data provided by small retail brokers to their retail investor clients. The Exchange believes that this would facilitate greater access to such data, ultimately benefiting the retail investors that are provided access to such market data.

The Exchange does not believe that this price reduction would cause any unnecessary or inappropriate burden on intermarket competition as other exchanges and data vendors are free to lower their prices to better compete with the Exchange's offering. Indeed, as explained in the basis section of this proposed rule change, the Exchange's decision to lower its distribution and consolidation fees for small retail brokers is itself a competitive response to different fee structures available on competing markets. The Exchange therefore believes that the proposed rule change is pro-competitive as it seeks to offer pricing incentives to customers to better position the Exchange as it competes to attract additional market data subscribers. The Exchange also believes that the proposed reduction in fees for small retail brokers would not cause any unnecessary or inappropriate burden on intramarket competition. Although the proposed fee discount would be largely limited to small retail broker subscribers, larger broker-dealers and vendors can already purchase top of book data from the Exchange at prices that represent a significant cost savings when compared to competitor products that combine higher subscriber fees with lower fees for distribution. In light of the benefits already provided to this group of subscribers, the Exchange believes that additional discounts to

small retail brokers would increase rather than decrease competition among broker-dealers that participate on the Exchange. Furthermore, as discussed earlier in this proposed rule change, the Exchange believes that offering pricing benefits to brokers that represent retail investors facilitates the Commission's mission of protecting ordinary investors, and is therefore consistent with the Act.

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 Act¹⁸ and paragraph (f) of Rule 19b-4¹⁹ thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include File Number SR-CboeBZX-2019-069 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090.

All submissions should refer to File Number SR-CboeBZX-2019-069. This file number should be included on the subject line if email is used. To help the Commission process and review your

¹⁷ See U.S. Securities and Exchange Commission, Strategic Plan, Fiscal Years 2018–2022, available at https://www.sec.gov/files/SEC_Strategic_Plan_FY18-FY22_FINAL_0.pdf.

¹⁸ 15 U.S.C. 78s(b)(3)(A).

¹⁹ 17 CFR 240.19b-4(f).

comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR-CboeBZX-2019-069 and should be submitted on or before September 10, 2019.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.²⁰

Jill M. Peterson,
Assistant Secretary.

[FR Doc. 2019-17861 Filed 8-19-19; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-86671; File No. SR-CboeBZX-2019-070]

Self-Regulatory Organizations; Cboe BZX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the Fee Schedule To Institute a Derived Data API Service

August 14, 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 August 1, 2019, Cboe BZX Exchange, Inc. (the "Exchange" or "BZX") filed with the Securities and Exchange Commission

(the "Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Cboe BZX Exchange, Inc. ("BZX" or the "Exchange") is filing with the Securities and Exchange Commission (the "Commission") a proposed rule change to amend the fee schedule to institute a Derived Data API Service. The text of the proposed rule change is attached as Exhibit 5 [sic].

The text of the proposed rule change is also available on the Exchange's website (http://markets.cboe.com/us/equities/regulation/rule_filings/bzx/), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to implement a new pricing structure that would reduce fees charged to Distributors that distribute Derived Data through an Application Programming Interface ("API")—i.e., the Derived Data API Service (the "Program"). "Derived Data" is pricing data or other data that (i) is created in whole or in part from Exchange Data, (ii) is not an index or financial product, and (iii) cannot be readily reverse-engineered to recreate Exchange Data or used to create other data that is a reasonable facsimile or substitute for Exchange Data. The Exchange currently offers a Derived Data White Label Service Program that allows Distributors to benefit from discounted fees when

distributing Derived Data taken from BZX Top, which is a proprietary data product that provides top of book quotations and execution information for all equity securities traded on the Exchange.³ The current program is limited to the distribution of Derived Data to subscribers within a White Label Service which is a type of hosted display solution in which a Distributor hosts or maintains a website or platform on behalf of a third-party entity. The Derived Data API Service would supplement the current Derived Data White Label Service Program by offering discounted fees for Distributors that make Derived Data available through an API,⁴ thereby allowing Distributors to benefit from reduced fees when distributing Derived Data to subscribers that establish their own platforms rather than relying on a hosted display solution.

Current Fee Structure

The Exchange currently charges a fee of \$2,500 per month for external distribution of BZX Top. In addition, external distributors of BZX Top are charged a fee of \$4 per month for each Professional User and \$0.10 per month for each Non-Professional User. The Exchange also offers special pricing for Derived Data provided through a White Label Service, as mentioned above. This service allows Distributors to make Derived Data available on a platform that is branded with a third-party brand, or co-branded with a third party and a Distributor.⁵ The White Label Service Program can be used for a number of different purposes, including the display of information or data, or the creation of derivative instruments, such as swaps,⁶ swaptions,⁷ or contracts for difference,⁸ but is unavailable to distributors that make such information available through an API. Such distributors are not eligible for discounted Derived Data pricing today, and are instead liable for the fees

³ See Rule 13.8(c) [sic].

⁴ With the proposed introduction of the Derived Data API Service, the Exchange would bring together the BZX Top Derived Data White Label Service and Derived Data API Service under the common heading "Financial Product Distribution Program." The Financial Product Distribution Program would encompass both of these products.

⁵ The Distributor maintains control of the application's data, entitlements and display.

⁶ A swap is a derivative contract in which two parties agree to exchange financial instruments.

⁷ A swaption, or swap option, is an option to enter into a swap at a specified time.

⁸ A contract for difference is an agreement to exchange the difference between the current value of an asset and its future value. If the price increases, the seller pays the buyer the amount of the increase. If the price decreases, the buyer pays the seller the amount of the decrease.

²⁰ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

normally applicable for the distribution of BZX Top, as listed at the beginning of this paragraph.

Discounted Fees for Derived Data API Service

As proposed, a Distributor that provides a Derived Data API Service for Derived Data taken from BZX Top would be liable for the following fees instead of the fees normally applicable for the distribution of BZX Top. Instead of the regular fee for external distribution, Distributors would be charged a tiered External Subscriber Fee based on the number of API Service Platforms (*i.e.*, “External Subscribers”) that receive Derived Data from the Distributor through a Derived Data API Service. As proposed, Distributors would continue to be charged a fee of \$2,500 per month for each External Subscriber if the Distributor makes Derived Data available to 1–5 External Subscribers. Distributors that make Derived Data available to additional External Subscribers would benefit from discounted pricing based on the number of External Subscribers. Specifically, the external distribution fee would be lowered by 20% to \$2,000 per month for each External Subscriber if the Distributor makes Derived Data available to 6–20 External Subscribers, and further lowered another 20% to \$1,500 per month for each External Subscriber if the Distributor makes Derived Data available to 21 or more External Subscribers. As is the case under the Derived Data White Label Service, the External Subscriber Fee would be non-progressive and based on the number of External Subscribers that receive Derived Data from the Distributor. For example, a Distributor providing Derived Data based on BZX Top to six External Subscribers that are API Service Platforms would be charged a monthly fee of \$12,000 (*i.e.*, 6 External Subscribers × \$2,000 each). The Exchange would continue to charge a monthly Professional User fee of \$4 per month for each Professional User that accesses Derived Data through an API Service. The current Non-Professional User fee of \$0.10 per month would be eliminated when participating in the Derived Data API Service, further reducing costs for Distributors that provide access to such data to downstream investors.

With the proposed introduction of the Derived Data API Service, the Exchange would bring together the Derived Data White Label Service and Derived Data API Service under the common heading “Financial Product Distribution Program.” The Financial Product Distribution Program would encompass

both of these products. Similar to the Derived Data White Label Service, the Derived Data API Service would be entirely optional, in that it applies only to Distributors that opt to use Derived Data from BZX Top to create an API Service, as described herein. It does not impact or raise the cost of any other Exchange product, nor does it affect the cost of BZX Top, except in instances where Derived Data is made available on an API Service. A Distributor that provides a White Label Service or API Service for Derived Data taken from BZX Top would be liable for the fees associated with the White Label Service or API Service instead of the fees normally applicable for the distribution of BZX Top. A Distributor that provides a White Label Service or API Service for BZX Top data that is not Derived Data or distributes Derived Data through a platform other than a White Label Service or API Service would be liable for the fees normally applicable for the distribution of BZX Top.

Market Background

The market for top of book data is highly competitive as national securities exchanges compete both with each other and with the securities information processors (“SIPs”) to provide efficient, reliable, and low cost data to a wide range of investors and market participants. In fact, Regulation NMS requires all U.S. equities exchanges to provide their best bids and offers, and executed transactions, to the two registered SIPs for dissemination to the public. Top of book data is therefore widely available to investors today at a relatively modest cost. National securities exchanges may also disseminate their own top of book data, but no rule or regulation of the Commission requires market participants to purchase top of book data from an exchange. In an effort to widen distribution to market participants that use equities market data to compute pricing for certain derivatives instruments, national securities exchanges including the Exchange, its affiliate, Cboe EDGX Exchange Inc., and The Nasdaq Stock Market LLC (“Nasdaq”) offer discounted pricing for Derived Data that is created using their top of book products. The Program would therefore compete with similar products offered by other national securities exchanges that offer discounted fees to market participants that purchase Derived Data.

2. Statutory Basis

The Exchange believes that the proposed rule change is 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 recipients of Exchange data.

The Exchange also believes that the proposed rule change is consistent with Section 11(A) of the Act.¹¹ Specifically, the proposed rule change supports (i) fair competition among brokers and dealers, among exchange markets, and between exchange markets and markets other than exchange markets, and (ii) the availability to brokers, dealers, and investors of information with respect to quotations for and transactions in securities. In addition, the proposed rule change is consistent with Rule 603 of Regulation NMS,¹² which provides that any national securities exchange that distributes information with respect to quotations for or transactions in an NMS stock do so on terms that are not unreasonably discriminatory.

In adopting Regulation NMS, the Commission granted SROs and broker-dealers increased authority and flexibility to offer new and unique market data to the public. It was believed that this authority would expand the amount of data available to consumers, and also spur innovation and competition for the provision of market data. The Exchange believes that the proposed fee change would further broaden the availability of U.S. equity market data to investors, consistent with the principles of Regulation NMS.

The Exchange operates in a highly competitive environment. Indeed, there are thirteen registered national securities exchanges that trade U.S. equities and offer associated top of book market data products to their customers. The national securities exchanges also compete with the SIPs for market data customers. 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

⁹ 15 U.S.C. 78f.

¹⁰ 15 U.S.C. 78f(b)(4).

¹¹ 15 U.S.C. 78k–1.

¹² See 17 CFR 242.603.

investors and listed companies.”¹³ The proposed fee change is a result of the competitive environment, as the Exchange seeks to amend its fees to attract additional subscribers for one of its proprietary top of book data offerings through the introduction of a Derived Data API Service.

The Exchange believes that it is reasonable to introduce reduced fees for the use of Derived Data on API Services as the proposed fee reduction would facilitate cost effective access to market information that is used primarily to create certain derivative instruments rather than to trade U.S. equity securities. The fees that are the subject of this rule filing are constrained by competition, and it is this competition that is driving the proposed fee change. Indeed, the Program is designed to allow the Exchange to compete more effectively for market data distributors that purchase market information to offer Derived Data to investors. The existence of alternatives to the Program ensures that the Exchange cannot set unreasonable or unfairly discriminatory fees, as subscribers are free to elect such alternatives. That is, the Exchange competes with other exchanges that provide similar market data products and pricing programs. As mentioned above, Derived Data is primarily purchased for the creation of certain derivative instruments rather than for the trading of U.S. equity securities. As a result, distributors of Derived Data do not need a consolidated view of the market across multiple exchanges, and generally purchase such data from a single exchange. If a competing exchange were to charge less for a similar product than the Exchange charges under the proposed fee structure, prospective subscribers may choose not to subscribe to, or cease subscribing to, the Program. The Exchange believes that lowering the cost of accessing Derived Data may make the Exchange's market information more attractive, and encourage additional Distributors to subscribe to BZX Top market data instead of competitor products. Distributors can discontinue use at any time and for any reason, including due to an assessment of the reasonableness of fees charged. Furthermore, firms have a wide variety of alternative market data products from which to choose, such as similar proprietary data products offered by other national securities exchanges, including those that choose to offer discounted fees for the distribution of

Derived Data in an effort to compete for this business.

The proposed rule change would provide an alternate fee structure for providing BZX Top market data to Distributors that make Derived Data available to External Subscribers via API Services. As proposed, if a Distributor uses an API Service to distribute Derived Data, the Distributor will be charged a fee that is tiered based on the number of External Subscribers that are provided access to that data instead of the higher fee normally charged for external distribution. The Exchange believes that this fee is equitable and not unfairly discriminatory because the Exchange will apply the same fees to any similarly situated Distributors that elect to participate in the Program based on the number of External Subscribers provided access to Derived Data through an API Service, with Distributors providing access to six or more External Subscribers receiving a discount compared to the current pricing applicable for external distribution of BZX Top. The Exchange believes that it is equitable and not unfairly discriminatory to begin providing discounted rates to Distributors that provide access to at least six External Subscribers as the discounted rates are designed to incentivize firms to grow the number of External Subscribers that purchase Derived Data from the Exchange. The Exchange understands that Distributors that may provide this sort of API Service typically serve a relatively larger number of External Subscribers, and would therefore be able to meet the proposed threshold by providing Derived Data taken from BZX Top to those customers.

The Exchange would also continue to charge a small fee for Professional Users but would eliminate Non-Professional User fees for data provided under the Program. The Exchange believes that it is equitable and not unfairly discriminatory to charge a fee for Professional Users but no fee for Non-Professional Users. Non-Professional Users are already subject to a heavily discounted fee for BZX Top market data relative to Professional Users. Differential fees for Professional and Non-Professional Users are widely used by the Exchange and other exchanges for their proprietary market data as this reduces costs for retail investors and makes market data more broadly available. The Exchange believes that eliminating fees for Non-Professional Users that access Derived Data from Distributors pursuant to the Program is consistent with longstanding precedent indicating that it is consistent with the Act to provide reasonable incentives to

retail investors that rely on the public markets for their investment needs.

Furthermore, the proposed fees will only apply to Distributors that elect to participate in the Program by distributing Derived Data through an API Service. BZX Top market data is distributed and purchased on a voluntary basis, in that neither the Exchange nor market data distributors are required by any rule or regulation to make this data available. Distributors of BZX Top are not required to participate in the proposed Program, which is merely an alternative option being proposed by the Exchange to potentially lower costs for market data that is Derived Data. As previously explained, the Exchange currently offers discounted fees for Distributors that distribute Derived Data on a While [sic] Label Service. Expanding the universe of customers that can benefit from discounted fees for distributing Derived Data would serve to further increase the accessibility of the Exchange's market data products.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change would result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange operates in a highly competitive environment, and its ability to price these data products is constrained by: (i) Competition among exchanges that offer similar data products, and pricing options, to their customers; and (ii) the existence of inexpensive real-time consolidated data disseminated by the SIPs. Top of book data is disseminated by both the SIPs and the thirteen equities exchanges. There are therefore a number of alternative products available to market participants and investors. In this competitive environment potential subscribers are free to choose which competing product to purchase to satisfy their need for market information. Often, the choice comes down to price, as broker-dealers or vendors look to purchase the cheapest top of book data product, or quality, as market participants seek to purchase data that represents significant market liquidity. In order to better compete for this segment of the market, the Exchange is proposing to reduce fees charged to Distributors that distribute Derived Data through an API. The Exchange believes that this would facilitate greater access to such data, ultimately benefiting investors that are provided access to such data.

¹³ See Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005) (“Regulation NMS Adopting Release”).

The proposed fees apply to data derived from BZX Top, which is subject to competition from both the SIPs and exchanges that offer similar products, including but not limited to those that choose to provide similar pricing options for Derived Data. A number of national securities exchanges, including the Exchange, its affiliated Cboe U.S. equities exchanges, and Nasdaq offer pricing discounts for Derived Data today. These pricing programs reduce the cost of accessing top of book market information that is used, among other things, to create derivative instruments rather than to trade U.S. equity securities. In order to better compete for this segment of the market, the Exchange is proposing to expand the programs that it offers to include a Derived Data API Service, allowing additional market data customers to benefit from discounted pricing. The Exchange does not believe that the proposed price reduction for Derived Data offered through an API would cause any unnecessary or inappropriate burden on intermarket competition as other exchanges and data vendors are free to lower their prices to better compete with the Exchange's offering. The Exchange believes that the proposed rule change is pro-competitive as it seeks to offer pricing incentives to customers to better position the Exchange as it competes to attract additional market data subscribers.

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 Act¹⁴ and paragraph (f) of Rule 19b-4¹⁵ 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.

¹⁴ 15 U.S.C. 78s(b)(3)(A).

¹⁵ 17 CFR 240.19b-4(f).

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include File Number SR-CboeBZX-2019-070 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090.

All submissions should refer to File Number SR-CboeBZX-2019-070. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR-CboeBZX-2019-070, and should be submitted on or before September 10, 2019.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹⁶

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2019-17863 Filed 8-19-19; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 33590; File No. 812-15035]

American Century ETF Trust, et al.

August 14, 2019.

AGENCY: Securities and Exchange Commission ("Commission").

ACTION: Notice.

Notice of an application for an order under section 6(c) of the Investment Company Act of 1940 ("Act") for an exemption from sections 2(a)(32), 5(a)(1), and 22(d) of the Act and rule 22c-1 under the Act, under sections 6(c) and 17(b) of the Act for an exemption from sections 17(a)(1) and 17(a)(2) of the Act, and under section 12(d)(1)(j) of the Act for an exemption from sections 12(d)(1)(A) and 12(d)(1)(B) of the Act.

Applicants: American Century ETF Trust (the "Trust"), American Century Investment Management, Inc. (the "Adviser") and Foreside Fund Services, LLC (the "Distributor").

Summary of Application: Applicants request an order ("Order") that permits: (a) ActiveShares ETFs (as described in the Reference Order (as defined below)) to issue shares ("Shares") redeemable in large aggregations only ("creation units"); (b) secondary market transactions in Shares to occur at negotiated market prices rather than at net asset value; (c) certain affiliated persons of an ActiveShares ETF to deposit securities into, and receive securities from, the ActiveShares ETF in connection with the purchase and redemption of creation units; and (d) certain registered management investment companies and unit investment trusts outside of the same group of investment companies as the ActiveShares ETFs to acquire Shares of the ActiveShares ETFs. The Order would incorporate by reference terms and conditions of a previous order granting the same relief sought by applicants, as that order may be amended from time to time ("Reference Order").¹

¹⁶ 17 CFR 200.30-3(a)(12).

¹ Precidian ETFs Trust, *et al.*, Investment Company Act Rel. Nos. 33440 (April 8, 2019) (notice) and 33477 (May 20, 2019) (order).

Filing Date: The application was filed on May 21, 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 September 9, 2019, and should be accompanied by proof of service on 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: American Century ETF Trust, American Century Investment Management, Inc., 4500 Main Street, Kansas City, Missouri 64111; Foreside Fund Services, LLC, Three Canal Plaza, Suite 100, Portland, Maine 04101.

FOR FURTHER INFORMATION CONTACT: Deepak T. Pai, Senior Counsel, at (202) 551–6876 or Andrea Ottomaneli Magovern, Branch Chief, at (202) 551–6825 (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

1. The Trust is a statutory trust organized under the laws of the State of Delaware and will consist of one or more series operating as ActiveShares ETFs. The Trust is registered as an open-end management investment company under the Act. Applicants seek relief with respect to two Funds (as defined below, and those Funds, the "Initial Funds"). The Funds will operate as ActiveShares ETFs as described in the Reference Order.²

² To facilitate arbitrage, an ActiveShares ETF disseminates a "verified intraday indicative value" or "VIIV," reflecting the value of its portfolio holdings, calculated every second during the trading day. To protect the identity and weightings of its portfolio holdings, an ActiveShares ETF sells

2. The Adviser, a Delaware corporation, will be the investment adviser to the Initial Funds. An Adviser (as defined below) will serve as investment adviser to each Fund. The Adviser is, and any other Adviser will be, registered as an investment adviser under the Investment Advisers Act of 1940 ("Advisers Act"). The Adviser may enter into sub-advisory agreements with other investment advisers to act as sub-advisers with respect to the Funds (each a "Sub-Adviser"). Any Sub-Adviser will be registered under the Advisers Act.

3. The Distributor is a Delaware limited liability company and a broker-dealer registered under the Securities Exchange Act of 1934, as amended, and will act as the principal underwriter of Shares of the Funds. Applicants request that the requested relief apply to any distributor of Shares, whether affiliated or unaffiliated with the Adviser and/or Sub-Adviser (included in the term "Distributor"). Any Distributor will comply with the terms and conditions of the Order.

Applicants' Requested Exemptive Relief

4. Applicants seek the requested Order under section 6(c) of the Act for an exemption from sections 2(a)(32), 5(a)(1), and 22(d) of the Act and rule 22c–1 under the Act, under sections 6(c) and 17(b) of the Act for an exemption from sections 17(a)(1) and 17(a)(2) of the Act, and under section 12(d)(1)(J) of the Act for an exemption from sections 12(d)(1)(A) and 12(d)(1)(B) of the Act. The requested Order would permit applicants to offer ActiveShares ETFs. Because the relief requested is the same as the relief granted by the Commission under the Reference Order and because the Adviser has entered into a licensing agreement with Precidian Funds LLC in order to offer ActiveShares ETFs,³ the Order would incorporate by reference the terms and conditions of the Reference Order.

5. Applicants request that the Order apply to the Initial Funds and to any other existing or future open-end management investment company or series thereof that: (a) Is advised by the Adviser or any entity controlling, controlled by, or under common control with the Adviser (any such entity included in the term "Adviser"); (b) operates as an ActiveShares ETF as described in the Reference Order; and (c) complies with the terms and

and redeems its Shares in creation units to authorized participants only through an unaffiliated broker-dealer acting on an agency basis.

³ Aspects of the Funds are covered by intellectual property rights, including but not limited to those which are described in one or more patent applications.

conditions of the Order and of the Reference Order, which is incorporated by reference into the Order (each such company or series and any Initial Fund, a "Fund").⁴

6. Section 6(c) of the Act provides that the Commission may exempt any person, security or transaction, or any class of persons, securities or transactions, from any provisions of the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Section 17(b) of the Act authorizes the Commission to exempt a proposed transaction from section 17(a) of the Act if evidence establishes that the terms of the transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned, and the transaction is consistent with the policies of the registered investment company and the general purposes of the Act. Section 12(d)(1)(J) of the Act provides that the Commission may exempt any person, security, or transaction, or any class of persons, securities or transactions, from any provision of section 12(d)(1) if the exemption is consistent with the public interest and the protection of investors. Applicants submit that for the reasons stated in the Reference Order the requested relief meets the exemptive standards under sections 6(c), 17(b) and 12(d)(1)(J) of the Act.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2019–17819 Filed 8–19–19; 8:45 am]

BILLING CODE 8011–01–P

⁴ All entities that currently intend to rely on the Order are named as applicants. Any other entity that relies on the Order in the future will comply with the terms and conditions of the Order and of the Reference Order, which is incorporated by reference into the Order.

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-86684; File No. SR-CboeEDGA-2019-014]

Self-Regulatory Organizations; Cboe EDGA Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Relating to Amending Its Fee Schedule Assessed on Members To Establish a Monthly Trading Rights Fee

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 August 1, 2019, Cboe EDGA Exchange, Inc. (the “Exchange” or “EDGA”) filed with the Securities and Exchange Commission (the “Commission”) the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization’s Statement of the Terms of Substance of the Proposed Rule Change

Cboe EDGA Exchange, Inc. (the “Exchange” or “EDGA Equities”) proposes to amend its fee schedule assessed on Members to establish a monthly Trading Rights Fee. 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://markets.cboe.com/us/equities/regulation/rule_filings/edga/), 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 establish a monthly Trading Rights Fee under the “Membership Fees” section of the fee schedule. The Trading Rights Fee will be assessed on Members that trade more than a specified volume in U.S. equities, and will assist in covering the cost of a well-regulated and maintained Exchange. Self-regulation, with oversight by the Commission, is a basic premise of the Exchange Act.³ For example, Congress recognized the regulatory role of national securities exchanges in section 6 of the Exchange Act, requiring all existing securities exchanges to register with the Commission and to function as self-regulatory organizations.⁴ The Exchange remains committed to its regulatory responsibilities under the Exchange Act, and has devoted significant resources to providing a fair, orderly, and well-regulated market for its members. The proposed Trading Rights Fees will help fund a small portion of the Exchange’s regulatory efforts, and therefore facilitate effective regulation of the U.S. equities markets, consistent with the goals of Congress and the Commission.

The proposed Trading Rights Fee represents a modest charge to firms that have chosen to become members of the Exchange, and that therefore both consume more regulatory resources, and benefit from the Exchange’s regulatory efforts by having access to a well-regulated market. Specifically, the Exchange proposes to charge Member firms a monthly Trading Rights Fee of \$250 per month for the ability to trade on the Exchange. So as to continue to encourage active participation on the Exchange by smaller Members, the Trading Rights Fee would not be charged to Members with a monthly ADV⁵ of less than 100,000 shares. In addition to this, the proposed fee will not be charged to new Exchange Members for their first three months of Membership. The Exchange intends to implement the proposed fee on August 1, 2019. The proposed fee and waivers are described in detail below.

³ See Securities Exchange Act Release No. 58092 (July 3, 2008), 73 FR 40143 (July 11, 2008).

⁴ *Id.*

⁵ “ADV” means average daily volume calculated as the number of shares added or removed, combined, per day. ADV is calculated on a monthly basis.

Membership Fee per Month

As stated, the Exchange will apply a \$250 Trading Rights charge to Members per month. The Exchange believes the proposed Trading Rights Fee assessed aligns with the benefit provided by allowing Members to trade on an efficient and well-regulated market. The proposed Trading Rights Fee will fund a portion of the costs incurred by the Exchange in regulating and maintaining its equities market. These costs incurred by the Exchange are necessary to maintain an efficient equities exchange, as a well-regulated exchange is inherent in the nature of all self-regulatory organizations (“SROs”). Due to the importance of effective regulation of the securities markets, an efficient regulatory division must be appropriately funded at all times. In particular, in order to successfully carry out the purposes of the Act and maintain fair, orderly, and efficient markets, and the protection of investors, SROs must invest in robust programs, policies, and procedures to enforce member compliance with both the rules of the exchange and federal securities laws.⁶ In order to achieve this objective, the Exchange continuously invests in compliance, surveillance, technology, resources, and staff necessary to build and maintain such programs, policies, and procedures, some of which must be implemented in order to carry out industry-wide plans adopted by the Commission. For example, the Exchange’s Regulatory Service Agreement (“RSA”) costs alone, which include funding for regulatory services in connection with market and financial surveillance, examinations, investigations, and disciplinary procedure, have increased 18.9% from 2016 to 2019. In addition to this, the Exchange’s overall regulatory costs have grown 115.1% from 2016 to 2019. These costs have been incurred as a result of the allocation of increased regulatory resources and capabilities to implement and conduct regular surveillance for initiatives and programs such as regulatory software and infrastructure, alerts for various rules and initiatives, new and continued product listings, improvements to investigative processes, and so on. Therefore, the Exchange believes the proposed fee is appropriate to cover a portion of costs for the surveillance, technology, and vast resources necessary to ensure that the Exchange is effectively organized and has the capacity to be able to carry out the purposes of the Act.

⁶ See 15 U.S.C. 78f(b).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

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 Exchange represents a small percentage of the overall market, and broker-dealers routinely choose among a number of different venues to execute their equity order flow. These venues include thirteen registered equities exchanges, as well as a number of alternative trading systems and other off-exchange venues that do not have similar self-regulatory responsibilities under the Exchange Act. Broker-dealers are not compelled to be Members of the Exchange, and a significant proportion of broker-dealers that trade U.S. equity securities have, in fact, chosen not to apply for membership on the Exchange. The Exchange currently has 116 registered members. By contrast, the Nasdaq Stock Market LLC ("Nasdaq") has approximately 337 current members,⁷ which is more than twice as many as EDGA. Indeed, broker-dealers even choose between affiliated exchanges in deciding where to become a member. Of the Exchange's affiliated exchanges, Cboe EDGX Exchange, Inc. ("EDGX") currently has 135 members, Cboe BYX Exchange, Inc. ("BYX") 124 members, and Cboe BZX Exchange, Inc. ("BZX") 158 members. None of the Exchange's Members or members of any of the affiliated exchanges are required to hold memberships across the affiliated exchanges. The same is true for participation on the Exchange itself; Membership is not a requirement to participate on the Exchange. Indeed, a number of firms, including larger firms with significant daily trading volume, currently participate on the Exchange though sponsored access arrangements rather than by becoming a member.

The cost of membership on the Exchange, including the proposed Trading Rights Fees, is significantly lower than the cost of membership in a number of other SROs.⁸ For example,

⁷ See NasdaqTrader.com Symbol Lookup (July 31, 2019), available at <http://www.nasdaqtrader.com/trader.aspx?id=symbollookup>.

⁸ See Nasdaq Stock Market Equity Rules, Equity 7, Sec. 10(a) (assessing a trading rights fee of \$1,250 per month per each member); New York Stock Exchange Price List 2019, "Trading Licenses" (assessing an annual fee \$50,000 for the first trading license held by a member, to which the Exchange notes that the Exchange assesses a \$2,500 annual fee for membership, and that this annual fee coupled with 12 months of the proposed Trading Rights Fees remains substantially lower than NYSE's annual trading license fee); see also Securities Exchange Act Release No. 81133 (July 12, 2017), 82 FR 32904 (July 18, 2017) (The Nasdaq Stock Market LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Increase

the Exchange's proposed Trading Rights Fee at \$250 a month is substantially lower than Nasdaq's analogous fee, which assesses a monthly Trading Rights Fee of \$1,250 per member. In sum, the Exchange believes the fee is priced appropriately as it is competitive with other exchanges that offer membership to their exchanges while also helping to pay for the increased cost of regulation.

New Member Waiver

As stated above, the proposed fee would not apply to new Members for their first three months of Exchange Membership. The Exchange recognizes that new Members provide new and important sources of liquidity. As such, the Exchange proposes that new Exchange Members will not be charged the proposed Trading Rights Fee for their first three months of Membership. The Exchange believes that the proposed waiver will allow new firms the flexibility in resources needed to initially adjust to the Exchange's market-model and functionality. The Exchange notes that for any month in which a firm is approved for Membership with the Exchange, the monthly Trading Rights Fee will be pro-rated in accordance with the date on which Membership is approved. For example, if a firm's Membership is approved on August 15, 2019, then, as proposed, it would not be charged for its first three months of Membership. The month of November would then be pro-rated and the Trading Rights Fee would be assessed from November 15, 2019 through the end of the month. During any month in which a firm terminates Membership with the Exchange, the monthly Trading Rights Fee will not be pro-rated.

ADV Threshold Waiver

As stated above, the Exchange would also waive the monthly Trading Rights fee for Members with a monthly ADV⁹ of less than 100,000 shares. The proposed waiver is designed to reduce the costs of smaller Members that transact on the Exchange. Smaller Members execute low volumes on the Exchange, and, as a result, consume few regulatory resources. In addition, allowing smaller Members to trade on the Exchange without incurring a

the Trading Rights Fee) (SR-NASDAQ-2017-065). The Exchange notes that this Nasdaq filing supports its implemented Trading Rights Fee without explanation as to why an increase in funding was necessary or as to specific items covered under the broad umbrella of a well-regulated market.

⁹ "ADV" means average daily volume calculated as the number of shares added or removed, combined, per day. ADV is calculated on a monthly basis.

Trading Rights Fee may encourage participation from such Members as they grow their business, and thereby contribute to a more diverse and competitive market for equity securities traded on the Exchange. The median ADV per firm per month on the Exchange is 243,595. Therefore, the Exchange believes that ADV of 100,000 serves as an appropriate threshold to capture firms that are truly smaller volume firm outliers as compared to the overall ADV across all firms.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the "Act") and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.¹⁰ Specifically, the Exchange believes the proposed rule change is consistent with Section 6(b)(4) of the Act,¹¹ which requires that Exchange rules provide for the equitable allocation of reasonable dues, fees, and other charges among its Members and other persons using its facilities. The Exchange also believes that the proposed rule change is consistent with the objectives of Section 6(b)(5) 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, and, particularly, is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

In particular, the Exchange believes that the proposed Trading Rights Fee is reasonable because the fee will assist in funding the overall regulation and maintenance of the Exchange. Effective regulation is central to the proper functioning of the securities markets. Recognizing the importance of such efforts, Congress decided to require national securities exchanges to register with the Commission as self-regulatory organizations to carry out the purposes of the Exchange Act. The Exchange therefore believes that it is critical to ensure that regulation is appropriately funded. While the proposed Trading Rights Fees are set at a modest level,

¹⁰ 15 U.S.C. 78f(b).

¹¹ 15 U.S.C. 78f(b)(4).

and will fund only a relatively small portion of the Exchange's total regulatory costs, the Exchange believes that such fees will contribute appropriately to ensuring that adequate resources are devoted to regulation, as contemplated by Congress.

The proposed Trading Rights Fee is reasonable because it represents a modest charge to firms that have chosen to become members of the Exchange, and that therefore both consume more regulatory resources, and benefit from the Exchange's regulatory efforts by having access to a well-regulated market. As stated, the Exchange will apply a \$250 Trading Rights charge to Members per month. Allocating the proposed Trading Rights Fee to fund a portion of the cost incurred by the Exchange in regulating and maintaining its equities market is reasonable because the costs incurred are necessary to maintain an efficient and well-regulated equities exchange. In order to successfully carry out the purposes of the Act and maintain fair, orderly, and efficient markets, and the protection of investors, the Exchange, like all SROs, continuously invests in robust programs, policies, and procedures to enforce member compliance with both the rules of the exchange and federal securities laws.¹² As discussed above, from 2016 to 2019, the Exchange's RSA costs alone, which cover regulatory services in connection with market and financial surveillance, examinations, investigations, and disciplinary procedure, have increased 18.9%, while the Exchange's overall regulatory costs have grown 115.1%. Such regulatory costs have been incurred as a result of the allocation of increased regulatory resources and capabilities to implement and conduct regular surveillance for initiatives and programs such as regulatory software and infrastructure, alerts for various rules and initiatives, new and continued product listings, improvements to investigative processes, and so on. It is reasonable to apply the proposed fee to contribute to a small portion of such costs that will help to fund surveillance, technology, and vast resources necessary to ensure that the Exchange is so organized and has the capacity to be able to carry out the purposes of the Act.

Additionally, the Exchange believes the fee is reasonable because the cost of this membership fee is generally less than the analogous membership fees of other markets. As indicated above, the Exchange's proposed Trading Rights Fee at \$250 a month is substantially lower than Nasdaq's analogous fee, which

assesses a monthly Trading Rights Fee of \$1,250 per member. Trading Rights Fees, like those proposed here, are not new in the equities markets. A number of national securities exchanges currently charge such fees to assist in funding their regulatory efforts. The Exchange believes that it is appropriate to institute a similar fee to fund its increasing regulatory costs.

The Exchange believes that not charging its new Members the proposed Trading Rights Fee for their first three months of Membership is reasonable because it provides an incentive for firms and other participants that are not currently Members of the Exchange to apply for Membership and bring additional liquidity to the market, thus greater trading opportunities, to the benefit of all market participants. The proposed waiver is also reasonable because it will allow new firms the flexibility in resources needed to initially adjust to the Exchange's market-model and functionality. The Exchange believes that not charging a Trading Rights Fee for new Members will incentivize firms to become Members of the Exchange. Furthermore, creating incentives for new Exchange Members protects investors and the public interest by increasing the competition and liquidity across the Exchange.

Similarly, the Exchange believes that not charging a Trading Rights Fee for Members that trade less than a monthly ADV of 100,000 shares is reasonable because it ensures that smaller Members who do not trade significant volume on the Exchange can continue to trade on the Exchange at a lower cost. Because smaller Members with lower volumes executed on the Exchange consume fewer regulatory resources the Exchange believes it is reasonable to apply a waiver to Members on the lower side of the ADV scale for all firms. Moreover, the Exchange believes that the proposed threshold is reasonable because the median ADV per firm per month on the Exchange is 243,595, therefore, an ADV threshold of 100,000 will serve as an appropriate threshold to capture firms which are true, smaller volume firm outliers as compared to the overall ADV across all firms.

The Exchange believes that the proposed Trading Rights Fee is equitable and is not unfairly discriminatory because it will apply equally to all Members with an ADV of 100,000 shares or more traded per month and all Members that are not within their first three months of new Membership on the Exchange. As proposed, all members that do not qualify for a waiver would be charged

the same, modest fee for their membership. The proposed fee is therefore charged on an equal and non-discriminatory basis for all such members. At the same time, the Exchange believes that it is important to continue to encourage participation from firms that represent ordinary investors, that have more limited trading activity, or that are new members.

Specifically, the Exchange believes that not charging the Trading Rights Fee for Members that do not meet the ADV threshold in a month is equitable and not unfairly discriminatory because it will apply equally to all such firms that meet this criteria and it considers the fact that smaller firms with significantly lower volume than most firms consume less regulatory resources, therefore, it ensures that disparate treatment does not exist for firms that are much smaller than the average firm on the Exchange. Finally, the Exchange believes that not charging a Trading Rights Fee for a new Member for the first three months of Membership is equitable and not unfairly discriminatory because the proposed waiver will be offered to all market participants that wish to become Members of the Exchange and is equitable because it will allow new firms the flexibility in resources needed to initially adjust to the Exchange's market-model and functionality. In addition to this, the proposed waiver intends to incentivize new Membership which will bring increased liquidity and competition to the benefit of all market participants.

The Exchange also notes that the proposed fee is equitable and not unfairly discriminatory because it will contribute to a portion of the costs incurred by the Exchange in providing its Members with an efficient and well-regulated market, which benefits all Members. As stated, as an SRO, it is necessary for the Exchange to continuously invest in robust programs, policies, and procedures to ensure its markets are well-regulated in order to successfully carry out the purposes of the Act and maintain fair, orderly, and efficient markets, and the protection of investors.

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 competition that is not necessary in furtherance of the purposes of the Act because the proposed rule change will apply equally to all Members that reach an ADV of 100,000 shares traded or greater and those that are not within their first three

¹² See 15 U.S.C. 78f(b).

months of new Membership on the Exchange. Although smaller Members would be excluded from the proposed fee, the Exchange believes that this may increase competition by encouraging additional order flow from such smaller Members thereby contributing to a more diverse, vibrant, and competitive market. Finally, while the proposed three month waiver of the Trading Rights Fee only applies to new Members, this incentivizes new Members which can be an important source of liquidity and facilitate competition within the market.

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, including competition for exchange memberships. Members have numerous alternative venues that they may participate on, including 12 other equities exchanges, as well as off-exchange venues, including over 50 alternative trading systems.¹³ The Exchange represents a small percentage of the overall market. Based on publicly available information, no single equities exchange has more than 20% market share, and no exchange group has more than 22% market share.¹⁴ Indeed, while trade through and best execution obligations may require a firm to access the Exchange, no firm is compelled to be a Member of the Exchange in order to participate in the Exchange and may freely choose to participate on the Exchange without holding a Membership. If the proposed fee is unattractive to members, it is likely that the Exchange will lose membership and market share as a result. As a result, the Exchange carefully considers any increases to its fees in concert, balancing the utility in remaining competitive with other exchanges and with alternative trading systems exempted from compliance with the statutory standards applicable to exchanges, including the requirement to regulate their members, and in covering costs described in the filing that are associated with maintaining its equities market and its regulatory programs to ensure that the Exchange remains an efficient and well-regulated marketplace. In addition to this the Exchange notes that other exchanges

currently have trading rights fees in place,¹⁵ which have been previously filed with the Commission.

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.” 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’” 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.

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

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act¹⁶ and paragraph (f) of Rule 19b-4¹⁷ 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-ChoeEDGA-2019-014 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-ChoeEDGA-2019-014. 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-ChoeEDGA-2019-014 and

¹³ See U.S. Securities and Exchange Commission Alternative Trading Systems (“ATS”) List (June 30, 2019), available at <https://www.sec.gov/foia/docs/atstlist.htm>.

¹⁴ See Choe Global Markets U.S. Equities Market Volume Summary (July 31, 2019), available at https://markets.choe.com/us/equities/market_share.

¹⁵ See *supra* note 5.

¹⁶ 15 U.S.C. 78s(b)(3)(A).

¹⁷ 17 CFR 240.19b-4(f).

should be submitted on or before September 10, 2019.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹⁸

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2019-17848 Filed 8-19-19; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-86678; File No. SR-CboeEDGX-2019-048]

Self-Regulatory Organizations; Cboe EDGX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Introduce a Small Retail Broker Distribution Program

August 14, 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 August 1, 2019, Cboe EDGX Exchange, Inc. (“Exchange” or “EDGX”) filed with the Securities and Exchange Commission (“Commission”) the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The 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 introduce a Small Retail Broker Distribution Program. The text of the proposed changes to the fee schedule are enclosed [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 introduce a pricing program that would allow small retail brokers that purchase top of book market data from the Exchange to benefit from discounted fees for access to such market data. The Small Retail Broker Distribution Program (the “Program”) would reduce the distribution and consolidation fees paid by small broker-dealers that operate a retail business. In turn, the Program may increase retail investor access to real-time U.S. equity quote and trade information, and allow the Exchange to better compete for this business with competitors that offer similar optional products.

Current Fees

Today, the Exchange offers two top of book data feeds that provide real-time U.S. equity quote and trade information to investors. First, the Exchange offers the EDGX Top Feed, which is an uncompressed data feed that offers top of book quotations and execution information based on equity orders entered into the System.³ The fee for external distribution of EDGX Top data is \$1,500 per month, and external distributors are also liable for a fee of \$4 per month for each Professional User, and \$0.10 per month for each Non-Professional User.

Second, the Exchange offers the Cboe One Summary Feed, which offers similar information based on equity orders submitted to the Exchange and its affiliated equities exchanges—i.e., Cboe EDGA Exchange, Inc., Cboe BZX Exchange, Inc., and Cboe BYX Exchange, Inc. Specifically, the Cboe One Summary Feed is a data feed that contains the aggregate best bid and offer of all displayed orders for securities traded on the Exchange and its affiliated exchanges. The Cboe One Summary Feed also contains the individual last sale information for the Exchange and each of its affiliated exchanges, and consolidated volume for all listed equity

securities. The fee for external distribution of the Cboe One Summary Feed is \$5,000 per month, and external distributors are also liable for a Data Consolidation Fee of \$1,000 per month, and User fees equal to \$10 per month for each Professional User, and \$0.25 per month for each Non-Professional User.⁴

Small Retail Broker Eligibility Requirements

The Exchange proposes to introduce a Program that would reduce costs for small retail brokers that provide top of book data to their clients. In order to be approved for the Small Retail Broker Distribution Program, Distributors would have to provide either the EDGX Top Feed or Cboe One Summary Feed (“EDGX Equities Exchange Data”) to a limited number of clients with which the firm has established a brokerage relationship, and would have to provide such data primarily to Non-Professional Data Users. Specifically, distributors would have to attest that they meet the following criteria: (1) Distributor is a broker-dealer distributing EDGX Equities Exchange Data to Non-Professional Data Users with whom the broker-dealer has a brokerage relationship; (2) More than 50% of the Distributor’s total Data User population must consist of Non-Professional Data Users, inclusive of those not receiving EDGX Equities Exchange Data; and (3) Distributor distributes EDGX Equities Exchange Data to no more than 5,000 Non-Professional Data Users.⁵

These proposed requirements for participating in the Program are designed to ensure that the benefits provided by the Program inure to the benefit of small retail brokers that provide EDGX Equities Exchange Data to a limited number of subscribers. As explained later in this filing, distributors that provide EDGX Exchange Data to a larger number of subscribers can benefit from the current pricing structure through scale, due to subscriber fees that are significantly lower than those charged by the Exchange’s competitors, and an

⁴ The Exchange also offers an Enterprise license for the EDGX Top and Cboe One Summary Feeds. An Enterprise license permits distribution to an unlimited number of Professional and Non-Professional Users, keeping costs down for firms that provide access to a large number of subscribers. An Enterprise license is \$15,000 per month for the EDGX Top Feed, and \$50,000 per month for the Cboe One Summary Feed.

⁵ Distributors would have to meet these requirements for whichever product they would like to distribute pursuant to the Program. For example, a distributor that distributes Cboe One Summary Feed data pursuant to the Program, would be limited to distributing the Cboe One Summary Feed to no more than 5,000 Non-Professional Data Users.

¹⁸ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ See BZX Rule 11.22(d).

Enterprise license that caps the total fees to be paid by firms that distribute market data to a sizeable customer base. The Exchange believes that offering similarly attractive pricing to small retail brokers, including regional firms both inside and outside of the U.S. that may not have the same established client base as the larger retail brokers, would make the Exchange's data a more competitive alternative for those firms, and would help ensure that such information is widely available to a larger number of retail investors globally. The Program would also be available to retail brokers more generally, regardless of size, that wish to trial the Exchange's top of book products with a limited number of subscribers before potentially expanding distribution to additional clients, potentially further increasing the accessibility of the Exchange's market data to retail investors. The Program would be exclusive to the Exchange's top of book offerings as retail investors typically do not need or use depth of book data to facilitate their equity investments, and their brokers typically do purchase such market data on their behalf.

Discounted Fees

Distributors that participate in the Program would be liable for lower distribution fees for access to the EDGX Top Feed, and lower distribution and consolidation fees for access to the Cboe One Summary Data Feed.⁶ First, the distribution fee charged for EDGX Top would be lowered by 50% from the current \$1,500 per month to \$750 per month for distributors that meet the requirements of the Program. Second, the distribution fee charged to these distributors for the Cboe One Summary Feed would be lowered by 30% from the current \$5,000 per month to \$3,500 per month. Finally, the Data Consolidation Fee charged for the Cboe One Summary Feed would be lowered by 65% from the current \$1,000 per month to \$350 per month. User fees for any Professional or Non-Professional Users that access EDGX Top or Cboe One Summary Feed data from a distributor that participates in the Program would remain at their current levels as the current subscriber charges are already among the most competitive in the industry.⁷

⁶ New external distributors of the EDGX Top Feed or Cboe One Summary Feed are not currently charged external distributor fees for their first month of service. This would continue to be the case for external distributors that participate in the Program.

⁷ By comparison, The Nasdaq Stock Market LLC ("Nasdaq") charges a subscriber fee for Nasdaq

The Exchange believes that these fees, which represent a significant cost savings for small retail brokers, would help ensure that retail investors continue to have fair and efficient access to U.S. equity market data. While retail investors normally pay a fixed commission when buying or selling equities, and do not typically pay separate fees for market data, the Exchange believes that the proposed reduction in fees would make the Exchange's data more competitive with other available alternatives, and may encourage retail brokers to make such data more readily available to their clients. In sum, the Exchange believes that the proposed fee reductions may facilitate more cost effective access to top of book data that is purchased on a voluntary basis by retail brokers and provided to their retail investor clients.

Market Background

The market for top of book data is highly competitive as national securities exchanges compete both with each other and with the securities information processors ("SIPs") to provide efficient, reliable, and low cost data to a wide range of investors and market participants. In fact, Regulation NMS requires all U.S. equities exchanges to provide their best bids and offers, and executed transactions, to the two registered SIPs for dissemination to the public. Top of book data is therefore widely available to investors today at a relatively modest cost. National securities exchanges may also disseminate their own top of book data, but no rule or regulation of the Commission requires market participants to purchase top of book data from an exchange.⁸ The EDGX Top Feed and Cboe One Summary Feed therefore compete with the SIP and with similar products offered by other national securities exchanges that offer their own competing top of book products. In fact, there are ten competing top of book products offered by other national securities exchanges today, not counting products offered by the Exchange's affiliates.⁹ The purpose

Basic that adds up to \$26 per month for Professional Subscribers and \$1 per month for Non-Professional Subscribers (Tapes A, B, and C). See Nasdaq Equity Rules, Equity 7, Pricing Schedule, Section 147(b)(1).

⁸ By contrast, Rule 603(c) of Regulation NMS (the "Vendor Display Rule") effectively requires that SIP data or some other consolidated display be utilized in any context in which a trading or order-routing decision can be implemented.

⁹ Competing top of book products include, Nasdaq Basic, BX Basic, PSX Basic, NYSE BQT, NYSE BBO/Trades, NYSE Arca BBO/Trades, NYSE American BBO/Trades, NYSE Chicago BBO/Trades, and IEX TOPS.

of the proposed rule change is to further increase the competitiveness of the Exchange's top of book market data products compared to competitor offerings that may currently be cheaper for firms with a limited subscriber base that do not yet have the scale to take advantage of the lower subscriber fees offered by the Exchange. In turn, the Exchange believes that this change may benefit market participants and investors by spurring additional competition and increasing the accessibility of the Exchange's top of book data.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the objectives of Section 6 of the Act,¹⁰ in general, and furthers the objectives of Section 6(b)(4),¹¹ in particular, as it is designed to provide for the equitable allocation of reasonable dues, fees and other charges among its members and other recipients of Exchange data.

The Exchange also believes that the proposed rule change is consistent with Section 11(A) of the Act.¹² Specifically, the proposed rule change supports (i) fair competition among brokers and dealers, among exchange markets, and between exchange markets and markets other than exchange markets, and (ii) the availability to brokers, dealers, and investors of information with respect to quotations for and transactions in securities. In addition, the proposed rule change is consistent with Rule 603 of Regulation NMS,¹³ which provides that any national securities exchange that distributes information with respect to quotations for or transactions in an NMS stock do so on terms that are not unreasonably discriminatory.

In adopting Regulation NMS, the Commission granted SROs and broker-dealers increased authority and flexibility to offer new and unique market data to the public. It was believed that this authority would expand the amount of data available to consumers, and also spur innovation and competition for the provision of market data. The Exchange believes that the proposed fee change would further broaden the availability of U.S. equity market data to investors, and in particular retail investors, consistent with the principles of Regulation NMS.

The Exchange operates in a highly competitive environment. Indeed, there are thirteen registered national securities exchanges that trade U.S.

¹⁰ 15 U.S.C. 78f.

¹¹ 15 U.S.C. 78f(b)(4).

¹² 15 U.S.C. 78k-1.

¹³ See 17 CFR 242.603.

equities and offer associated top of book market data products to their customers. The national securities exchanges also compete with the SIPs for market data customers. 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.”¹⁴ The proposed fee change is a result of the competitive environment, as the Exchange seeks to amend its fees to attract additional subscribers for its proprietary top of book data offerings.

The proposed fee change would reduce fees charged to small retail brokers that provide access to two top of book data products: The EDGX Top Feed and the Cboe One Summary Feed. The EDGX Top Feed provides top of book quotations and transactions executed on the Exchange, and provides a valuable window into the market for securities traded on a market that accounts for about 5% of U.S. equity market volume today.¹⁵ The Cboe One Summary Feed is a competitively-priced alternative to top of book data disseminated by SIPs, or similar data disseminated by other national securities exchanges.¹⁶ It provides subscribers with consolidated top of book quotes and trades from four Cboe U.S. equities markets, which together account for about 17% of consolidated U.S. equities trading volume.¹⁷ Together, these products are purchased by a wide variety of market participants and vendors, including data platforms, websites, fintech firms, buy-side investors, retail brokers, regional banks, and securities firms inside and outside of the U.S. that desire low cost, high quality, real-time U.S. equity market data. By providing lower cost access to U.S. equity market data, the EDGX Top and Cboe One Summary Feeds benefit a wide range of investors that participate in the national market system. Reducing fees for broker-dealers that represent retail investors and that may have more

limited resources than some of their larger competitors would further increase access to such data and facilitate a competitive market for U.S. equity securities, consistent with the goals of the Act.

While the Exchange is not required to make any data, including top of book data, available through its proprietary market data platform, the Exchange believes that making such data available increases investor choice, and contributes to a fair and competitive market. Specifically, making such data publicly available through proprietary data feeds allows investors to choose alternative, potentially less costly, market data based on their business needs. While some market participants that desire a consolidated display choose the SIP for their top of book data needs, and in some cases are effectively required to do so under the Vendor Display Rule, others may prefer to purchase data directly from one or more national securities exchanges. For example, a buy-side investor may choose to purchase the Cboe One Summary Feed, or a similar product from another exchange, in order to perform investment analysis. The Cboe One Summary Feed represents quotes from four highly liquid equities markets. As a result, the Cboe One Summary Feed is within 1% of the national best bid and offer approximately 98% of the time,¹⁸ and therefore serves as a valuable reference for investors that do not require a consolidated display that contains quotations for all U.S. equities exchanges. Making alternative products available to market participants ultimately ensures increased competition in the marketplace, and constrains the ability of exchanges to charge supracompetitive fees. In the event that a market participant views one exchange's top of book data fees as more or less attractive than the competition they can and frequently do switch between competing products. In fact, the competitiveness of the market for such top of book data products is one of the primary factors animating this proposed rule change, which is designed to allow the Exchange to further compete for this business.

The Exchange believes that the proposed fees are reasonable as they represent a significant cost reduction for smaller, primarily regional, retail brokers that provide top of book data from EDGX and its affiliated equities exchanges to their retail investor clients. The market for top of book data is intensely competitive due to the

availability of substitutable products that can be purchased either from other national securities exchanges, or from registered SIPs that make such top of book data publicly available to investors at a modest cost. The proposed fee reduction is being made to make the Exchange's fees more competitive with such offerings for this segment of market participants, thereby increasing the availability of the Exchange's data products, and expanding the options available to firms making data purchasing decisions based on their business needs. The Exchange believes that this is consistent with the principles enshrined in Regulation NMS to “promote the wide availability of market data and to allocate revenues to SROs that produce the most useful data for investors.”¹⁹

Today, the Exchange's top of book market data products are among the most competitively priced in the industry due to modest subscriber fees, and a lower Enterprise cap, both of which keep fees at a relatively modest level for larger firms that provide market data to a sizeable number of Professional or Non-Professional Users. Distributors with a smaller user base, however, may choose to use competitor products that have a lower distribution fee and higher subscriber fees. The Program would help the Exchange compete for this segment of the market, and may broaden the reach of the Exchange's data products by providing an additional low cost alternative to competitor products for small retail brokers. While such firms may already utilize similar market data products from other sources, the Exchange believes that offering its own data to small retail brokers at lower distribution and data consolidation costs has the potential to increase choice for market participants, and ultimately increase the data available to retail investors when coupled with the Exchange's lower subscriber fees.

The Exchange also believes that the proposed fees are equitable and not unfairly discriminatory as the proposed fee structure is designed to decrease the price and increase the availability of U.S. equities market data to retail investors. The Program is designed to reduce the cost of top of book market data for broker-dealers that provide such data to Non-Professional Data User clients that make up the majority of the distributor's total subscriber population. As such, the Program would be broadly available to a wide range of retail brokers that either purchase the EDGX

¹⁴ See Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005) (“Regulation NMS Adopting Release”).

¹⁵ See https://markets.cboe.com/us/equities/market_share/.

¹⁶ See e.g., supra note 7 (discussing Nasdaq Basic).

¹⁷ *Id.*

¹⁸ See https://markets.cboe.com/us/equities/market_data_services/cboe_one/.

¹⁹ See Regulation NMS Adopting Release, supra note 14, at 37503.

Top Feed or Cboe One Summary Feed today, or that may choose to switch from competing products due to the potential cost savings. Dozens of distributors that currently purchase top of book data from one of the four Cboe U.S. equities exchanges, and many more prospective customers, could benefit from the Program. Each of these current or prospective retail broker customers would receive the same benefits in terms of reduced distribution and consolidation fees based on the product that they purchase from the Exchange.

The Commission has long stressed the need to ensure that the equities markets are structured in a way that meets the needs of ordinary investors. For example, the Commission's strategic plan for fiscal years 2018–2022 touts “focus on the long-term interests of our Main Street investors” as the Commission's number one strategic goal.²⁰ The Program would be consistent with the Commission's stated goal of improving the retail investor experience in the public markets. Furthermore, national securities exchanges commonly charge reduced fees and offer market structure benefits to retail investors, and the Commission has consistently held that such incentives are consistent with the Act. The Exchange believes that the Program is consistent with longstanding precedent indicating that it is consistent with the Act to provide reasonable incentives to retail investors that rely on the public markets for their investment needs.

In addition, while the Program would be effectively limited to smaller firms that distribute data to no more than 5,000 Non-Professional Data Users, the Exchange does not believe that this limitation makes the fees inequitable, unfairly discriminatory, or otherwise contrary to the purposes of the Act. Large broker-dealers and/or vendors that distribute the Exchange's data products to a sizeable number of investors benefit from the current fee structure, which includes lower subscriber fees and Enterprise licenses. Due to lower subscriber fees, distributors that provide EDGX Equities Exchange Data to more than 5,000 Non-Professional Data Users already enjoy cost savings compared to competitor products. The Program would therefore ensure that small retail brokers that distribute top of book data to their retail investor customers could also benefit from reduced pricing, and would aid in increasing the

competitiveness of the Exchange's data products for this key segment of the market.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change would result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange operates in a highly competitive environment, and its ability to price these data products is constrained by: (i) Competition among exchanges that offer similar data products to their customers; and (ii) the existence of inexpensive real-time consolidated data disseminated by the SIPs. Top of book data is disseminated by both the SIPs and the thirteen equities exchanges. There are therefore a number of alternative products available to market participants and investors. In this competitive environment potential subscribers are free to choose which competing product to purchase to satisfy their need for market information. Often, the choice comes down to price, as broker-dealers or vendors look to purchase the cheapest top of book data product, or quality, as market participants seek to purchase data that represents significant market liquidity. In order to better compete for this segment of the market, the Exchange is proposing to reduce the cost of top of book data provided by small retail brokers to their retail investor clients. The Exchange believes that this would facilitate greater access to such data, ultimately benefiting the retail investors that are provided access to such market data.

The Exchange does not believe that this price reduction would cause any unnecessary or inappropriate burden on intermarket competition as other exchanges and data vendors are free to lower their prices to better compete with the Exchange's offering. Indeed, as explained in the basis section of this proposed rule change, the Exchange's decision to lower its distribution and consolidation fees for small retail brokers is itself a competitive response to different fee structures available on competing markets. The Exchange therefore believes that the proposed rule change is pro-competitive as it seeks to offer pricing incentives to customers to better position the Exchange as it competes to attract additional market data subscribers. The Exchange also believes that the proposed reduction in fees for small retail brokers would not cause any unnecessary or inappropriate burden on intramarket competition. Although the proposed fee discount

would be largely limited to small retail broker subscribers, larger broker-dealers and vendors can already purchase top of book data from the Exchange at prices that represent a significant cost savings when compared to competitor products that combine higher subscriber fees with lower fees for distribution. In light of the benefits already provided to this group of subscribers, the Exchange believes that additional discounts to small retail brokers would increase rather than decrease competition among broker-dealers that participate on the Exchange. Furthermore, as discussed earlier in this proposed rule change, the Exchange believes that offering pricing benefits to brokers that represent retail investors facilitates the Commission's mission of protecting ordinary investors, and is therefore consistent with the Act.

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 Act²¹ and paragraph (f) of Rule 19b-4²² 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-

²⁰ See U.S. Securities and Exchange Commission, Strategic Plan, Fiscal Years 2018–2022, available at https://www.sec.gov/files/SEC_Strategic_Plan_FY18-FY22_FINAL_0.pdf.

²¹ 15 U.S.C. 78s(b)(3)(A).

²² 17 CFR 240.19b-4(f).

CboeEDGX-2019-048 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-2019-048. 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-2019-048 and should be submitted on or before September 10, 2019.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.²³

Jill M. Peterson,
Assistant Secretary.

[FR Doc. 2019-17844 Filed 8-19-19; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

Submission for OMB Review; Comment Request

Upon Written Request Copies Available From: Securities and Exchange Commission, Office of FOIA Services,

100 F Street NE, Washington, DC 20549-2736

Ombudsman Matter Management System,
SEC File No. 270-797, OMB Control No. 3235-0748

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission ("Commission" or "SEC") has submitted this renewal request for the collection of information to the Office of Management and Budget for approval.

In 2016, at the time of the original request for the collection of information, members of the public who contacted the Ombudsman for assistance did so by traditional mail, electronic mail, telephone, and facsimile. To make it easier for retail investors and others to contact the Ombudsman electronically, the Commission developed the Ombudsman Matter Management System ("OMMS"), a new, electronic data collection system for the receipt, collection, and analysis of inquiries, complaints, and recommendations from retail investors directed to the SEC Ombudsman and the Office of the Investor Advocate. The Commission invites comment on OMMS.

OMMS was launched for internal use by SEC staff in 2017. Through OMMS, members of the public may request assistance from the Ombudsman and staff using a web-based form (the "OMMS Form") tailored to gather information about matters within the scope of the Ombudsman's function and streamline the inquiry and response process. The OMMS Form, which was made available to the public for use in September 2017, facilitates communication with the Ombudsman via an electronic series of basic questions with user-friendly and mobile-friendly response features such as radio buttons, drop-down menu responses, pop-up explanation bubbles, web page links, fillable narrative text fields, and document upload options. In addition, the OMMS Form incorporates functionality that, depending upon certain responses, pre-populates specific fields, and prompts the user to provide additional information. By eliciting specific information from the user, the OMMS Form facilitates communication between the user and the Ombudsman, reduces response and resolution times, and maximizes Ombudsman staff resources available for recording, processing, and responding to matters. The requested information collection is voluntary and does not change the contact methods currently available.

The OMMS Form is publicly available through the Commission's website, <https://www.sec.gov>.

The Commission estimates that the total reporting burden for using the OMMS Form will be 400 hours. The calculation of this estimate depends on how many members of the public use the form each year and the estimated time it takes to complete the form: 800 respondents × 30 minutes = 400 burden hours. The estimates of average burden hours are made solely for the purposes of the Paperwork Reduction Act and are not derived from a comprehensive or even representative survey or study of the cost of Commission rules and forms.

The total estimated one-time cost to the federal government of creating OMMS and the OMMS Form was \$400,000. During the three-year period covered by our prior Paperwork Reduction Act submission in 2016, the startup costs were fully expensed and are therefore not included in the cost calculation for this renewal.

An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid Office of Management and Budget control number.

Written comments are invited on all aspects of this proposed information collection renewal request, in particular: (a) Whether this collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden imposed by the collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on users, including through the use of automated collection techniques or other forms of information technology.

Background documentation for this information collection may be viewed 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 Chief Information Officer, Securities and Exchange Commission, c/o Candace Kenner, 100 F Street NE, Washington, DC 20549; or send an email

²³ 17 CFR 200.30-3(a)(12).

to: PRA_Mailbox@sec.gov. Comments must be submitted within 30 days of this notice.

Dated: August 15, 2019.

Jill M. Peterson,
Assistant Secretary.

[FR Doc. 2019-17936 Filed 8-19-19; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-86657; File No. SR-NYSEAMER-2019-33]

Self-Regulatory Organizations; NYSE American LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the NYSE American Options Fee Schedule

August 14, 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 August 9, 2019, NYSE American LLC (“NYSE American” or the “Exchange”) filed with the Securities and Exchange Commission (the “Commission”) the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the 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 American Options Fee Schedule (“Fee Schedule”). The Exchange proposes to implement the fee change effective August 9, 2019.³ The proposed change is available on the Exchange’s website at www.nyse.com, at the principal office of the Exchange, and at the Commission’s Public Reference Room.

II. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change

and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization’s Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of this filing is to amend the Fee Schedule to reduce the amount of Initiating Complex CUBE volume required for an ATP Holder to qualify for the Complex CUBE Cap Incentive (“Incentive”) from 0.20% of Total Industry Customer equity and ETF option average daily volume (“TCADV”) to 0.15% of TCADV.⁴ The Exchange believes that by [sic] making it easier for ATP Holders to qualify for the Incentive should encourage more Complex CUBE volume, which would inure to the benefit of all market participants who would benefit from increased opportunities for price improvement.

The Exchange proposes to implement the rule change on August 9, 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

There are currently 16 registered options exchanges competing for order flow. Based on publicly-available information, and excluding index-based options, no single exchange has more than 16% of the market share of executed volume of multiply-listed equity and ETF options trades.⁸ Therefore, no exchange possesses significant pricing power in the execution of multiply-listed equity & ETF options order flow. More specifically, in the first quarter of 2019, the Exchange had less than 10% market share of executed volume of multiply-listed equity & ETF options trades.⁹

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 or reduce use of certain categories of products, in response to fee changes. Accordingly, competitive forces constrain options exchange transaction fees.

In response to this competitive environment, the Exchange has established incentives to encourage ATP Holders to participate in liquid and active markets on the Exchange, including the Incentive, which works in conjunction with the Firm Monthly Fee Cap (“Fee Cap”).

Section I.I. of the Fee Schedule sets forth a Fee Cap that limits, or caps, at \$100,000 per month the fees incurred by Firms trading through a Floor Broker in open outcry (*i.e.*, manual transactions).^{10 11} The Incentive allows

⁷ See Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005) (S7-10-04) (“Reg NMS Adopting Release”).

⁸ The OCC publishes options and futures volume in a variety of formats, including daily and monthly volume by exchange, available here: <https://www.theocc.com/market-data/volume/default.jsp>.

⁹ Based on OCC data, *see id.*, the Exchange’s market share in equity-based options declined from 9.82% for the month of January to 8.84% for the month of April.

¹⁰ *See supra* note 5, Fee Schedule, Section I. I. (Firm Monthly Fee Cap) (providing that an ATP Holder that achieves Tier 2, 3, 4 or 5 of the American Customer Engagement “ACE” Program is entitled to a Fee Cap of \$85,000, \$75,000, \$70,000 or \$65,000, respectively). The Fee Cap excludes volumes associated with Strategy Executions described in Section I.J., (*e.g.*, reversal and conversion, box spread, short stock interest spread, merger spread and jelly roll) and Firm Manual Facilitation trades (which are always free). Royalty Fees described in Section I. K. still apply to applicable transactions even once Fee Cap is reached. *See id.* Once a Firm has reached the Fee Cap, an incremental service fee of \$0.01 per contract for Firm Manual transactions will apply, except for the execution of Qualified Contingent Cross (“QCC”) orders, which are not subject to the incremental service fee. *See id.*

Continued

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ The Exchange filed to amend the Fee Schedule for effectiveness on August 1, 2019 (SR-NYSEAMER-2019-29) and withdrew such filing on August 9, 2019 and replaced it with this filing. The Exchange separately filed to amend its Fee Schedule on August 8, 2019 (SR-NYSEAMER-2019-32).

⁴ The term “TCADV” is defined in the Key Terms and Definitions Section of the Preface of the Fee Schedule, available here: https://www.nyse.com/publicdocs/nyse/markets/american-options/NYSE_American_Options_Fee_Schedule.pdf. TCADV includes Options Clearing Corporation (“OCC”) calculated Customer volume of all types, including Complex Order transactions and QCC transactions, in equity and ETF options.

⁵ *See id.*, Fee Schedule, Section I. I. (Firm Monthly Fee Cap) (describing the Incentive, which allows ATP Holders that qualify for this Incentive to include a broader range of Exchange activity to be counted in the Firm Monthly Fee Cap calculation such that it should be easier for firms to have certain of their transactions fees capped).

⁶ *See* Rule 971.2NY (describing Complex CUBE Auction, which offers price improvement opportunities to Complex Orders); *see also supra* note 5, Fee Schedule, Section I.G. CUBE Auction Fees & Credits.

ATP Holders that increase their monthly Initiating Complex CUBE (“ICC”) volume by at least 0.20% of TCADV over their January 2019 ICC volume to aggregate the following transactions with their Firm Manual and Firm QCC transactions to achieve the Fee Cap:

- Broker Dealer Manual transactions; and

- Broker Dealer QCC transactions.¹²

ATP Holders that qualify for the Incentive and attain the Firm Fee Cap are not assessed transaction fees on Firm or Broker Dealer Manual volume, including QCC transactions. Further, an incremental service fee of \$0.01 per contract applies to Broker Dealer Manual transactions¹³ and for Broker Dealer QCC Transactions in excess of 25,000 contracts ADV, an incremental service fee of \$0.10 per contract applies.¹⁴

The Exchange proposes to reduce the ICC volume requirement to qualify for the Incentive.

Proposed Rule Change

The Exchange proposes to reduce the monthly ICC volume that an ATP Holder needs to increase over its January 2019 ICC volume to qualify for the Incentive from 0.20% of TCADV to 0.15% of TCADV.

For example, if an ATP Holder executed ICC volume of 6,000 contracts during the month of January 2019 and the TCADV in a billing month is 6 million contracts, that ATP Holder would have to execute over 15,000 contracts of ICC volume in that billing month to qualify for the Incentive because 15,000 contracts equals (6,000 (the January 2019 Base) + 9,000 (0.15% times the 6 million TCADV)). If an ATP Holder had more than 15,000 contracts of ICC volume in a billing month, it would be able to aggregate its Broker Dealer QCC transactions and Manual transactions (together with its Firm QCC transactions and Manual transactions) under the Fee Cap.

If an ATP Holder did not send any ICC volume to the Exchange in January 2019, it could qualify for the Incentive in the billing month where the TCADV

is 6 million contracts if it sends at least 9,000 contracts of ICC volume in that billing month because 9,000 contracts equals an increase of 0.15% of TCADV over January 2019 ICC volume (0 (the January 2019 Base) + 9,000 (0.15% times the 6 million TCADV)).

As noted above, the Exchange operates in a competitive environment. This proposed change is designed to incent ATP Holders to increase their ICC volume to qualify for the Incentive, which may, in turn, encourage firms to qualify for the Fee Cap (which should increase Manual and QCC volume directed to the Exchange). The Exchange notes that all market participants stand to benefit from increased volume, which facilitates tighter spreads and enhances price discovery, and may lead to a corresponding increase in order flow from other market participants.

The Exchange’s fees are constrained by intermarket competition, as ATP Holders may direct their order flow to any of the 16 options exchanges, including those with complex price improve auctions similar to the Complex CUBE Auction. Thus, ATP Holders have a choice of where they direct their order flow. The proposed rule change is designed to incent ATP Holders to direct liquidity to the Exchange—in particular ICC volume, thereby promoting market depth, price discovery and improvement and enhancing order execution opportunities for market participants.

The Exchange cannot predict with certainty whether any ATP Holders would avail themselves of this proposed fee change. At present, no ATP Holder qualifies for the Incentive. Assuming historical behavior can be predictive of future behavior, the Exchange believes that at present participation rates, at least three firms may be able to qualify for the Incentive with the reduced ICC volume requirement. The Exchange believes the proposed lower threshold would provide an incentive for ATP Holders to direct ICC volume to the Exchange to qualify for the Incentive (and thus more easily be able to achieve the Fee Cap).

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,¹⁵ in general, and furthers the objectives of Sections 6(b)(4) and (5) of the Act,¹⁶ 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 Rule 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. 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

There are currently 16 registered options exchanges competing for order flow. Based on publicly-available information, and excluding index-based options, no single exchange has more than 16% of the market share of executed volume of multiply-listed equity and ETF options trades.¹⁸ Therefore, no exchange possesses significant pricing power in the execution of multiply-listed equity & ETF options order flow. More specifically, in the first quarter of 2019, the Exchange had less than 10% market share of executed volume of multiply-listed equity & ETF options trades.¹⁹

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 or reduce use of certain categories of products, in response to fee changes. Accordingly, competitive forces constrain options 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 that the proposed modification (reduction) to the monthly ICC volume increase over an ATP Holder’s January 2019 ICC monthly volume to qualify for the Incentive is designed to incent ATP Holders to increase their ICC volume. In addition, the proposal is based on the amount of business transacted on the Exchange and similarly-situated ATP Holders can opt to try to achieve the Incentive or not. The proposal is

¹¹ The Fee Cap may be lower than \$100,000 for ATP Holders that achieve Tier 2 or higher of the ACE Program. See *supra* note 5, Fee Schedule, Section I.E. (describing ACE Program). ATP Holders that qualify for the Complex CUBE Cap Incentive will continue to be eligible for a reduced Monthly Fee Cap based on ACE Tier achieved. See *supra* note 5, Fee Schedule, Section I. I. (Firm Monthly Fee Cap).

¹² See *supra* note 5, Fee Schedule, Section I. I. (Firm Monthly Fee Cap).

¹³ See *id.* (regarding incremental service fee applicable to Firm Manual transactions).

¹⁴ See Fee Schedule, Section I. I. (Firm Monthly Fee Cap).

¹⁵ 15 U.S.C. 78f(b).

¹⁶ 15 U.S.C. 78f(b)(4) and (5).

¹⁷ See Reg NMS Adopting Release, *supra* note 8, at 37499.

¹⁸ See *supra* note 8.

¹⁹ Based on OCC data, see *supra* note 9, in 2019, the Exchange’s market share in equity-based options declined from 9.82% for the month of January to 8.84% for the month of April.

designed to encourage ATP Holders to utilize (if they have not done so previously) or increase volume sent to the Complex CUBE Auction, which was adopted earlier this year. Further, ATP Holders that seek to or do achieve the Incentive likewise would be incented to increase their Broker Dealer volume in Manual and QCC transactions in an effort to meet the Fee Cap, which may, in turn, encourage more business to be brought to the Floor. To the extent that the proposed change attracts more Broker Dealer Manual and QCC transactions to the Exchange, this increased order flow would continue to make the Exchange a more competitive venue for, among other things, order execution, which, in turn, promotes just and equitable principles of trade and removes impediments to and perfects the mechanism of a free and open market and a national market system.

Finally, to the extent the proposed change continues to attract greater volume and liquidity (to the Floor or otherwise), the Exchange believes the proposed change would improve the Exchange's overall competitiveness and strengthen its market quality for all market participants.

The Exchange cannot predict with certainty whether any ATP Holders would avail themselves of this proposed fee change. At present, no ATP Holders qualifies for the Incentive. Assuming historical behavior can be predictive of future behavior, the Exchange believes that at present participation rates, at least three firms may be able to qualify for the Incentive with the reduced ICC volume requirement. The Exchange believes the proposed lower threshold would provide an incentive for ATP Holders to direct ICC volume to the Exchange to qualify for the Incentive (and thus more easily be able to achieve the Fee Cap).

In the backdrop of the competitive environment in which the Exchange operates, the proposed rule change is a reasonable attempt by the Exchange to increase the depth of its market and improve its market share relative to its competitors.

The Proposed Rule Change Is an Equitable Allocation of Credits and Fees

The Exchange believes the proposed rule change is an equitable allocation of its fees and credits. The proposal is based on the amount of business transacted on the Exchange and ATP Holders can opt to try to achieve the Incentive or not. Moreover, the proposal is designed to encourage ATP Holders to utilize (if they have not done so previously) or increase volume sent to the Complex CUBE Auction, which was

adopted in 2018. Finally, ATP Holders that seek to or do achieve the Complex CUBE Incentive likewise would be incented to increase its Broker Dealer volume in Manual and QCC transaction in an effort to meet the Fee Cap, which may, in turn, encourage more business to be brought to the Floor. To the extent that the proposed change attracts more Broker Dealer Manual and QCC transactions to the Exchange, this increased order flow would continue to make the Exchange a more competitive venue for, among other things, order execution. Thus, the Exchange believes the proposed rule change would improve market quality for all market participants on the Exchange and, as a consequence, attract more order flow to the Exchange thereby improving market-wide quality and price discovery.

The Proposed Rule Change Is not Unfairly Discriminatory

The Exchange believes it is not unfairly discriminatory to reduce the minimum ICC volume requirement associated with the Incentive as discussed herein because the proposed modification would be available to all similarly-situated market participants on an equal and non-discriminatory basis.

The proposal is based on the amount of business transacted on the Exchange and ATP Holders are not obligated to try to achieve the Incentive. Rather, the proposal is designed [sic] encourage ATP Holders to utilize (if they have not done so previously) or increase volume sent to the Complex CUBE Auction, which was adopted in 2018, as compared to an ATP Holder's own volume levels in January 2019. Finally, ATP Holders that seek to or do achieve the Incentive likewise would be incented to increase its Broker Dealer volume in Manual and QCC transaction in an effort to meet the Fee Cap, which may, in turn, encourage more business to be brought to the Floor. To the extent that the proposed change attracts more Broker Dealer Manual and QCC transactions to the Exchange, this increased order flow would continue to make the Exchange a more competitive venue for, among other things, order execution. Thus, the Exchange believes the proposed rule change would improve market quality for all market participants on the Exchange and, as a consequence, attract more order flow to the Exchange thereby improving market-wide quality and price discovery. The resulting increased volume and liquidity would provide more trading opportunities and tighter spreads to all market participants and thus would promote just and equitable principles of

trade, 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.

Finally, 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, the Exchange does not believe that the proposed rule change would 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 all market participants. 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."²⁰

Intramarket Competition. The proposed change is designed to attract additional order flow (particularly Complex CUBE) to the Exchange. The Exchange believes that the proposed reduced ICC volume threshold would incentivize market participants to direct their ICC volume to the Exchange. Greater liquidity benefits all market participants on the Exchange and increased Complex CUBE auction would increase opportunities for price improvement on Complex Orders. The proposed reduced ICC volume threshold 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 favor one of the 16 competing option exchanges if they deem fee levels at a particular venue to be excessive. In such an environment, the Exchange must continually adjust its

²⁰ See Reg NMS Adopting Release, *supra* note 8, at 37499.

fees to remain competitive with other exchanges and to attract order flow to the Exchange. Based on publicly-available information, and excluding index-based options, no single exchange has more than 16% of the market share of executed volume of multiply-listed equity and ETF options trades.²¹ Therefore, no exchange possesses significant pricing power in the execution of multiply-listed equity & ETF options order flow. More specifically, in the first quarter of 2019, the Exchange had less than 10% market share of executed volume of multiply-listed equity & ETF options trades.²²

The Exchange believes that the proposed rule change reflects this competitive environment because it modifies the Exchange's fees in a manner designed to encourage ATP Holders to direct trading interest (particularly ICC volume) to the Exchange, to provide liquidity and to attract order flow. To the extent that this purpose is achieved, all the Exchange's market participants should benefit from the improved market quality and increased opportunities for price improvement.

The Exchange believes that the proposed change could promote competition between the Exchange and other execution venues, including those that currently offer similar price improvement auctions for complex orders and comparable (manual) transaction pricing, by encouraging additional orders to be sent to the Exchange for execution. The Exchange also believes that the proposed change is designed to provide the public and investors with a Fee Schedule that is clear and consistent, thereby reducing burdens on the marketplace and facilitating investor protection.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

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)²³ of the Act and subparagraph (f)(2) of Rule 19b-4²⁴ 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)²⁵ 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 No. SR-NYSEAMER-2019-33 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 No. SR-NYSEAMER-2019-33. 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 No. SR-NYSEAMER-2019-33, and should be submitted on or before September 10, 2019.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.²⁶

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2019-17853 Filed 8-19-19; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

Submission for OMB Review; 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:

Exchange Act Rule 3a71-3; SEC File No. 270-655, OMB Control No. 3235-0717

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 Rule 3a71-3 under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*).

Rule 3a71-3 is adopted and in effect, but the compliance date for Rule 3a71-3 has not yet passed. The representations contemplated by Rule 3a71-3 will be relied upon by counterparties to determine whether such transaction is a "transaction conducted through a foreign branch" of a counterparty, as defined in Rule 3a71-3(a)(3)(i), as well as to verify whether a security-based swap counterparty is a "U.S. person." Counterparties to

²¹ The OCC publishes options and futures volume in a variety of formats, including daily and monthly volume by exchange, available here: <https://www.theocc.com/market-data/volume/default.jsp>.

²² Based on OCC data, *see id.*, the Exchange's market share in equity-based options declined from 9.82% for the month of January to 8.84% for the month of April.

²³ 15 U.S.C. 78s(b)(3)(A).

²⁴ 17 CFR 240.19b-4(f)(2).

²⁵ 15 U.S.C. 78s(b)(2)(B).

²⁶ 17 CFR 200.30-3(a)(12).

security-based swap transactions may voluntarily give such representations to one another to reduce operational costs and allow each party to ascertain whether such transaction is subject to certain Title VII requirements. Because any representations provided to counterparties under Rule 3a71–3 will constitute voluntary third-party disclosures, the Commission will not typically receive these disclosures.

The Commission believes that the representations contemplated by Rule 3a71–3 will, in most cases, be made through amendments to the parties' existing trading documentation (e.g., the schedule to a master agreement). The Commission believes that, because trading relationship documentation is established between two counterparties, whether a counterparty is able to represent that it is entering into a "transaction conducted through a foreign branch" or that it does not meet the criteria of the "U.S. person" definition will not change on a transaction-by-transaction basis and, therefore, such representations will generally be made in the schedule to a master agreement, rather than in individual confirmations. Because these representations relate to new regulatory requirements, the Commission anticipates that counterparties may elect to develop and incorporate these representations in trading documentation soon after the effective date of the Commission's security-based swap regulations, rather than incorporating specific language on a transactional basis. The Commission believes that counterparties will be able to adopt, where appropriate, standardized language across all of their security-based swap trading relationships. The Commission believes that this standardized language may be developed by individual respondents or through a combination of trade associations and industry working groups.

a. Representations Regarding a "Transaction Conducted Through a Foreign Branch"

Pursuant to Rule 3a71–3, parties to security-based swaps are permitted to rely on certain representations from their counterparties when determining whether a transaction falls within the definition of a "transaction conducted through a foreign branch." The Commission staff estimates that a total of 50 entities will incur burdens under this collection of information, whether solely in connection with the business conduct requirements or also in connection with the application of the *de minimis* exception. These estimates

are based on our understanding of the over-the-counter ("OTC") derivatives markets, including the size of the market, the number of counterparties that are active in the market, and how market participants currently structure security-based swap transactions.

The Commission estimates the one-time third-party disclosure burden associated with developing representations under this collection of information will be, for each U.S. bank counterparty that will make such representations, no more than five hours, and up to \$2,000 for the services of outside professionals, for an estimate of approximately 250 hours¹ or 83.33 hours² per year when annualized over three years, across all security-based swap counterparties that will make such representations.³ This estimate assumes little or no reliance on standardized disclosure language.

The Commission expects that the majority of the burden associated with the new disclosure requirements will be experienced during the first year as language is developed and trading documentation is amended. After the new representations are developed and incorporated into trading documentation, the Commission continues to believe that the ongoing third-party disclosure burden associated with this requirement will be 10 hours per U.S. bank counterparty for verifying representations with existing counterparties, for a total of approximately 500 hours⁴ across all applicable U.S. bank counterparties.⁵

The Commission believes that some of the entities that will have to comply with Rule 3a71–3 will seek outside counsel to help them develop new representations contemplated by Rule 3a71–3. For PRA purposes, the Commission assumes that all 50 respondents will seek outside counsel for the first year only and will, on average, consult with outside counsel for a cost of up to \$2,000. The Commission also assumes that none of the 50 respondents will seek outside legal services for year two or year three. Thus, the Commission expects the cost over the three-year period will be

¹ 50 (total number of entities) * 5 hours = 250 hours.

² 250 hours (total hours to develop representations) ÷ 3 years = 83.33 hours.

³ See Business Conduct Adopting Release at 30096.

⁴ 50 (total number of entities) * 10 hours = 500 hours.

⁵ The Commission staff estimates that this burden will consist of 10 hours of in-house counsel time for each security-based swap market participant that will make such representations. See Business Conduct Adopting Release, at 30097, note 1581.

\$100,000⁶ or \$33,333⁷ per year when annualized over three years, across all security-based swap counterparties that will make such representations. The Commission expects the total labor cost per respondent will be approximately \$666.67⁸ when annualized over three years.

b. Representations Regarding U.S.-Person Status

Pursuant to Rule 3a71–3(a)(4)(iv), persons may rely on representations from a counterparty that the counterparty does not satisfy the criteria defining U.S. person set forth in Rule 3a71–3(a)(4)(i), unless such person knows or has reason to know that the representation is not accurate. Commission staff has estimated, based on its understanding of OTC derivatives markets, including the domiciles of counterparties that are active in the market, that up to 2,400 entities will provide representations that they do not meet the criteria necessary to be U.S. persons.

As with representations regarding whether a transaction is conducted through a foreign branch, the Commission estimates the maximum total third-party disclosure burden associated with developing new representations will be, for each counterparty that will make such representations, no more than five hours and up to \$2,000 for the services of outside professionals, for a maximum of approximately 12,000 hours or 4,000 hours per year when annualized over three years, across all security-based swap counterparties that will make such representations. This estimate assumes little or no reliance on standardized disclosure language.

The Commission expects that the majority of the burden associated with the new disclosure requirements will be experienced during the first year as language is developed and trading documentation is amended. After the new representations are developed and incorporated into trading documentation, the Commission believes that the annual third-party disclosure burden associated with this requirement will be no more than approximately 10 hours per counterparty for verifying representations with existing

⁶ 50 (estimated number of entities) * \$2,000 (cost of outside counsel) = \$100,000.

⁷ \$100,000 (total cost to seek outside counsel over three years) ÷ 3 years = \$33,333.33.

⁸ \$33,333 (total labor cost to seek outside counsel per year) ÷ 50 (estimated number of entities that will seek outside counsel to help them develop new representations contemplated by Rule 3a71–3(a)(3)(ii)) = \$666.67.

counterparties and onboarding new counterparties, for a maximum of approximately 24,000 hours⁹ across all applicable security-based swap counterparties.

The Commission believes that some of the entities that will have to comply with Rule 3a71-3 will seek outside counsel to help them develop new representations contemplated by Rule 3a71-3. For PRA purposes, the Commission assumes that all 2,400 respondents will seek outside legal for the first year only and will, on average, consult with outside counsel for a cost of up to \$2,000. The Commission also assumes that none of the 2,400 respondents will seek outside legal services for year two or year three. Thus, the Commission expects the cost over the three-year period will be \$4,800,000¹⁰ or \$1,600,000¹¹ per year when annualized over three years, across all security-based swap counterparties that will make such representations. The Commission expects the total labor cost per respondent will be approximately \$666.67¹² when annualized over three years.

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.

⁹ 2,400 (total number of entities) * 10 hours = 24,000 hours.

¹⁰ 2,400 (total number of entities) * \$2,000 = \$4,800,000.

¹¹ \$4,800,000 (total cost over three years) ÷ 3 years = \$1,600,000.

¹² \$1,600,000 (total labor cost to seek outside counsel per year) ÷ 2,400 (estimated number of entities that will seek outside counsel to help them develop new representations contemplated by Rule 3a71-3(4)(iv)) = \$666.67.

Dated: August 15, 2019.

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2019-17935 Filed 8-19-19; 8:45 am]

BILLING CODE 8011-01-P

SMALL BUSINESS ADMINISTRATION

Disaster Declaration #15896 and #15897; Nebraska Disaster Number NE-00073 Presidential Declaration Amendment of a Major Disaster for the State of Nebraska

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 7.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for the State of NEBRASKA (FEMA-4420-DR), dated 03/21/2019.

Incident: Severe Winter Storm, Straight-line Winds, and Flooding.

Incident Period: 03/09/2019 through 07/14/2019.

DATES: Issued on 03/21/2019.

Physical Loan Application Deadline Date: 06/19/2019.

Economic Injury (EIDL) Loan Application Deadline Date: 12/23/2019.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205-6734.

SUPPLEMENTARY INFORMATION: The notice of the President's major disaster declaration for the State of Nebraska, dated 03/21/2019, is hereby amended to include the following areas as adversely affected by the disaster:

Primary Counties (Physical Damage and Economic Injury Loans): Dawson
Contiguous Counties (Economic Injury Loans Only):

Nebraska: Frontier, Gosper

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Number 59008)

James Rivera,

Associate Administrator for Disaster Assistance.

[FR Doc. 2019-17930 Filed 8-19-19; 8:45 am]

BILLING CODE 8025-01-P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #15896 and #15897; NEBRASKA Disaster Number NE-00073]

Presidential Declaration Amendment of a Major Disaster for the State of Nebraska

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 8.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for the State of NEBRASKA (FEMA-4420-DR), dated 03/21/2019.

Incident: Severe Winter Storm, Straight-line Winds, and Flooding.

Incident Period: 03/09/2019 through 07/14/2019.

DATES: Issued on 03/21/2019.

Physical Loan Application Deadline Date: 09/13/2019.

Economic Injury (EIDL) Loan Application Deadline Date: 12/23/2019.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing And Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205-6734.

SUPPLEMENTARY INFORMATION: The notice of the President's major disaster declaration for the State of NEBRASKA, dated 03/21/2019, is hereby amended to extend the deadline for filing applications for physical damages as a result of this disaster to 09/13/2019.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Number 59008)

James Rivera.

Associate Administrator for Disaster Assistance.

[FR Doc. 2019-17929 Filed 8-19-19; 8:45 am]

BILLING CODE 8026-03-P

SMALL BUSINESS ADMINISTRATION

Meeting of the Interagency Task Force on Veterans Small Business Development

AGENCY: U.S. Small Business Administration (SBA).

ACTION: Notice of open Federal Advisory Committee meeting.

SUMMARY: The SBA is issuing this notice to announce the location, date, time and agenda for the next meeting of the Interagency Task Force on Veterans

Small Business Development (IATF). The meeting is open to the public.

DATES: Wednesday, September 4, 2019, from 1:00 p.m. to 4:00 p.m. EDT.

ADDRESSES: The meeting will be held at SBA Headquarters, 409 3rd Street SW, Eisenhower Conference Room B, Washington, DC 20416, and via webinar.

FOR FURTHER INFORMATION CONTACT: The meeting is open to the public; however advance notice of attendance is requested. To RSVP and confirm attendance, the general public should email veteransbusiness@sba.gov with subject line—"RSVP for September 4, 2019 IATF Public Meeting."

Anyone wishing to make comments to the Task Force must contact SBA's Office of Veterans Business Development (OVBD) no later than August 30, 2019 via email veteransbusiness@sba.gov, or Timothy Green, Deputy Associate Administrator, OVBD at (202) 205-6773. Comments for the record will be limited to five minutes to accommodate as many participants as possible.

Special accommodation requests should also be directed to OVBD at (202) 205-6773 or veteransbusiness@sba.gov. For more information on veteran owned small business programs, please visit www.sba.gov/ovbd.

Skype for Business will be utilized for this meeting. Those wishing to attend via Skype should test their systems prior to the meeting to ensure access. Help for Skype can be found at <https://support.office.com/en-us/skype-for-business>. Participants can join the Skype meeting at <https://meet.lync.com/sba123/csimms/9W78JWM0?sl=1>. For those joining by teleconference call 1-202-765-1264, Conference ID: 88227066#.

Those attending the meeting are encouraged to arrive early to allow for security clearance into the building. Attendees should use the main entrance to access SBA Headquarters, at 3rd and D Streets SW. For security purposes attendees must:

1. Present a valid photo ID to receive a visitor badge.
2. Know the name of the event being attended: The meeting event is the Interagency Task Force on Veterans Small Business Development (IATF)
3. Visitor badges are issued by the security officer at the main entrance. Visitors are required to display their visitor badge at all times while inside the building.
4. Laptops and other electronic devices may be inspected and logged for identification purposes.

5. Due to limited parking options, Metro's Federal Center SW station is the easiest way to access SBA Headquarters.

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C., Appendix 2), SBA announces the meeting of the Interagency Task Force on Veterans Small Business Development (IAFT). The IATF is established pursuant to Executive Order 13540 to coordinate the efforts of Federal agencies to improve capital, business development opportunities, and pre-established federal contracting goals for small business concerns owned and controlled by veterans and service-disabled veterans.

The purpose of this meeting is to discuss efforts that support service-disabled veteran-owned small businesses, updates on past and current events, and the IATF's objectives for fiscal year 2019.

Dated: August 14, 2019.

Nicole Nelson,

Committee Management Officer (Acting).

[FR Doc. 2019-17917 Filed 8-19-19; 8:45 am]

BILLING CODE P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #16041 and #16042; OKLAHOMA Disaster Number OK-00132]

Presidential Declaration Amendment of a Major Disaster for Public Assistance Only for the State of Oklahoma

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 2.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for Public Assistance Only for the State of Oklahoma (FEMA-4438-DR), dated 07/16/2019.

Incident: Severe Storms, Straight-line Winds, Tornadoes, and Flooding.

Incident Period: 05/07/2019 through 06/09/2019.

DATES: Issued on 07/16/2019.

Physical Loan Application Deadline Date: 09/16/2019.

Economic Injury (EIDL) Loan Application Deadline Date: 04/16/2020.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205-6734.

SUPPLEMENTARY INFORMATION: The notice of the President's major disaster declaration for Private Non-Profit organizations in the State of OKLAHOMA, dated 07/16/2019, is hereby amended to include the following areas as adversely affected by the disaster.

Primary Counties: Noble, Okmulgee, Ottawa, Tillman.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Number 59008)

James Rivera,

Associate Administrator for Disaster Assistance.

[FR Doc. 2019-17931 Filed 8-19-19; 8:45 am]

BILLING CODE 8026-03-P

SMALL BUSINESS ADMINISTRATION

Meeting of the Advisory Committee on Veterans Business Affairs

AGENCY: U.S. Small Business Administration (SBA).

ACTION: Notice of open Federal Advisory Committee meeting.

SUMMARY: The SBA is issuing this notice to announce the location, date, time, and agenda for the next meeting of the Advisory Committee on Veterans Business Affairs (ACVBA). The meeting is open to the public.

DATES: Thursday, September 5, 2019, from 9:00 a.m. to 4:00 p.m. EDT.

ADDRESSES: The meeting will be held at SBA Headquarters, 409 3rd Street SW, Eisenhower Conference Room B, Washington, DC 20416, and via webinar.

FOR FURTHER INFORMATION CONTACT: The meeting is open to the public; however advance notice of attendance is requested. To RSVP and confirm attendance, the general public should email veteransbusiness@sba.gov with subject line—"RSVP for September 5, 2019 ACVBA Public Meeting."

Anyone wishing to make comments to the ACVBA must contact SBA's Office of Veterans Business Development (OVBD) no later than August 30, 2019 via email veteransbusiness@sba.gov, or Timothy Green, Deputy Associate Administrator, OVBD at (202) 205-6773. Comments for the record will be limited to five minutes to accommodate as many participants as possible.

Additionally, special accommodation requests should also be directed to OVBD at (202) 205-6773 or veteransbusiness@sba.gov. For more information on veteran owned small

business programs, please visit www.sba.gov/ovbd.

Skype for Business will be utilized for this meeting. Those wishing to attend via Skype should test their systems prior to the meeting to ensure access. Help for Skype can be found at <https://support.office.com/en-us/skype-for-business>. Participants can join the Skype meeting at <https://meet.lync.com/sba123/csimms/DF26LJ9T?sl=1>. For those joining by teleconference call 1-202-765-1264, Conference ID: 26035779#.

Those attending the meeting are encouraged to arrive early to allow for security clearance into the building. Attendees should use the main entrance to access SBA Headquarters, at 3rd and D Streets SW. For security purposes attendees must:

1. Present a valid photo ID to receive a visitor badge.
2. Know the name of the event being attended: The meeting event is the Advisory Committee on Veterans Business Affairs (ACVBA).
3. Visitor badges are issued by the security officer at the main entrance. Visitors are required to display their visitor badge at all times while inside the building.
4. Laptops and other electronic devices may be inspected and logged for identification purposes.
5. Due to limited parking options, Metro's Federal Center SW station is the easiest way to access SBA Headquarters.

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C., Appendix 2), SBA announces the meeting of the Advisory Committee on Veterans Business Affairs. The ACVBA is established pursuant to 15 U.S.C. 657(b) note and serves as an independent source of advice and policy.

The purpose of this meeting is to discuss efforts that support veteran-owned small businesses, updates on past and current events, and the ACVBA's objectives for fiscal year 2019.

Dated: August 14, 2019.

Nicole Nelson,

Committee Management Officer (Acting).

[FR Doc. 2019-17918 Filed 8-19-19; 8:45 am]

BILLING CODE 8025-01-P

STATE DEPARTMENT

[Public Notice: 10858]

Foreign Affairs Policy Board Meeting Notice; Closed Meeting

In accordance with the Federal Advisory Committee Act, 5 U.S.C. App.,

the Department of State announces a meeting of the Foreign Affairs Policy Board to take place on September 9, 2019, at the Department of State, Washington, DC.

The Foreign Affairs Policy Board reviews and assesses: (1) Global threats and opportunities; (2) trends that implicate core national security interests; (3) technology tools needed to advance the State Department's mission; and (4) priorities and strategic frameworks for U.S. foreign policy. Pursuant to section 10(d) of the Federal Advisory Committee Act, 5 U.S.C. App. 10(d), and 5 U.S.C. 552b(c)(1), it has been determined that this meeting will be closed to the public as the Board will be reviewing and discussing matters properly classified in accordance with Executive Order 13526.

For more information, contact Meg Young at (202) 647-7203.

Dated: August 9, 2019.

Peter Berkowitz,

*Director, Office of Policy Planning,
Department of State.*

[FR Doc. 2019-17889 Filed 8-19-19; 8:45 am]

BILLING CODE 4710-10-P

DEPARTMENT OF STATE

[Public Notice: 10851]

Defense Trade Advisory Group; Notice of Open Meeting

The Defense Trade Advisory Group (DTAG) will meet in open session from 1:00 p.m. until 5:00 p.m. on Thursday, September 26, 2019 at 1777 F Street NW, Washington, DC 20006. Entry and registration will begin at 12:30 p.m. The membership of this advisory committee consists of private sector defense trade representatives, appointed by the Assistant Secretary of State for Political-Military Affairs, who advise the Department on policies, regulations, and technical issues affecting defense trade. The DTAG was established as an advisory committee under the authority of 22 U.S.C. Sections 2651a and 2656 and the Federal Advisory Committee Act, 5 U.S.C. App. The purpose of the meeting will be to discuss current defense trade issues and topics for further study. The following agenda topics will be discussed and final reports presented: (1) Review Consent Agreements from the past eight years and identify additional compliance remedial measures and/or areas for possible improvement to compliance programs for purposes of enhancing the effectiveness of remedial measures prescribed in future consent agreements. (2) Evaluate authorizations involving

third party technical/proprietary data, provide industry perceptions/problems, and where appropriate make recommendations for improvements; and provide any concerns industry has with other parties exporting or re-exporting their technical data or intellectual property without their knowledge, and provide recommendations. (3) Identify current challenges with participation in established international cooperative programs and other arrangements; and recommend potential solutions that would reduce licensing challenges and enhance collaboration among the industrial bases of the participating nations, while preserving the critical task of protecting U.S. technology. Members of the public may attend this open session and will be permitted to participate in the question and answer discussion period following the formal DTAG presentation on each agenda topic in accordance with the Chair's instructions. Members of the public may also submit a brief statement (less than 3 pages) to the committee in writing for inclusion in the public minutes of the meeting. As seating is limited to 125 persons, each member of the public that wishes to attend this session must provide: Name, contact information such as email address and/or phone number and any request for reasonable accommodation to the DTAG Alternate Designated Federal Officer (DFO), Karen Wrege, via email at DTAG@state.gov by COB Monday, September 9, 2018. If notified after this date, the Department might not be able to accommodate requests due to requirements at the meeting location. One of the following forms of valid photo identification will be required for admission to the meeting: U.S. driver's license, passport, U.S. Government ID or other valid photo ID.

FOR FURTHER INFORMATION CONTACT: Ms. Barbara Eisenbeiss, PM/DDTC, SA-1, 12th Floor, Directorate of Defense Trade Controls, Bureau of Political-Military Affairs, U.S. Department of State, Washington, DC 20522-0112; telephone (202) 663-2835 or email DTAG@state.gov.

Karen M. Wrege,

Alternate Designated Federal Officer, Defense Trade Advisory Group, U.S. Department of State.

[FR Doc. 2019-17549 Filed 8-19-19; 8:45 am]

BILLING CODE 4710-25-P

DEPARTMENT OF STATE**[Public Notice: 10839]****Industry Advisory Group: Notice of Charter Renewal**

The Department of State has approved the renewal of the charter for the Bureau of Overseas Buildings Operations' (OBO) Industry Advisory Group for an additional two-year period. The group's annual meeting is held in the Harry S Truman Building at the U.S. Department of State, located at 2201 C Street NW, Washington, DC. Each meeting is devoted to an exchange of ideas between OBO's senior management and the group members on issues relating to asset and property management, planning, acquisition, sales, leasing, design, engineering, construction, historic preservation, resiliency, natural hazards, emergency operations, program development, as well as facilities operations and maintenance.

The meetings are open to the public and are subject to advance registration and provision of required security information. Procedures for registration are included with each meeting announcement, no later than fifteen business days before each meeting.

OBO provides safe, secure, functional, and resilient facilities that represent the U.S. government to the host nation and support our staff in the achievement of U.S. foreign policy objectives. These facilities represent American values and the best in American architecture, design, engineering, technology, sustainability, art, culture, and construction execution.

The authority for this Notice is the Federal Advisory Committee Act, 5 U.S.C. Appendix. For further information, please contact Christine Foushee at FousheeCT@state.gov.

Addison D. Davis IV,
Director, Overseas Buildings Operations, U.S. Department of State.

[FR Doc. 2019-17869 Filed 8-19-19; 8:45 am]

BILLING CODE 4710-51-P

DEPARTMENT OF STATE**[Public Notice: 10844]****United States Passports Invalid for Travel to, in, or Through the Democratic People's Republic of Korea**

AGENCY: Department of State.

ACTION: Notice of extension of passport travel restriction.

SUMMARY: On September 1, 2017, all United States passports were declared invalid for travel to, in, or through the

Democratic People's Republic of Korea (DPRK) unless specially validated for such travel. The restriction was extended for one year in 2018, and, if not renewed, the restriction is set to expire on August 31, 2019. This notice extends the restriction until August 31, 2020 unless extended or revoked by the Secretary of State.

DATES: The extension of the travel restriction is in effect on September 1, 2019.

FOR FURTHER INFORMATION CONTACT: Anita Mody, Bureau of Consular Affairs, Passport Services, Office of Legal Affairs, 202-485-6500.

SUPPLEMENTARY INFORMATION: On September 1, 2017, pursuant to the authority of 22 U.S.C. 211a and Executive Order 11295 (31 FR 10603), and in accordance with 22 CFR 51.63(a)(2), all United States passports were declared invalid for travel to, in, or through the Democratic People's Republic of Korea (DPRK) unless specially validated for such travel. The restriction was renewed for another year effective September 1, 2018. If not renewed again, the restriction is set to expire on August 31, 2019.

The Department of State has determined that there continues to be serious risk to United States nationals of arrest and long-term detention representing imminent danger to the physical safety of United States nationals traveling to and within the DPRK, within the meaning of 22 CFR 51.63(a)(3). Accordingly, all United States passports shall remain invalid for travel to, in, or through the DPRK unless specially validated for such travel under the authority of the Secretary of State. This extension to the restriction of travel to the DPRK shall be effective on September 1, 2019, and shall expire August 31, 2020 unless extended or revoked by the Secretary of State.

Dated: August 14, 2019.

Michael R. Pompeo,
Secretary of State, Department of State.

[FR Doc. 2019-17926 Filed 8-19-19; 8:45 am]

BILLING CODE 4710-06-P

TENNESSEE VALLEY AUTHORITY**Sunshine Act Meeting Notice****Meeting No. 19-03**

The TVA Board of Directors will hold a public meeting on August 22, 2019, in the TVA West Tower Auditorium, 400 West Summit Hill Drive, Knoxville, Tennessee. The meeting will be called to order at 9:30 a.m. ET to consider the agenda items listed below. TVA will

answer questions from the news media following the Board meeting.

On August 21, the public may comment on any agenda item or subject at a board-hosted *listening session* which begins at 3:30 p.m. ET and will last until 5:30 p.m. Preregistration is required to address the Board.

Status: Open.

Agenda

1. Approval of minutes of the May 9, 2019, Board Meeting
2. Report from President and CEO
3. Report of the Finance, Rates, and Portfolio Committee
 - A. Integrated Resource Plan
 - B. FY 2020 Financial Plan and Budget
 - C. Financing authority
 - D. Long-term partnership option
 - E. Power supply arrangements with an industrial customer
 - F. Large generator interconnection procedures
4. Report of the Audit, Risk, and Regulation Committee
 - A. FY 2020 external auditor selection
 - B. Amendment to local power company use of revenue guidelines
5. Report of the External Relations Committee
6. Report of the Nuclear Oversight Committee
7. Report of the People and Performance Committee
 - A. Corporate goals
 - B. Compensation Plan amendments
8. Chair Report
 - A. Committee Assignments
9. Information Items
 - A. Gallatin Settlement

For more information: Please call TVA Media Relations at (865) 632-6000, Knoxville, Tennessee. People who plan to attend the meeting and have special needs should call (865) 632-6000.

Anyone who wishes to comment on any of the agenda in writing may send their comments to: TVA Board of Directors, Board Agenda Comments, 400 West Summit Hill Drive, Knoxville, Tennessee 37902.

Dated: August 15, 2019.

Sherry A. Quirk,
General Counsel.

[FR Doc. 2019-18006 Filed 8-16-19; 11:15 am]

BILLING CODE 8120-08-P

DEPARTMENT OF THE TREASURY**Office of Foreign Assets Control****Notice of OFAC Sanctions Action**

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The Department of the Treasury's Office of Foreign Assets Control (OFAC) is updating the **Federal Register** notice for the entry of one person on OFAC's Specially Designated Nationals and Blocked Persons List based on OFAC's determination that one or more applicable legal criteria were satisfied. All property and interests in property subject to U.S. jurisdiction of this person are blocked, and U.S. persons are generally prohibited from engaging in transactions with the person.

DATES: See **SUPPLEMENTARY INFORMATION** section.

FOR FURTHER INFORMATION CONTACT: OFAC: Associate Director for Global Targeting, tel.: 202-622-2420; Assistant Director for Sanctions Compliance & Evaluation, tel.: 202-622-2490; Assistant Director for Licensing, tel.: 202-622-2480; or Assistant Director for Regulatory Affairs, tel. 202-622-4855.

SUPPLEMENTARY INFORMATION:

Electronic Availability

The Specially Designated Nationals and Blocked Persons List and additional information concerning OFAC sanctions programs are available on OFAC's website (www.treasury.gov/ofac).

Notice of OFAC Action(s)

On August 15, 2019, OFAC determined that the property and interests in property subject to U.S. jurisdiction of the following person are blocked under the relevant sanctions authorities listed below. OFAC is updating the **Federal Register** notice for the entry of one person on OFAC's Specially Designated National and Blocked Persons List in order to identify the bases for designation for the individual listed below.

Individual

1. OLENGA, Francois (Latin: OLENGA, François) (a.k.a. OKUNJI, Francois (Latin: OKUNJI, François); a.k.a. OLENGA TATE, Francois; a.k.a. OLENGA TETE, Francois (Latin: OLENGA TETE, François); a.k.a. OTSHUNDI, Francois (Latin: OTSHUNDI, François)), Kinshasa, Congo, Democratic Republic of the; DOB 09 Oct 1948; alt. DOB 10 Sep 1948; alt. DOB 10 Jul 1949; POB Kindu, Maniema, Democratic Republic of the Congo; nationality Congo, Democratic Republic of the; citizen Congo, Democratic Republic of the; Gender Male; General; Chef de la Maison Militaire; Head of the Military House of the President (individual) [DRCONGO].

Designated pursuant to Section 1(a)(ii)(C)(2) of Executive Order 13671 of July 8, 2014, "Taking Additional Steps to Address the National Emergency With Respect to the Conflict in the Democratic Republic of the Congo" for being responsible for or complicit

in, or having engaged in, directly or indirectly, actions or policies that undermine democratic processes or institutions in the Democratic Republic of the Congo.

Dated: August 15, 2019.

Andrea Gacki,

Director, Office of Foreign Assets Control.

[FR Doc. 2019-17923 Filed 8-19-19; 8:45 am]

BILLING CODE 4810-AL-P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Forms 14417 and 14417-A

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Internal Revenue Service (IRS), as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on information collections, as required by the Paperwork Reduction Act of 1995. The IRS is soliciting comments concerning Reimbursable Agreement—Non-Federal Entities and Statistics of Income—User Fee.

DATES: Written comments should be received on or before October 21, 2019 to be assured of consideration.

ADDRESSES: Direct all written comments to Laurie Brimmer, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Martha R. Brinson, at (202)317-5753, or at Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224, or through the internet at Martha.R.Brinson@irs.gov.

SUPPLEMENTARY INFORMATION:

Title: Reimbursable Agreement—Non-Federal Entities and Statistics of Income—User Fee.

OMB Number: 1545-2235.

Forms Number: 14417 and 14417-A.

Abstract: Form 14417, Reimbursable Agreement—Non-Federal Entities, was developed for funds in reimbursable agreements with non-federal entities such as state, local, foreign governments and non-federal public entities. Form 14417-A, Statistics of Income—User Fee, was developed to be used after a customer contacts the Statistics of Income (SOI) Division requesting data

not already available on our TaxStats IRS website.

Current Actions: There are no changes in the paperwork burden previously approved by OMB.

Type of Review: Extension of a currently approved collection.

Affected Public: State, Local, and Tribal Governments.

Estimated Number of Respondents: 310.

Estimated Time per Respondent: 31 minutes.

Estimated Total Annual Burden Hours: 160.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number.

Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: August 14, 2019.

Laurie Brimmer,

Senior Tax Analyst.

[FR Doc. 2019-17811 Filed 8-19-19; 8:45 am]

BILLING CODE 4830-01-P

DEPARTMENT OF THE TREASURY**Internal Revenue Service****Proposed Collection; Comment Request for Forms 3520 and 3520-A**

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Internal Revenue Service, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. The IRS is soliciting comments concerning annual return to report transactions with foreign trusts and receipt of certain foreign gifts and for annual information return of a foreign trust with a U.S. owner.

DATES: Written comments should be received on or before October 21, 2019 to be assured of consideration.

ADDRESSES: Direct all written comments to Laurie Brimmer, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form should be directed to Christina Leeper, at (737) 800-7737 or Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224, or through the internet, at Christina.E.Leeper@irs.gov.

SUPPLEMENTARY INFORMATION:

Titles: Form 3520, Annual Return To Report Transactions With Foreign Trusts and Receipt of Certain Foreign Gifts and Form 3520-A, Annual Information Return of Foreign Trust With a U.S. Owner.

OMB Number: 1545-0159.

Form Numbers: Forms 3520 and 3520-A.

Abstract: U.S. persons file Form 3520 to report certain transactions with foreign trusts, ownership of foreign trusts under the rules of Internal Revenue Code sections 671 through 679, and receipt of certain large gifts or bequests from certain foreign persons. Form 3520-A is the annual information return of a foreign trust with at least one U.S. owner. The form provides information about the foreign trust, its U.S. beneficiaries, and any U.S. person who is treated as an owner of any portion of the foreign trust under the grantor trust rules.

Current Actions: There were minor changes to the form, however, the

increase in burden estimate is due to the additional Form 3520-A has been added to this collection.

Type of Review: Revision of a currently approved collection.

Affected Public: Individuals or households.

Estimated Number of Respondents: 1,820.

Estimated Time per Respondent: 51 hours, 56 minutes.

Estimated Total Annual Burden Hours: 94,537.

The following paragraph applies to all of the collections of information covered by this notice.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: August 14, 2019.

Laurie Brimmer,
Senior Tax Analyst.

[FR Doc. 2019-17812 Filed 8-19-19; 8:45 am]

BILLING CODE 4830-01-P

DEPARTMENT OF VETERANS AFFAIRS**Annual Pay Ranges for Physicians, Dentists, and Podiatrists of the Veterans Health Administration (VHA)**

AGENCY: Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Department of Veterans Affairs (VA) is hereby giving notice of annual pay range, which is the sum of the base pay rate and market pay for Veterans Health Administration (VHA) physicians, dentists, and podiatrists as prescribed by the Secretary for Department-wide applicability. These annual pay ranges are intended to enhance the flexibility of the Department to recruit, develop, and retain the most highly qualified providers to serve our Nation's Veterans and maintain a standard of excellence in the VA health care system.

DATES: Annual pay ranges are applicable October 27, 2019.

FOR FURTHER INFORMATION CONTACT:

Farine Cohen, Program Analyst, Policy and Programs, VHA Workforce Management & Consulting Office (10A2A), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420, (202) 461-7179. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: Under 38 U.S.C. 7431(e)(1)(A), not less often than once every 2 years, the Secretary must prescribe for Department-wide applicability the minimum and maximum amounts of annual pay that may be paid to VHA physicians, dentists, and podiatrists. 38 U.S.C. 7431(e)(1)(B) allows the Secretary to prescribe separate minimum and maximum amounts of annual pay for a specialty or assignment. Pursuant to 38 U.S.C. 7431(e)(1)(C), amounts prescribed under paragraph 7431(e) shall be published in the **Federal Register** and shall not take effect until at least 60 days after date of publication.

In addition, under 38 U.S.C. 7431(e)(4), the total amount of compensation paid to a physician, dentist, or podiatrists under title 38 of the United States Code cannot exceed, in any year, the amount of annual compensation (excluding expenses) of the President. For the purposes of subparagraph 7431(e)(4), "the total amount of compensation" includes base pay, market pay, performance pay, recruitment, relocation, and retention incentives, incentive awards for performance and special contributions, and fee basis earnings.

Background

The Department of Veterans Affairs Health Care Personnel Enhancement Act of 2004 (Pub. L. 108-445) was signed by the President on December 3, 2004. The major provisions of the law established a new pay system for Veterans Health Administration (VHA) physicians and dentists consisting of base pay, market pay, and performance pay. While the

base pay component is set by statute, market pay is intended to reflect the recruitment and retention needs for the specialty or assignment of a particular physician or dentist at a facility. Further, performance pay is intended to recognize the achievement of specific goals and performance objectives prescribed annually. These three components create a system of pay that is driven by both market indicators and employee performance, while recognizing employee tenure in VHA.

On April 8, 2019, the President signed Public Law 116–12, which amended 38 U.S.C. 7431 to include podiatrists within the physician and dentist pay system, authorizing podiatrists to receive base pay, market pay, and performance pay.

With the amendment, podiatrists are also subject to the same limitations and requirements as physician and dentists under 7431.

With regard to the Pay Tables for physicians and dentists, there have been changes to the minimum and maximum amounts for Pay Table 5. However, the minimum and maximum amounts for Pay Tables 1–4 have remained unchanged since the 2016 publication in the **Federal Register**.

Discussion

VA identified and utilized salary survey data sources which most closely represent VA comparability in the areas of practice setting, employment environment, and hospital/health care system. The Association of American Medical Colleges (AAMC), Hospital and Healthcare Compensation Service (HHCS), Sullivan, Cotter, and Associates (S&C), Medical Group Management Association (MGMA), and the Survey of Dental Practice published by the American Dental Association (ADA) were collectively utilized as benchmarks from which to prescribe annual pay ranges across the scope of assignments/specialties within the Department. While aggregating the data, a preponderance of weight was given to those surveys which most directly resembled the environment of the Department.

In constructing annual pay ranges to accommodate the more than 40 specialties that currently exist in the VA system, VA continued the practice of grouping specialties into consolidated pay ranges. This allows VA to use multiple sources that yield a high number of salary data which helps to minimize disparities and aberrations that may surface from data involving smaller numbers for comparison and from sample change from year to year. Thus, by aggregating multiple survey

sources into like groupings, greater confidence exists that the average compensation reported is truly representative. In addition, aggregation of data provides for a large enough sample size and provides pay ranges with maximum flexibility for pay setting for VHA physicians, dentists, and podiatrists.

In developing the annual pay ranges, a few distinctive principles were factored into the compensation analysis of the data. The first principle is to ensure that both the minimum and maximum salary is at a level that accommodates special employment situations, from fellowships and medical research career development awards to Nobel Laureates, high-cost areas, and internationally renowned clinicians. The second principle is to provide ranges large enough to accommodate career progression, geographic differences, sub-specialization, and other special factors.

Clinical specialties were reviewed against available, relevant private sector data. The specialties are grouped into four clinical pay ranges that reflect comparable complexity in salary, recruitment, and retention considerations. One recommendation was made to rename Anesthesiology Pain Management in Pay Table 3 to Pain Management (Interventional and Non-Operating Room (OR) Anesthesiology). This change is necessary to distinguish that Interventional/Non-OR Anesthesiology is the primary role. Two additional pay ranges apply to VHA Chiefs of Staff and executive level administrative assignments at the facility, network, or headquarters level. There is a change to Pay Table 5.

Tier level	Minimum	Maximum
Pay Table 5—Chief of Staff		
TIER 1	\$150,000	\$350,000
TIER 2	147,000	325,000
TIER 3	145,000	300,000
TIER 4	140,000	275,000

Pay Table 5—Covered Assignments		
VHA Chiefs of Staff—Tier assignments are based on published facility complexity level: Network Chief Medical Officer, Chief of Staff Complexity Levels 1a & 1b Chief of Staff Complexity Level 1c, Deputy Network Chief Medical Officer, Chief of Staff Complexity Level 2, Chief of Staff Complexity Level 3, and All Deputy Chiefs of Staff.		

Pay Table 6—Executive Assignments		
TIER 1	145,000	304,750
TIER 2	145,000	249,900
TIER 3	130,000	235,000

Tier level	Minimum	Maximum
Pay Table 6—Covered Executive Assignments		
Principal Deputy, Deputy Under Secretary for Health, Chief Officer, Network Director, Medical Center Director, Network Chief Officer, Executive Director, Assistant Under Secretary for Health, VA Central Office Chief Consultant, National Director, National Program Manager and other VA Central Office Physician/Dentist.		

Signing Authority

The Secretary of Veterans Affairs approved this document and authorized the undersigned to sign and submit the document to the Office of the Federal Register for publication electronically as an official document of the Department of Veterans Affairs. Robert L. Wilkie, Secretary, Department of Veterans Affairs, approved this document on August 8, 2019, for publication.

Dated: August 15, 2019.
Jeffrey M. Martin,
Assistant Director, Office of Regulation Policy & Management, Office of the Secretary, Department of Veterans Affairs.
[FR Doc. 2019–17901 Filed 8–19–19; 8:45 am]
BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS
Veterans’ Family, Caregiver, and Survivor Advisory Committee, Notice of Meeting

The Department of Veterans Affairs (VA) gives notice under the Federal Advisory Committee Act (FACA) that the Veterans’ Family, Caregiver, and Survivor Advisory Committee will meet on September 25–26, 2019. The meeting will be held at the American Red Cross, 430 17th Street NW, Washington, DC 20006. The meeting sessions will begin and end as follows:

Date	Time
September 25, 2019	9:00 a.m. to 4:30 p.m. EST.
September 26, 2019	9:00 a.m. to 2:00 p.m. EST.

The meetings are open to the public. The purpose of the Committee is to advise the Secretary of Veterans Affairs on matters related to: The need of Veterans’ families, caregivers, and survivors across all generations, relationships, and Veterans status; the use of VA care, benefits and memorial services by Veterans’ families, caregivers, and survivors, and opportunities for improvements to the

experience using such services; VA policies, regulations, and administrative requirements related to the transition of Servicemembers from the Department of Defense (DoD) to enrollment in VA that impact Veterans' families, caregivers, and survivors; and factors that influence access to, quality of, and accountability for services, benefits and memorial services for Veterans' families, caregivers, and survivors.

On September 25 and September 26, the agenda will include opening remarks from the Committee Chair and the Chief Veterans Experience Officer. There will also be status updates on the Recommendations the Committee submitted in November 2018 (e.g. implementation of the Mission Act, Inclusive Care Initiative, Electronic Medical Health Records, and the Center for Excellence's new research). Committee members will also discuss their work plan and future activities. On September 25, 2019, public comments will be received at 3:30 p.m. to 4:30 p.m.

Individuals wishing to speak should contact Ms. Toni Bush Neal (Alternate Designated Federal Official) at VEOFACA@va.gov to submit a 1–2 page summary of their comments for inclusion in the official meeting record. In accordance with FACA guidelines, each speaker will be held to a 5-minute time limit.

Members of the public interested in attending should submit their name to VEOFACA@va.gov by September 20, 2019 to help expedite the sign-in process. To prevent delays, members of the public should allow an additional 30 minutes for parking and access to the facility. Any member of the public seeking additional information should contact Betty Moseley Brown (Designated Federal Official) at Betty.MoseleyBrown@va.gov or (210) 392–2505.

Dated: August 15, 2019.

Jelessa M. Burney,

Federal Advisory Committee Management Officer.

[FR Doc. 2019–17947 Filed 8–19–19; 8:45 am]

BILLING CODE P

DEPARTMENT OF VETERANS AFFAIRS

Advisory Committee on Cemeteries and Memorials, Notice of Meeting

The Department of Veterans Affairs (VA) gives notice under the Federal Advisory Committee Act that a meeting of the Advisory Committee on Cemeteries and Memorials will be held on October 22–October 23, 2019. The meeting sessions will take place at the Phoenix Regional Benefits Office, 3333 North Central Avenue, Phoenix, Arizona 85012. The meeting sessions will begin as follows:

Date	Time
October 22, 2019	8:00 a.m. to 4:30 p.m. (Mountain Time—MT).
October 23, 2019	8:00 a.m. to 4:30 p.m. MT.

The meeting sessions are open to the public. If you're interested in attending the meeting virtually, the dial in number for both days is 1–800–767–1750, 02668#.

The purpose of the Committee is to advise the Secretary of Veterans Affairs on the administration of national cemeteries, soldiers' lots and plots, the selection of new national cemetery sites, the erection of appropriate memorials, and the adequacy of Federal burial benefits. The Committee will make recommendations to the Secretary regarding such activities.

On Tuesday, October 22, 2019, from 8:00 a.m.–9:30 a.m. MT, the agenda will

include remarks by the VA Leadership, and National, State, and Tribal Cemetery Directors. Directly following the business portion of the meeting, the Committee, VA Staff, and Cemetery Directors will visit the National Memorial Cemetery at Arizona and the Arizona Veterans' Memorial Cemetery at Marana. The Committee will conduct tours of a national and state cemetery from 9:30 a.m.–4:30 p.m. MT. Transportation will not be provided for public guests.

On Wednesday, October 23, 2019, from 8:00 a.m.–10:00 a.m. MT, the agenda will include workgroup status updates from the Access, Outreach, and Choice Subcommittee. Directly following the business portion of the meeting, the Committee, VA Staff, and Cemetery Directors will visit the San Carlos Apache Tribal Veterans' Cemetery. The Committee will conduct a tour of a tribal cemetery from 10:00 a.m.–4:30 p.m. MT. Transportation will not be provided for public guests.

Any member of the public wishing to attend the meeting should contact Ms. Christine Hamilton, Designated Federal Officer, at (202) 461–5681. The Committee will also accept written comments. Comments may be transmitted electronically to the Committee at Christine.hamilton1@va.gov or mailed to the National Cemetery Administration (40A1), 810 Vermont Avenue NW, Room 400, Washington, DC 20420. In the public's communications with the Committee, the writers must identify themselves and state the organizations, associations, or persons they represent.

Dated: August 15, 2019.

Jelessa M. Burney,

Federal Advisory Committee Management Officer.

[FR Doc. 2019–17946 Filed 8–19–19; 8:45 am]

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FEDERAL REGISTER

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August 20, 2019

Part II

Environmental Protection Agency

40 CFR Parts 9 and 721

Significant New Use Rules on Certain Chemical Substances; Final Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 9 and 721

[EPA-HQ-OPPT-2017-0366; FRL-9994-72]

RIN 2070-AB27

Significant New Use Rules on Certain Chemical Substances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is issuing significant new use rules (SNURs) under the Toxic Substances Control Act (TSCA) for 145 chemical substances which are the subject of premanufacture notices (PMNs). The chemical substances are subject to Orders issued by EPA pursuant to section 5(e) of TSCA. This action requires persons who intend to manufacture (defined by statute to include import) or process any of these 145 chemical substances for an activity that is designated as a significant new use by this rule to notify EPA at least 90 days before commencing that activity. The required notification initiates EPA's evaluation of the use, under the conditions of use for that chemical substance, within the applicable review period. Persons may not commence manufacture or processing for the significant new use until EPA has conducted a review of the notice, made an appropriate determination on the notice, and has taken such actions as are required by that determination.

DATES: This rule is effective on October 21, 2019. For purposes of judicial review, this rule shall be promulgated at 1 p.m. (e.s.t.) on September 3, 2019.

FOR FURTHER INFORMATION CONTACT:

For technical information contact: Kenneth Moss, Chemical Control Division (7405M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460-0001; telephone number: (202) 564-9232; email address: moss.kenneth@epa.gov.

For general information contact: The TSCA-Hotline, ABVI-Goodwill, 422 South Clinton Ave., Rochester, NY 14620; telephone number: (202) 554-1404; email address: TSCA-Hotline@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you manufacture, process, or use the chemical substances

contained in this rule. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

- Manufacturers or processors of one or more subject chemical substances (NAICS codes 325 and 324110), e.g., chemical manufacturing and petroleum refineries.

This action may also affect certain entities through pre-existing import certification and export notification rules under TSCA. Chemical importers are subject to the TSCA section 13 (15 U.S.C. 2612) import certification requirements promulgated at 19 CFR 12.118 through 12.127 and 19 CFR 127.28. Chemical importers must certify that the shipment of the chemical substance complies with all applicable rules and orders under TSCA. Importers of chemicals subject to these SNURs must certify their compliance with the SNUR requirements. The EPA policy in support of import certification appears at 40 CFR part 707, subpart B. In addition, any persons who export or intend to export a chemical substance that is the subject of this rule on or after September 19, 2019 are subject to the export notification provisions of TSCA section 12(b) (15 U.S.C. 2611(b)) (see § 721.20), and must comply with the export notification requirements in 40 CFR part 707, subpart D.

II. Background

A. What action is the Agency taking?

EPA is finalizing these SNURs under TSCA section 5(a)(2) for 145 substances which were the subject of PMNs. These SNURs require persons who intend to manufacture or process any of these chemical substances for an activity that is designated as a significant new use to notify EPA at least 90 days before commencing that activity.

In the **Federal Register** of August 1, 2018 (83 FR 37455) (FRL-9981-16), EPA proposed a SNUR for these 145 chemical substances in 40 CFR part 721, subpart E, and reopened the public comment period in the **Federal Register** of October 15, 2018 (83 FR 51910) (FRL-9984-72). This reopened comment period closed on November 14, 2018. More information on the specific chemical substances subject to this final rule can be found in the **Federal Register** documents proposing the SNUR. The record for the SNUR was established in the docket under docket ID number EPA-HQ-OPPT-2017-0366. That docket includes information

considered by the Agency in developing the proposed and final rules.

EPA received public comments on the proposed rule. Those comments and EPA's responses are found in Unit IV.

B. What is the Agency's authority for taking this action?

Section 5(a)(2) of TSCA (15 U.S.C. 2604(a)(2)) authorizes EPA to determine that a use of a chemical substance is a "significant new use." EPA must make this determination by rule after considering all relevant factors, including the four TSCA section 5(a)(2) factors listed in Unit III. Once EPA determines that a use of a chemical substance is a significant new use, TSCA section 5(a)(1)(B) requires persons to submit a significant new use notice (SNUN) to EPA at least 90 days before they manufacture or process the chemical substance for that use (15 U.S.C. 2604(a)(1)(B)(i)). TSCA furthermore prohibits such manufacturing or processing from commencing until EPA has conducted a review of the notice, made an appropriate determination on the notice, and taken such actions as are required in association with that determination (15 U.S.C. 2604(a)(1)(B)(ii)). In the case of a determination other than not likely to present unreasonable risk, the applicable review period must also expire before manufacturing or processing for the new use may commence.

C. Applicability of General Provisions

General provisions for SNURs appear in 40 CFR part 721, subpart A. These provisions describe persons subject to the rule, recordkeeping requirements, exemptions to reporting requirements, and applicability of the rule to uses occurring before the effective date of the rule. Provisions relating to user fees appear at 40 CFR part 700. According to § 721.1(c), persons subject to these SNURs must comply with the same SNUN requirements and EPA regulatory procedures as submitters of PMNs under TSCA section 5(a)(1)(A). In particular, these requirements include the information submission requirements of TSCA section 5(b) and 5(d)(1), the exemptions authorized by TSCA section 5(h)(1), (h)(2), (h)(3), and (h)(5), and the regulations at 40 CFR part 720. Once EPA receives a SNUN, EPA must either determine that the use is not likely to present an unreasonable risk of injury under the conditions of use for the chemical substance or take such regulatory action as is associated with an alternative determination before the manufacture or processing for the significant new use can commence. In

the case of a determination other than not likely to present unreasonable risk, the applicable review period must also expire before manufacturing or processing for the new use may commence. If EPA determines that the use is not likely to present an unreasonable risk, EPA is required under TSCA section 5(g) to make public, and submit for publication in the **Federal Register**, a statement of EPA's findings.

III. Significant New Use Determination

Section 5(a)(2) of TSCA states that EPA's determination that a use of a chemical substance is a significant new use must be made after consideration of all relevant factors, including:

- The projected volume of manufacturing and processing of a chemical substance.
- The extent to which a use changes the type or form of exposure of human beings or the environment to a chemical substance.
- The extent to which a use increases the magnitude and duration of exposure of human beings or the environment to a chemical substance.
- The reasonably anticipated manner and methods of manufacturing, processing, distribution in commerce, and disposal of a chemical substance.

In determining what would constitute a significant new use for the chemical substances that are the subject of these SNURs, EPA considered relevant information about the toxicity of the chemical substances, likely human exposures and environmental releases associated with possible uses, and the four bulleted TSCA section 5(a)(2) factors listed in this unit. Note that when the Agency issues an order under TSCA section 5(e), section 5(f)(4) requires that the Agency consider whether to promulgate a SNUR for any use not conforming to the restrictions of the order or publish a statement describing the reasons for not initiating the rulemaking.

IV. Public Comments on Proposed Rule and EPA Responses

EPA received public comments from 15 entities on the proposed rule. The Agency's responses are described below.

Anonymous Comments

EPA received 8 anonymous comments on the proposed rule. These comments were general in nature and not specific to or relevant to any of the proposed SNURs. No response is required.

Ad Hoc Testing Policy Change

Comment: One commenter noted that EPA has instituted an *ad hoc* testing

policy change without acknowledging it has done so and without meeting TSCA's requirements. With these proposed SNURs, the commenter continues, EPA has implemented a significant departure from past policy and practice by ceasing to include any testing requirements or identifying any recommended testing. Instead, the commenter states, each chemical-specific description in Unit IV of the proposed rule only identifies "potentially useful information" that EPA indicates is only being "provided for informational purposes;" EPA has not defined what it means for information to be only potentially useful and why EPA does not identify the information as actually useful or necessary. Finally, the commenter states that, moreover, EPA provides no explanation for why it no longer identifies testing as "recommended testing," as it previously did, and instead only describes the associated information as "potentially useful."

Response: The comment pertains to the preambles of each SNUR, which are not requirements for testing. The comment is misinformed, as section 5(a)(2) never has provided authority to require testing in SNURs. Rather, EPA has identified recommended testing that appeared likely to assist with review of a SNUN. That the testing is now characterized as "potentially useful" rather than "recommended" takes into account the possibility that there may be a variety of information and/or data that would assist with the review of a SNUN, in addition to the testing that the Agency has identified. SNUN submitters may want to consider submitting information (*i.e.* exposure or toxicity data) that EPA had identified as potentially useful when the new chemical substance was originally reviewed. EPA is not establishing a new testing policy that is based on exposure considerations, as described under TSCA section 26(l)(3).

In addition, as stated on EPA's new chemicals website (<https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/actions-under-tsca-section-5>): "EPA has modified language in its regulatory documents to ensure consistency with TSCA section 4(h) requirements to reduce testing on vertebrates to the extent practicable. Section 5(e) Orders will now contain a statement of need that explains the basis for any decision that requires the use of vertebrate animals. In addition, EPA is modifying language in its legal documents describing test requirements to reflect a preference for tiered testing and use of non-vertebrate testing strategies first and

using that test data to inform whether higher tiered testing (including testing of vertebrates) is necessary. Similarly, EPA is modifying language in its SNURs to more generally describe the information EPA believes would help characterize chemical properties, fate and/or the potential human health and environmental effects associated with a significant new use of the chemical substance, rather than list specific recommended tests. EPA is encouraging companies to consult with the Agency on the potential for use of alternative test methods and strategies (also called New Approach Methodologies, or NAMs) to generate data to inform risk assessment. EPA encourages dialogue with Agency representatives to help determine how best the submitter can meet both the data needs and the objective of TSCA section 4(h)."

Isocyanates

One entity commented on proposed SNURs for two isocyanate-based polymers or prepolymers: Aliphatic N-alkyl urea polymer containing cyclohexyl groups and trimethoxy silanes (generic) (721.11029; P-15-706) and aliphatic N-alkyl urea polymer containing aspartic ester groups and trimethoxy silanes (generic) (721.11030; P-15-707). For both of these SNURs, EPA proposed that the absence of the protective measures in the underlying TSCA 5(e) Order—including exceeding a specified weight of residual isocyanates in the PMN substances, consumer use, exceeding a workplace exposure limit (NCEL), and manufacture, processing or use without personal protective equipment—would be reportable significant new uses.

Comment: The commenter made the following points:

- EPA should clarify the proposed and direct final SNURs to the extent it is basing them on concerns with excess or residual isocyanate monomers. EPA appears to be basing the proposed SNURs on the potential for the hazards or risks of excess or residual isocyanate monomer in mixture with this isocyanate-based polymer or prepolymer. These isocyanate monomers are existing chemicals with many ongoing uses, including use as a monomer or use in excess or residual monomer. EPA has not transparently identified those monomers as being subject to the proposed SNURs. EPA may not use its SNUR authority to address ongoing uses of the isocyanate monomers.

- EPA should clarify the basis, scope, and provisions of the proposed SNURs. In particular, EPA should clarify its basis for both the imposed limitations

on residual isocyanates and the derived New Chemical Exposure Limit (NCEL). EPA should also clarify the proposed regulatory text and the preamble of the proposed SNURs, which include inconsistent language regarding when respiratory and dermal protection is needed.

- EPA should defer personal protective equipment (PPE) and hazard communication provisions to the applicable OSHA requirements.

- EPA should delete the provisions incorporating the recordkeeping requirements in 40 CFR 721.125, as it did in the proposed TDI SNUR, 80 FR 2068 (Jan. 15, 2015), and some others.

In response to this commenter, another commenter stated that regardless of whether there are separate ongoing uses for these isocyanates, their presence here as residuals is directly associated with the manufacture of a new chemical substance that EPA has reviewed and for which it has determined that the PMN substance may present an unreasonable risk. It is therefore appropriate in this and other such cases that EPA promulgates SNURs that would require notification and EPA review of potential risks posed by the residual isocyanates present in the PMN substance prior to allowing expanded manufacture or use. In addition, these isocyanates have never been used to produce the PMN substance before; this particular significant new use identified by EPA—*i.e.*, manufacture of the PMN substance with a residual isocyanate level above 0.1%—would constitute a significant new use of both the relevant isocyanates and the PMN substance requiring notification under TSCA section 5.

Response: EPA is concerned about the health effects of any residual monomer as well as unreacted isocyanate groups on a polymer when assessing the risks for the new chemical substances. EPA has the authority under section 5 of TSCA to address any risks associated with the manufacture, processing, and use of the new chemical substances even if those risks are based on the presence of existing chemical substances. The SNUR only applies to activities associated with the new chemical substances. Activities associated with the new chemical substance are not ongoing activities of the existing chemical substance. EPA did not receive specific, quantitative information that demonstrates the chemical substance subject to these proposed SNURs exhibit a lower potential for the hazards and potential risks described in the proposed SNUR or that they will specifically replace a chemical substance with a higher

potential for hazards and risks. EPA is issuing the SNUR as proposed to provide the Agency with the opportunity to review any new uses for potential unreasonable risks. As described in the Agency's 2011 Action Plan for MDI and TDI, diisocyanates are well-known dermal and inhalation sensitizers in the workplace and have been documented to cause asthma, lung damage, and in severe cases, fatal reactions. EPA is concerned about potential health effects that may result from exposures of consumers or self-employed workers while using products containing unreacted (unreacted) MDI and TDI and its related polyisocyanates (*e.g.*, spray-applied foam sealants, adhesives, and coatings) or incidental exposures to the general population while such products are used in or around buildings including homes or schools. While workers may already be using protective controls in occupational settings, due to the nature of the potential risk posed by these chemicals, EPA believes it is prudent to emphasize its concern through respiratory protection requirements where there is potential for inhalation exposure, in addition to proposing significant new uses such as consumer use and application method.

Accordingly, the regulatory actions for new diisocyanates reflects EPA's policy of consistent treatment of the entire class of potentially hazardous chemicals, regardless of their statutory status as "new" or "existing" chemicals.

With regards to deferring PPE and hazard communication requirements to OSHA, and to the basis for imposed limitations on residual isocyanates and the derived New Chemical Exposure Limit (NCEL), the 5(e) Order included these protective measures and these comments constitute challenges to certain TSCA section 5(a)(3) determinations rather than to the basis for or the content of the SNURs, which EPA has promulgated using its discretion to issue SNURs under TSCA section 5(a)(2). Because these comments are not germane to this rulemaking, EPA is not responding to these comments in this notice and declines to modify the SNURs on the basis of these comments.

With regards to clarifying the proposed regulatory text and the preamble of the proposed SNURs, which include inconsistent language regarding when respiratory and dermal protection is needed, the regulatory text for § 721.63 states that workers who are "reasonably likely to be exposed" are required to use the personal protective equipment identified in the SNUR. The preamble language is a summary of SNUR requirements and is not intended

describe every detail of the SNUR requirements. Persons manufacturing or processing a chemical substance subject to a SNUR should follow the requirements cited in the regulatory text of the SNUR.

With regards to the comment about recordkeeping, the SNUR cited by the commenter are existing chemical SNURs where EPA determined recordkeeping was not needed for various reasons. For example, when the significant new use for an existing chemical is "any use" there is typically no recordkeeping required because there are no records to be maintained that would inform EPA inspection or enforcement. Because these are new chemical SNURs, EPA will continue to require recordkeeping for all new chemical SNURs to better allow EPA to inspect and enforce SNUR requirements at facilities where chemicals subject to SNURs are manufactured and processed.

Consistency Between SNURs and Orders

(a). General

Comment: One commenter stated that the Lautenberg Act requires that SNUR requirements conform with requirements of TSCA section 5(e) and 5(f) actions and Orders or that EPA publish a statement explaining why EPA is not doing so, and that EPA should not deviate from prior policy and practice, which correctly implements the law. The commenter then identified instances where the Order requirements were not consistent with the SNUR requirements (see subsequent comments, below).

Response: In general, EPA agrees that SNURs should be consistent with the underlying action or order; however, EPA has never considered that SNURs must have exactly the same requirements. For example, when an Order requires certain testing before manufacture exceeding a certain production limit or time limit, the corresponding SNUR requires notification before exceeding that time or production volume limit. It does not require testing before exceeding the time or production volume limit. Under a TSCA section 5(e) Order, it would be problematic to require the same test from two different entities. The purpose of the SNUR requirement is for the manufacturer to notify EPA and for EPA to determine what, if any, testing should be required based on all available information available. at the time of notification. In the sections that follow, EPA has listed those instances where the commenter identified differences between the Order and the SNUR and

either explained the differences or made the change.

(b). Protection in the Workplace

Comment: One commenter noted that a number of the proposed SNURs identify a significant new use as any use where worker protection equipment is not provided, and that some but not all of the SNURs correctly mirror the corresponding 5(e) Order by requiring specific respirators, gloves, and other equipment to be used when the chemical is present in a specified “form” or physical state. For example, the Order for P-17-272 identified three forms (particulate, gas/vapor, or combination gas/vapor and particulate (e.g., paint spray mist)). However, the corresponding proposed SNUR does not identify any forms, rather, it only states that “* * * [r]equirements as specified in § 721.63(a)(1), (a)(2)(i), (iii), (iv), (a)(3). When determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1) engineering control measures * * * or administrative control measures * * * shall be considered and implemented to prevent exposure, where feasible.” This inconsistency is significant because if the form of the chemical substance is not identified in subpart E (i.e., in the proposed SNUR), the workplace protections required under § 721.63(a)(1) or (a)(4) will not fully apply for the dermal and airborne exposures to those forms. Below are PMNs where one, or all, of the forms identified in the corresponding consent order are not specified in the proposed SNURs:

- Does not identify *any* of the forms identified in the Order: P-14-0472, P-14-0496, P-16-0358, P-17-0272-77, P-17-0278-80
- Does not identify particulate form: P-15-0707, P-16-0430, P-16-0513
- Does not identify gas/vapor form: P-16-0399
- Does not identify combination of gas/vapor and particulate (EPA provides as an example in the consent order, “paint spray mist”): P-14-0630, P-15-0450, P-15-0705-07, P-16-0322, P-16-0352 (chemicals A and B), P-16-0399, P-16-0430, P-16-0513, P-17-0032, P-17-0033-140.

The commenter states that EPA must eliminate these inconsistencies in the final SNURs and ensure that all forms triggering worker protections specified in the Orders are also specified in the corresponding final SNURs.

Response: For P-14-472, P-14-496, P-14-630, P-15-0450, P-16-322, P-16-358, P-16-399, P-17-272 to P-17-277, P-17-278 to P-17-280, P-15-705-707, P-16-352, P-16-430, P-16-0513, P-17-

0032 the Agency agrees that the form in the SNUR does not match the Order and has corrected that oversight in the final SNUR. For the SNURs for P-17-33 through P-17-140, all three forms—gas, vapor, and particulate—are correctly identified. Any combination of these forms requires the identified personal protective equipment.

(c). Industrial, Commercial, and Consumer Activities—Time Limits Under 40 CFR 721.80(p)

Comment: One commenter noted that a number of the 5(e) Orders require the manufacturing (including import) to cease after a period of time unless certain conditions have been met. For example, the Order for P-15-450 establishes a time limit that triggers testing requirements, effective from the Notice of Commencement of Manufacture or Import (NOC) date, after which the chemical substance can no longer be manufactured by the company subject to the Order unless the testing is conducted. Other Orders establish a volume limit that cannot be exceeded unless the testing is conducted. The commenter continues by noting that the proposed SNURs appear to rely on 40 CFR 721.80(p) to effectuate this type of production limit restriction in the Orders. 40 CFR 721.80(p) states that, where a substance is specified as being subject to that section, a significant new use is the “[a]ggregate manufacture and importation volume for any use greater than that specified in subpart E of this part for the substance,” in the proposed SNURs. This delineation of a significant new use clearly only includes a *volume* limitation. In prior SNURs codified in subpart E, EPA cites to 40 CFR 721.80(p) and correctly specifies a volume limitation. *See, e.g.,* 40 CFR 721.10524 and 721.10935. The proposed SNURs covering the substances in P-15-450, P-16-289, P-16-399, and P-17-198 each propose to rely on this restriction for a *time* limitation. EPA’s reliance only on cross-referencing 40 CFR 721.80(p) is problematic because in a number of the proposed SNURs EPA cites 40 CFR 721.80(p) as identifying a significant new use but then only specifies a *time* limitation (e.g., 6 months, 12 months, 6 years), not a *volume* limitation. Including only a time limitation in the SNURs in subpart E while also citing 40 CFR 721.80(p)—which provides only for a volume limitation—creates confusion regarding the actual restriction applicable to the substance. If EPA’s intention is to impose a volume limitation, EPA should clearly identify the specific volume in the proposed SNUR. And if EPA wants to set a time limitation instead of or in addition to a

volume limitation, EPA must spell that out in the proposed SNUR. For instance, in the past, EPA has set a limit at “any amount after [x date].” *See, e.g.,* 40 CFR 721.10522, 721.10527, and 721.10619. Regardless of the approach, EPA must ensure that the final SNURs capture all of the restrictions in the 5(e) Orders.

The commenter continues that EPA’s approach to specifying time limitations is made more confusing because the proposed SNURs fail to explain that the time limit originated and is specified in the Order, and more importantly fail to identify the trigger that starts the clock ticking toward the time limit. The proposed SNURs state that a significant new use is any use as described in 40 CFR 721.80(p), with a time period (e.g., six months) noted in parentheses but without any further explanation. While the original PMN submitter may understand this in the context of its Order, the commenter states, any other company subject to the SNUR would not. Accordingly, EPA needs to specify, at a minimum, when the time period commences, which based on the Order is upon the PMN submitter’s filing of a NOC. Even then, it is not clear how a second company would timely know that a NOC had been filed by the PMN submitter, thereby triggering the time period to start. It is also not clear how EPA would address a situation in which a SNUR is finalized preceding or otherwise in the absence of the filing of a NOC.

Second, the Order for P-16-0289 includes numerous time limitations on the manufacturing volume of the chemical substance, yet the corresponding proposed SNUR fails to include all but one of them. The proposed SNUR states that a significant new use is any use as described in 40 CFR 721.80(p), with “six months” in parentheses. In addition to the concern raised previously about the ambiguity of relying solely on a time limitation when EPA also intends to have a volume limitation, in this case the Order sets additional limitations *that are not included at all in the SNUR*. These include a prohibition on manufacturing unless the company “measures the particle size distribution to characterize the particle size distribution of fractions less than 10 microns of the dry particle PMN substance”: (1) Twice every twelve months *after* the six months is over, if there is commercial production, until a total of six tests are performed; and (2) if there are changes in the manufacturing process that could result in different particle sizes. Rather than rely solely on cross-referencing 40 CFR 721.80(p), EPA should spell out the restrictions from the Order in the

proposed SNUR or cite to 40 CFR 721.80(k) and (g), which in turn cite to the restrictions set by the Order. Ultimately, whichever way EPA chooses to make this correction, EPA must make sure that the limits set by the final SNUR are clear, and fully conform to the limits in the Order.

Response: In response to this comment, in the final rule EPA presents the specific time restriction rather than cross-referencing § 721.80(p). For all the SNURs cited, the time limits refer to the time after—any manufacturer—begins manufacture of the PMN substance. Each manufacturer is permitted to manufacture up to the time limit identified in the SNUR from the time they begin manufacture. They are not required to base their time limit on the actions of other manufacturers or the notice of commencement. If that were the case some manufacturers could be required to notify EPA before they even begin manufacture. Therefore, EPA is removing the reference to § 721.80(p) and clarifying that “It is a significant new use to manufacture for a period longer than *(time period cited in the underlying Order)*.” For those instances where there are multiple time limits in the Order, corresponding to multiple testing requirements, only the first limit will be included in the SNUR, because by the time of any SNUN submission, the Agency may possess new information that changes its initial data requirements and any new time limits would be the subject of EPA’s finding for the SNUN.

(d). Other Discrepancies Between Orders and SNURs

Comment: The same commenter noted the following examples of other discrepancies between Orders and corresponding proposed SNURs with respect to the specification of significant new uses for industrial, commercial, and consumer activities:

For P-14-0630, the Order states that using the chemical substance in a consumer product that generates “vapor” is prohibited. The proposed SNUR does not include generation of vapor as a significant new use.

For P-16-0273-74, the Order states that the chemical substance can only be imported in totes. The proposed SNUR does not include that limitation.

For P-16-0495, the Order states that the chemical substance can only be used for a specific confidential use. The proposed SNUR sets no such limit. The SNUR should cite to 40 CFR 721.80(k) (“use other than allowed by the section 5(e) consent order”).

For P-17-0032, the Order includes a separate volume limit for *processing* the

substance. The SNUR only sets a volume limit for manufacture and import and not one for processing. EPA must include the processing limit in the SNUR.

Response: For the SNUR for P-16-495, the Agency has corrected the oversight in the proposed rule and the final SNUR for that chemical substance now cites 40 CFR 721.80(k). For the SNUR for P-17-32, the Agency agrees that there was an oversight in the proposed rule. The final SNUR for that chemical substance now also includes the statement “It is a significant new use to process the substance beyond the confidential annual volume cited in the 5(e) Order.” For the SNUR for P14-630 EPA has added generation of vapor in a consumer product as a significant new use because it is part of the Order but was inadvertently not included in the proposed rule. For the SNUR for P16-273 and 274 the Order erroneously references in the preamble a requirement to import the chemicals in totes. However, this is not a requirement of the Order. Therefore, EPA did not include that requirement for the final SNUR for P-16-273 and 274.

(e). Human Health, Environmental Hazard, Exposure, and Precautionary Statements

Comment: One commenter noted inconsistencies between the hazard communication statements that would be required by the proposed SNURs and those required in the corresponding 5(e) Orders.

For P-14-0496, the SNUR is missing the “disposal restrictions apply” warning specified at 40 CFR 721.72(g)(4)(i). This warning is required by the underlying 5(e) Order for PMNs P14-0472 and P14-0496. For P-17-0272, the SNUR is missing the precautionary statement for developmental effects (40 CFR 721.72(g)(1)(vi)). This statement is required by the 5(e) Order for P-17-0272 through -0277. Given that each of these precautionary statements is required by the corresponding Orders, they must be included in the final SNURs.

Response: This is an oversight and is corrected in the final SNURs for these substances.

Comment: The same commenter noted that for two of the proposed SNURs associated with the Order for P-17-33 through P-17140, the proposed SNURs are lacking a requirement for three hazards statements: Toxic to fish (40 CFR 721.72(g)(3)(i)), toxic to aquatic organisms (40 CFR 721.72(g)(3)(ii)), and disposal restrictions apply (40 CFR 721.72(g)(4)(i)). The two SNURs are for

certain halogenated sodium benzoate salts, 40 CFR 721.11053, and certain halogenated sodium benzoic acids, 40 CFR 721.11054. Because the Order applies to multiple substances and redacts certain information (likely health and safety information not eligible for redaction under TSCA section 14), it is not possible for the public to know whether the hazard statements are or are not required for the chemicals subject to the SNURs noted above. EPA should ensure that there are no inconsistencies between the requirements of the SNURs and the Order for these chemicals.

Response: The hazard statements identified by the commenter only apply to the chemicals subject to the SNUR in 40 CFR 721.11055. Those hazard statements are not required in the Order for the chemicals subject to the SNUR in 40 CFR 721.11053 and 11054. EPA will finalize those requirements as proposed.

(f). Additional Errors in the Proposed SNURs

Comment: For P-17-33 through P-17-140, there are three separate SNURs that cover the many chemicals covered by that one Order. One commenter noted that the SNUR for sodium benzoate salts states that a significant new use is any use other than those allowed in the Order, which is applicable to all of the substances P-17-33 through P-17-140 (to be codified at 40 CFR 721.11053(a)(2)(iii)) (citing 40 CFR 721.80(k)). This restriction, the commenter continues, is not specified in the other two SNURs (to be codified at 40 CFR 721.11054(a)(2)(iii), 721.11055(a)(2)(iii)), and EPA must fix this error and ensure that each proposed SNUR contains all of the restrictions governing the relevant chemicals that appear in the Order.

Response: The requirement cited in 40 CFR 11053(a)(2)(iii) for 40 CFR 721.80(k) was erroneously included in the proposed SNUR. The Order for P17-33 through P17-140 does not include a restriction on use. EPA has removed this requirement from the final SNUR.

Comment: Additionally, the commenter noted that P-16-352 had one Order covering two separate chemicals, with each having a proposed SNUR. The volume limitation set in the Order was for the substances combined. One commenter noted that both proposed SNURs contained errors. First, the combined volume limits set in § 721.11039 are incorrect because it cites itself twice—“this substance and the substance subject to 721.11039”—instead of citing itself and the other PMN substance at § 721.11040. 83 FR at

37725. Second, § 721.11040 cites to an incorrect SNUR, “§ 721.9998,” for its combined volume limit, when it should cite to the other PMN substance at section 721.11039 *Id.* EPA must ensure that the combined volume limitations in the final SNURs are correct.

Response: EPA has corrected the cross-references in the final rule to the correct SNUR.

Chemical Identity Correction: SNUR for P-17-278 Through P-17-280 (40 CFR 721.11058)

EPA has modified the generic chemical identity from “fatty acid amide alkyl amine salts” in the proposed rule to “fatty acid derived imidazoline salts” for the SNUR for P-17-278 through P-17-280 (40 CFR 721.11058), to agree with the generic name provided in the Notice of Commencement of Manufacture or Import (NOC) submitted for these PMN substances.

Comments Specific to the Proposed SNUR at 40 CFR 721.11027: Aluminum Cobalt Lithium Nickel Oxide (PMN P-15-0450; CASRN 177997-13-6)

Comment: Four entities commented on the SNUR for PMN P-15-450 (40 CFR 721.11027), aluminum cobalt lithium nickel oxide. One commenter suggested a different approach for control of air releases, rather than the proposed significant new use of any release of the chemical substance to air unless using the chemical transfer and air ventilation processes described in the PMN, including filtering through a high-efficiency particulate air filter with an efficiency rate of 99.99%. The commenter requested making the provision technology neutral instead, and exposure monitoring requirement more flexible (quarterly rather than monthly). The commenter states that there could be different processes to handle and transfer the PMN substance, and control resulting air emissions, that will provide an equivalent or even improved level of control. For example, the commenter continued, there are control technologies that may have a removal efficiency rating of 99.99% that are not the high-efficiency particulate filters mentioned in the PMN. Therefore, a specific control technology does not need to be identified, but rather a specific rated efficiency (99.99%) or control target.

Response: The proposed SNUR provisions reflect the requirements of the underlying Order. In the proposed SNUR air releases are allowed only after the chemical transfer and air ventilation provisions described in the PMN which are not limited to but include HEPA

filters that achieve 99.99% removal efficiency. This requirement remains in the final SNUR. The reason to include the lack of this control in the SNUR is to allow EPA to assess if other processes result in the same level of or lower air releases.

Comment: A commenter proposed a flexible monitoring schedule in lieu of mandatory monthly monitoring. The commenter noted that OSHA has addressed monitoring frequency to assess worker exposure. Section 6(b) of the OSHA Act gives OSHA authority to develop chemical specific standards. One such standard is 29 CFR 1910.1026 Chromium (VI). The OSHA Chromium (VI) workplace standard contains a flexible monitoring requirement based on results from initial monitoring. If initial monitoring indicates that employee exposures are below 50% (action level) of the determined limit, no further monitoring is required unless changes in the workplace result in new or additional exposures. If the initial determination reveals employee exposures to be at or above the action level, but below the determined limit, periodic monitoring must be performed at least every six months. If the initial monitoring reveals employee exposures to be above the determined limit, monitoring must be conducted at least every three months. Adjustments to the monitoring frequency are allowed based on monitoring results. The preamble of the OSHA 1910.1026 Chromium (VI), P. 10341, states, “*OSHA believes that the frequency of six months for subsequent periodic monitoring for exposures at or above the action level but at or below the PEL, and three months for exposures above the PEL, provides intervals that are both practical for employers and protective for employees. This belief is supported by OSHA’s experience with comparable monitoring intervals in other standards, including those for cadmium (29 CFR 1910.1050), methylene chloride (29 CFR 1910.1052), and formaldehyde (29 CFR 1910.1048).*” Based on OSHA’s position given above, the commenter noted, it could be concluded that there are no benefits to worker protection in conducting monitoring more frequently than every 3 months, even when previous exposures exceeded exposure limits. The monthly monitoring is resource intensive and is likely to demonstrate the same results each month therefore providing minimal value. The commenter requested that EPA allow this periodic monitoring to occur on a quarterly basis, instead of monthly.

Response: Based on limited monitoring experience with the PMN substance, EPA believes monthly

monitoring requirements as specified in the proposed SNUR are appropriate during the first year of manufacturing, processing, or use. After that time monitoring may be conducted quarterly if certain conditions are met. These are based on the requirements in the Order. Based on monitoring results EPA has received thus far for P-15-450, which have demonstrated monitoring results above and below the action level of 0.16 mg/m³ identified in the Order, the final SNUR will retain the same requirements as required in the Order.

Comment: A commenter noted that 5(e) Orders on similar substances to that identified in P-15-450 allow metal reclamation disposal, whereas the Order for P-15-450 allows only landfill disposal.

Response: In response to the comment about allowing disposal by metal reclamation, the Agency would need to review the specific metal reclamation disposal method to determine its acceptability to allow more flexibility in disposal methods. Because the underlying Order only allows disposal by landfill, the final rule only allows disposal by landfill.

Comment: One commenter pointed out that the reference to 40 CFR 721.63(a)(6) (referring to “particulate”) in this SNUR should be corrected to read “40 CFR 721.63(a)(6)(i)” (referring to “dust”).

Response: The proposed SNUR term 40 CFR 721.63(a)(6) (referencing “particulate”) reflects the requirement in the Order for P-15-450. Particulate allows for both liquid and solid particles which includes dust. The final rule retains the reference to particulate.

Comment 5: A commenter also requested that the SNUR not be finalized until a recently submitted 90-day inhalation toxicity study on the PMN substance is reviewed by EPA, as the testing could affect EPA’s underlying hazard concerns.

Response: The Agency has received and is currently reviewing the 90-day study data described by the commenter. Preliminary indications are that the results of the study would not change the Agency’s hazard concerns, or significantly alter the magnitude of the NCEL identified in the SNUR. It will take considerable time to determine if the study data will result in any changes for the Order and SNUR. EPA is issuing the final SNUR as proposed and will modify the Order and SNUR in the future based on the study data as appropriate.

Comment: Other comments to this proposed SNUR are that the references to “24 months” and “6 years” for production limits (40 CFR 721.80(p)) are

unclear, and that the NCEL of 0.000092 mg/m³ as an 8-hour time weighted average doesn't take into account OSHA PELs on the component metals.

Response: In response to the comment regarding the time-based production limits in the SNUR, the time limits refer to the time after a manufacturer begins manufacture of the PMN substance. To exceed that time limit, a SNUN would need to be submitted and complete 90-day review by EPA. The NCEL for this chemical substance was established by EPA based on a 90-day inhalation study for a mixed metal oxide analogue. EPA's risk assessment for P-15-0450 in the public docket describes how the NCEL was calculated for the PMN substance based on the 90-day lowest observed adverse effect concentration (LOAEC). The analogue and data were identified by the submitter of P-15-450. As discussed in the previous comment and response EPA has received a 90-day inhalation study for P-15-450, that it is still reviewing and that confirms the potential hazard and a similar LOAEC. Based on the results of both studies EPA disagrees that OSHA PELs for the component metals should be used to estimate the potential effect levels of the PMN substance.

Comment: One commenter stated that the proposed SNUR for P-15-450 also would require monitoring and reporting for exposures to this chemical at an Occupational Exposure Limit (OEL) of 0.16 mg/m³ on an 8-hour TWA and is silent about how this should be sampled and measured.

Response: The SNUR references the terms of the Order that include parameters for how the monitoring should be sampled and measured. The submitter for P-15-450 has already submitted monitoring results required by the Order.

Comment: A commenter stated that the proposed NCEL presented no relief to the use of APF 1000 respirators, because there is currently no feasible monitoring method to reliably detect any constituent of the chemical mixture at that level of sensitivity.

Response: While the commenter is correct, persons manufacturing, processing, and using the chemical substance may eventually be able to develop such a detection method or develop information that would increase the level of the NCEL that would allow a detection method to be developed.

Vertebrate Testing

Comment: A commenter noted that TSCA section 4(h)(3) states: "IN GENERAL.—Any person developing information for submission under this

title on a voluntary basis and not pursuant to any request or requirement by the Administrator shall first attempt to develop the information by means of an alternative test method or strategy . . . before conducting new vertebrate animal testing." The commenter continued that while EPA is not required to review the means by which these submitters conducted this voluntary testing, it is authorized to do so, and that reviewing compliance with this section is an opportunity to communicate TSCA's requirement and EPA's preference for alternatives to PMN submitters. Over time, the commenter states, this would lead submitters to consider such alternatives before conducting vertebrate animal tests. They requested that EPA review compliance with TSCA section 4(h)(3) whenever the results of vertebrate animal testing are included in PMNs.

Response: A request to review compliance with TSCA 4(h)(3) for PMNs and Orders is not relevant to the proposed SNUR. Because SNURs do not require testing and only suggest the type of information that could address hazards identified by EPA, they include opportunities for EPA to engage submitters considering conducting testing. For SNURs with time or production volume limits, or if a SNUN submitter is required to conduct testing EPA, will include consideration of TSCA section 4(h)(3). When a company consults with EPA before submitting any SNUN as recommended by EPA when issuing SNURs, EPA will also have an opportunity to consider what testing if any should be conducted including consideration of TSCA section 4(h)(3).

Ongoing Uses of SNUR Chemicals

Comment: One commenter stated there is reason to believe that some of the restrictions set forth in the following SNURs conflict with ongoing uses: P-17-33, P-17-34, P-17-36, P-17-38, P-17-39, P-17-41, P-17-42, P-17-43, P-17-45, P-17-47, P-17-50, P-17-52, P-17-55, P-17-57, P-17-59, P-17-61, P-17-62, and P-17-63.

Response: EPA did not receive any further information to support this statement and therefore has finalized the SNURs as proposed.

V. Substances Subject to This Rule

EPA is establishing significant new use and recordkeeping requirements for 145 chemical substances in 40 CFR part 721, subpart E. In this unit, EPA provides the following information for each chemical substance:

- PMN number.

- Chemical name (generic name, if the specific name is claimed as CBI).
- Chemical Abstracts Service (CAS) Registry number (if assigned for non-confidential chemical identities).
- Basis for the TSCA section 5(e) consent order.

• Information identified by EPA that would help characterize the potential health and/or environmental effects of the chemical substance in support of a request by the PMN submitter to modify the Order, or if a manufacturer or processor is considering submitting a SNUN for a significant new use designated by the SNUR. This information may include testing required in a TSCA section 5(e) Order to be conducted by the PMN submitter, as well as testing not required to be conducted but which would also help characterize the potential health and/or environmental effects of the PMN substance. Any recommendation for information identified by EPA was made based on EPA's consideration of available screening-level data, if any, as well as other available information on appropriate testing for the chemical substance. Further, any such testing identified by EPA that includes testing on vertebrates was made after consideration of available toxicity information, computational toxicology and bioinformatics, and high-throughput screening methods and their prediction models. EPA also recognizes that whether testing/further information is needed will depend on the specific exposure and use scenario in the SNUN. EPA encourages all SNUN submitters to contact EPA to discuss any potential future testing. See Unit VIII. for more information.

- CFR citation assigned in the regulatory text section of this rule.

The regulatory text section of each rule specifies the activities designated as significant new uses. Certain new uses, including exceedance of production volume limits (*i.e.*, limits on manufacture volume) and other uses designated in this rule, may be claimed as CBI. Unit IX. discusses a procedure companies may use to ascertain whether a proposed use constitutes a significant new use.

These final rules include 145 PMN substances that are subject to Orders under TSCA section 5(e)(1)(A)(ii)(I) where EPA determined that activities associated with the PMN substances may present unreasonable risk to human health or the environment. Those Orders require protective measures to limit exposures or otherwise mitigate the potential unreasonable risk. The SNURs identify as significant new uses any manufacturing, processing, use,

distribution in commerce, or disposal that does not conform to the restrictions imposed by the underlying Orders, consistent with TSCA section 5(f)(4).

Where EPA determined that the PMN substance may present an unreasonable risk of injury to human health via inhalation exposure, the underlying TSCA section 5(e) Order usually requires, among other things, that potentially exposed employees wear specified respirators unless actual measurements of the workplace air show that air-borne concentrations of the PMN substance are below a New Chemical Exposure Limit (NCEL) that is established by EPA to provide adequate protection to human health. In addition to the actual NCEL concentration, the comprehensive NCELS provisions in TSCA section 5(e) Orders, which are modeled after Occupational Safety and Health Administration (OSHA) Permissible Exposure Limits (PELs) provisions, include requirements addressing performance criteria for sampling and analytical methods, periodic monitoring, respiratory protection, and recordkeeping. However, no comparable NCEL provisions currently exist in 40 CFR part 721, subpart B, for SNURs. Therefore, for these cases, the individual SNURs in 40 CFR part 721, subpart E, will state that persons subject to the SNUR who wish to pursue NCELS as an alternative to the § 721.63 respirator requirements may request to do so under § 721.30. EPA expects that persons whose § 721.30 requests to use the NCELS approach for SNURs that are approved by EPA will be required to comply with NCELS provisions that are comparable to those contained in the corresponding TSCA section 5(e) Order for the same chemical substance.

PMN Numbers: P-14-472 and P-14-496

Chemical names: Polyphosphoric acids, 2-[alkyl-1-oxo-2-propen-1-yl]oxyethyl esters, compds. with N-(aminoiminomethyl)urea (generic) (P-14-472) and Polyphosphoric acids, 2-[(2-methyl-1-oxo-2-propen-1-yl)oxy]ethyl esters, compds. with alkyl amino, polymers with Bu acrylate, N-(hydroxymethyl)propenamide and styrene (generic) (P-14-496).

CAS numbers: Not available.

Effective date of TSCA section 5(e) Order: April 26, 2017.

Basis for TSCA section 5(e) Order: The PMN states that the generic (non-confidential) uses of the PMN substances are as a site-controlled intermediate (P-14-472) and a paper additive (P-14-496). Based on Structure Activity Relationship (SAR) analysis of test data on acrylates/methacrylates, and

other structurally similar substances, there is potential for irritation and sensitization for P-14-472. For P-14-496 there is concern for sensitization based on the presence of formaldehyde and concern for irritation and lung effects from the surfactant properties of the substance. Further, based on SAR analysis of test data on analogous phosphates, EPA predicts toxicity to aquatic organisms may occur at concentrations that exceed 3 parts per billion (ppb) of P-14-472 and 4 ppb of P-14-496 in surface waters. The Order was issued under TSCA sections 5(a)(3)(B)(i) and 5(e)(1)(A)(i), based on a finding that the available information is insufficient to permit a reasoned evaluation of the human health effects of the PMN substances. Further, the Order was issued under TSCA sections 5(a)(3)(B)(ii)(I) and 5(e)(1)(A)(ii)(I), based on a finding that the substances may present an unreasonable risk of injury to human health and the environment. To protect against these risks, the Order requires:

1. Submission of certain toxicity testing on the PMN substances prior to exceeding the confidential production volume limit as specified in the Order.
2. Use of personal protective equipment to prevent dermal exposure.
3. Establishment and use of a hazard communication program, including human health precautionary statements on each label and in the Safety Data Sheet (SDS).
4. No release of the PMN substances resulting in surface water concentrations that exceed 3 ppb for P-14-472 and 4 ppb for P-14-496.
5. No modification of the manufacturing process that results in inhalation exposure and no use involving application methods that generate a dust, mist, or aerosol.
6. Use of the PMN substances only as a site-limited intermediate (P-14-472) and the confidential use specified in the Order (P-14-496).

The SNUR would designate as a "significant new use" the absence of these protective measures.

Potentially useful information: EPA has determined that certain information about the fate and human health toxicity of the PMN substances may be potentially useful to characterize the effects of the PMN substances in support of a request by the PMN submitter to modify the Order, or if a manufacturer or processor is considering submitting a SNUN for a significant new use that will be designated by this SNUR. The submitter has agreed not to exceed the confidential production limit without performing a skin sensitization study

and a biodegradation test on each substance. In addition, EPA has determined that the results of a pulmonary effects testing of the PMN substance may be potentially useful in characterizing the health effects of the PMN substances. Although the Order does not require this additional testing, the Order's restrictions on manufacture, processing, distribution in commerce, and disposal will remain in effect until the Order is modified or revoked by EPA based on submission of this or other information that EPA determines is relevant and needed to evaluate a modification request.

CFR citations: 40 CFR 721.11024 (P-14-472) and 40 CFR 721.11025 (P-14-496).

PMN Number: P-14-630

Chemical name: Bismuth bromide iodide oxide.

CAS number: 340181-06-8.

Effective date of TSCA section 5(e) Order: May 10, 2017.

Basis for TSCA section 5(e) Order: The PMN states that the substance will be used as a pigment for liquid coatings solvent based system; a pigment for powder coatings; and a pigment for polymer materials. Based on test data and physical/chemical properties of the PMN substance, as well as SAR analysis of analogous respirable, poorly soluble particulates, EPA identified concerns for lung effects, including fibrosis. The Order was issued under TSCA sections 5(a)(3)(B)(ii)(I) and 5(e)(1)(A)(ii)(I), based on insufficient information to make a reasoned evaluation and a finding that the substance may present an unreasonable risk of injury to human health. EPA assessed risks based on the specific manufacturing, processing, use, distribution/transportation, treatment and disposal processes, process equipment, engineering controls, and handling practices (including worker activities and cleaning procedures) described in the PMN. To protect against these risks, the Order requires:

1. Submission of certain toxicity testing on the PMN substance prior to exceeding the confidential production volume limit as specified in the Order.
2. Use of a National Institute for Occupational Safety and Health (NIOSH)-certified respirator with an Assigned Protection Factor (APF) of at least 10 (where there is a potential for inhalation exposures) or compliance with a New Chemical Exposure Limit (NCEL) of 2.4 milligram/meter³ (mg/m³) as an 8-hour time-weighted average.
3. Establishment and use of a hazard communication program, including human health precautionary statements on each label and in the SDS.

4. No use of the substance in a consumer product that generates a dust, mist, or aerosol.

The SNUR will designate as a "significant new use" the absence of these protective measures.

Potentially useful information: EPA has determined that certain information about the human health toxicity of the PMN substance may be potentially useful to characterize the effects of the PMN substance in support of a request by the PMN submitter to modify the Order, or if a manufacturer or processor is considering submitting a SNUN for a significant new use that will be designated by this SNUR. The submitter has agreed not to exceed the confidential production limit without performing specific target organ toxicity testing. In addition, EPA has determined that the results of a chronic toxicity/carcinogenicity test of the PMN substance may be potentially useful in characterizing the health effects of the PMN substance. Although the Order does not require this additional testing, the Order's restrictions on manufacture, processing, distribution in commerce, and disposal will remain in effect until the Order is modified or revoked by EPA based on submission of this or other information that EPA determines is relevant and needed to evaluate a modification request.

CFR citation: 40 CFR 721.11026.

PMN Number: P-15-450

Chemical name: Aluminum cobalt lithium nickel oxide.

CAS number: 177997-13-6.

Effective date of TSCA section 5(e) Order: March 23, 2017.

Basis for TSCA section 5(e) Order: The PMN states that the substance will be used as a mixed metal oxide for batteries. Based on test data on the PMN substance, EPA identified concerns for spleen and kidney toxicity. Based on physical/chemical properties of the PMN substance, as well as SAR analysis of analogous respirable, poorly soluble particulates, EPA identified concerns for lung effects based on lung overload. Based on the crystalline structure of the PMN substance, EPA identified concern for lung carcinogenicity. The Order was issued under TSCA sections 5(a)(3)(B)(ii)(I) and 5(e)(1)(A)(ii)(I), based on insufficient information to make a reasoned evaluation and a finding that the substance may present an unreasonable risk of injury to human health. EPA assessed risks based on the specific manufacturing, processing, use, distribution/transportation, treatment and disposal processes, process equipment, engineering controls, and handling practices (including worker

activities and cleaning procedures) described in the PMN. To protect against these risks, the Order requires:

1. Submission of certain toxicity testing on the PMN substance prior to exceeding the time limit as specified in the Order.

2. Use of personal protective equipment including impervious gloves and protective clothing (where there is a potential for dermal exposures).

3. Use of a NIOSH-certified respirator with an APF of at least 1,000 (where there is a potential for inhalation exposure) or compliance with a NCEL of 0.000092 ppm as an 8-hour time-weighted average.

4. Use of the chemical transfer processes and air ventilation processes described in the PMN and the exposure monitoring requirements described in the Order.

5. Establishment and use of a hazard communication program, including human health precautionary statements on each label and in the SDS.

6. Disposal of the PMN substance by landfill only. Air releases are limited by processes described in the PMN, including filtering through a high-efficiency particulate air filter with an efficiency rate of 99.99%.

The SNUR will designate as a "significant new use" the absence of these protective measures.

Potentially useful information: EPA has determined that certain information about the human health toxicity of the PMN substance may be potentially useful to characterize the effects of the PMN substance in support of a request by the PMN submitter to modify the Order, or if a manufacturer or processor is considering submitting a SNUN for a significant new use that will be designated by this SNUR. The submitter has agreed not to exceed the time limit without performing specific target organ toxicity testing and carcinogenicity testing. In addition, EPA has determined that the results of medical monitoring of the workers exposed to the substance during manufacturing, processing, and use may be potentially useful in characterizing the health effects of the PMN substance. Although the Order does not require this medical monitoring, the Order's restrictions on manufacture, processing, distribution in commerce, and disposal will remain in effect until the Order is modified or revoked by EPA based on submission of this or other information that EPA determines is relevant and needed to evaluate a modification request.

CFR citation: 40 CFR 721.11027.

PMN Number: P-15-705

Chemical name: Alkylarylamine (generic).

CAS number: Not available.

Effective date of TSCA section 5(e) Order: May 11, 2017.

Basis for TSCA section 5(e) Order: The PMN states that the substance will be used as a chemical intermediate and as an additive and octane booster in aviation fuels.

Based on test data on the PMN substance, EPA has identified concerns for dermal irritation, developmental toxicity, and blood effects. Based on test data on analogous anilines, EPA has identified concerns for cardiovascular, eye, liver, kidney, and pulmonary effects, as well as bladder cancer. The Order was issued under TSCA sections 5(a)(3)(B)(ii)(I) and 5(e)(1)(A)(ii)(I), based on insufficient information to make a reasoned evaluation and a finding that the substance may present an unreasonable risk of injury to human health. To protect against these risks, the Order requires:

1. Submission of certain toxicity testing on the PMN substance prior to exceeding the confidential production volume limit as specified in the Order.

2. Use of personal protective equipment including impervious gloves, full body chemical protective clothing and chemical goggles or equivalent eye protection (where there is a potential for dermal exposure).

3. Use of a NIOSH-certified respirator with an APF of at least 1,000 (where there is a potential for inhalation exposure) or compliance with a NCEL of 0.48 mg/m³ as an 8-hour time-weighted average. (EPA's estimates indicate that variations of the parameters (including batch size, number of processing sites, days per year of operation) of the uses identified below would not result in inhalation exposure that would indicate a different respirator.)

4. No use of the substance in a consumer product.

5. No use other than as a chemical intermediate or as an additive and octane booster in aviation fuels.

6. Establishment and use of a hazard communication program, including human health precautionary statements on each label and in the SDS.

7. No release of the PMN substance resulting in surface water concentrations that exceed 1 ppb.

The SNUR will designate as a "significant new use" the absence of these protective measures.

Potentially useful information: EPA has determined that certain information about the human health and aquatic toxicity of the PMN substance may be

potentially useful to characterize the effects of the PMN substance in support of a request by the PMN submitter to modify the Order, or if a manufacturer or processor is considering submitting a SNUN for a significant new use that will be designated by this SNUR. The submitter has agreed not to exceed the confidential production limit without performing specific target organ toxicity testing and a chronic aquatic toxicity test.

CFR citation: 40 CFR 721.11028.

PMN Numbers: P-15-706 and P-15-707

Chemical names: Aliphatic N-alkyl urea polymer containing cyclohexyl groups and trimethoxy silanes (generic) (P-15-706) and Aliphatic N-alkyl urea polymer containing aspartic ester groups and trimethoxy silanes (generic) (P-15-707).

CAS numbers: Not available.

Effective date of TSCA section 5(e) Order: April 26, 2017.

Basis for TSCA section 5(e) Order: The PMNs state that the generic use of the substances will be as ingredients for multipurpose exterior coatings. Based on SAR analysis on reactive methoxy silane moieties, EPA has identified concerns for irritation to lungs, eyes, and mucus membranes. There are also concerns for acute toxicity, neurotoxicity, and developmental toxicity based on the presence of methanol, and for sensitization if there are residual isocyanates. The Order was issued under TSCA sections 5(a)(3)(B)(ii)(I) and 5(e)(1)(A)(ii)(I), based on insufficient information to make a reasoned evaluation and a finding that the substances may present an unreasonable risk of injury to human health. To protect against these risks, the Order requires:

1. Submission of certain toxicity testing on the PMN substance prior to exceeding the production limit as specified in the Order.
2. Use of personal protective equipment including impervious gloves (where there is a potential for dermal exposure).
3. Use of a NIOSH-certified respirator with an APF of at least 10 (where there is a potential for inhalation exposure) or compliance with a NCEL of 0.9 mg/m³ as an 8-hour time-weighted average. (EPA's estimates indicate that variations of the parameters (including batch size, number of processing sites, days per year of operation) of the uses identified below would not result in inhalation exposure that would indicate a different respirator.)
4. Establishment and use of a hazard communication program, including

human health precautionary statements on each label and in the SDS.

5. No manufacture beyond an annual production volume of 250,000 kilograms (kg).

6. Manufacture of the PMN substances to contain no more than 0.1% residual isocyanate by weight.

7. No uses of the substances other than allowed in the Order.

8. No use of the substances in a consumer product.

The SNUR will designate as a "significant new use" the absence of these protective measures.

Potentially useful information: EPA has determined that certain information about the human health toxicity of the PMN substances may be potentially useful to characterize the effects of the PMN substances in support of a request by the PMN submitter to modify the Order, or if a manufacturer or processor is considering submitting a SNUN for a significant new use that will be designated by this SNUR. The submitter has agreed not to exceed the confidential production limit without performing specific target organ toxicity testing for P-15-706.

CFR citation: 40 CFR 721.11029 (P-15-706) and 40 CFR 721.11030 (P-15-707).

PMN Numbers: P-16-273 and P-16-274

Chemical names: Alkyl heteromonocycle, polymer with heteromonocycle, carboxyalkyl alkyl ethers (generic).

CAS numbers: Not available.

Effective date of TSCA section 5(e) Order: April 25, 2017.

Basis for TSCA section 5(e) Order: The PMNs state that the generic (non-confidential) use of the substances will be as ingredients in metalworking fluids. Based on submitted test data for P-16-273 and structurally similar surfactants, EPA has identified concerns for dermal sensitization and irritation and lung effects. Based on submitted toxicity data for P-16-273, EPA estimates toxicity to aquatic organisms may occur for both PMNs at concentrations that exceed 10 ppb of the PMN substances in surface waters. The Order was issued under TSCA sections 5(a)(3)(B)(ii)(I) and 5(e)(1)(A)(ii)(I), based on insufficient information to make a reasoned evaluation and a finding that the substances may present an unreasonable risk of injury to human health and the environment. To protect against these risks, the Order requires:

1. No domestic manufacture of the PMN substances.
2. Use of the PMN substances only: (i) For the confidential uses specified in the Order, (ii) at a concentration no

greater than 3% of the metalworking fluid, and (iii) used only in closed metalworking systems as specified in the PMNs with no modifications in the process that would result in worker inhalation exposure.

3. Use of personal protective equipment including impervious gloves (where there is a potential for dermal exposure).

4. No release of the PMN substances resulting in surface water concentrations that exceed 10 ppb.

The SNUR will designate as a "significant new use" the absence of these protective measures.

Potentially useful information: EPA has determined that certain information about the fate and toxicity of the PMN substances may be potentially useful to characterize the health and environmental effects of the PMN substances in support of a request by the PMN submitter to modify the Order, or if a manufacturer or processor is considering submitting a SNUN for a significant new use that will be designated by this SNUR. EPA has determined that the results of specific target organ toxicity testing and a biodegradation test of the PMN substances may be potentially useful in characterizing the health and environmental effects of the PMN substances. Although the Order does not require these tests, the Order's restrictions on manufacture, processing, distribution in commerce, and disposal will remain in effect until the Order is modified or revoked by EPA based on submission of this or other information that EPA determines is relevant and needed to evaluate a modification request.

CFR citation: 40 CFR 721.11031.

PMN Number: P-16-289

Chemical name: Benzene dicarboxylic acid, polymer with alkane dioic acid and aliphatic diamine (generic).

CAS number: Not available.

Effective date of TSCA section 5(e) Order: March 24, 2017.

Basis for TSCA section 5(e) Order: The PMN states the substance will be used as an extrusion compounding molding resin. Based on test data on analogous high molecular weight polymers, EPA has concerns for lung effects, which includes lung overload. The Order was issued under TSCA sections 5(a)(3)(B)(ii)(I) and 5(e)(1)(A)(ii)(I), based on insufficient information to make a reasoned evaluation and a finding that the substance may present an unreasonable risk of injury to human health. To protect against these risks, the Order requires:

1. Submission of particle size testing on the PMN substance prior to exceeding the time limit as specified in the Order.

2. Manufacture of the PMN substance such that the solid particle form has a particle size distribution where less than 1% of the particles are less than 10 microns.

The SNUR will designate as a "significant new use" the absence of these protective measures.

Potentially useful information: EPA has determined that certain information about the physical/chemical characteristics of the PMN substance may be potentially useful to characterize the health effects of the PMN substance in support of a request by the PMN submitter to modify the Order, or if a manufacturer or processor is considering submitting a SNUN for a significant new use that will be designated by this SNUR. The submitter has agreed not to manufacture beyond a certain time period without measuring the particle size distribution to characterize the fraction of the dry particle PMN substance less than 10 microns. In addition, EPA has determined that the results of specific target organ toxicity testing of the PMN substance may be potentially useful in characterizing the health effects of the PMN substance. Although the Order does not require this additional testing, the Order's restrictions on manufacture, processing, distribution in commerce, and disposal will remain in effect until the Order is modified or revoked by EPA based on submission of this or other information that EPA determines is relevant and needed to evaluate a modification request.

CFR citation: 40 CFR 721.11032.

PMN Number: P-16-322

Chemical name: Manganese cyclic (tri)amine chloride complex (generic).

CAS number: Not available.

Effective date of TSCA section 5(e) Order: April 25, 2017.

Basis for TSCA section 5(e) Order: The PMN states that the generic (non-confidential) use of the substance will be as a pulp bleaching catalyst. Based on test data on an analog, EPA has identified concerns for kidney, blood, and thyroid effects, immunotoxicity, reproductive and developmental toxicity, and neurotoxicity. Based on test data on the PMN substance, EPA estimates that toxicity to aquatic organisms may occur at concentrations that exceed 18 ppb of the PMN substance in surface waters. The Order was issued under TSCA sections 5(a)(3)(B)(ii)(I) and 5(e)(1)(A)(ii)(I), based on insufficient information to

make a reasoned evaluation and a finding that the substance may present an unreasonable risk of injury to human health and the environment. To protect against these risks, the Order requires:

1. Submission of certain toxicity testing on the PMN substance prior to exceeding the confidential production volume limit as specified in the Order.

2. Use of personal protective equipment to prevent dermal exposure (where there is a potential for dermal exposure).

3. Use of a NIOSH-certified respirator with an APF of at least 25 (where there is a potential for inhalation exposure) or compliance with a NCEL of 1.2 ppm as an 8-hour time-weighted average. (EPA's estimates indicate that variations of the parameters (including batch size, number of processing sites, days per year of operation) of the uses identified below would not result in inhalation exposure that would indicate a different respirator.)

4. Establishment and use of a hazard communication program, including human health precautionary statements on each label and in the SDS.

5. No domestic manufacture of the PMN substance.

6. Process and use of the PMN substance only for the confidential uses and formulation percentage specified in the Order.

7. No release of the PMN substance resulting in surface water concentrations that exceed 18 ppb.

The SNUR will designate as a "significant new use" the absence of these protective measures.

Potentially useful information: EPA has determined that certain information about the human health and aquatic toxicity of the PMN substance may be potentially useful to characterize the effects of the PMN substance in support of a request by the PMN submitter to modify the Order, or if a manufacturer or processor is considering submitting a SNUN for a significant new use that will be designated by this SNUR. The submitter has agreed not to exceed the confidential production limit without performing specific target organ toxicity testing, reproductive/developmental toxicity testing; and chronic aquatic toxicity testing.

CFR citation: 40 CFR 721.11033.

PMN Numbers: P-16-338, P-16-339, P-16-439, and P-16-440

Chemical names: Xanthylum, (sulfoaryl)-bis [(substituted aryl) amino]-, sulfo derivs., inner salts, metal salts (generic) (P-16-338); Substituted triazinyl metal salt, diazotized, coupled with substituted pyridobenzimidazolesulfonic acids,

substituted pyridobenzimidazolesulfonic acids, diazotized substituted alkanesulfonic acid, diazotized substituted aromatic sulfonate, diazotized substituted aromatic sulfonate, metal salts (generic) (P-16-339); Carbon black, (organic acidic carbocyclic)-modified, inorganic salt (generic) (P-16-439); and Carbon black, (organic acidic carbocyclic)-modified, metal salt (generic) (P-16-440).

CAS numbers: Not available.

Effective date of TSCA section 5(e) Order: April 11, 2017.

Basis for TSCA section 5(e) Order: The PMN states that the generic (non-confidential) uses of the PMN substances will be as dyestuffs (P-16-0338 and P-16-0339) and as coloring agents (P-16-0439 and P-16-0440). Based on physical/chemical properties of the PMN substances and test data on analogous poorly respirable particles, EPA has identified concerns for irritation to the eyes, lungs, and mucous membranes, and lung effects. Further, based on SAR analysis of test data on analogous dyes, EPA predicts toxicity to aquatic organisms may occur at concentrations that exceed 200 ppb of the PMN substances in surface waters. The Order was issued under TSCA sections 5(a)(3)(B)(ii)(I) and 5(e)(1)(A)(ii)(I), based on insufficient information to make a reasoned evaluation and a finding that the substances may present an unreasonable risk of injury to human health and the environment. To protect against these risks, the Order requires:

1. No manufacture of the PMN substances beyond the confidential annual production volume specified in the Order.

2. No domestic manufacture of the PMN substances.

3. Import the PMN substances only according to the terms specified and for the confidential uses specified in the Order.

4. No release of the PMN substances to surface waters.

The SNUR will designate as a "significant new use" the absence of these protective measures.

Potentially useful information: EPA has determined that certain information about the fate, human health toxicity, and aquatic toxicity of the PMN substances may be potentially useful to characterize the effects of the PMN substances in support of a request by the PMN submitter to modify the Order, or if a manufacturer or processor is considering submitting a SNUN for a significant new use that will be designated by this SNUR. EPA has determined that the results of a

biodegradation test, specific target organ toxicity testing, and acute and chronic aquatic toxicity testing of the PMN substances may be potentially useful in characterizing the health and environmental effects of the PMN substances. Although the Order does not require these tests, the Order's restrictions on manufacture, processing, distribution in commerce, and disposal will remain in effect until the Order is modified or revoked by EPA based on submission of this or other information that EPA determines is relevant and needed to evaluate a modification request.

CFR citations: 40 CFR 721.11034 (P-16-338), 40 CFR 721.11035 (P-16-339), 40 CFR 721.11036 (P-16-439), and 40 CFR 721.11037 (P-16-440).

PMN Number: P-16-350

Chemical name: Polyaryalkyl aryl ester of methacrylic acid (generic).

CAS number: Not available.

Effective date of TSCA section 5(e) Order: March 31, 2017.

Basis for TSCA section 5(e) Order: The PMN states that the generic (non-confidential) use of the substance will be as a polymer reactant. Based on test data on methacrylate moieties, EPA has identified concerns for irritation and sensitization based on analogy to methacrylates. Based on SAR analysis of test data on structurally similar respirable surfactants, EPA has identified concerns for lung effects. The Order was issued under TSCA sections 5(a)(3)(B)(ii)(I) and 5(e)(1)(A)(ii)(I), based on insufficient information to make a reasoned evaluation and a finding that the substance may present an unreasonable risk of injury to human health. To protect against these risks, the Order requires:

1. Use of personal protective equipment including impervious gloves (where there is a potential for dermal exposure).

2. Establishment and use of a hazard communication program, including human health precautionary statements on each label and in the SDS.

3. Manufacture of the PMN substance such that it is not less than the minimum average molecular weight identified in the Order and does not contain more than the maximum weight percent of low molecular weight species below 1,000 Daltons.

4. Use of the PMN substance only for the confidential use specified in the Order.

The SNUR will designate as a "significant new use" the absence of these protective measures.

Potentially useful information: EPA has determined that certain information

about the toxicity of the PMN substance may be potentially useful to characterize the health effects of the PMN substance in support of a request by the PMN submitter to modify the Order, or if a manufacturer or processor is considering submitting a SNUN for a significant new use that will be designated by this SNUR. EPA has determined that the results of specific target organ toxicity testing and a sensitization test of the PMN substance may be potentially useful in characterizing the health effects of the PMN substance. Although the Order does not require these tests, the Order's restrictions on manufacture, processing, distribution in commerce, and disposal will remain in effect until the Order is modified or revoked by EPA based on submission of this or other information that EPA determines is relevant and needed to evaluate a modification request.

CFR citation: 40 CFR 721.11038.

PMN Number: P-16-352

Chemical names: Phenol, 2-[[[3-(octyloxy)propyl]imino]methyl]- (P-16-352, chemical A) and Phenol, 2-[[[3-(decyloxy)propyl]imino]methyl]- (P-16-352, chemical B).

CAS numbers: 1858221-49-4 (P-16-352, chemical A) and 1858221-50-7 (P-16-352, chemical B).

Effective date of TSCA section 5(e) Order: April 21, 2017.

Basis for TSCA section 5(e) Order: The PMN states that the PMN substances will be used as co-catalysts in the manufacturing of release coatings for producing papers and films at a concentration of 1% or less. Based on SAR analysis of test data on analogous phenols, EPA has identified concerns for respiratory and dermal irritation and developmental toxicity. In addition, EPA has identified concerns for liver toxicity and reproductive effects based on the hydrolysis product o-hydroxybenzaldehyde. Further, based on SAR analysis of test data on analogous phenols, EPA predicts toxicity to aquatic organisms may occur at concentrations that exceed 1 ppb of the PMN substances in surface waters. The Order was issued under TSCA sections 5(a)(3)(B)(ii)(I) and 5(e)(1)(A)(ii)(I), based on insufficient information to make a reasoned evaluation and a finding that the substances may present an unreasonable risk of injury to human health and the environment. To protect against these risks, the Order requires:

1. Submission of certain toxicity testing on the PMN substance prior to exceeding the confidential production volume limit as specified in the Order.

2. Use of personal protective equipment including impervious gloves (where there is a potential for dermal exposure).

3. Establishment and use of a hazard communication program, including human health precautionary statements on each label and in the SDS.

4. No domestic manufacture of the PMN substances.

5. No manufacture of the PMN substances beyond an annual production volume of 250 kg/yr.

6. No use of the PMN substances in application methods that generate a dust, mist, or aerosol.

7. No release of the PMN substance resulting in surface water concentrations that exceed 1 ppb.

The SNUR will designate as a "significant new use" the absence of these protective measures.

Potentially useful information: EPA has determined that certain information about the human health and aquatic toxicity of the PMN substance may be potentially useful to characterize the effects of the PMN substance in support of a request by the PMN submitter to modify the Order, or if a manufacturer or processor is considering submitting a SNUN for a significant new use that will be designated by this SNUR. The submitter has agreed not to exceed the confidential production limit without performing specific target organ toxicity, reproductive/developmental toxicity, and acute aquatic toxicity testing.

CFR citations: 40 CFR 721.11039 (P-16-352, chemical A) and 40 CFR 721.11040 (P-16-352, chemical B).

PMN Number: P-16-358

Chemical name: Alkyl phenol (generic).

CAS number: Not available.

Effective date of TSCA section 5(e) Order: April 24, 2017.

Basis for TSCA section 5(e) Order: The PMN states that the substance will be used as a chemical intermediate. Based on SAR analysis of test data on analogous phenols, EPA has identified concerns for developmental toxicity. The Order was issued under TSCA sections 5(a)(3)(B)(ii)(I) and 5(e)(1)(A)(ii)(I), based on insufficient information to make a reasoned evaluation and a finding that the substance may present an unreasonable risk of injury to human health. To protect against these risks, the Order requires:

1. Submission of certain toxicity testing on the PMN substance prior to exceeding the confidential production volume limit as specified in the Order.

2. Use of personal protective equipment including impervious gloves

(where there is a potential for dermal exposure).

3. Establishment and use of a hazard communication program, including human health precautionary statements on each label and in the SDS.

4. Use of the PMN substance only as a chemical intermediate.

5. No manufacture, process, or use of the PMN substance in any manner or method that generates a dust, mist, or aerosol or in a non-enclosed process.

6. No release of the PMN substance to surface waters.

The SNUR will designate as a "significant new use" the absence of these protective measures.

Potentially useful information: EPA has determined that certain information about the human health toxicity of the PMN substance may be potentially useful to characterize the effects of the PMN substance in support of a request by the PMN submitter to modify the Order, or if a manufacturer or processor is considering submitting a SNUN for a significant new use will be designated by this SNUR. The submitter has agreed not to exceed the confidential production limit without performing specific target organ toxicity and reproductive/developmental toxicity tests.

CFR citation: 40 CFR 721.11041.

PMN Number: P-16-364

Chemical name: Nitrile-butadiene-acrylate terpolymers (generic).

CAS number: Not available.

Effective date of TSCA section 5(e) Order: March 31, 2017

Basis for TSCA section 5(e) Order: The PMN states that the generic (non-confidential) use of the substance will be as a chemical intermediate. Based on SAR analysis of test data on structurally similar respirable particles, EPA has identified concerns for lung effects, including lung overload. The Order was issued under TSCA sections 5(a)(3)(B)(ii)(I) and 5(e)(1)(A)(ii)(I), based on insufficient information to make a reasoned evaluation and a finding that the substance may present an unreasonable risk of injury to human health. To protect against these risks, the Order requires:

1. Use of the PMN substance only as a site-limited chemical intermediate.

2. Establishment and use of a hazard communication program, including human health precautionary statements on each label and in the SDS.

3. No manufacture, process, or use of the PMN substance if it contains more than 5% of the particle size distribution less than 10 microns.

The SNUR will designate as a "significant new use" the absence of these protective measures.

Potentially useful information: EPA has determined that certain information about the toxicity of the PMN substance may be potentially useful to characterize the effects of the PMN substance in support of a request by the PMN submitter to modify the Order, or if a manufacturer or processor is considering submitting a SNUN for a significant new use that will be designated by this SNUR. EPA has determined that the results of specific target organ toxicity testing of the PMN substance may be potentially useful in characterizing the health effects of the PMN substance. Although the Order does not require this test, the Order's restrictions on manufacture, processing, distribution in commerce, and disposal will remain in effect until the Order is modified or revoked by EPA based on submission of this or other information that EPA determines is relevant and needed to evaluate a modification request.

CFR citation: 40 CFR 721.11042.

PMN Number: P-16-399

Chemical name: Starch, polymer with 2-propenoic acid, potassium salt, oxidized.

CAS number: 1638117-09-5.

Effective date of TSCA section 5(e) Order: April 6, 2017.

Basis for TSCA section 5(e) Order: The PMN states that the substance will be used as an agricultural soil amendment for field crops, agricultural soil amendment for turf applications and direct soil injection with fertilizers, and a compound to be used in preparation of advanced seed coatings. Based on SAR analysis of test data on structurally similar respirable particles, EPA has identified concerns for lung effects, including lung overload. The Order was issued under TSCA sections 5(a)(3)(B)(ii)(I) and 5(e)(1)(A)(ii)(I), based on insufficient information to make a reasoned evaluation and a finding that the substance may present an unreasonable risk of injury to human health. The Order was also issued under TSCA sections 5(a)(3)(B)(ii)(II) and 5(e)(1)(A)(ii)(II), based on a finding that the substance that the substance is or will be produced in substantial quantities and that the substance either enters or may reasonably be anticipated to enter the environment in substantial quantities, or there is or may be significant (or substantial) human exposure to the substance. To protect against these risks, the Order requires:

1. Submission of certain toxicity testing on the PMN substance prior to exceeding the time limit as specified in the Order.

2. Use of personal protective equipment including impervious gloves (where there is a potential for dermal exposure).

3. Establishment and use of a hazard communication program, including human health precautionary statements on each label and in the SDS.

4. Manufacture of the substance with a particulate size greater than 30 microns.

The SNUR will designate as a "significant new use" the absence of these protective measures.

Potentially useful information: EPA has determined that certain information about the toxicity of the PMN substance may be potentially useful to characterize the health and environmental effects of the PMN substance in support of a request by the PMN submitter to modify the Order, or if a manufacturer or processor is considering submitting a SNUN for a significant new use that will be designated by this SNUR. The submitter has agreed not to manufacture beyond a certain time limit without performing an acute aquatic toxicity test. In addition, EPA has determined that the results of specific target organ toxicity testing of the PMN substance may be potentially useful in characterizing the health effects of the PMN substance. Although the Order does not require this additional testing, the Order's restrictions on manufacture, processing, distribution in commerce, and disposal will remain in effect until the Order is modified or revoked by EPA based on submission of this or other information that EPA determines is relevant and needed to evaluate a modification request.

CFR citation: 40 CFR 721.11043.

PMN Number: P-16-430

Chemical name: Pentanedioic acid, 2-methyl-.

CAS number: 617-62-9.

Effective date of TSCA section 5(e) Order: May 17, 2017.

Basis for TSCA section 5(e) Order: The PMN states the generic (non-confidential) use of the substance will be as a filler. Based on test data on the PMN substance, EPA has identified concerns for systemic and reproductive toxicity. Based on structural analysis on the acid groups and test data, EPA has identified concerns for dermal and respiratory irritation. Further, based on test data on the PMN substance and test data on analogous neutral organics, EPA predicts toxicity to aquatic organisms may occur at concentrations that exceed 14 ppb of the PMN substance in surface waters. The Order was issued under TSCA sections 5(a)(3)(B)(ii)(I) and 5(e)(1)(A)(ii)(I), based on insufficient

information to make a reasoned evaluation and a finding that the substance may present an unreasonable risk of injury to human health and the environment. EPA assessed risks based on the specific processing, use, distribution/transportation, treatment and disposal processes, process equipment, engineering controls, and handling practices (including worker activities and cleaning procedures) described in the PMN. To protect against these risks, the Order requires:

1. Use of personal protective equipment including impervious gloves (where there is a potential for dermal exposure).

2. Use of a NIOSH-certified respirator with an APF of at least 10 (where there is a potential for inhalation exposure). (EPA's estimates indicate that variations of the parameters (including batch size, number of processing sites, days per year of operation) of the uses identified below would not result in inhalation exposure that would indicate a different respirator.)

3. Establishment and use of a hazard communication program, including human health precautionary statements on each label and in the SDS.

4. No domestic manufacture of the PMN substance.

5. Import of the PMN substance at or below the maximum concentration specified in the Order.

6. No release of the PMN substance resulting in surface water concentrations that exceed 14 ppb.

The SNUR will designate as a "significant new use" the absence of these protective measures.

Potentially useful information: EPA has determined that certain information about the human health toxicity of the PMN substance may be potentially useful to characterize the effects of the substance in support of a request by the PMN submitter to modify the Order, or if a manufacturer or processor is considering submitting a SNUN for a significant new use that will be designated by this SNUR. EPA has determined that the results of specific target organ toxicity testing of the PMN substance may be potentially useful in characterizing the health effects of the PMN substance. Although the Order does not require this test, the Order's restrictions on manufacture, processing, distribution in commerce, and disposal will remain in effect until the Order is modified or revoked by EPA based on submission of this or other information.

CFR citation: 40 CFR 721.11044.

PMN Number: P-16-495

Chemical name: 2-Pentanol, 4-methyl-, reaction products with

phosphorus oxide (P2O5), compounds with alkylamine (generic).

CAS number: Not available.

Effective date of TSCA section 5(e) Order: April 25, 2017.

Basis for TSCA section 5(e) Order:

The PMN states that the generic use (non-confidential) of the substance will be as a lubricant additive. Based on test data on the substance, EPA has identified concerns for systemic effects, sensitization and irritation to the eyes and skin. Based on physical/chemical properties, EPA has concerns for lung effects, including lung surfactancy. Further, based on test data on analogous aliphatic amines for the cation and neutral organics for the anion as well as test data on the PMN substance, EPA predicts toxicity to aquatic organisms may occur at concentrations that exceed 200 ppb of the PMN substance in surface waters. The Order was issued under TSCA sections 5(a)(3)(B)(ii)(I) and 5(e)(1)(A)(ii)(I), based on insufficient information to make a reasoned evaluation and a finding that the substance may present an unreasonable risk of injury to human health and the environment. To protect against these risks, the Order requires:

1. Submission of certain toxicity testing on the PMN substance prior to exceeding the confidential production volume limit as specified in the Order.

2. Use of personal protective equipment (where there is a potential for dermal exposure).

3. Establishment and use of a hazard communication program, including human health precautionary statements on each label and in the SDS.

4. No manufacture in any manner or method that results in inhalation exposure.

5. No use of the PMN substance in an application method that generates a vapor, mist, or aerosol.

6. No release of the PMN substance resulting in surface water concentrations that exceed 200 ppb.

The SNUR will designate as a "significant new use" the absence of these protective measures.

Potentially useful information: EPA has determined that certain information about the human health and aquatic toxicity of the PMN substance may be potentially useful to characterize the effects of the PMN substance effects of the PMN substance in support of a request by the PMN submitter to modify the Order, or if a manufacturer or processor is considering submitting a SNUN for a significant new use that will be designated by this SNUR. The submitter has agreed not to exceed the confidential production limit without performing chronic aquatic toxicity

tests. In addition, EPA has determined that the results of specific target organ toxicity testing of the PMN substance may be potentially useful in characterizing the health effects of the PMN substance. Although the Order does not require this additional testing, the Order's restrictions on manufacture, processing, distribution in commerce, and disposal will remain in effect until the Order is modified or revoked by EPA based on submission of this or other information that EPA determines is relevant and needed to evaluate a modification request.

CFR citation: 40 CFR 721.11045.

PMN Number: P-16-513

Chemical name: Hydroxy alkylbiphenyl (generic).

CAS number: Not available.

Effective date of TSCA section 5(e) Order: May 2, 2017.

Basis for TSCA section 5(e) Order:

The PMN states that the substance will be used as a chemical intermediate. Based on test data on an analog, EPA has identified concerns for developmental toxicity, systemic toxicity, blood effects, and corrosion of the skin, eyes, and mucous membranes. Further, based on SAR analysis of test data on analogous amides, EPA predicts toxicity to aquatic organisms may occur at concentrations that exceed 17 ppb of the PMN substances in surface waters. The Order was issued under TSCA sections 5(a)(3)(B)(ii)(I) and 5(e)(1)(A)(ii)(I), based on insufficient information to make a reasoned evaluation and a finding that the substances may present an unreasonable risk of injury to human health and the environment. To protect against these risks, the Order requires:

1. Submission of certain toxicity testing on the PMN substance prior to exceeding the confidential production volume limit as specified in the Order.

2. Use of personal protective equipment (where there is a potential for dermal exposure).

3. Use of a NIOSH-certified respirator with an APF of at least 50 (where there is a potential for inhalation exposure). (EPA's estimates indicate that variations of the parameters (including batch size, number of processing sites, days per year of operation) of the uses identified below would not result in inhalation exposure that would indicate a different respirator.)

4. Use of the PMN substance only as a chemical intermediate.

5. No release of the PMN substance resulting in surface water concentrations that exceed 17 ppb.

The SNUR will designate as a “significant new use” the absence of these protective measures.

Potentially useful information: EPA has determined that certain information about the human health and aquatic toxicity of the PMN substance may be potentially useful to characterize the effects of the PMN substance in support of a request by the PMN submitter to modify the Order, or if a manufacturer or processor is considering submitting a SNUN for a significant new use that will be designated by this SNUR. The submitter has agreed not to exceed the confidential production limit without performing specific target organ toxicity and reproductive/developmental toxicity testing. In addition, EPA has determined that the results of acute aquatic toxicity tests may be potentially useful in characterizing the environmental effects of the PMN substance. Although the Order does not require these additional tests, the Order’s restrictions on manufacture, processing, distribution in commerce, and disposal will remain in effect until the Order is modified or revoked by EPA based on submission of this or other information that EPA determines is relevant and needed to evaluate a modification request.

CFR citation: 40 CFR 721.11046.

PMN Numbers: P-16-534, P-16-535, and P-16-536

Chemical names: Alkyl alkenoic acid, polymer with alkenylcarbomonocycle telomer with substituted alkenoic acid hydroxyl alkyl substituted alkenyl substituted alkyl ester, polyalkylene glycol alkyl ether alkyl alkenoate, dialkylene glycol diheteromonocyclic ether and alkylcarbomonocyclic alkenoate, metal salt (generic) (P-16-534); Alkyl alkenoic acid, polymer with alkenylcarbomonocycle telomer with substituted alkenoic acid hydroxyl alkyl substituted alkenyl substituted alkyl ester, alkanediol diheteromonocyclic ether, polyalkylene glycol alkyl ether alkyl alkenoate and alkylcarbomonocyclic alkenoate, metal salt (generic) (P-16-535); and Alkyl alkenoic acid, polymer with bis heteromonocyclic substituted alkyl carbomonocycle, alkenylcarbomonocycle telomer with substituted alkenoic acid hydroxyl alkyl substituted alkenyl substituted alkyl ester, polyalkylene glycol alkyl ether alkyl alkenoate and alkylcarbomonocyclic alkenoate, metal salt (generic) (P-16-536).

CAS numbers: Not available.

Effective date of TSCA section 5(e) Order: April 4, 2017.

Basis for TSCA section 5(e) Order: The PMN states that the generic (non-confidential) use of the substances will be a component of ink. Based on test data on structurally similar respirable particles, EPA has identified concerns for lung effects if inhaled, based on lung overload. In addition, EPA has identified ecotoxicity concerns for the substances if made with an acid component exceeding 20% of the molecular weight due potential for increased absorption and solubility. The Order was issued under TSCA sections 5(a)(3)(B)(ii)(I) and 5(e)(1)(A)(ii)(I), based on insufficient information to make a reasoned evaluation and a finding that the substances may present an unreasonable risk of injury to human health and the environment. To protect against these risks, the Order requires:

1. Manufacture of the PMN substances such that the minimum average molecular weight is 1,800 daltons and the carboxylic acid content does not exceed 20%.

2. No domestic manufacture of the PMN substances.

3. Process or use of the PMN substances only for the use specified in the Order.

The SNUR will designate as a “significant new use” the absence of these protective measures.

Potentially useful information: EPA has determined that certain information about the human health and aquatic toxicity of the PMN substances may be potentially useful to characterize the effects of the substances in support of a request by the PMN submitter to modify the Order, or if a manufacturer or processor is considering submitting a SNUN for a significant new use that will be designated by this SNUR. EPA has determined that the results of specific target organ toxicity testing and an acute aquatic toxicity test of the PMN substances may be potentially useful in characterizing the health and environmental effects of the PMN substances. Although the Order does not require these tests, the Order’s restrictions on manufacture, processing, distribution in commerce, and disposal will remain in effect until the Order is modified or revoked by EPA based on submission of this or other information that EPA determines is relevant and needed to evaluate a modification request.

CFR citations: 40 CFR 721.11047 (P-16-534), 40 CFR 721.11048 (P-16-535), and 40 CFR 721.11049 (P-16-536).

PMN Numbers: P-16-549, P-16-550, P-16-551, P-16-553, P-16-555, P-16-556, P-16-557, P-16-558, P-16-560, P-16-561, P-16-562, P-16-563, P-16-564, P-16-565, and P-16-567

Chemical names: Alkaline functionalized methacrylate-substituted polymer (generic) (P-16-549, P-16-550, and P-16-551); Quaternary alkylamine functionalized methacrylate-substituted polymer (generic) (P-16-553); Neutral alcohol functionalized methacrylate-substituted polymer (generic) (P-16-555 and P-16-556); Neutral alkyl salt functionalized methacrylate-substituted polymer (generic) (P-16-557, P-16-558, and P-16-560); Acid functionalized methacrylate-substituted polymer (generic) (P-16-561, P-16-562, P-16-563, P-16-564, and P-16-565); and Alkylamine functionalized methacrylate-substituted polymer (generic) (P-16-567).

CAS numbers: Not available.

Effective date of TSCA section 5(e) Order: May 2, 2017.

Basis for TSCA section 5(e) Order: The PMN states the substances will be used as crosslinked resins for chromatographic separation of biomolecules and biocatalysts. Based on test data on structurally similar respirable particles, EPA has identified concerns for lung effects, including lung overload. EPA has also identified irritation concerns for skin and eyes. The Order was issued under TSCA sections 5(a)(3)(B)(ii)(I) and 5(e)(1)(A)(ii)(I), based on insufficient information to make a reasoned evaluation and a finding that the substances may present an unreasonable risk of injury to human health. To protect against these risks, the Order requires:

1. Use of personal protective equipment including impervious gloves (where there is a potential for dermal exposure).

2. Manufacture of the PMN substances only in the physical form of spherical beads and with less than 0.1% below a particle size of 10 microns.

3. No domestic manufacture of the PMN substances.

4. Process or use of the PMN substances only for the uses specified in the Order.

The SNUR will designate as a “significant new use” the absence of these protective measures.

Potentially useful information: EPA has determined that certain information about the human health toxicity of the PMN substances may be potentially useful to characterize the effects of the substances in support of a request by the PMN submitter to modify the Order, or

if a manufacturer or processor is considering submitting a SNUN for a significant new use that will be designated by this SNUR. EPA has determined that the results of specific target organ toxicity testing of the PMN substances may be potentially useful in characterizing the health effects of the PMN substances. Although the Order does not require this testing, the Order's restrictions on manufacture, processing, distribution in commerce, and disposal will remain in effect until the Order is modified or revoked by EPA based on submission of this or other information that EPA determines is relevant and needed to evaluate a modification request.

CFR citations: 40 CFR 721.11050.

PMN Number: P-16-579

Chemical name: Waste plastics, poly(ethylene terephthalate), depolymd. with polypropylene glycol ether with glycerol (3:1), polymers with alkenoic and alkenoic acids (generic).

CAS number: Not available.

Effective date of TSCA section 5(e)

Order: March 13, 2017.

Basis for TSCA section 5(e) Order:

The PMN states that the substance will be used as an ultraviolet curable coating resin. Based on test data on similar structural moieties, EPA has identified concerns for dermal and respiratory sensitization and irritation of mucous membranes. In addition, EPA has identified human health and environmental concerns for the substance if made with lower molecular weight due to potential for increased absorption and solubility. The Order was issued under TSCA sections 5(a)(3)(B)(ii)(I) and 5(e)(1)(A)(ii)(I), based on insufficient information to make a reasoned evaluation and a finding that the substances may present an unreasonable risk of injury to human health and the environment. To protect against these risks, the Order requires:

1. Use of personal protective equipment including gloves and protective clothing (where there is a potential for dermal exposure).
2. Use of a NIOSH-certified full-face respirator with an APF of at least 50 (where there is a potential for inhalation exposure). (EPA's estimates indicate that variations of the parameters (including batch size, number of processing sites, days per year of operation) of the uses identified below would not result in inhalation exposure that would indicate a different respirator.)

3. Establishment and use of a hazard communication program, including human health precautionary statements on each label and in the SDS.

4. No manufacture of the PMN substance with an average molecular weight less than 1,100 Daltons.

5. Use of the PMN substance only as an ultraviolet curable coating resin.

The SNUR will designate as a "significant new use" the absence of these protective measures.

Potentially useful information: EPA has determined that certain information about the physical-chemical properties and human health and aquatic toxicity of the PMN substance may be potentially useful to characterize the effects of the substance in support of a request by the PMN submitter to modify the Order, or if a manufacturer or processor is considering submitting a SNUN for a significant new use that will be designated by this SNUR. EPA has determined that measurement of certain physical-chemical properties, the results of specific target organ toxicity, reproductive/developmental toxicity, sensitization, and acute and chronic aquatic toxicity testing may be potentially useful in characterizing the health and environmental effects of the PMN substances. Although the Order does not require these tests, the Order's restrictions on manufacture, processing, distribution in commerce, and disposal will remain in effect until the Order is modified or revoked by EPA based on submission of this or other information that EPA determines is relevant and needed to evaluate a modification request.

CFR citation: 40 CFR 721.11051.

PMN Number: P-17-32

Chemical name: 1,3,5-Naphthalenetrisulfonic acid.

CAS number: 6654-64-4.

Effective date of TSCA section 5(e) Order: March 22, 2017.

Basis for TSCA section 5(e) Order: The PMN states that the generic (non-confidential) use of the substance is for monitoring of oil/gas well performance. Based on test data on an analog and physical/chemical properties of the PMN substance, EPA has identified concerns for dermal and respiratory irritation, developmental toxicity, and blood effects. The Order was issued under TSCA sections 5(a)(3)(B)(ii)(I) and 5(e)(1)(A)(ii)(I), based on insufficient information to make a reasoned evaluation and a finding that the

substance may present an unreasonable risk of injury to human health. To protect against these risks, the Order requires:

1. Submission of certain toxicity testing on the PMN substance prior to exceeding the confidential production volume limit as specified in the Order.

2. Use of personal protective equipment including NIOSH-approved respirator (APF 50) and impervious gloves (where there is a potential for inhalation or dermal exposure). (EPA's estimates indicate that variations of the parameters (including batch size, number of processing sites, days per year of operation) of the uses identified below would not result in inhalation exposure that would indicate a different respirator.)

3. Establishment and use of a hazard communication program, including human health precautionary statements on each label and in the SDS.

4. No manufacture or processing of the PMN substance beyond a confidential annual production volume specified in the Order.

5. No manufacture, processing, or use using application methods that intentionally generate a vapor, mist or aerosol.

The SNUR will designate as a "significant new use" the absence of these protective measures.

Potentially useful information: EPA has determined that certain information about the human health toxicity of the PMN substance may be potentially useful to characterize the effects of the PMN substance in support of a request by the PMN submitter to modify the Order, or if a manufacturer or processor is considering submitting a SNUN for a significant new use that will be designated by this SNUR. The submitter has agreed not to exceed the confidential production limit without performing specific target organ toxicity and developmental toxicity testing.

CFR citation: 40 CFR 721.11052.

PMN Numbers: P-17-33, P-17-34, P-17-36, P-17-38, P-17-39, P-17-41, P-17-42, P-17-43, P-17-45, P-17-47, P-17-50, P-17-52, P-17-55, P-17-57, P-17-59, P-17-61, P-17-62, P-17-63, P-17-64, P-17-66, P-17-67, P-17-69, P-17-71, P-17-72, P-17-73, P-17-75, P-17-76, P-17-79, P-17-80, P-17-83, P-17-85, P-17-87, P-17-90, P-17-91, P-17-93

Chemical names and CAS Numbers:

Chemical name	CAS No.
Benzoic acid, 2-fluoro-, sodium salt (1:1) (P-17-33)	6654-64-4
Benzoic acid, 4-fluoro-, sodium salt (1:1) (P-17-34)	499-90-1
Benzoic acid, 2,3,4,5-tetrafluoro-, sodium salt (1:1) (P-17-36)	67852-79-3
Benzoic acid, 2-(trifluoromethyl)-, sodium salt (1:1) (P-17-38)	2966-44-1
Benzoic acid, 4-(trifluoromethyl)-, sodium salt (1:1) (P-17-39)	25832-58-0
Benzoic acid, 2,5-difluoro-, sodium salt (1:1) (P-17-41)	522651-42-9
Benzoic acid, 3-fluoro-, sodium salt (1:1) (P-17-42)	499-57-0
Benzoic acid, 2,6-difluoro-, sodium salt (1:1) (P-17-43)	6185-28-0
Benzoic acid, 3,5-difluoro-, sodium salt (1:1) (P-17-45)	530141-39-0
Benzoic acid, 2,4-difluoro-, sodium salt (1:1) (P-17-47)	1765-08-8
Benzoic acid, 3,4-difluoro-, sodium salt (1:1) (P-17-50)	522651-44-1
Benzoic acid, 3,4,5-trifluoro-, sodium salt (1:1) (P-17-52)	1180493-12-2
Benzoic acid, 2,3,4-trifluoro-, sodium salt (1:1) (P-17-55)	402955-41-3
Benzoic acid, 2,4,5-trifluoro-, sodium salt (1:1) (P-17-57)	522651-48-5
Benzoic acid, 2,3-difluoro-, sodium salt (1:1) (P-17-59)	1604819-08-0
Benzoic acid, 3-(trifluoromethyl)-, sodium salt (1:1) (P-17-61)	69226-41-1
Benzoic acid, 2-chloro-, sodium salt (1:1) (P-17-62)	17264-74-3
Benzoic acid, 4-chloro-, sodium salt (1:1) (P-17-63)	3686-66-6
Benzoic acid, 3-chloro-, sodium salt (1:1) (P-17-64)	17264-88-9
Benzoic acid, 2,3-dichloro-, sodium salt (1:1) (P-17-66)	118537-84-1
Benzoic acid, 2,5-dichloro-, sodium salt (1:1) (P-17-67)	63891-98-5
Benzoic acid, 3,5-dichloro-, sodium salt (1:1) (P-17-69)	154862-40-5
Benzoic acid, 2,6-dichloro-, sodium salt (1:1) (P-17-71)	10007-84-8
Benzoic acid, 3,4-dichloro-, sodium salt (1:1) (P-17-72)	17274-10-1
Benzoic acid, 2,4-dichloro-, sodium salt (1:1) (P-17-73)	38402-11-8
Benzoic acid, 2-chloro-4-fluoro-, sodium salt (P-17-75)	855471-43-1
Benzoic acid, 3-chloro-4-fluoro-, sodium salt (P-17-76)	1421761-18-3
Benzoic acid, 5-chloro-2-fluoro-, sodium salt (P-17-79)	1382106-78-6
Benzoic acid, 4-chloro-3-fluoro-, sodium salt (P-17-80)	1421029-88-0
Benzoic acid, 4-chloro-2-fluoro-, sodium salt (P-17-83)	1382106-64-0
Benzoic acid, 5-bromo-2-chloro-, sodium salt (P-17-85)	1938142-12-1
Benzoic acid, 3-bromo-4-fluoro-, sodium salt (P-17-87)	938142-13-2
Benzoic acid, 2-bromo-5-fluoro-, sodium salt (P-17-90)	1938142-14-3
Benzoic acid, 4-bromo-2-fluoro-, sodium salt (P-17-91)	1938142-15-4
Benzoic acid, 4-bromo-3-fluoro-, sodium salt (P-17-93)	1535169-81-3

Effective date of TSCA section 5(e) Order: March 22, 2017.

Basis for TSCA section 5(e) Order:

The PMNs state that the generic (non-confidential) use of the substances are for monitoring of oil/gas well performance. Based on test data on an analog, EPA has identified concerns for reproductive, developmental and neuro-toxicity, as well as lung toxicity and dermal irritation. The Order was issued under TSCA sections 5(a)(3)(B)(ii)(I) and 5(e)(1)(A)(ii)(I), based on insufficient information to make a reasoned evaluation and a finding that the substances may present an unreasonable risk of injury to human health. EPA assessed risks based on the specific manufacturing, processing, use, process equipment, engineering controls, and handling practices (including worker activities and cleaning procedures) described in the PMN. To protect against these risks, the Order requires:

1. Submission of certain toxicity testing on the PMN substances prior to

exceeding the production volume limit as specified in the Order.

2. Use of personal protective equipment including impervious gloves (where there is a potential for dermal exposure).

3. Use of a NIOSH-certified respirator with an APF of at least 50 (where there is a potential for inhalation exposure) or compliance with a NCEL of 0.0184 ppm as an 8-hour time-weighted average.

4. Use of processes, process equipment, engineering controls, and handling practices specified in the Order for manufacturing and processing.

5. Establishment and use of a hazard communication program, including human health precautionary statements on each label and in the SDS.

6. No manufacture or process of the PMN substances beyond a confidential annual production volume specified in the Order.

The SNUR will designate as a "significant new use" the absence of these protective measures.

Potentially useful information: EPA has determined that certain information about the human health toxicity of the PMN substances may be potentially useful to characterize the effects of the PMN substances in support of a request by the PMN submitter to modify the Order, or if a manufacturer or processor is considering submitting a SNUN for a significant new use that will be designated by this SNUR. The submitter has agreed not to exceed the confidential production limit without performing specific target organ toxicity testing on P-17-0091.

CFR citations: 40 CFR 721.11053.

PMN Numbers: P-17-35, P-17-37, P-17-40, P-17-44, P-17-46, P-17-48, P-17-51, P-17-53, P-17-54, P-17-56, P-17-58, P-17-60, P-17-65, P-17-68, P-17-70, P-17-74, P-17-77, P-17-78, P-17-81, P-17-82, P-17-84, P-17-88, P-17-89, P-17-92, P-17-97

Chemical names and CAS Numbers:

Chemical name	CAS No.
Benzoic acid, 2,3,4,5-tetrafluoro- (P-17-35)	1201-31-6
Benzoic acid, 2-(trifluoromethyl)- (P-17-37)	433-97-6
Benzoic acid, 2,5-difluoro- (P-17-40)	2991-28-8
Benzoic acid, 2,6-difluoro- (P-17-44)	385-00-2

Chemical name	CAS No.
Benzoic acid, 3,5-difluoro- (P-17-46)	455-40-3
Benzoic acid, 2,4-difluoro- (P-17-48)	1583-58-0
Benzoic acid, 3,4-difluoro- (P-17-51)	455-86-7
Benzoic acid, 3,4,5-trifluoro- (P-17-53)	121602-93-5
Benzoic acid, 2,3,4-trifluoro- (P-17-54)	61079-72-9
Benzoic acid, 2,4,5-trifluoro- (P-17-56)	446-17-3
Benzoic acid, 2,3-difluoro- (P-17-58)	4519-39-5
Benzoic acid, 3-(trifluoromethyl)- (P-17-60)	454-92-2
Benzoic acid, 2,3-dichloro- (P-17-65)	50-45-3
Benzoic acid, 3,5-dichloro- (P-17-68)	51-36-5
Benzoic acid, 2,6-dichloro- (P-17-70)	50-30-6
Benzoic acid, 2-chloro-4-fluoro- (P-17-74)	2252-51-9
Benzoic acid, 5-chloro-2-fluoro- (P-17-77)	394-30-9
Benzoic acid, 3-chloro-4-fluoro- (P-17-78)	403-16-7
Benzoic acid, 4-chloro-3-fluoro- (P-17-81)	403-17-8
Benzoic acid, 4-chloro-2-fluoro- (P-17-82)	446-30-0
Benzoic acid, 5-bromo-2-chloro- (P-17-84)	21739-92-4
Benzoic acid, 3-bromo-4-fluoro- (P-17-88)	11007-16-5
Benzoic acid, 2-bromo-5-fluoro- (P-17-89)	394-28-5
Benzoic acid, 4-bromo-3-fluoro- (P-17-92)	153556-42-4
Benzoic acid, 4-bromo-2-fluoro- (P-17-97)	112704-79-7

Effective date of TSCA section 5(e) Order: March 22, 2017.

Basis for TSCA section 5(e) Order: The PMNs state that the generic (non-confidential) use of the substances are for monitoring of oil/gas well performance. Based on test data on an analog, EPA has identified concerns for reproductive, developmental and neuro-toxicity, as well as lung toxicity and dermal irritation. The Order was issued under TSCA sections 5(a)(3)(B)(ii)(I) and 5(e)(1)(A)(ii)(I), based on insufficient information to make a reasoned evaluation and a finding that the substances may present an unreasonable risk of injury to human health. EPA assessed risks based on the specific manufacturing, processing, use, process equipment, engineering controls, and handling practices (including worker activities and cleaning procedures) described in the PMN. To protect against these risks, the Order requires:

1. Submission of certain toxicity testing on the PMN substances prior to exceeding the production volume limit as specified in the Order.

2. Use of personal protective equipment including impervious gloves (where there is a potential for dermal exposure).

3. Use of a NIOSH-certified respirator with an APF of at least 50 (where there is a potential for inhalation exposure) or compliance with a NCEL of 0.0184 ppm as an 8-hour time-weighted average to prevent inhalation exposure.

4. Use of processes, process equipment, engineering controls, and handling practices specified in the Order for manufacturing and processing.

5. Establishment and use of a hazard communication program, including human health precautionary statements on each label and in the SDS.

6. No manufacture or process of the PMN substances beyond a confidential annual production volume specified in the Order.

The SNUR will designate as a "significant new use" the absence of these protective measures.

Potentially useful information: EPA has determined that certain information about the human health toxicity of the

PMN substances may be potentially useful to characterize the effects of the PMN substances in support of a request by the PMN submitter to modify the Order, or if a manufacturer or processor is considering submitting a SNUN for a significant new use that will be designated by this SNUR. The submitter has agreed not to exceed the confidential production limit without performing specific target organ toxicity and reproductive/developmental toxicity testing on both P-17-35 and P-17-37.

CFR citations: 40 CFR 721.11054.

PMN Numbers: P-17-94, P-17-95, P-17-96, P-17-98, P-17-99, P-17-100, P-17-101, P-17-102, P-17-103, P-17-104, P-17-105, P-17-114, P-17-122, P-17-123, P-17-124, P-17-125, P-17-126, P-17-127, P-17-128, P-17-129, P-17-130, P-17-131, P-17-132, P-17-133, P-17-134, P-17-135, P-17-136, P-17-137, P-17-138, P-17-139, and P-17-140

Chemical names and CAS Numbers:

Chemical name	CAS No.
Benzoic acid, 2,3,4,5-tetrafluoro-, ethyl ester (P-17-94)	122894-73-9
Benzoic acid, 4-(trifluoromethyl)-, ethyl ester (P-17-95)	583-02-8
Benzoic acid, 2-(trifluoromethyl)-, ethyl ester (P-17-96)	577-62-8
Benzoic acid, 2,6-difluoro-, ethyl ester (P-17-98)	19064-14-3
Benzoic acid, 2,5-difluoro-, ethyl ester (P-17-99)	708-25-8
Benzoic acid, 2,3,4-trifluoro-, ethyl ester (P-17-100)	351354-50-2
Benzoic acid, 2-bromo-5-fluoro-, ethyl ester (P-17-101)	351354-50-2
Benzoic acid, 3,5-difluoro-, ethyl ester (P-17-102)	350-19-6
Benzoic acid, 5-bromo-2-chloro-, ethyl ester (P-17-103)	76008-73-6
Benzoic acid, 3-chloro-, ethyl ester (P-17-104)	1128-76-3
Benzoic acid, 2-chloro-, ethyl ester (P-17-105)	7335-25-3
Benzoic acid, 3-chloro-4-fluoro-, ethyl ester (P-17-114)	137521-81-4
Benzoic acid, 4-bromo-2-fluoro-, ethyl ester (P-17-122)	474709-71-2
Benzoic acid, 2-bromo-4,5-difluoro-, ethyl ester (P-17-123)	144267-97-0
Benzoic acid, 4-bromo-3-fluoro-, ethyl ester (P-17-124)	1130165-74-0
Benzoic acid, 3-bromo-4-fluoro-, ethyl ester (P-17-125)	23233-33-2

Chemical name	CAS No.
Benzoic acid, 4-chloro-2-fluoro-, ethyl ester (P-17-126)	4793-20-8
Benzoic acid, 2,5-dichloro-, ethyl ester (P-17-127)	35112-27-7
Benzoic acid, 4-chloro-3-fluoro-, ethyl ester (P-17-128)	203573-08-4
Benzoic acid, 2-chloro-4-fluoro-, ethyl ester (P-17-129)	167758-87-4
Benzoic acid, 5-chloro-2-fluoro-, ethyl ester (P-17-130)	773139-56-3
Benzoic acid, 2,4-difluoro-, ethyl ester (P-17-131)	108928-00-3
Benzoic acid, 3,4-difluoro-, ethyl ester (P-17-132)	144267-96-9
Benzoic acid, 3,4,5-trifluoro-, ethyl ester (P-17-133)	495405-09-9
Benzoic acid, 2,4,5-trifluoro-, ethyl ester (P-17-134)	351354-41-1
Benzoic acid, 3-(trifluoromethyl)-, ethyl ester (P-17-135)	76783-59-0
Benzoic acid, 2,3-difluoro-, ethyl ester (P-17-136)	773134-65-9
Benzoic acid, 2,6-dichloro-, ethyl ester (P-17-137)	81055-73-4
Benzoic acid, 3,5-dichloro-, ethyl ester (P-17-138)	91085-56-2
Benzoic acid, 2,4-dichloro-, ethyl ester (P-17-139)	56882-52-1
Benzoic acid, 3,4-dichloro-, ethyl ester (P-17-140)	28394-58-3

Effective date of TSCA section 5(e) Order: March 22, 2017.

Basis for TSCA section 5(e) Order:

The PMNs state that the substances are for monitoring oil/gas well performance. Based on test data on an analog, EPA has identified concerns for reproductive, developmental and neuro-toxicity, as well as lung toxicity and dermal irritation. Further, based on SAR analysis of test data on analogous neutral organics, EPA predicts toxicity to aquatic organisms may occur at concentrations that exceed 15 ppb of the PMN substances in surface waters. The Order was issued under TSCA sections 5(a)(3)(B)(ii)(I) and 5(e)(1)(A)(ii)(I), based on insufficient information to make a reasoned evaluation and a finding that the substances may present an unreasonable risk of injury to human health and the environment. EPA assessed risks based on the specific manufacturing, processing, use, process equipment, engineering controls, and handling practices (including worker activities and cleaning procedures) described in the PMNs. To protect against these risks, the Order requires:

1. Submission of certain toxicity testing on the PMN substances prior to exceeding the production volume limit as specified in the Order.

2. Use of personal protective equipment including impervious gloves (where there is a potential for dermal exposure).

3. Use of a NIOSH-certified respirator with an APF of at least 1,000 (where there is a potential for inhalation exposure) or compliance with a NCEL of 0.0184 ppm as an 8-hour time-weighted average.

4. Use of processes, process equipment, engineering controls, and handling practices specified in the Order for manufacturing and processing.

5. Establishment and use of a hazard communication program, including human health precautionary statements on each label and in the SDS.

6. No manufacture or process of the PMN substances beyond a confidential annual production volume specified in the Order.

7. No release of the PMN substances resulting in surface water concentrations that exceed 15 ppb.

The SNUR will designate as a “significant new use” the absence of these protective measures.

Potentially useful information: EPA has determined that certain information about the human health and aquatic toxicity of the PMN substances may be potentially useful to characterize the effects of the PMN substances in support of a request by the PMN submitter to modify the Order, or if a manufacturer or processor is considering submitting a SNUN for a significant new use that will be designated by this SNUR. The submitter has agreed not to exceed the confidential production limit without performing specific target organ toxicity and reproductive/developmental toxicity testing on P-17-127; specific target organ toxicity testing on P-17-101; and acute aquatic toxicity testing on both P-17-101 and P-17-127.

CFR citations: 40 CFR 721.11055.

PMN Number: P-17-198

Chemical name: Neodymium aluminium alkyl polymer complexes (generic).

CAS number: Not available.

Effective date of TSCA section 5(e) Order: April 27, 2017.

Basis for TSCA section 5(e) Order:

The PMN states the generic (non-confidential) use of the substance will be as a catalyst in a closed process. Based on physical/chemical properties of the substance and test data on the PMN substance, EPA has identified concerns for dermal and respiratory irritation, corrosion, developmental toxicity, and lung effects. The Order was issued under TSCA sections 5(a)(3)(B)(ii)(I) and 5(e)(1)(A)(ii)(I),

based on insufficient information to make a reasoned evaluation and a finding that the substance may present an unreasonable risk of injury to human health. To protect against these risks, the Order requires:

1. Submission of glove permeation testing on the PMN substance prior to exceeding the production volume limit as specified in the Order.

2. Use of personal protective equipment including impervious gloves (where there is a potential for dermal exposure).

3. Establishment and use of a hazard communication program, including human health precautionary statements on each label and in the SDS.

4. No domestic manufacture of the PMN substance.

5. No use in any manner or method where there is potential for inhalation exposure.

6. Use of the PMN substance in a closed system as specified in the PMN.

The SNUR will designate as a “significant new use” the absence of these protective measure.

Potentially useful information: EPA has determined that the results of glove permeability testing will help characterize the effectiveness of protective measures to mitigate human health risk of the PMN substance in support of a request by the PMN submitter to modify the Order, or if a manufacturer or processor is considering submitting a SNUN for a significant new use that will be designated by this SNUR. The submitter has agreed not to manufacture beyond a certain time period without performing glove permeability testing.

CFR citation: 40 CFR 721.11056.

PMN Numbers: P-17-272, P-17-273, P-17-274, P-17-275, P-17-276 and P-17-277

Chemical name: Fatty acid amide alkyl amine salts (generic).

CAS numbers: Not available.

Effective date of TSCA section 5(e) Order: August 4, 2017.

Basis for TSCA section 5(e) Order:

The PMNs state that the generic (non-confidential) use of the substances will be as a component in asphalt emulsion. Based on SAR analysis of test data on analogous substances, EPA has identified concerns for dermal and respiratory irritation, corrosion, developmental toxicity, systemic effect, sensitization and lung effects. The Order was issued under TSCA sections 5(a)(3)(B)(ii)(I) and 5(e)(1)(A)(ii)(I), based on insufficient information to make a reasoned evaluation and a finding that the substances may present an unreasonable risk of injury to human health and environment. To protect against these risks, the Order requires:

1. Use of the PMN substances only for the use specified in the Order.

2. Use of personal protective equipment for workers exposed dermally to the PMN substances (including impervious gloves, chemical goggles or equivalent eye protection and clothing which covers any other exposed areas of the arms and torso).

3. No modification of the manufacture, process or use of the PMN substances if it results in inhalation exposure to vapor, dust, mist or aerosol.

4. Establishment and use of a hazard communication program, including human health precautionary statements on each label and in the SDS.

5. No release of the PMN substances into the waters of the United States.

The SNUR will designate as a “significant new use” the absence of these protective measures.

Potentially useful information: EPA has determined that certain information about the human health and aquatic toxicity of the PMN substances may be potentially useful to characterize the effects of the PMN substances in support of a request by the PMN submitter to modify the Order, or if a manufacturer or processor is considering submitting a SNUN for a significant new use that will be designated by this SNUR. EPA has determined that the results of specific target organ toxicity testing of the PMN substances, and acute and chronic aquatic toxicity testing of the PMN substances may be potentially useful in characterizing the health and environmental effects of the PMN substances. Although the Order does not require these tests, the Order’s restrictions on manufacture, processing and distribution in commerce will remain in effect until the Order is modified or revoked by EPA based on submission of this or other information that EPA determines is relevant and

needed to evaluate a modification request.

CFR citations: 40 CFR 721.11057.

PMN Numbers: P-17-278, P-17-279 and P-17-280

Chemical name: Fatty acid derived imidazoline salts (generic).

CAS numbers: Not available.

Effective date of TSCA section 5(e) Order: August 4, 2017.

Basis for TSCA section 5(e) Order:

The PMNs state that the generic (non-confidential) use of the substances will be as a component in asphalt emulsion. Based on SAR analysis of test data on analogous substances, EPA has identified concerns for irritation, corrosion, developmental toxicity, systemic effect, sensitization and lung effects. The Order was issued under TSCA sections 5(a)(3)(B)(ii)(I) and 5(e)(1)(A)(ii)(I), based on insufficient information to make a reasoned evaluation and a finding that the substances may present an unreasonable risk of injury to human health and environment. To protect against these risks, the Order requires:

1. Use of the PMN substances only for the use specified in the Order.

2. Use of personal protective equipment for workers exposed dermally to the PMN substances (including impervious gloves, chemical goggles or equivalent eye protection and clothing which covers any other exposed areas of the arms and torso).

3. No modification of the manufacture, process or use of the PMN substances if it results in inhalation exposure to vapor, dust, mist or aerosol.

4. Establishment and use of a hazard communication program, including human health precautionary statements on each label and in the SDS.

5. No release of the PMN substances into the waters of the United States.

The SNUR will designate as a “significant new use” the absence of these protective measures.

Potentially useful information: EPA has determined that certain information about the human health and aquatic toxicity of the PMN substances may be potentially useful to characterize the effects of the PMN substances in support of a request by the PMN submitter to modify the Order, or if a manufacturer or processor is considering submitting a SNUN for a significant new use that will be designated by this SNUR. EPA has determined that the results of specific target organ toxicity testing and acute and chronic aquatic toxicity testing of the PMN substances may be potentially useful in characterizing the health and environmental effects of the PMN

substances. Although the Order does not require these tests, the Order’s restrictions on manufacture, processing and distribution in commerce will remain in effect until the Order is modified or revoked by EPA based on submission of this or other information that EPA determines is relevant and needed to evaluate a modification request.

CFR citations: 40 CFR 721.11058.

VI. Rationale and Objectives of the Rule

A. Rationale

During review of the PMNs submitted for the chemical substances that are subject to these SNURs, EPA concluded that for all 145 chemical substances regulation was warranted under TSCA section 5(e), pending the development of information sufficient to make reasoned evaluations of the health or environmental effects of the chemical substances. The basis for such findings is outlined in Unit IV. Based on these findings, TSCA section 5(e) Orders requiring the use of appropriate exposure controls were negotiated with the PMN submitters.

B. Objectives

EPA is issuing these SNURs for specific chemical substances which have undergone premanufacture review because the Agency wants to achieve the following objectives with regards to the significant new uses designated in this rule:

- EPA will receive notice of any person’s intent to manufacture or process a listed chemical substance for the described significant new use before that activity begins.

- EPA will have an opportunity to review and evaluate data submitted in a SNUN before the notice submitter begins manufacturing or processing a listed chemical substance for the described significant new use.

- EPA will be able to either determine that the prospective manufacture or processing is not likely to present an unreasonable risk, or to take necessary regulatory action associated with any other determination, before the described significant new use of the chemical substance occurs.

- EPA will identify as significant new uses any manufacturing, processing, use, distribution in commerce, or disposal that does not conform to the restrictions imposed by the underlying Orders, consistent with TSCA section 5(f)(4).

Issuance of a SNUR for a chemical substance does not signify that the chemical substance is listed on the TSCA Chemical Substance Inventory

(TSCA Inventory). Guidance on how to determine if a chemical substance is on the TSCA Inventory is available on the internet at <http://www.epa.gov/opptintr/existingchemicals/pubs/tscainventory/index.html>.

VII. Applicability of the Significant New Use Designation

To establish a significant new use, EPA must determine that the use is not ongoing. The chemical substances subject to this rule have undergone premanufacture review. In cases where EPA has not received a notice of commencement (NOC) and the chemical substance has not been added to the TSCA Inventory, no person may commence such activities without first submitting a PMN. Therefore, for chemical substances for which a NOC has not been submitted EPA concludes that the designated significant new uses are not ongoing.

When chemical substances identified in this rule are added to the TSCA Inventory, EPA recognizes that, before the rule is effective, other persons might engage in a use that has been identified as a significant new use. However, TSCA section 5(e) consent orders have been issued for all the chemical substances, and the PMN submitters are prohibited by the TSCA section 5(e) consent orders from undertaking activities which will be designated as significant new uses. The identities of 38 of the 145 chemical substances subject to this rule have been claimed as confidential and EPA has received one post-PMN *bona fide* submission (per §§ 720.25 and 721.11) for a chemical substance covered by this action. Based on this, the Agency believes that it is highly unlikely that any of the significant new uses described in the regulatory text of this rule are ongoing.

EPA designated August 1, 2018 (the date of public release of the proposed rule) as the cutoff date for determining whether the new use is ongoing. The objective of EPA's approach has been to ensure that a person could not defeat a SNUR by initiating a significant new use before the effective date of the final rule.

In the unlikely event that a person began commercial manufacture or processing of the chemical substances for a significant new use identified as of August 1, 2018, that person will have to cease any such activity upon the effective date of the final rule. To resume their activities, these persons will have to first comply with all applicable SNUR notification requirements and wait until EPA has conducted a review of the notice, made an appropriate determination on the

notice, and has taken such actions as are required with that determination.

VIII. Development and Submission of Information

EPA recognizes that TSCA section 5 does not require developing any particular new information (e.g., generating test data) before submission of a SNUN. There is an exception: If a person is required to submit information for a chemical substance pursuant to a rule, order or consent agreement under TSCA section 4 (15 U.S.C. 2603), then TSCA section 5(b)(1)(A) (15 U.S.C. 2604(b)(1)(A)) requires such information to be submitted to EPA at the time of submission of the SNUN.

In the absence of a rule, order, or consent agreement under TSCA section 4 covering the chemical substance, persons are required only to submit information in their possession or control and to describe any other information known to or reasonably ascertainable by them (see 40 CFR 720.50). However, upon review of PMNs and SNUNs, the Agency has the authority to require appropriate testing. Unit IV. lists potentially useful information for all SNURs listed here. Descriptions of this information is provided for informational purposes. The potentially useful information identified in Unit IV. will be useful to EPA's evaluation in the event that someone submits a SNUN for the significant new use. Companies who are considering submitting a SNUN are encouraged, but not required, to develop the information on the substance, which may assist with EPA's analysis of the SNUN.

EPA strongly encourages persons, before performing any testing, to consult with the Agency pertaining to protocol selection. Furthermore, pursuant to TSCA section 4(h), which pertains to reduction of testing in vertebrate animals, EPA encourages consultation with the Agency on the use of alternative test methods and strategies (also called New Approach Methodologies, or NAMs), if available, to generate the recommended test data. EPA encourages dialog with Agency representatives to help determine how best the submitter can meet both the data needs and the objective of TSCA section 4(h).

In certain of the TSCA section 5(e) Orders for the chemical substances regulated under this rule, EPA has established production volume limits in view of the lack of data on the potential health and environmental risks that may be posed by the significant new uses or increased exposure to the chemical substances. These limits cannot be

exceeded unless the PMN submitter first submits the results of specified tests that would permit a reasoned evaluation of the potential risks posed by these chemical substances. Under recent TSCA section 5(e) Orders, each PMN submitter is required to submit each study at least 14 weeks (earlier TSCA section 5(e) Orders required submissions at least 12 weeks) before reaching the specified production limit. The SNURs contain the same production volume limits as the TSCA section 5(e) Orders. Exceeding these production limits is defined as a significant new use. Persons who intend to exceed the production limit must notify the Agency by submitting a SNUN at least 90 days in advance of commencement of non-exempt commercial manufacture or processing.

Any request by EPA for the triggered and pended testing described in the Orders was made based on EPA's consideration of available screening-level data, if any, as well as other available information on appropriate testing for the PMN substances. Further, any such testing request on the part of EPA that includes testing on vertebrates was made after consideration of available toxicity information, computational toxicology and bioinformatics, and high-throughput screening methods and their prediction models.

The potentially useful information identified in Unit IV. may not be the only means of addressing the potential risks of the chemical substance. However, submitting a SNUN without any test data or other information may increase the likelihood that EPA will take action under TSCA section 5(e) or 5(f). EPA recommends that potential SNUN submitters contact EPA early enough so that they will be able to conduct the appropriate tests.

SNUN submitters should be aware that EPA will be better able to evaluate SNUNs which provide detailed information on the following:

- Human exposure and environmental release that may result from the significant new use of the chemical substances.
- Information on risks posed by the chemical substances compared to risks posed by potential substitutes.

IX. Procedural Determinations

By this rule, EPA is establishing certain significant new uses which have been claimed as CBI subject to Agency confidentiality regulations at 40 CFR part 2 and 40 CFR part 720, subpart E. Absent a final determination or other disposition of the confidentiality claim under 40 CFR part 2 procedures, EPA is

required to keep this information confidential. EPA promulgated a procedure to deal with the situation where a specific significant new use is CBI, at § 721.1725(b)(1).

Under these procedures a manufacturer or processor may request EPA to determine whether a proposed use would be a significant new use under the rule. The manufacturer or processor must show that it has a *bona fide* intent to manufacture or process the chemical substance and must identify the specific use for which it intends to manufacture or process the chemical substance. If EPA concludes that the person has shown a *bona fide* intent to manufacture or process the chemical substance, EPA will tell the person whether the use identified in the *bona fide* submission would be a significant new use under the rule. Since most of the chemical identities of the chemical substances subject to these SNURs are also CBI, manufacturers and processors can combine the *bona fide* submission under the procedure in § 721.1725(b)(1) with that under § 721.11 into a single step.

If EPA determines that the use identified in the *bona fide* submission would not be a significant new use, *i.e.*, the use does not meet the criteria specified in the rule for a significant new use, that person can manufacture or process the chemical substance so long as the significant new use trigger is not met. In the case of a production volume trigger, this means that the aggregate annual production volume does not exceed that identified in the *bona fide* submission to EPA. Because of confidentiality concerns, EPA does not typically disclose the actual production volume that constitutes the use trigger. Thus, if the person later intends to exceed that volume, a new *bona fide* submission would be necessary to determine whether that higher volume would be a significant new use.

X. SNUN Submissions

According to § 721.1(c), persons submitting a SNUN must comply with the same notification requirements and EPA regulatory procedures as persons submitting a PMN, including submission of test data on health and environmental effects as described in 40 CFR 720.50. SNUNs must be submitted on EPA Form No. 7710–25, generated using e-PMN software, and submitted to the Agency in accordance with the procedures set forth in 40 CFR 720.40 and 721.25. E-PMN software is available electronically at <http://www.epa.gov/opptintr/newchems>.

XI. Economic Analysis

EPA has evaluated the potential costs of establishing SNUN requirements for potential manufacturers and processors of the chemical substances subject to this rule. EPA's complete economic analysis is available in the docket under docket ID number EPA–HQ–OPPT–2017–0366.

XII. Statutory and Executive Order Reviews

A. Executive Order 12866

This action establishes SNURs for several new chemical substances that were the subject of PMNs and TSCA section 5(e) consent orders. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled “Regulatory Planning and Review” (58 FR 51735, October 4, 1993).

B. Paperwork Reduction Act (PRA)

According to PRA (44 U.S.C. 3501 *et seq.*), an agency may not conduct or sponsor, and a person is not required to respond to a collection of information that requires OMB approval under PRA, unless it has been approved by OMB and displays a currently valid OMB control number. The OMB control numbers for EPA's regulations in title 40 of the CFR, after appearing in the **Federal Register**, are listed in 40 CFR part 9, and included on the related collection instrument or form, if applicable. EPA is amending the table in 40 CFR part 9 to list the OMB approval number for the information collection requirements contained in this action. This listing of the OMB control numbers and their subsequent codification in the CFR satisfies the display requirements of PRA and OMB's implementing regulations at 5 CFR part 1320. This Information Collection Request (ICR) was previously subject to public notice and comment prior to OMB approval, and given the technical nature of the table, EPA finds that further notice and comment to amend it is unnecessary. As a result, EPA finds that there is “good cause” under section 553(b)(3)(B) of the Administrative Procedure Act (5 U.S.C. 553(b)(3)(B)) to amend this table without further notice and comment.

The information collection requirements related to this action have already been approved by OMB pursuant to PRA under OMB control number 2070–0012 (EPA ICR No. 574). This action does not impose any burden requiring additional OMB approval. If an entity were to submit a SNUN to the Agency, the annual burden is estimated to average between 30 and 170 hours per response. This burden estimate

includes the time needed to review instructions, search existing data sources, gather and maintain the data needed, and complete, review, and submit the required SNUN.

Send any comments about the accuracy of the burden estimate, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques, to the Director, Regulatory Support Division, Office of Mission Support (2822T), Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001. Please remember to include the OMB control number in any correspondence, but do not submit any completed forms to this address.

C. Regulatory Flexibility Act (RFA)

Pursuant to section 605(b) of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*), the Agency hereby certifies that promulgation of this SNUR will not have a significant adverse economic impact on a substantial number of small entities. The requirement to submit a SNUN applies to any person (including small or large entities) who intends to engage in any activity described in the final rule as a “significant new use.” Because these uses are “new,” based on all information currently available to EPA, it appears that no small or large entities presently engage in such activities. A SNUR requires that any person who intends to engage in such activity in the future must first notify EPA by submitting a SNUN. Although some small entities may decide to pursue a significant new use in the future, EPA cannot presently determine how many, if any, there may be. However, EPA's experience to date is that, in response to the promulgation of SNURs covering over 1,000 chemicals, the Agency receives only a small number of notices per year. For example, the number of SNUNs received was seven in Federal fiscal year (FY) 2013, 13 in FY2014, six in FY2015, 10 in FY2016, 14 in FY2017, and 18 in FY2018 and only a fraction of these were from small businesses. In addition, the Agency currently offers relief to qualifying small businesses by reducing the SNUN submission fee from \$16,000 to \$2,800. This lower fee reduces the total reporting and recordkeeping of cost of submitting a SNUN to about \$10,116 for qualifying small firms. Therefore, the potential economic impacts of complying with this SNUR are not expected to be significant or adversely impact a substantial number of small entities. In a SNUR that published in the **Federal Register** of June 2, 1997 (62 FR 29684)

(FRL-5597-1), the Agency presented its general determination that final SNURs are not expected to have a significant economic impact on a substantial number of small entities, which was provided to the Chief Counsel for Advocacy of the Small Business Administration.

D. Unfunded Mandates Reform Act (UMRA)

Based on EPA's experience with proposing and finalizing SNURs, State, local, and Tribal governments have not been impacted by these rulemakings, and EPA does not have any reasons to believe that any State, local, or Tribal government will be impacted by this action. As such, EPA has determined that this action does not impose any enforceable duty, contain any unfunded mandate, or otherwise have any effect on small governments subject to the requirements of UMRA sections 202, 203, 204, or 205 (2 U.S.C. 1501 *et seq.*).

E. Executive Order 13132

This action will not have a substantial direct effect on States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132, entitled "Federalism" (64 FR 43255, August 10, 1999).

F. Executive Order 13175

This action does not have Tribal implications because it is not expected to have substantial direct effects on Indian Tribes. This action does not significantly nor uniquely affect the communities of Indian Tribal governments, nor does it involve or impose any requirements that affect Indian Tribes. Accordingly, the requirements of Executive Order 13175, entitled "Consultation and Coordination with Indian Tribal Governments" (65 FR 67249, November 9, 2000), do not apply to this action.

G. Executive Order 13045

This action is not subject to Executive Order 13045, entitled "Protection of Children from Environmental Health Risks and Safety Risks" (62 FR 19885, April 23, 1997), because this is not an economically significant regulatory action as defined by Executive Order 12866, and this action does not address environmental health or safety risks disproportionately affecting children.

H. Executive Order 13211

This action is not subject to Executive Order 13211, entitled "Actions

Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use" (66 FR 28355, May 22, 2001), because this action is not expected to affect energy supply, distribution, or use and because this action is not a significant regulatory action under Executive Order 12866.

I. National Technology Transfer and Advancement Act (NTTAA)

In addition, since this action does not involve any technical standards, NTTAA section 12(d) (15 U.S.C. 272 note), does not apply to this action.

J. Executive Order 12898

This action does not entail special considerations of environmental justice related issues as delineated by Executive Order 12898, entitled "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations" (59 FR 7629, February 16, 1994).

XIII. Congressional Review Act

Pursuant to the Congressional Review Act (5 U.S.C. 801 *et seq.*), EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This action is not a "major rule" as defined by 5 U.S.C. 804(2).

List of Subjects

40 CFR Part 9

Environmental protection, Reporting and recordkeeping requirements.

40 CFR Part 721

Environmental protection, Chemicals, Hazardous substances, Reporting and recordkeeping requirements.

Dated: July 18, 2019.

Tala Henry,

Deputy Director, Office of Pollution Prevention and Toxics.

Therefore, 40 CFR parts 9 and 721 are amended as follows:

PART 9—[AMENDED]

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

Authority: 7 U.S.C. 135 *et seq.*, 136–136y; 15 U.S.C. 2001, 2003, 2005, 2006, 2601–2671; 21 U.S.C. 331j, 346a, 348; 31 U.S.C. 9701; 33 U.S.C. 1251 *et seq.*, 1311, 1313d, 1314, 1318, 1321, 1326, 1330, 1342, 1344, 1345 (d) and (e), 1361; E.O. 11735, 38 FR 21243, 3 CFR, 1971–1975 Comp. p. 973; 42 U.S.C. 241, 242b, 243, 246, 300f, 300g, 300g–1, 300g–2, 300g–3, 300g–4, 300g–5, 300g–6, 300j–1, 300j–2, 300j–3, 300j–4, 300j–9, 1857 *et seq.*,

6901–6992k, 7401–7671q, 7542, 9601–9657, 11023, 11048.

■ 2. In § 9.1, add §§ 721.11024 through 721.11028 and 721.11031 through 721.11058 in numerical order under the undesignated center heading "Significant New Uses of Chemical Substances" to read as follows:

§ 9.1 OMB approvals under the Paperwork Reduction Act.

40 CFR citation	OMB control No.
* * * * * Significant New Uses of Chemical Substances * * * * *	
721.11024	2070–0012
721.11025	2070–0012
721.11026	2070–0012
721.11027	2070–0012
721.11028	2070–0012
721.11031	2070–0012
721.11032	2070–0012
721.11033	2070–0012
721.11034	2070–0012
721.11035	2070–0012
721.11036	2070–0012
721.11037	2070–0012
721.11038	2070–0012
721.11039	2070–0012
721.11040	2070–0012
721.11041	2070–0012
721.11042	2070–0012
721.11043	2070–0012
721.11044	2070–0012
721.11045	2070–0012
721.11046	2070–0012
721.11047	2070–0012
721.11048	2070–0012
721.11049	2070–0012
721.11050	2070–0012
721.11051	2070–0012
721.11052	2070–0012
721.11053	2070–0012
721.11054	2070–0012
721.11055	2070–0012
721.11056	2070–0012
721.11057	2070–0012
721.11058	2070–0012

* * * * *

PART 721—[AMENDED]

■ 3. The authority citation for part 721 continues to read as follows:

Authority: 15 U.S.C. 2604, 2607, and 2625(c).

■ 4. Add § 721.11024 to subpart E to read as follows:

§ 721.11024 Polyphosphoric acids, 2-[(alkyl-1-oxo-2-propen-1-yl)oxy]ethyl esters, compds. with N-(aminoiminomethyl)urea (generic).

(a) *Chemical substance and significant new uses subject to reporting.*

(1) The chemical substance identified generically as polyphosphoric acids, 2-[(alkyl-1-oxo-2-propen-1-yl)oxy]ethyl esters, compds. with N-(aminoiminomethyl)urea (PMN P-14-472) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Protection in the workplace.*

Requirements as specified in § 721.63(a)(1), (3), and (6) (particulate) and (c).

(ii) *Hazard communication.*

Requirements as specified in § 721.72(a) through (f), (g)(1)(i) and (ii), (sensitization), (g)(2)(i) and (v), (g)(3)(i) and (ii), (g)(4)(i), and (g)(5). Alternative hazard and warning statements that meet the criteria of the Globally Harmonized System (GHS) and OSHA Hazard Communication Standard may be used.

(iii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(h), (q), and (y)(1). It is a significant new use to have manufacturing activities that result in inhalation exposure.

(iv) *Release to water.* Requirements as specified in § 721.90(a)(4), (b)(4), and (c)(4) where N=3.

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (i) and (k) are applicable to manufacturers and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

(3) *Determining whether a specific use is subject to this section.* The provisions of § 721.1725(b)(1) apply to paragraph (a)(2)(iii) of this section.

■ 5. Add § 721.11025 to subpart E to read as follows:

§ 721.11025 Polyphosphoric acids, 2-[(2-methyl-1-oxo-2-propen-1-yl)oxy]ethyl esters, compds. with alkyl amino, polymers with Bu acrylate, N-(hydroxymethyl)propenamide and styrene (generic).

(a) *Chemical substance and significant new uses subject to reporting.*

(1) The chemical substance identified generically as polyphosphoric acids, 2-

[(2-methyl-1-oxo-2-propen-1-yl)oxy]ethyl esters, compds. with alkyl amino, polymers with Bu acrylate, N-(hydroxymethyl)propenamide and styrene (PMN P-14-496) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Protection in the workplace.*

Requirements as specified in § 721.63(a)(1), (3), and (6) (particulate) and (c).

(ii) *Hazard communication.*

Requirements as specified in § 721.72(a) through (f), (g)(1)(i) and (ii), (sensitization), (g)(2)(i) and (v), (g)(3)(i) and (ii), (g)(4)(i), and (g)(5). Alternative hazard and warning statements that meet the criteria of the Globally Harmonized System (GHS) and OSHA Hazard Communication Standard may be used.

(iii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(k), (q), and (y)(1). It is a significant new use to have manufacturing activities that result in inhalation exposure.

(iv) *Release to water.* Requirements as specified in § 721.90(a)(4), (b)(4), and (c)(4) where N=4.

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (i) and (k) are applicable to manufacturers and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

(3) *Determining whether a specific use is subject to this section.* The provisions of § 721.1725(b)(1) apply to paragraph (a)(2)(iii) of this section.

■ 6. Add § 721.11026 to subpart E to read as follows:

§ 721.11026 Bismuth bromide iodide oxide.

(a) *Chemical substance and significant new uses subject to reporting.*

(1) The chemical substance identified as bismuth bromide iodide oxide (PMN P-14-630, CAS No. 340181-06-8) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section. The requirements of this section do not apply to quantities of the substance after they have been reacted (cured).

(2) The significant new uses are:

(i) *Protection in the workplace.*

Requirements as specified in § 721.63(a)(4), when determining which

persons are reasonably likely to be exposed as required for § 721.63(a)(4), engineering control measures (e.g., enclosure or confinement of the operation, general and local ventilation) or administrative control measures (e.g., workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible, (a)(5) (respirators must provide a National Institute for Occupational Safety and Health (NIOSH) assigned protection factor (APF) of at least 10), (a)(6) (particulate), (a)(6)(v) and (vi), (b) (concentration set at 1.0%), and (c).

(A) As an alternative to the respirator requirements in paragraph (a)(2)(i) of this section, a manufacturer or processor may choose to follow the new chemical exposure limit (NCEL) provision listed in the TSCA section 5(e) Order for this substance. The NCEL is 2.4 mg/m³ as an 8-hour time weighted average. Persons who wish to pursue NCELs as an alternative to § 721.63 respirator requirements may request to do so under § 721.30. Persons whose § 721.30 requests to use the NCELs approach are approved by EPA will be required to follow NCELs provisions comparable to those contained in the corresponding TSCA section 5(e) Order.

(B) [Reserved]

(ii) *Hazard communication.*

Requirements as specified in § 721.72(a) through (e) (concentration set at 1.0%), (f), (g)(1)(ii), (g)(2)(ii), (use respiratory protection or maintain workplace airborne concentrations at or below an 8-hour time-weighted average of 2.4 mg/m³), and (g)(5). Alternative hazard and warning statements that meet the criteria of the Globally Harmonized System (GHS) and OSHA Hazard Communication Standard may be used.

(iii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(q). It is a significant new use to vary or alter, the manufacturing, processing, and use, distribution/transportation, treatment and disposal processes, process equipment, engineering controls, and handling practices (including worker activities and cleaning procedures) described in the PMN in such a way as to change the magnitude of inhalation exposure. It is a significant new use to use the substance for a consumer product that generates a dust, vapor, mist, or aerosol.

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (d) and (f) through

(i) are applicable to manufacturers and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

(3) *Determining whether a specific use is subject to this section.* The provisions of § 721.1725(b)(1) apply to paragraph (a)(2)(iii) of this section.

■ 7. Add § 721.11027 to subpart E to read as follows:

§ 721.11027 Aluminum cobalt lithium nickel oxide.

(a) *Chemical substance and significant new uses subject to reporting.*

(1) The chemical substance identified as aluminum cobalt lithium nickel oxide (PMN P-15-450, CAS No. 177997-13-6) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Protection in the workplace.*

Requirements as specified in § 721.63(a)(1), (3), and (4), when determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1) and (4), engineering control measures (e.g., enclosure or confinement of the operation, general and local ventilation) or administrative control measures (e.g., workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible, (a)(5) (respirators must provide a National Institute for Occupational Safety and Health (NIOSH) assigned protection factor (APF) of at least 1,000), (a)(6) (particulate), (a)(6)(v) and (vi), (b) (concentration set at 0.1%), and (c). It is a significant new use to manufacture or process the substance without the chemical transfer processes and air ventilation processes described in the PMN and the exposure monitoring requirements described in the corresponding TSCA section 5(e) Order.

(A) As an alternative to the respirator requirements in paragraph (a)(2)(i) of this section, a manufacturer or processor may choose to follow the new chemical exposure limit (NCEL) provision listed in the TSCA section 5(e) Order for this substance. The NCEL is 0.000092 mg/m³ as an 8-hour time weighted average. Persons who wish to pursue NCELs as an alternative to § 721.63 respirator requirements may request to do so under § 721.30. Persons whose § 721.30 requests to use the NCELs approach are approved by EPA will be required to follow NCELs provisions comparable to those contained in the corresponding TSCA section 5(e) Order.

(B) [Reserved]

(ii) *Hazard communication.*

Requirements as specified in § 721.72(a) through (e) (concentration set 0.1%), (f), (g)(1)(ii), (this substance may cause damage to the lung, kidney, and spleen), (g)(1)(vii), (g)(2)(i), (ii), and (iii), (when using this substance wear protective gloves/protective clothing/eye protection/face protection), the following human health precautionary statement must appear on the SDS as specified in § 721.72(c): (When using this substance use respiratory protection or maintain workplace airborne concentrations at or below an 8-hour time-weighted average of 0.000092 mg/m³), (g)(2)(v), and (g)(5). Alternative hazard and warning statements that meet the criteria of the Globally Harmonized System (GHS) and OSHA Hazard Communication Standard may be used.

(iii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80. It is a significant new use to manufacture the substance for a period longer than 24 months.

(iv) *Disposal.* Requirements as specified in § 721.85(a)(2), (b)(2), and (c)(2). It is a significant new use to release this chemical substance to air unless using the chemical transfer and air ventilation processes described in P-15-0450 including filtering through a high-efficiency particulate air filter with an efficiency rate of 99.99% before release to air.

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (j) are applicable to manufacturers and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

(3) *Determining whether a specific use is subject to this section.* The provisions of § 721.1725(b)(1) apply to paragraph (a)(2)(iii) of this section.

■ 8. Add § 721.11028 to subpart E to read as follows:

§ 721.11028 Alkylarylamine (generic).

(a) *Chemical substance and significant new uses subject to reporting.*

(1) The chemical substance identified generically as alkylarylamine (PMN P-15-705) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Protection in the workplace.*

Requirements as specified in

§ 721.63(a)(1), (a)(2)(i), (ii), and (iii), (a)(3) and (4), when determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1) and (4), engineering control measures (e.g., enclosure or confinement of the operation, general and local ventilation) or administrative control measures (e.g., workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible, (a)(5) (respirators must provide a National Institute for Occupational Safety and Health (NIOSH) assigned protection factor (APF) of at least 1,000), (a)(6) (particulate), (a)(6)(v), (vi), (v), and (vi), (b)(concentration set at 0.1%), and (c).

(A) As an alternative to the respirator requirements in paragraph (a)(2)(i) of this section, a manufacturer or processor may choose to follow the new chemical exposure limit (NCEL) provision listed in the TSCA section 5(e) Order for this substance. The NCEL is 0.48 mg/m³ as an 8-hour time weighted average. Persons who wish to pursue NCELs as an alternative to § 721.63 respirator requirements may request to do so under § 721.30. Persons whose § 721.30 requests to use the NCELs approach are approved by EPA will be required to follow NCELs provisions comparable to those contained in the corresponding TSCA section 5(e) Order.

(B) [Reserved]

(ii) *Hazard communication.*

Requirements as specified in § 721.72(a) through (e) (concentration set at 0.1%), (f), (g)(1)(i), (ii), (iv), (vi), (vii), and (ix), (g)(2)(i), (ii), and (iii), (use respiratory protection or maintain workplace airborne concentrations at or below an 8-hour time-weighted average of 0.48 mg/m³), (g)(2)(v), (g)(3)(ii), (g)(4)(i), and (g)(5). Alternative hazard and warning statements that meet the criteria of the Globally Harmonized System (GHS) and OSHA Hazard Communication Standard may be used.

(iii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(o) and (q). It is a significant new use to use the substance other than as a chemical intermediate or as an additive and octane booster in aviation fuels.

(iv) *Release to water.* Requirements as specified in § 721.90(a)(4), (b)(4), and (c)(4) where N=1.

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (i) and (k) are applicable to manufacturers and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

(3) *Determining whether a specific use is subject to this section.* The provisions of § 721.1725(b)(1) apply to paragraph (a)(2)(iii) of this section.

■ 9. Add § 721.11029 to subpart E to read as follows:

§ 721.11029 Aliphatic N-alkyl urea polymer containing cyclohexyl groups and trimethoxy silanes (generic).

(a) *Chemical substance and significant new uses subject to reporting.*

(1) The chemical substance identified generically as aliphatic N-alkyl urea polymer containing cyclohexyl groups and trimethoxy silanes (PMN P-15-706) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section. The requirements of this section do not apply to quantities of the substance after they have been reacted (cured).

(2) The significant new uses are:

(i) *Protection in the workplace.*

Requirements as specified in § 721.63(a)(1), (a)(2)(i), (iii), and (iv), (a)(3) and (4), when determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1) and (4), engineering control measures (e.g., enclosure or confinement of the operation, general and local ventilation) or administrative control measures (e.g., workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible, (a)(5) (respirators must provide a National Institute for Occupational Safety and Health (NIOSH) assigned protection factor (APF) of at least 10), (a)(6) (particulate), (a)(6)(v) and (vi), (b) (concentration set at 1.0%), and (c).

(A) As an alternative to the respirator requirements in paragraph (a)(2)(i) of this section, a manufacturer or processor may choose to follow the new chemical exposure limit (NCEL) provision listed in the TSCA section 5(e) Order for this substance. The NCEL is 0.9 mg/m³ as an 8-hour time weighted average. Persons who wish to pursue NCELs as an alternative to § 721.63 respirator requirements may request to do so under § 721.30. Persons whose § 721.30 requests to use the NCELs approach are approved by EPA will be required to follow NCELs provisions comparable to those contained in the corresponding TSCA section 5(e) Order.

(B) [Reserved]

(ii) *Hazard communication.*

Requirements as specified in § 721.72(a) through (e) (concentration set at 1.0%), (f), (g)(1)(ii) and (ix), (g)(2)(i), (ii), and (iii), (use respiratory protection or

maintain workplace airborne concentrations at or below an 8-hour time-weighted average of 0.9 mg/m³), (g)(2)(v), and (g)(5). Alternative hazard and warning statements that meet the criteria of the Globally Harmonized System (GHS) and OSHA Hazard Communication Standard may be used.

(iii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(k), (o), (p) (594,000 kilograms, P-15-706 and P-15-707 combined), and (t) (250,000 kilograms, P-15-706 and P-15-707 combined). A significant new use is any manufacture, processing, or use of the PMN substance with more than 0.1% residual isocyanate by weight.

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (i) are applicable to manufacturers and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

(3) *Determining whether a specific use is subject to this section.* The provisions of § 721.1725(b)(1) apply to paragraph (a)(2)(iii) of this section.

■ 10. Add § 721.11030 to subpart E to read as follows:

§ 721.11030 Aliphatic N-alkyl urea polymer containing aspartic ester groups and trimethoxy silanes (generic).

(a) *Chemical substance and significant new uses subject to reporting.*

(1) The chemical substance identified generically as aliphatic N-alkyl urea polymer containing aspartic ester groups and trimethoxy silanes (PMN P-15-707) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section. The requirements of this section do not apply to quantities of the substance after they have been reacted (cured).

(2) The significant new uses are:

(i) *Protection in the workplace.*

Requirements as specified in § 721.63(a)(1), (a)(2)(i), (iii), and (iv), (a)(3) and (4), when determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1) and (4), engineering control measures (e.g., enclosure or confinement of the operation, general and local ventilation) or administrative control measures (e.g., workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible, (a)(5) (respirators must provide a National

Institute for Occupational Safety and Health (NIOSH) assigned protection factor (APF) of at least 10), (a)(6)(i), (v), and (vi), (b) (concentration set at 1.0%), and (c).

(A) As an alternative to the respirator requirements in paragraph (a)(2)(i) of this section, a manufacturer or processor may choose to follow the new chemical exposure limit (NCEL) provision listed in the TSCA section 5(e) Order for this substance. The NCEL is 0.9 mg/m³ as an 8-hour time weighted average. Persons who wish to pursue NCELs as an alternative to § 721.63 respirator requirements may request to do so under § 721.30. Persons whose § 721.30 requests to use the NCELs approach are approved by EPA will be required to follow NCELs provisions comparable to those contained in the corresponding TSCA section 5(e) Order.

(B) [Reserved]

(ii) *Hazard communication.*

Requirements as specified in § 721.72(a) through (e) (concentration set at 1.0%), (f), (g)(1)(ii) and (ix), (g)(2)(i), (ii), and (iii), (use respiratory protection or maintain workplace airborne concentrations at or below an 8-hour time-weighted average of 0.9 mg/m³), (g)(2)(v), and (g)(5). Alternative hazard and warning statements that meet the criteria of the Globally Harmonized System (GHS) and OSHA Hazard Communication Standard may be used.

(iii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(k), (o), (p) (594,000 kilograms, P-15-706 and P-15-707 combined), and (t) (250,000 kilograms, P-15-706 and P-15-707 combined). A significant new use is any manufacture, processing, or use of the PMN substance with more than 1% residual isocyanate by weight.

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (i) are applicable to manufacturers and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

(3) *Determining whether a specific use is subject to this section.* The provisions of § 721.1725(b)(1) apply to paragraph (a)(2)(iii) of this section.

■ 11. Add § 721.11031 to subpart E to read as follows:

§ 721.11031 Alkyl heteromonocycle, polymer with heteromonocycle, carboxyalkyl alkyl ether (generic).

(a) *Chemical substances and significant new uses subject to reporting.*

(1) The chemical substances identified generically as alkyl heteromonocycle, polymer with heteromonocycle, carboxyalkyl alkyl ether (PMNs P-16-273 and P-16-0274) are subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Protection in the workplace.*

Requirements as specified in § 721.63(a)(1), (a)(2)(i) and (iii), (a)(3), (b) (concentration set at 1.0%), and (c). When determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1), engineering control measures (e.g., enclosure or confinement of the operation, general and local ventilation) or administrative control measures (e.g., workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible.

(ii) *Hazard communication.*

Requirements as specified in § 721.72(a) through (e) (concentration set at 1.0%), (f), (g)(1)(i) and (ii), (dermal sensitization), (g)(2)(i), (ii), (iii), and (v), (g)(3)(i) and (ii), (g)(4)(iii), and (g)(5). Alternative hazard and warning statements that meet the criteria of the Globally Harmonized System (GHS) and OSHA Hazard Communication Standard may be used.

(iii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(f). It is a significant new use to use the substances for the uses specified in the TSCA 5(e) Order, at a concentration greater than 3% of the metal working fluid and use other than the closed metal working systems as specified in the PMNs with no modifications in the process that would result in worker inhalation exposure.

(iv) *Release to water.* Requirements as specified in § 721.90(a)(4), (b)(4), and (c)(4) where N=10.

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (i) and (k) are applicable to manufacturers and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

(3) *Determining whether a specific use is subject to this section.* The provisions

of § 721.1725(b)(1) apply to paragraph (a)(2)(iii) of this section.

■ 12. Add § 721.11032 to subpart E to read as follows:

§ 721.11032 Benzene dicarboxylic acid, polymer with alkane dioic acid and aliphatic diamine (generic).

(a) *Chemical substance and significant new uses subject to reporting.*

(1) The chemical substance identified as generically as benzene dicarboxylic acid, polymer with alkane dioic acid and aliphatic diamine (PMN P-16-289) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(k) (manufacture only in a form with a particle size distribution where less than 1.0 percent of the particles are less than 10 microns). It is a significant new use to manufacture the substance for a period longer than six months.

(ii) [Reserved]

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (c) and (i) are applicable to manufacturers and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

■ 13. Add § 721.11033 to subpart E to read as follows:

§ 721.11033 Manganese cyclic (tri)amine chloride complex (generic).

(a) *Chemical substance and significant new uses subject to reporting.*

(1) The chemical substance identified generically as manganese cyclic (tri)amine chloride complex (PMN P-16-322) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section. The requirements of this section do not apply to quantities of the substance after they have been reacted (cured).

(2) The significant new uses are:

(i) *Protection in the workplace.*

Requirements as specified in § 721.63(a)(1), (3), and (4), when determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1) and (4), engineering control measures (e.g., enclosure or confinement of the operation, general and local ventilation) or administrative control measures (e.g.,

workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible, (a)(5) (respirators must provide a National Institute for Occupational Safety and Health (NIOSH) assigned protection factor (APF) of at least 25), (a)(6) (particulate), (a)(6)(v) and (vi), (b) (concentration set at 1.0%), and (c).

(A) As an alternative to the respirator requirements in paragraph (a)(2)(i) of this section, a manufacturer or processor may choose to follow the new chemical exposure limit (NCEL) provision listed in the TSCA section 5(e) Order for this substance. The NCEL is 1.2 mg/m³ as an 8-hour time weighted average. Persons who wish to pursue NCELs as an alternative to § 721.63 respirator requirements may request to do so under § 721.30. Persons whose § 721.30 requests to use the NCELs approach are approved by EPA will be required to follow NCELs provisions comparable to those contained in the corresponding TSCA section 5(e) Order.

(B) [Reserved]

(ii) *Hazard communication.*

Requirements as specified in § 721.72(a) through (e) (concentration set at 1.0%), (f), (g)(1)(iv), (vi), (viii), and (ix), (g)(2)(i), (ii), and (iii), (use respiratory protection or maintain workplace airborne concentrations at or below an 8-hour time-weighted average of 1.2 mg/m³), (g)(2)(v), (g)(3) (this substance may be toxic to algae. This substance may be harmful to invertebrates), (g)(4)(i) and (ii), (do not release to water to yield surface water concentrations above 18 ppb.), and (g)(5). Alternative hazard and warning statements that meet the criteria of the Globally Harmonized System (GHS) and OSHA Hazard Communication Standard may be used.

(iii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(f), (k), and (q).

(iv) *Release to water.* Requirements as specified in § 721.90(a)(4), (b)(4), and (c)(4) where N=18.

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (i) and (k) are applicable to manufacturers and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

(3) *Determining whether a specific use is subject to this section.* The provisions of § 721.1725(b)(1) apply to paragraph (a)(2)(iii) of this section.

■ 14. Add § 721.11034 to subpart E to read as follows:

§ 721.11034 Xanthylum, (sulfoaryl)—bis [(substituted aryl) amino]—, sulfo derivs., inner salts, metal salts (generic).

(a) *Chemical substance and significant new uses subject to reporting.*

(1) The chemical substance identified generically as xanthylum, (sulfoaryl)—bis [(substituted aryl) amino]—, sulfo derivs., inner salts, metal salts (PMN P–16–338) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(f), (k), and (t).

(ii) *Release to water.* Requirements as specified in § 721.90(a)(1), (b)(1), and (c)(1).

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (c), (i), and (k) are applicable to manufacturers and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

(3) *Determining whether a specific use is subject to this section.* The provisions of § 721.1725(b)(1) apply to paragraph (a)(2)(i) of this section.

■ 15. Add § 721.11035 to subpart E to read as follows:

§ 721.11035 Substituted triazinyl metal salt, diazotized, coupled with substituted pyridobenzimidazolesulfonic acids, substituted pyridobenzimidazolesulfonic acid, diazotized substituted aromatic sulfonate, diazotized substituted aromatic sulfonate, metal salts (generic).

(a) *Chemical substance and significant new uses subject to reporting.*

(1) The chemical substance identified generically as substituted triazinyl metal salt, diazotized, coupled with substituted pyridobenzimidazolesulfonic acids, substituted

pyridobenzimidazolesulfonic acids, diazotized substituted alkanesulfonic acid, diazotized substituted aromatic sulfonate, metal salts (PMN P–16–339) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(f), (k), and (t).

(ii) *Release to water.* Requirements as specified in § 721.90(a)(1), (b)(1), and (c)(1).

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (c), (i), and (k) are applicable to manufacturers and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

(3) *Determining whether a specific use is subject to this section.* The provisions of § 721.1725(b)(1) apply to paragraph (a)(2)(i) of this section.

■ 16. Add § 721.11036 to subpart E to read as follows:

§ 721.11036 Carbon black, (organic acidic carbocyclic)-modified, inorganic salt (generic).

(a) *Chemical substance and significant new uses subject to reporting.*

(1) The chemical substance identified generically as carbon black, (organic acidic carbocyclic)-modified, inorganic salt (PMN P–16–439) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(f), (k), and (t).

(ii) *Release to water.* Requirements as specified in § 721.90(a)(1), (b)(1), and (c)(1).

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (c), (i), and (k) are applicable to manufacturers and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

(3) *Determining whether a specific use is subject to this section.* The provisions of § 721.1725(b)(1) apply to paragraph (a)(2)(i) of this section.

■ 17. Add § 721.11037 to subpart E to read as follows:

§ 721.11037 Carbon black, (organic acidic carbocyclic)-modified, metal salt (generic).

(a) *Chemical substance and significant new uses subject to reporting.*

(1) The chemical substance identified generically as carbon black, (organic acidic carbocyclic)-modified, metal salt (PMN P–16–440) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(f), (k), and (t).

(ii) *Release to water.* Requirements as specified in § 721.90(a)(1), (b)(1), and (c)(1).

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (c), (i), and (k) are applicable to manufacturers and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

(3) *Determining whether a specific use is subject to this section.* The provisions of § 721.1725(b)(1) apply to paragraph (a)(2)(i) of this section.

■ 18. Add § 721.11038 to subpart E to read as follows:

§ 721.11038 Polyaralkyl aryl ester of methacrylic acid (generic).

(a) *Chemical substance and significant new uses subject to reporting.*

(1) The chemical substance identified as generically as polyaralkyl aryl ester of methacrylic acid (PMN P–16–350) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1), (a)(2)(i), (a)(3), when determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1), engineering control measures (e.g., enclosure or confinement of the operation, general and local ventilation) or administrative control measures (e.g., workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible, and (c).

(ii) *Hazard communication.* Requirements as specified in § 721.72(a) through (d), (f), (g)(1)(i) and (ii), (sensitization), (mutagenicity), (g)(2)(i), (ii), (iii), and (v), and (g)(5). Alternative hazard and warning statements that meet the criteria of the Globally Harmonized System (GHS) and OSHA Hazard Communication Standard may be used.

(iii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(k). It is a significant new use to manufacture the substance lower than the minimum average molecular weight identified in the corresponding TSCA section 5(e) Order and to contain more than the maximum weight percent of low molecular weight species below 1,000 daltons identified in the Order.

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (i) are applicable to manufacturers and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

(3) *Determining whether a specific use is subject to this section.* The provisions of § 721.1725(b)(1) apply to paragraph (a)(2)(iii) of this section.

■ 19. Add § 721.11039 to subpart E to read as follows:

§ 721.11039 Phenol, 2-[[[3-(octyloxy)propyl]imino]methyl]-.

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified as phenol, 2-[[[3-(octyloxy)propyl]imino]methyl]- (PMN P-16-352, chemical A; CAS No. 1858221-49-4) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1), (a)(2)(i), (a)(3), (a)(6) (particulate), (a)(6)(v) and (vi), (b) (concentration set at 1.0%), and (c). When determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1), engineering control measures (e.g., enclosure or confinement of the operation, general and local ventilation) or administrative control measures (e.g., workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible.

(ii) *Hazard communication.* Requirements as specified in § 721.72(a) through (e) (concentration set at 1.0%), (f), (g)(1)(i), (iv), (vi), and (ix), (g)(2)(i) and (v), (g)(3)(i) and (ii), and (g)(5). Alternative hazard and warning statements that meet the criteria of the Globally Harmonized System (GHS) and OSHA Hazard Communication Standard may be used.

(iii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(f), (p)(10,500 and 13,000 kilograms, respectively, for the total of this substance and the substance subject to § 721.11040), (t)(250 kilograms for the total of this substance and the substance subject to § 721.11040), and (y)(1).

(iv) *Release to water.* Requirements as specified in § 721.90(a)(4), (b)(4), and (c)(4) where N=1.

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (i) and (k) are applicable to manufacturers and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

■ 20. Add § 721.11040 to subpart E to read as follows:

§ 721.11040 Phenol, 2-[[[3-(decyloxy)propyl]imino]methyl]-.

(a) *Chemical substance and significant new uses subject to reporting.*

(1) The chemical substance identified as phenol, 2-[[[3-(decyloxy)propyl]imino]methyl]- (PMN P-16-352, chemical B; CAS No. 1858221-50-7) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1), (a)(2)(i), (a)(3), (a)(6) (particulate), (a)(6)(v) and (vi), (b) (concentration set at 1.0%), and (c). When determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1), engineering control measures (e.g., enclosure or confinement of the operation, general and local ventilation) or administrative control measures (e.g., workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible.

(ii) *Hazard communication.* Requirements as specified in § 721.72(a) through (e) (concentration set at 1.0%), (f), (g)(1)(i), (iv), (vi), and (ix), (g)(2)(i) and (v), (g)(3)(i) and (ii), and (g)(5). Alternative hazard and warning statements that meet the criteria of the Globally Harmonized System (GHS) and OSHA Hazard Communication Standard may be used.

(iii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(f), (p) (10,500 and

13,000 kilograms respectively for the total of this substance and the substance subject to § 721.11039), (t) (250 kilograms for the total of this substance and the substance subject to § 721.11039), and (y)(1).

(iv) *Release to water.* Requirements as specified in § 721.90(a)(4), (b)(4), and (c)(4) where N=1.

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (i) and (k) are applicable to manufacturers and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

■ 21. Add § 721.11041 to subpart E to read as follows:

§ 721.11041 Alkyl phenol (generic).

(a) *Chemical substance and significant new uses subject to reporting.*

(1) The chemical substance identified generically as alkyl phenol (PMN P-16-358) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1), (a)(2)(i), (iii), and (iv), (a)(3), when determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1), engineering control measures (e.g., enclosure or confinement of the operation, general and local ventilation) or administrative control measures (e.g., workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible, (b)(concentration set at 1.0%), and (c).

(ii) *Hazard communication.* Requirements as specified in § 721.72(a) through (e) (concentration set at 1.0%), (f), (g)(1)(ix), (g)(2)(i), (ii), (iii), and (v), (g)(4)(iii), and (g)(5). Alternative hazard and warning statements that meet the criteria of the Globally Harmonized System (GHS) and OSHA Hazard Communication Standard may be used.

(iii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(a) through (c), (g), (q), and (y)(1) and (2).

(iv) *Release to water.* Requirements as specified in § 721.90(a)(1), (b)(1), and (c)(1).

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping*. Recordkeeping requirements as specified in § 721.125(a) through (i) and (k) are applicable to manufacturers and processors of this substance.

(2) *Limitations or revocation of certain notification requirements*. The provisions of § 721.185 apply to this section.

(3) *Determining whether a specific use is subject to this section*. The provisions of § 721.1725(b)(1) apply to paragraph (a)(2)(iii) of this section.

■ 22. Add § 721.11042 to subpart E to read as follows:

§ 721.11042 Nitrile-butadiene-acrylate terpolymers (generic).

(a) *Chemical substance and significant new uses subject to reporting*.

(1) The chemical substance identified generically as nitrile-butadiene-acrylate terpolymers PMN P-16-364 is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Hazard communication*.

Requirements as specified in § 721.72(a) through (e) (concentration set at 1.0%), (f), (g)(1)(ii), (g)(2)(ii), and (g)(5). Alternative hazard and warning statements that meet the criteria of the Globally Harmonized System (GHS) and OSHA Hazard Communication Standard may be used.

(ii) *Industrial, commercial, and consumer activities*. Requirements as specified in § 721.80(h), (k) (manufacture of the substance with a particle size distribution where greater than 5.0 percent of the particles are less than 10 microns).

(b) *Specific requirements*. The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping*. Recordkeeping requirements as specified in § 721.125(a) through (c) and (f) through (i) are applicable to manufacturers and processors of this substance.

(2) *Limitations or revocation of certain notification requirements*. The provisions of § 721.185 apply to this section.

■ 23. Add § 721.11043 to subpart E to read as follows:

§ 721.11043 Starch, polymer with 2-propenoic acid, potassium salt, oxidized.

(a) *Chemical substance and significant new uses subject to reporting*.

(1) The chemical substance identified as starch, polymer with 2-propenoic acid, potassium salt, oxidized (PMN P-16-399, CAS No. 1638117-09-5) is subject to reporting under this section for the

significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Protection in the workplace*.

Requirements as specified in § 721.63(a)(1), (a)(6) (particulate), (a)(6)(v) and (vi), when determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1), engineering control measures (e.g., enclosure or confinement of the operation, general and local ventilation) or administrative control measures (e.g., workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible, (b) (concentration set at 1.0%), and (c).

(ii) *Hazard communication*.

Requirements as specified in § 721.72(a) through (d), (e) (concentration set 1.0%), (f), (g)(1)(ii), (g)(2)(ii), and (g)(5). Alternative hazard and warning statements that meet the criteria of the Globally Harmonized System (GHS) and OSHA Hazard Communication Standard may be used.

(iii) *Industrial, commercial, and consumer activities*. Requirements as specified in § 721.80(k) (manufacture of the substance with a particulate size less than 30 microns). It is a significant new use to manufacture the substance for a period longer than 12 months.

(b) *Specific requirements*. The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping*. Recordkeeping requirements as specified in § 721.125(a) through (d) and (f) through (i) are applicable to manufacturers and processors of this substance.

(2) *Limitations or revocation of certain notification requirements*. The provisions of § 721.185 apply to this section.

■ 24. Add § 721.11044 to subpart E to read as follows:

§ 721.11044 Pentanedioic acid, 2-methyl-

(a) *Chemical substance and significant new uses subject to reporting*.

(1) The chemical substance identified as pentanedioic acid, 2-methyl- (PMN P-16-430, CAS No. 617-62-9) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Protection in the workplace*.

Requirements as specified in § 721.63(a)(1), (a)(2)(i), (a)(3) and (4), when determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1) and (4), engineering control measures (e.g., enclosure or confinement of the operation, general and local ventilation)

or administrative control measures (e.g., workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible, (a)(5) (respirators must provide a National Institute for Occupational Safety and Health (NIOSH) assigned protection factor (APF) of at least 10), (a)(6) (particulate), (a)(6)(v) and (vi), (b) (concentration set at 1.0%), and (c).

(ii) *Hazard communication*.

Requirements as specified in § 721.72(a) through (e) (concentration set at 1.0%), (f), (g)(1)(i), (ii), and (vi), (g)(2)(i), (ii), (iii), (iv), and (v), (g)(3)(i) and (ii), (g)(4)(i), and (g)(5). Alternative hazard and warning statements that meet the criteria of the Globally Harmonized System (GHS) and OSHA Hazard Communication Standard may be used.

(iii) *Industrial, commercial, and consumer activities*. Requirements as specified in § 721.80(f) and (k) (import of the substance at or below the maximum concentration specified in the corresponding TSCA section 5(e) Order).

(iv) *Release to water*. Requirements as specified in § 721.90(a)(4), (b)(4), and (c)(4) where N=14.

(b) *Specific requirements*. The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping*. Recordkeeping requirements as specified in § 721.125(a) through (i), and (k) are applicable to manufacturers and processors of this substance.

(2) *Limitations or revocation of certain notification requirements*. The provisions of § 721.185 apply to this section.

(3) *Determining whether a specific use is subject to this section*. The provisions of § 721.1725(b)(1) apply to paragraph (a)(2)(iii) of this section.

■ 25. Add § 721.11045 to subpart E to read as follows:

§ 721.11045 2-Pentanol, 4-methyl-, reaction products with phosphorus oxide (P2O5), compounds with alkylamine (generic).

(a) *Chemical substance and significant new uses subject to reporting*.

(1) The chemical substance identified as generically as 2-pentanol, 4-methyl-, reaction products with phosphorus oxide (P2O5), compounds with alkylamine (PMN P-16-495) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Protection in the workplace*.

Requirements as specified in § 721.63(a)(1) and (3), when determining which persons are reasonably likely to be exposed as required for

§ 721.63(a)(1), engineering control measures (e.g., enclosure or confinement of the operation, general and local ventilation) or administrative control measures (e.g., workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible, (a)(6) (particulate), (b) (concentration set at 1.0%), and (c).

(ii) *Hazard communication.*

Requirements as specified in § 721.72(a) through (e) (concentration set at 1.0%), (f), (g)(1)(i), (ii), and (iv), (g)(2)(i), (ii), and (v), (g)(3)(i) and (ii), (g)(4)(i), and (g)(5). Alternative hazard and warning statements that meet the criteria of the Globally Harmonized System (GHS) and OSHA Hazard Communication Standard may be used.

(iii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(k), (q), and (y)(1). A significant new use is any manner or method of manufacturing that results in inhalation exposure.

(iv) *Release to water.* Requirements as specified in § 721.90(a)(4), (b)(4), and (c)(4) where N=200.

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (i) and (k) are applicable to manufacturers and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

(3) *Determining whether a specific use is subject to this section.* The provisions of § 721.1725(b)(1) apply to paragraph (a)(2)(iii) of this section.

■ 26. Add § 721.11046 to subpart E to read as follows:

§ 721.11046 Hydroxy alkylbiphenyl (generic).

(a) *Chemical substance and significant new uses subject to reporting.*

(1) The chemical substance identified generically as hydroxy alkylbiphenyl (PMN P-16-513) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Protection in the workplace.*

Requirements as specified in § 721.63(a)(1), (3), and (4), when determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1) and (4), engineering control measures (e.g., enclosure or confinement of the operation, general and local ventilation)

or administrative control measures (e.g., workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible, (a)(5) (respirators must provide a National Institute for Occupational Safety and Health (NIOSH) assigned protection factor (APF) of at least 50), (a)(6) (particulate), (a)(6)(v) and (vi), (b) (concentration set at 1.0%), and (c).

(ii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(g) and (q).

(iii) *Release to water.* Requirements as specified in § 721.90(a)(4), (b)(4), and (c)(4) where N=17.

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (e), (i), and (k) are applicable to manufacturers and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

(3) *Determining whether a specific use is subject to this section.* The provisions of § 721.1725(b)(1) apply to paragraph (a)(2)(ii) of this section.

■ 27. Add § 721.11047 to subpart E to read as follows:

§ 721.11047 Alkyl alkenoic acid, polymer with alkenylcarbomonocycle telomer with substituted alkanolic acid hydroxyl alkyl substituted alkenyl substituted alkyl ester, polyalkylene glycol alkyl ether alkyl alkenoate, dialkylene glycol diheteromonocyclic ether and alkylcarbomonocyclic alkenoate, metal salt (generic).

(a) *Chemical substance and significant new uses subject to reporting.*

(1) The chemical substance identified generically as alkyl alkenoic acid, polymer with alkenylcarbomonocycle telomer with substituted alkanolic acid hydroxyl alkyl substituted alkenyl substituted alkyl ester, polyalkylene glycol alkyl ether alkyl alkenoate, dialkylene glycol diheteromonocyclic ether and alkylcarbomonocyclic alkenoate, metal salt (PMN P-16-534) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(f) and (k). It is a significant new use to manufacture the substance such that the lowest number average molecular weight is less than 1,800 daltons and the carboxylic acid content exceeds 20 percent.

(ii) [Reserved]

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (c) and (i) are applicable to manufacturers and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

(3) *Determining whether a specific use is subject to this section.* The provisions of § 721.1725(b)(1) apply to paragraph (a)(2)(iii) of this section.

■ 28. Add § 721.11048 to subpart E to read as follows:

§ 721.11048 Alkyl alkenoic acid, polymer with alkenylcarbomonocycle telomer with substituted alkanolic acid hydroxyl alkyl substituted alkenyl substituted alkyl ester, alkanediol diheteromonocyclic ether, polyalkylene glycol alkyl ether alkyl alkenoate and alkylcarbomonocyclic alkenoate, metal salt (generic).

(a) *Chemical substance and significant new uses subject to reporting.*

(1) The chemical substance identified generically as alkyl alkenoic acid, polymer with alkenylcarbomonocycle telomer with substituted alkanolic acid hydroxyl alkyl substituted alkenyl substituted alkyl ester, alkanediol diheteromonocyclic ether, polyalkylene glycol alkyl ether alkyl alkenoate and alkylcarbomonocyclic alkenoate, metal salt (PMN P-16-535) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(f) and (k). It is a significant new use to manufacture the substance such that the lowest number average molecular weight is less than 1,800 daltons and the carboxylic acid content exceeds 20 percent.

(ii) [Reserved]

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (c) and (i) are applicable to manufacturers and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

(3) *Determining whether a specific use is subject to this section.* The provisions

of § 721.1725(b)(1) apply to paragraph (a)(2)(iii) of this section.

■ 29. Add § 721.11049 to subpart E to read as follows:

§ 721.11049 Alkyl alkenoic acid, polymer with bis heteromonocyclic substituted alkyl carbomonocycle, alkenylcarbomonocycle telomer with substituted alkenoic acid hydroxyl alkyl substituted alkenyl substituted alkyl ester, polyalkylene glycol alkyl ether alkyl alkenoate and alkylcarbomonocyclic alkenoate, metal salt (generic).

(a) *Chemical substance and significant new uses subject to reporting.*

(1) The chemical substance identified generically as alkyl alkenoic acid, polymer with bis heteromonocyclic substituted alkyl carbomonocycle, alkenylcarbomonocycle telomer with substituted alkenoic acid hydroxyl alkyl substituted alkenyl substituted alkyl ester, polyalkylene glycol alkyl ether alkyl alkenoate and

alkylcarbomonocyclic alkenoate, metal salt (PMN P-16-536) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(f) and (k). It is a significant new use to manufacture the substance such that the lowest number average molecular weight is less than 1,800 daltons, and the carboxylic acid content exceeds 20 percent.

(ii) [Reserved]

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (c) and (i) are applicable to manufacturers and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

(3) *Determining whether a specific use is subject to this section.* The provisions of § 721.1725(b)(1) apply to paragraph (a)(2)(iii) of this section.

■ 30. Add § 721.11050 to subpart E to read as follows:

§ 721.11050 Certain functionalized methacrylate-substituted polymers.

(a) *Chemical substance and significant new uses subject to reporting.*

(1) The chemical substances listed in Table 1 of this section is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section. The requirements of this section do not apply to quantities of the substances after they have been reacted (cured).

TABLE 1 TO § 721.11050—FUNCTIONALIZED METHACRYLATE-SUBSTITUTED POLYMERS

PMN No.	Chemical name
P-16-549	Alkaline functionalized methacrylate-substituted polymer (generic).
P-16-550	Alkaline functionalized methacrylate-substituted polymer (generic).
P-16-551	Alkaline functionalized methacrylate-substituted polymer (generic).
P-16-553	Quaternary alkylamine functionalized methacrylate-substituted polymer (generic).
P-16-555	Neutral alcohol functionalized methacrylate-substituted polymer (generic).
P-16-556	Neutral alcohol functionalized methacrylate-substituted polymer (generic).
P-16-557	Neutral alkyl salt functionalized methacrylate-substituted polymer (generic).
P-16-558	Neutral alkyl salt functionalized methacrylate-substituted polymer (generic).
P-16-560	Neutral alkyl salt functionalized methacrylate-substituted polymer (generic).
P-16-561	Acid functionalized methacrylate-substituted polymer (generic).
P-16-562	Acid functionalized methacrylate-substituted polymer (generic).
P-16-563	Acid functionalized methacrylate-substituted polymer (generic).
P-16-564	Acid functionalized methacrylate-substituted polymer (generic).
P-16-565	Acid functionalized methacrylate-substituted polymer (generic).
P-16-567	Alkylamine functionalized methacrylate-substituted polymer (generic).

(2) The significant new uses are:

(i) *Protection in the workplace.*

Requirements as specified in § 721.63(a)(1), (a)(2)(i) and (iii), (a)(3), when determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1), engineering control measures (e.g., enclosure or confinement of the operation, general and local ventilation) or administrative control measures (e.g., workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible, (a)(6) (particulate), (b) (concentration set at 1.0%), and (c).

(ii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(f) and (k) (crosslinked resin used for chromatographic separation of biomolecules and biocatalysts). It is a significant new use to import the substance in any form other than

spherical beads with 0.1 percent less than 10 microns.

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (e) and (i) are applicable to manufacturers and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

■ 31. Add § 721.11051 to subpart E to read as follows:

§ 721.11051 Waste plastics, poly(ethylene terephthalate), depolymd. with polypropylene glycol ether with glycerol (3:1), polymers with alkenoic and alkenoic acids (generic).

(a) *Chemical substance and significant new uses subject to reporting.*

(1) The chemical substance identified generically as waste plastics, poly(ethylene terephthalate), depolymd. with polypropylene glycol ether with glycerol (3:1), polymers with alkenoic and alkenoic acids (PMN P-16-579) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Protection in the workplace.*

Requirements as specified in § 721.63(a)(1), (a)(2)(i), (a)(3) and (4), when determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1) and (4), engineering control measures (e.g., enclosure or confinement of the operation, general and local ventilation) or administrative control measures (e.g., workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible, (a)(5) (respirators must provide a National

Institute for Occupational Safety and Health (NIOSH) assigned protection factor (APF) of at least 50), (a)(6) (particulate), (b) (concentration set 1.0%), and (c).

(ii) *Hazard communication.*

Requirements as specified in § 721.72(a) through (e) (concentration set at 1.0%), (f), (g)(1) (required label statements: This substance may cause respiratory and dermal irritation. This substance may cause irritation of the mucous membranes. This substance may cause respiratory and dermal sensitization. This substance may cause mutagenicity), (g)(2)(i) through (v), and (g)(5). Alternative hazard and warning statements that meet the criteria of the Globally Harmonized System (GHS) and OSHA Hazard Communication Standard may be used.

(iii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(k) (an ultraviolet curable coating resin). It is a significant new use to manufacture the substance with an average molecular weight less than 1,100 Daltons.

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (i) are applicable to manufacturers and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The

provisions of § 721.185 apply to this section.

■ 32. Add § 721.11052 to subpart E to read as follows:

§ 721.11052 1,3,5-Naphthalenetrisulfonic acid.

(a) *Chemical substance and significant new uses subject to reporting.*

(1) The chemical substance identified as 1,3,5-naphthalenetrisulfonic acid (PMN P-17-32, CAS No. 6654-64-4) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Protection in the workplace.*

Requirements as specified in § 721.63(a)(1), (a)(2)(i) and (iv), (a)(3) and (4), when determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1) and (4), engineering control measures (e.g., enclosure or confinement of the operation, general and local ventilation) or administrative control measures (e.g., workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible, (a)(5) (respirators must provide a National Institute for Occupational Safety and Health (NIOSH) assigned protection factor of at least 50, (a)(6)(v) and (vi), (particulate), (b) (concentration set at 1.0%), and (c).

(ii) *Hazard communication.*

Requirements as specified in § 721.72(a) through (e) (concentration set at 1.0%), (f), (g)(1)(i), (ii), (iv), and (ix), (g)(2)(i), (ii), (iii), and (v), and (g)(5). Alternative hazard and warning statements that

meet the criteria of the Globally Harmonized System (GHS) and OSHA Hazard Communication Standard may be used.

(iii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(q) and (t). It is a significant new use to process the substance beyond the confidential annual volume cited in the TSCA 5(e) Order.

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (i) are applicable to manufacturers and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

(3) *Determining whether a specific use is subject to this section.* The provisions of § 721.1725(b)(1) apply to paragraph (a)(2)(iii) of this section.

■ 33. Add § 721.11053 to subpart E to read as follows:

§ 721.11053 Certain halogenated sodium benzoate salts.

(a) *Chemical substance and significant new uses subject to reporting.*

(1) The chemical substances listed in Table 1 of this section is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

TABLE 1 TO § 721.11053—HALOGENATED SODIUM BENZOATE SALTS

PMN No.	CAS No.	Chemical name
P-17-33	6654-64-4	Benzoic acid, 2-fluoro-, sodium salt (1:1).
P-17-34	499-90-1	Benzoic acid, 4-fluoro-, sodium salt (1:1).
P-17-36	67852-79-3	Benzoic acid, 2,3,4,5-tetrafluoro-, sodium salt (1:1).
P-17-38	2966-44-1	Benzoic acid, 2-(trifluoromethyl)-, sodium salt (1:1).
P-17-39	25832-58-0	Benzoic acid, 4-(trifluoromethyl)-, sodium salt (1:1).
P-17-41	522651-42-9	Benzoic acid, 2,5-difluoro-, sodium salt (1:1).
P-17-42	499-57-0	Benzoic acid, 3-fluoro-, sodium salt (1:1).
P-17-43	6185-28-0	Benzoic acid, 2,6-difluoro-, sodium salt (1:1).
P-17-45	530141-39-0	Benzoic acid, 3,5-difluoro-, sodium salt (1:1).
P-17-47	1765-08-8	Benzoic acid, 2,4-difluoro-, sodium salt (1:1).
P-17-50	522651-44-1	Benzoic acid, 3,4-difluoro-, sodium salt (1:1).
P-17-52	1180493-12-2	Benzoic acid, 3,4,5-trifluoro-, sodium salt (1:1).
P-17-55	402955-41-3	Benzoic acid, 2,3,4-trifluoro-, sodium salt (1:1).
P-17-57	522651-48-5	Benzoic acid, 2,4,5-trifluoro-, sodium salt (1:1).
P-17-59	1604819-08-0	Benzoic acid, 2,3-difluoro-, sodium salt (1:1).
P-17-61	69226-41-1	Benzoic acid, 3-(trifluoromethyl)-, sodium salt (1:1).
P-17-62	17264-74-3	Benzoic acid, 2-chloro-, sodium salt (1:1).
P-17-63	3686-66-6	Benzoic acid, 4-chloro-, sodium salt (1:1).
P-17-64	17264-88-9	Benzoic acid, 3-chloro-, sodium salt (1:1).
P-17-66	118537-84-1	Benzoic acid, 2,3-dichloro-, sodium salt (1:1).
P-17-67	63891-98-5	Benzoic acid, 2,5-dichloro-, sodium salt (1:1).
P-17-69	154862-40-5	Benzoic acid, 3,5-dichloro-, sodium salt (1:1).
P-17-71	10007-84-8	Benzoic acid, 2,6-dichloro-, sodium salt (1:1).
P-17-72	17274-10-1	Benzoic acid, 3,4-dichloro-, sodium salt (1:1).
P-17-73	38402-11-8	Benzoic acid, 2,4-dichloro-, sodium salt (1:1).
P-17-75	855471-43-1	Benzoic acid, 2-chloro-4-fluoro-, sodium salt.

TABLE 1 TO § 721.11053—HALOGENATED SODIUM BENZOATE SALTS—Continued

PMN No.	CAS No.	Chemical name
P-17-76	1421761-18-3	Benzoic acid, 3-chloro-4-fluoro-, sodium salt.
P-17-79	1382106-78-6	Benzoic acid, 5-chloro-2-fluoro-, sodium salt.
P-17-80	1421029-88-0	Benzoic acid, 4-chloro-3-fluoro-, sodium salt.
P-17-83	1382106-64-0	Benzoic acid, 4-chloro-2-fluoro-, sodium salt.
P-17-85	1938142-12-1	Benzoic acid, 5-bromo-2-chloro-, sodium salt.
P-17-87	938142-13-2	Benzoic acid, 3-bromo-4-fluoro-, sodium salt.
P-17-90	1938142-14-3	Benzoic acid, 2-bromo-5-fluoro-, sodium salt.
P-17-91	1938142-15-4	Benzoic acid, 4-bromo-2-fluoro-, sodium salt.
P-17-93	1535169-81-3	Benzoic acid, 4-bromo-3-fluoro-, sodium salt.

(2) The significant new uses are:

(i) *Protection in the workplace.*

Requirements as specified in § 721.63(a)(1), (a)(2)(i) and (iv), (a)(3), when determining which persons are reasonably likely to be exposed as required for § 721.63(a)(4), engineering control measures (e.g., enclosure or confinement of the operation, general and local ventilation) or administrative control measures (e.g., workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible, (a)(5) (respirators must provide a National Institute for Occupational Safety and Health (NIOSH) assigned protection factor of at least 50), (a)(6) (particulate), (a)(6)(v) and (vi), (b) (concentration set at 1.0%), and (c).

(A) As an alternative to the respirator requirements in paragraph (a)(2)(i) of this section, a manufacturer or processor may choose to follow the new chemical exposure limit (NCEL) provision listed in the TSCA section 5(e) Order for this substance. The NCEL is 0.0184 mg/m³ as an 8-hour time weighted average.

Persons who wish to pursue NCELs as

an alternative to § 721.63 respirator requirements may request to do so under § 721.30. Persons whose § 721.30 requests to use the NCELs approach are approved by EPA will be required to follow NCELs provisions comparable to those contained in the corresponding TSCA section 5(e) Order.

(B) [Reserved]

(ii) *Hazard communication.*

Requirements as specified in § 721.72(a) through (e) (concentration set at 1.0%), (f), (g)(1)(i), (ii), (iii), (iv), (vi), and (ix), (g)(2)(i), (ii), and (iii), (use respiratory protection or maintain workplace airborne concentrations at or below an 8-hour time-weighted average of 0.0184 mg/m³), (g)(2)(v), and (g)(5). Alternative hazard and warning statements that meet the criteria of the Globally Harmonized System (GHS) and OSHA Hazard Communication Standard may be used.

(iii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(q) and (t). It is a significant new use to manufacture or process the substances other than for the processes described in the corresponding TSCA section 5(e) Order.

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (i) and (k) are applicable to manufacturers and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

(3) *Determining whether a specific use is subject to this section.* The provisions of § 721.1725(b)(1) apply to paragraph (a)(2)(iii) of this section.

■ 34. Add § 721.11054 to subpart E to read as follows:

§ 721.11054 Certain halogenated benzoic acids.

(a) *Chemical substance and significant new uses subject to reporting.*

(1) The chemical substances listed in Table 1 of this section is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

TABLE 1 TO § 721.11054—HALOGENATED BENZOIC ACIDS

PMN No.	CAS No.	Chemical name
P-17-35	1201-31-6	Benzoic acid, 2,3,4,5-tetrafluoro-
P-17-37	433-97-6	Benzoic acid, 2-(trifluoromethyl)-
P-17-40	2991-28-8	Benzoic acid, 2,5-difluoro-
P-17-44	385-00-2	Benzoic acid, 2,6-difluoro-
P-17-46	455-40-3	Benzoic acid, 3,5-difluoro-
P-17-48	1583-58-0	Benzoic acid, 2,4-difluoro-
P-17-51	455-86-7	Benzoic acid, 3,4-difluoro-
P-17-53	121602-93-5	Benzoic acid, 3,4,5-trifluoro-
P-17-54	61079-72-9	Benzoic acid, 2,3,4-trifluoro-
P-17-56	446-17-3	Benzoic acid, 2,4,5-trifluoro-
P-17-58	4519-39-5	Benzoic acid, 2,3-difluoro-
P-17-60	454-92-2	Benzoic acid, 3-(trifluoromethyl)-
P-17-65	50-45-3	Benzoic acid, 2,3-dichloro-
P-17-68	51-36-5	Benzoic acid, 3,5-dichloro-
P-17-70	50-30-6	Benzoic acid, 2,6-dichloro-
P-17-74	2252-51-9	Benzoic acid, 2-chloro-4-fluoro-
P-17-77	394-30-9	Benzoic acid, 5-chloro-2-fluoro-
P-17-78	403-16-7	Benzoic acid, 3-chloro-4-fluoro-
P-17-81	403-17-8	Benzoic acid, 4-chloro-3-fluoro-
P-17-82	446-30-0	Benzoic acid, 4-chloro-2-fluoro-
P-17-84	21739-92-4	Benzoic acid, 5-bromo-2-chloro-
P-17-88	11007-16-5	Benzoic acid, 3-bromo-4-fluoro-

TABLE 1 TO § 721.11054—HALOGENATED BENZOIC ACIDS—Continued

PMN No.	CAS No.	Chemical name
P-17-89	394-28-5	Benzoic acid, 2-bromo-5-fluoro-.
P-17-92	153556-42-4	Benzoic acid, 4-bromo-3-fluoro-.
P-17-97	112704-79-7	Benzoic acid, 4-bromo-2-fluoro-.

(2) The significant new uses are:

(i) *Protection in the workplace.*

Requirements as specified in § 721.63(a)(1), (a)(2)(i) and (v), (a)(3) and (4), when determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1) and (4), engineering control measures (e.g., enclosure or confinement of the operation, general and local ventilation) or administrative control measures (e.g., workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible, (a)(5) (respirators must provide a National Institute for Occupational Safety and Health (NIOSH) assigned protection factor of at least 50, (a)(6) (particulate), (a)(6)(v) and (vi), (b) (concentration set at 1.0%), and (c).

(A) As an alternative to the respirator requirements in paragraph (a)(2)(i) of this section, a manufacturer or processor may choose to follow the new chemical exposure limit (NCEL) provision listed in the TSCA section 5(e) Order for this substance. The NCEL is 0.0184 mg/m³ as an 8-hour time weighted average. Persons who wish to pursue NCELs as

an alternative to § 721.63 respirator requirements may request to do so under § 721.30. Persons whose § 721.30 requests to use the NCELs approach are approved by EPA will be required to follow NCELs provisions comparable to those contained in the corresponding TSCA section 5(e) Order.

(B) [Reserved]

(ii) *Hazard communication.*

Requirements as specified in § 721.72(a) through (e) (concentration set at 1.0%), (f), (g)(1)(i), (ii), (iii), (iv), (vi), and (ix), (g)(2)(i), (ii), and (iii), (use respiratory protection or maintain workplace airborne concentrations at or below an 8-hour time-weighted average of 0.0184 mg/m³), (g)(2)(v), and (g)(5). Alternative hazard and warning statements that meet the criteria of the Globally Harmonized System (GHS) and OSHA Hazard Communication Standard may be used.

(iii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(q) and (t). It is a significant new use to manufacture or process the substances other than for the processes described in the corresponding TSCA section 5(e) Order.

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (i) and (k) are applicable to manufacturers and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

(3) *Determining whether a specific use is subject to this section.* The provisions of § 721.1725(b)(1) apply to paragraph (a)(2)(iii) of this section.

■ 35. Add § 721.11055 to subpart E to read as follows:

§ 721.11055 Certain halogenated benzoic acids ethyl esters.

(a) *Chemical substance and significant new uses subject to reporting.*

(1) The chemical substances listed in Table 1 of this section is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

TABLE 1 TO § 721.11055—HALOGENATED BENZOIC ACID ETHYL ESTERS

PMN No.	CAS No.	Chemical name
P-17-94	122894-73-9	Benzoic acid, 2,3,4,5-tetrafluoro-, ethyl ester.
P-17-95	583-02-8	Benzoic acid, 4-(trifluoromethyl)-, ethyl ester.
P-17-96	577-62-8	Benzoic acid, 2-(trifluoromethyl)-, ethyl ester.
P-17-98	19064-14-3	Benzoic acid, 2,6-difluoro-, ethyl ester.
P-17-99	708-25-8	Benzoic acid, 2,5-difluoro-, ethyl ester.
P-17-100	351354-50-2	Benzoic acid, 2,3,4-trifluoro-, ethyl ester.
P-17-101	351354-50-2	Benzoic acid, 2-bromo-5-fluoro-, ethyl ester.
P-17-102	350-19-6	Benzoic acid, 3,5-difluoro-, ethyl ester.
P-17-103	76008-73-6	Benzoic acid, 5-bromo-2-chloro-, ethyl ester.
P-17-104	1128-76-3	Benzoic acid, 3-chloro-, ethyl ester.
P-17-105	7335-25-3	Benzoic acid, 2-chloro-, ethyl ester.
P-17-114	137521-81-4	Benzoic acid, 3-chloro-4-fluoro-, ethyl ester.
P-17-122	474709-71-2	Benzoic acid, 4-bromo-2-fluoro-, ethyl ester.
P-17-123	144267-97-0	Benzoic acid, 2-bromo-4,5-difluoro-, ethyl ester.
P-17-124	1130165-74-0	Benzoic acid, 4-bromo-3-fluoro-, ethyl ester.
P-17-125	23233-33-2	Benzoic acid, 3-bromo-4-fluoro-, ethyl ester.
P-17-126	4793-20-8	Benzoic acid, 4-chloro-2-fluoro-, ethyl ester.
P-17-127	35112-27-7	Benzoic acid, 2,5-dichloro-, ethyl ester.
P-17-128	203573-08-4	Benzoic acid, 4-chloro-3-fluoro-, ethyl ester.
P-17-129	167758-87-4	Benzoic acid, 2-chloro-4-fluoro-, ethyl ester.
P-17-130	773139-56-3	Benzoic acid, 5-chloro-2-fluoro-, ethyl ester.
P-17-131	108928-00-3	Benzoic acid, 2,4-difluoro-, ethyl ester.
P-17-132	144267-96-9	Benzoic acid, 3,4-difluoro-, ethyl ester.
P-17-133	495405-09-9	Benzoic acid, 3,4,5-trifluoro-, ethyl ester.
P-17-134	351354-41-1	Benzoic acid, 2,4,5-trifluoro-, ethyl ester.
P-17-135	76783-59-0	Benzoic acid, 3-(trifluoromethyl)-, ethyl ester.
P-17-136	773134-65-9	Benzoic acid, 2,3-difluoro-, ethyl ester.
P-17-137	81055-73-4	Benzoic acid, 2,6-dichloro-, ethyl ester.

TABLE 1 TO § 721.11055—HALOGENATED BENZOIC ACID ETHYL ESTERS—Continued

PMN No.	CAS No.	Chemical name
P-17-138	91085-56-2	Benzoic acid, 3,5-dichloro-, ethyl ester.
P-17-139	56882-52-1	Benzoic acid, 2,4-dichloro-, ethyl ester.
P-17-140	28394-58-3	Benzoic acid, 3,4-dichloro-, ethyl ester.

(2) The significant new uses are:

(i) *Protection in the workplace.*

Requirements as specified in § 721.63(a)(1), (a)(2)(i) and (v), (a)(3) and (4), when determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1) and (4), engineering control measures (e.g., enclosure or confinement of the operation, general and local ventilation) or administrative control measures (e.g., workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible, (a)(5) (respirators must provide a National Institute for Occupational Safety and Health (NIOSH) assigned protection factor of at least 1000), (a)(6) (particulate), (a)(6)(v) and (vi), (b) (concentration set at 1.0%), and (c).

(A) As an alternative to the respirator requirements in paragraph (a)(2)(i) of this section, a manufacturer or processor may choose to follow the new chemical exposure limit (NCEL) provision listed in the TSCA section 5(e) Order for this substance. The NCEL is 0.0184 mg/m³ as an 8-hour time weighted average. Persons who wish to pursue NCELs as an alternative to § 721.63 respirator requirements may request to do so under § 721.30. Persons whose § 721.30 requests to use the NCELs approach are approved by EPA will be required to follow NCELs provisions comparable to those contained in the corresponding TSCA section 5(e) Order.

(B) [Reserved]

(ii) *Hazard communication.*

Requirements as specified in § 721.72(a) through (e) (concentration set at 1.0%), (f), (g)(1)(i), (ii), (iii), (iv), (vi), and (ix), (g)(2)(i), (ii), and (iii), (use respiratory protection or maintain workplace airborne concentrations at or below an 8-hour time-weighted average of 0.0184 mg/m³), (g)(2)(v), (g)(3)(i) and (ii), (g)(4)(i), and (g)(5). Alternative hazard and warning statements that meet the criteria of the Globally Harmonized System (GHS) and OSHA Hazard Communication Standard may be used.

(iii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(q) and (t). It is a significant new use to manufacture or process the substances other than for processes described in the corresponding TSCA section 5(e) Order.

(iv) *Release to water.* Requirements as specified in § 721.90(a)(4), (b)(4), and (c)(4) where N=15 ppb.

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (i) and (k) are applicable to manufacturers and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

(3) *Determining whether a specific use is subject to this section.* The provisions of § 721.1725(b)(1) apply to paragraph (a)(2)(iii) of this section.

■ 36. Add § 721.11056 to subpart E to read as follows:

§ 721.11056 Neodymium aluminium alkyl polymer complexes (generic).

(a) *Chemical substance and significant new uses subject to reporting.*

(1) The chemical substance identified generically as neodymium aluminium alkyl polymer complexes (PMN P-17-198) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Protection in the workplace.*

Requirements as specified in § 721.63(a)(1), (a)(2)(i), (ii), and (iii), (a)(3), when determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1), engineering control measures (e.g., enclosure or confinement of the operation, general and local ventilation) or administrative control measures (e.g., workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible, (b) (concentration set 1.0%), and (c).

(ii) *Hazard communication.*

Requirements as specified in § 721.72(a) through (e) (concentration set 1.0%), (f), (g)(1)(ix), (the substance may react violently with water, (this substance may cause skin irritation and corrosion), (this substance may cause respiratory complications, irritation, and corrosion), (g)(2)(i), (ii), (iii), (when using this substance use in closed system to prevent any inhalation exposure), (when

using this substance use skin and eye protection), and (g)(5). Alternative hazard and warning statements that meet the criteria of the Globally Harmonized System (GHS) and OSHA Hazard Communication Standard may be used.

(iii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(c) (it is a significant new use to process the substance in manner that results in inhalation exposure) and (f). It is a significant new use to manufacture the substance for a period longer than 8 months.

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (i) are applicable to manufacturers and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

(3) *Determining whether a specific use is subject to this section.* The provisions of § 721.1725(b)(1) apply to paragraph (a)(2)(iii) of this section.

■ 37. Add § 721.11057 to subpart E to read as follows:

§ 721.11057 Fatty acid amide alkyl amine salts (generic).

(a) *Chemical substance and significant new uses subject to reporting.*

(1) The chemical substances identified generically as fatty acid amide alkyl amine salts (PMN P-17-272, P-17-273, P-17-274, P-17-275, P-17-276 and P-17-277) are subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section. The requirements of this section do not apply to quantities of the substances after they have been reacted (cured).

(2) The significant new uses are:

(i) *Protection in the workplace.*

Requirements as specified in § 721.63(a)(1), (a)(2)(i), (iii), and (iv), (a)(3), and (a)(6) (particulate), (a)(6)(v) and (vi). When determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1), engineering control measures (e.g.,

enclosure or confinement of the operation, general and local ventilation) or administrative control measures (*e.g.*, workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible.

(ii) *Hazard communication.*

Requirements as specified in § 721.72(a) through (e) (concentration set at 1.0%), (f), (g)(1)(vi), (skin irritation), (respiratory complication), (internal organ effect), (systemic effect), (sensitization), (g)(2)(i), (ii), (iii), and (v), (g)(3)(i) and (ii), (g)(4)(i) and (iii), and (g)(5). Alternative hazard and warning statements that meet the criteria of the Globally Harmonized System (GHS) and OSHA Hazard Communication Standard may be used.

(iii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(k) and (y)(1).

(iv) *Release to water.* Requirements as specified in § 721.90(a)(1), (b)(1), and (c)(1).

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (i) and (k) are applicable to manufacturers and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

(3) *Determining whether a specific use is subject to this section.* The provisions of § 721.1725(b)(1) apply to paragraph (a)(2)(iii) of this section.

■ 38. Add § 721.11058 to subpart E to read as follows:

§ 721.11058 Fatty acid derived imidazoline salts (generic).

(a) *Chemical substance and significant new uses subject to reporting.*

(1) The chemical substances identified generically as fatty acid derived imidazoline salts (PMN P-17-278, P-17-279 and P-17-280) are subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section. The requirements of this section do not apply to quantities of the substances after they have been reacted (cured).

(2) The significant new uses are:

(i) *Protection in the workplace.*

Requirements as specified in § 721.63(a)(1), (a)(2)(i), (iii), and (iv), (a)(3), and (a)(6) (particulate), and (a)(6)(v) and (vi). When determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1), engineering control measures (*e.g.*, enclosure or confinement of the operation, general and local ventilation) or administrative control measures (*e.g.*, workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible.

(ii) *Hazard communication.*

Requirements as specified in § 721.72(a)

through (e) (concentration set at 1.0%), (f), (g)(1) (skin irritation), (respiratory complication), (internal organ effect), (systemic effect), (sensitization), (g)(2)(i), (ii), (iii), and (v), (g)(3)(i) and (ii), (g)(4)(i) and (iii), and (g)(5).

Alternative hazard and warning statements that meet the criteria of the Globally Harmonized System (GHS) and OSHA Hazard Communication Standard may be used.

(iii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(k) and (y)(1).

(iv) *Release to water.* Requirements as specified in § 721.90(a)(1), (b)(1), and (c)(1).

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (i), and (k) are applicable to manufacturers and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

(3) *Determining whether a specific use is subject to this section.* The provisions of § 721.1725(b)(1) apply to paragraph (a)(2)(iii) of this section.

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Part III

Office of the United States Trade Representative

Notice of Modification of Section 301 Action: China's Acts, Policies, and Practices Related to Technology Transfer, Intellectual Property, and Innovation; Notice

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Notice of Modification of Section 301 Action: China's Acts, Policies, and Practices Related to Technology Transfer, Intellectual Property, and Innovation

AGENCY: Office of the United States Trade Representative.

ACTION: Notice of modification of action.

SUMMARY: In accordance with the specific direction of the President, the U.S. Trade Representative (Trade Representative) has determined to modify the action being taken in this Section 301 investigation by imposing additional duties of 10 percent *ad valorem* on products of China classified in the tariff subheadings set out in the Annexes to this notice.

DATES: Additional duties at a rate of 10 percent *ad valorem* on the tariff subheadings set out in Annex A to this notice are applicable with respect to products that are entered for consumption, or withdrawn from warehouse for consumption, on or after September 1, 2019. Additional duties at a rate of 10 percent *ad valorem* on the tariff subheadings set out in Annex C to this notice are applicable with respect to products that are entered for consumption, or withdrawn from warehouse for consumption, on or after December 15, 2019.

FOR FURTHER INFORMATION CONTACT: For questions about this action, contact Associate General Counsel Arthur Tsao or Assistant General Counsel Megan Grimbail, or Director of Industrial Goods Justin Hoffmann at (202) 395-5725. For questions on customs classification or implementation of additional duties on products identified in the Annexes to this notice, contact traderemedy@cbp.dhs.gov.

SUPPLEMENTARY INFORMATION:

A. Prior Determinations in the Investigation

On August 18, 2017, the Trade Representative initiated an investigation into certain acts, policies, and practices of the Government of China related to technology transfer, intellectual property, and innovation. 82 FR 40213. In April 2018, the Trade Representative published a notice of a determination that the acts, policies, and practices of China under investigation are unreasonable or discriminatory and burden or restrict U.S. commerce, and are thus actionable under Section 301(b) of the Trade Act of 1974, as amended (Trade Act). 83 FR 14906.

At the direction of the President, the Trade Representative determined to take actions resulting in the imposition of an additional 25 percent *ad valorem* duty on products of China with an annual aggregate trade value of approximately \$250 billion. The additional duties were imposed in three tranches. Tranche 1 covered 818 tariff subheadings, with an approximate annual trade value of \$34 billion. *See* 83 FR 28710 (June 20, 2018). Tranche 2 covered 279 tariff subheadings, with an approximate annual trade value of \$16 billion. *See* 83 FR 40823 (August 16, 2018). Tranche 3 covered 5,733 tariff subheadings, with an approximate annual trade value of \$200 billion. *See* 83 FR 47974 (September 21, 2018); 83 FR 49153 (September 28, 2018); and 84 FR 20459 (May 9, 2019).

As set out in the above-referenced notices, the Trade Representative decided that one of the four categories of acts, policies, and practices covered in the investigation—in particular, relating to China's technology licensing regulations—should be addressed through recourse to WTO dispute settlement. Accordingly, the United States initiated a WTO dispute by requesting consultations with the Government of China regarding certain aspects of China's technology regulations. *China—Certain Measures Concerning the Protection of Intellectual Property Rights* (DS542). Neither the prior actions under Section 301, nor the action announced in this notice, relate to or take into account harm caused by this category of acts, policies, and practices of China.

B. Proposed Modification of Action and Public Comment

As of May 2019, China's statements and conduct indicated that action at a \$250 billion level was insufficient to obtain the elimination of China's unfair and harmful policies. Thus, on May 17, 2019, the Trade Representative, at the direction of the President, invited public comment on modifying the action taken in the investigation by adopting an action to impose up to an additional 25 percent duty on products from China classified in 3,805 full and partial tariff subheadings, with an annual trade value of approximately \$300 billion. 84 FR 22564 (May 17 notice).

In response to the May 17 notice inviting comments on a possible action, interested persons filed nearly 3,000 written submissions. In addition, USTR and the Section 301 Committee held a seven-day public hearing from June 17 to June 25, 2019, at which over 300 witnesses provided testimony and

responded to questions. The public submissions and a transcript of the hearing are available on www.regulations.gov in docket number USTR-2019-0004.

C. Modification of Action

The Section 301 statute (set out in Sections 301 to 308 of the Trade Act) (19 U.S.C. 2411-2418) includes authority for the Trade Representative to modify the action being taken in an investigation. In particular, Section 307(a)(1) authorizes the Trade Representative to modify or terminate any action taken under Section 301, subject to the specific direction, if any, of the President if: The burden or restriction on United States commerce of the acts, policies, and practices, that are the subject of the action has increased or decreased, or the action is being taken under Section 301(b) and is no longer appropriate.

The burden or restriction on United States commerce of the acts, policies, and practices that are the subject of the Section 301 action continues to increase. China's unfair acts, policies, and practices include not just its technology transfer and IP policies referenced in the notice of initiation in the investigation, but also China's subsequent defensive actions taken to maintain those unfair acts, policies, and practices as determined in that investigation. China has decided to impose tariffs on approximately \$110 billion worth of U.S. goods, with the goal of pressuring the United States to cease its efforts to obtain the elimination of China's unfair policies. China has further taken or threatened to take additional countermeasures, including non-tariff measures, against commerce of the United States. In short, instead of addressing the underlying problems, China has increased tariffs and adopted or threatened additional retaliation to further protect the unreasonable acts, policies, and practices identified in the investigation, resulting in increased harm to the U.S. economy.

China's response has shown that the current action no longer is appropriate. The United States is engaging with China with the goal of obtaining the elimination of the acts, policies, and practices covered in the investigation. The leaders of the United States and China met on December 1, 2018, and agreed to hold negotiations on a range of issues, including those covered in this Section 301 investigation. *See* <https://www.whitehouse.gov/briefings-statements/statement-press-secretary-regarding-presidents-working-dinner-china/>. Since the meeting on December 1, the United States and China have

engaged in additional rounds of negotiation on these issues, including meetings in March, April, and May of 2019. Shortly before the May 2019 meetings, China retreated from specific commitments made in previous rounds. China also has imposed further retaliatory action against U.S. commerce. The United States and China held another round of meetings from July 29 to July 31, 2019. At the conclusion of that round, China remained unwilling to return to the specific commitments it had offered in prior rounds of negotiations. Furthermore, as found by the Department of the Treasury, China has taken concrete steps to devalue its currency. See <https://home.treasury.gov/news/press-releases/sm751>.

For these reasons, and in accordance with the specific direction of the President, the Trade Representative has determined to modify the action being taken in the investigation by adopting additional tariffs of 10 percent *ad valorem* on goods of China with an annual trade value of approximately \$300 billion, as set out in the Annexes to this notice. The Trade Representative's determination takes account of the public comments and the testimony from the seven-day public hearing, as well as the advice of the interagency Section 301 committee and appropriate advisory committees.

Certain tariff subheadings proposed in the May 17 notice have been removed from the final list of tariff subheadings subject to additional duties, based on health, safety, national security, and other factors. In addition, the tariff subheadings subject to the 10 percent additional duties are separated into two lists with different effective dates—Annex A contains the formal Harmonized Tariff Schedule of the United States (HTSUS) language for list 1, and Annex B contains an informal

description of the products in list 1. Annex C contains the formal HTSUS language for list 2, and Annex D contains an informal description of the products in list 2.

List 1 includes tariff subheadings where China's share of U.S. imports from the world is less than 75 percent for each subheading. For list 1, the additional duty of 10 percent *ad valorem* is effective September 1, 2019.

List 2 includes products where China's share of U.S. imports from the world is 75 percent or greater for each subheading. To provide a longer adjustment period for U.S. interested persons, the additional duty of 10 percent *ad valorem* for list 2 is delayed until December 15, 2019.

In order to implement this determination, effective September 1, 2019, subchapter III of chapter 99 of the HTSUS is modified by Annexes A and C of this notice. Products of China that are provided for in the HTSUS headings established by Annex A to this notice that are entered for consumption, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern daylight time on September 1, 2019, shall be subject to an additional duty of 10 percent *ad valorem*. Products of China that are provided for in the HTSUS headings established by Annex C to this notice that are entered for consumption, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern daylight time on December 15, 2019, shall be subject to an additional duty of 10 percent *ad valorem*.

Any product listed in Annex A, except any product that is eligible for admission under 'domestic status' as defined in 19 CFR 146.43, which is subject to the additional duty imposed by this determination, and that is admitted into a U.S. foreign trade zone on or after 12:01 a.m. eastern daylight time on September 1, 2019, only may be

admitted as 'privileged foreign status' as defined in 19 CFR 146.41. Such products will be subject upon entry for consumption to any *ad valorem* rates of duty or quantitative limitations related to the classification under the applicable HTSUS subheading.

Any product listed in Annex C, except any product that is eligible for admission under 'domestic status' as defined in 19 CFR 146.43, which is subject to the additional duty imposed by this determination, and that is admitted into a U.S. foreign trade zone on or after 12:01 a.m. eastern daylight time on December 15, 2019, only may be admitted as 'privileged foreign status' as defined in 19 CFR 146.41. Such products will be subject upon entry for consumption to any *ad valorem* rates of duty or quantitative limitations related to the classification under the applicable HTSUS subheading.

The Trade Representative also has decided that USTR will establish a process by which interested persons may request that particular products classified within an HTSUS subheading covered by Annex A and Annex C be excluded from the additional duties. USTR will publish a separate notice describing the product exclusion process, including the procedures for submitting exclusion requests, and an opportunity for interested persons to submit oppositions to a request.

The Trade Representative will continue to consider the actions taken in this investigation. In the event that further modifications are appropriate, the Trade Representative intends to take into account the extensive public comments and testimony previously provided in response to the May 17 notice.

Joseph Barloon,

General Counsel, Office of the U.S. Trade Representative.

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ANNEX A

Effective with respect to goods entered for consumption, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern daylight time on September 1, 2019, subchapter III of chapter 99 of the Harmonized Tariff Schedule of the United States (HTSUS) is modified:

1. by inserting the following new heading 9903.88.15 in numerical sequence, with the material in the new heading inserted in the columns of the HTSUS labeled “Heading/Subheading”, “Article Description”, and “Rates of Duty 1-General”, respectively:

Heading/ Subheading	Article Description	Rates of Duty		
		1		2
		General	Special	
“9903.88.15	Articles the product of China, as provided for in U.S. note 20(r) to this subchapter and as provided for in the subheadings enumerated in U.S. note 20(s)	The duty provided in the applicable subheading + 10%”		

2. by inserting the following new U.S. note 20(r) to subchapter III of chapter 99 in numerical sequence:

“(r) For the purposes of heading 9903.88.15, products of China, as provided for in this note, shall be subject to an additional 10 percent ad valorem rate of duty. The products of China that are subject to an additional 10 percent ad valorem rate of duty under heading 9903.88.15 are products of China that are classified in the subheadings enumerated in U.S. note 20(s)(i) or described in U.S. note 20(s)(ii) to subchapter III. All products of China that are classified in the subheadings enumerated in U.S. note 20(s)(i) or described in U.S. note 20(s)(ii) to subchapter III are subject to the additional 10 percent ad valorem rate of duty imposed by heading 9903.88.15.

Notwithstanding U.S. note 1 to this subchapter, all products of China that are subject to the additional 10 percent ad valorem rate of duty imposed by heading 9903.88.15 shall also be subject to the general rates of duty imposed on products of China classified in the subheadings enumerated in U.S. note 20(s)(i) or described in U.S. note 20(s)(ii) to subchapter III.

Products of China that are classified in the subheadings enumerated in U.S. note 20(s)(i) or described in U.S. note 20(s)(ii) to subchapter III and that are eligible for special tariff treatment under general note 3(c)(i) to the tariff schedule, or that are eligible for temporary duty exemptions or reductions under subchapter II to chapter 99, shall be subject to the additional 10 percent ad valorem rate of duty imposed by heading 9903.88.15.

The additional duties imposed by heading 9903.88.15 do not apply to goods for which entry is properly claimed under a provision of chapter 98 of the HTSUS, except for goods entered under subheadings 9802.00.40, 9802.00.50, and 9802.00.60, and heading 9802.00.80. For subheadings 9802.00.40,

9802.00.50, and 9802.00.60, the additional duties apply to the value of repairs, alterations, or processing performed abroad, as described in the applicable subheading. For heading 9802.00.80, the additional duties apply to the value of the article less the cost or value of such products of the United States, as described in heading 9802.00.80.

Products of China that are provided for in heading 9903.88.15 and classified in one of the subheadings enumerated in U.S. note 20(s)(i) or described in U.S. note 20(s)(ii) to subchapter III shall continue to be subject to antidumping, countervailing, or other duties, fees, exactions and charges that apply to such products, as well as to the additional 10 percent ad valorem rate of duty imposed by heading 9903.88.15."

3. by inserting the following new U.S. note 20(s) to subchapter III of chapter 99 in numerical sequence:

"(s) Heading 9903.88.15 applies to:

i) all products of China that are classified in the following 8-digit subheadings:

0101.21.00	0105.14.00	0201.10.10	0202.20.02	0203.21.00
0101.29.00	0105.15.00	0201.10.50	0202.20.04	0203.22.10
0101.30.00	0105.94.00	0201.20.02	0202.20.06	0203.22.90
0101.90.30	0105.99.00	0201.20.04	0202.20.10	0204.10.00
0101.90.40	0106.11.00	0201.20.06	0202.20.30	0204.21.00
0102.21.00	0106.12.01	0201.20.10	0202.20.50	0204.22.20
0102.29.20	0106.13.00	0201.20.30	0202.20.80	0204.22.40
0102.29.40	0106.14.00	0201.20.50	0202.30.02	0204.23.20
0102.31.00	0106.19.30	0201.20.80	0202.30.04	0204.23.40
0102.39.00	0106.19.91	0201.30.02	0202.30.06	0204.30.00
0102.90.00	0106.20.00	0201.30.04	0202.30.10	0204.41.00
0103.10.00	0106.31.00	0201.30.06	0202.30.30	0204.42.20
0103.91.00	0106.32.00	0201.30.10	0202.30.50	0204.42.40
0103.92.00	0106.33.00	0201.30.30	0202.30.80	0204.43.20
0104.10.00	0106.39.01	0201.30.50	0203.11.00	0204.43.40
0104.20.00	0106.41.00	0201.30.80	0203.12.10	0204.50.00
0105.11.00	0106.49.00	0202.10.05	0203.12.90	0205.00.00
0105.12.00	0106.90.01	0202.10.10	0203.19.20	0206.21.00
0105.13.00	0201.10.05	0202.10.50	0203.19.40	0206.22.00

0206.29.00	0208.30.00	0402.10.50	0403.10.50	0405.20.40
0206.30.00	0208.40.01	0402.21.02	0403.10.90	0405.20.50
0206.41.00	0208.50.00	0402.21.05	0403.90.02	0405.20.60
0206.49.00	0208.60.00	0402.21.25	0403.90.04	0405.20.70
0206.80.00	0208.90.30	0402.21.27	0403.90.16	0405.20.80
0206.90.00	0208.90.91	0402.21.30	0403.90.20	0405.90.05
0207.11.00	0209.10.00	0402.21.50	0403.90.37	0405.90.10
0207.12.00	0209.90.00	0402.21.73	0403.90.41	0405.90.20
0207.13.00	0210.11.00	0402.21.75	0403.90.45	0406.10.02
0207.14.00	0210.12.00	0402.21.90	0403.90.47	0406.10.04
0207.24.00	0210.20.00	0402.29.05	0403.90.51	0406.10.08
0207.25.20	0210.91.00	0402.29.10	0403.90.55	0406.10.12
0207.25.40	0210.92.01	0402.29.50	0403.90.57	0406.10.14
0207.26.00	0210.93.00	0402.91.03	0403.90.61	0406.10.18
0207.27.00	0210.99.20	0402.91.06	0403.90.65	0406.10.24
0207.41.00	0210.99.91	0402.91.10	0403.90.72	0406.10.28
0207.42.00	0401.10.00	0402.91.30	0403.90.74	0406.10.34
0207.43.00	0401.20.20	0402.91.70	0403.90.78	0406.10.38
0207.44.00	0401.20.40	0402.91.90	0403.90.85	0406.10.44
0207.45.00	0401.40.02	0402.99.03	0403.90.87	0406.10.48
0207.51.00	0401.40.05	0402.99.06	0403.90.90	0406.10.54
0207.52.00	0401.40.25	0402.99.10	0403.90.95	0406.10.58
0207.53.00	0401.50.02	0402.99.30	0404.90.10	0406.10.64
0207.54.00	0401.50.05	0402.99.45	0404.90.28	0406.10.68
0207.55.00	0401.50.25	0402.99.55	0404.90.30	0406.10.74
0207.60.10	0401.50.42	0402.99.68	0404.90.50	0406.10.78
0207.60.20	0401.50.50	0402.99.70	0404.90.70	0406.10.84
0207.60.30	0401.50.75	0402.99.90	0405.20.10	0406.10.88
0207.60.40	0402.10.05	0403.10.05	0405.20.20	0406.10.95
0207.60.60	0402.10.10	0403.10.10	0405.20.30	0406.20.10

0406.20.15	0406.20.81	0406.30.69	0406.90.25	0406.90.78
0406.20.22	0406.20.83	0406.30.71	0406.90.28	0406.90.82
0406.20.24	0406.20.85	0406.30.73	0406.90.31	0406.90.84
0406.20.28	0406.20.87	0406.30.75	0406.90.32	0406.90.86
0406.20.29	0406.20.89	0406.30.77	0406.90.33	0406.90.88
0406.20.31	0406.20.91	0406.30.79	0406.90.34	0406.90.90
0406.20.33	0406.20.95	0406.30.81	0406.90.36	0406.90.92
0406.20.34	0406.30.05	0406.30.83	0406.90.37	0406.90.93
0406.20.36	0406.30.12	0406.30.85	0406.90.38	0406.90.94
0406.20.39	0406.30.14	0406.30.87	0406.90.39	0406.90.95
0406.20.43	0406.30.18	0406.30.89	0406.90.41	0406.90.97
0406.20.44	0406.30.22	0406.30.91	0406.90.42	0406.90.99
0406.20.48	0406.30.24	0406.30.95	0406.90.43	0407.11.00
0406.20.49	0406.30.28	0406.40.20	0406.90.44	0408.91.00
0406.20.51	0406.30.32	0406.40.40	0406.90.46	0501.00.00
0406.20.53	0406.30.34	0406.40.44	0406.90.48	0502.90.00
0406.20.54	0406.30.38	0406.40.48	0406.90.49	0504.00.00
0406.20.55	0406.30.42	0406.40.51	0406.90.51	0505.10.00
0406.20.56	0406.30.44	0406.40.52	0406.90.52	0507.10.00
0406.20.57	0406.30.48	0406.40.54	0406.90.54	0510.00.20
0406.20.61	0406.30.49	0406.40.58	0406.90.56	0601.10.15
0406.20.63	0406.30.51	0406.40.70	0406.90.57	0601.10.30
0406.20.65	0406.30.53	0406.90.05	0406.90.59	0601.10.45
0406.20.67	0406.30.55	0406.90.06	0406.90.61	0601.10.60
0406.20.69	0406.30.56	0406.90.08	0406.90.63	0601.10.75
0406.20.71	0406.30.57	0406.90.12	0406.90.66	0601.10.85
0406.20.73	0406.30.61	0406.90.14	0406.90.68	0601.10.90
0406.20.75	0406.30.63	0406.90.16	0406.90.72	0601.20.10
0406.20.77	0406.30.65	0406.90.18	0406.90.74	0601.20.90
0406.20.79	0406.30.67	0406.90.20	0406.90.76	0602.10.00

0602.20.00	0705.19.40	0714.10.10	0807.19.70	0904.22.20
0602.30.00	0705.21.00	0714.30.50	0807.19.80	0904.22.40
0602.40.00	0705.29.00	0801.12.00	0807.20.00	0904.22.73
0602.90.20	0707.00.20	0801.21.00	0809.10.00	0904.22.76
0602.90.30	0707.00.40	0801.22.00	0809.21.00	0904.22.80
0602.90.40	0707.00.60	0802.21.00	0809.40.20	0905.10.00
0602.90.60	0708.20.10	0802.61.00	0809.40.40	0905.20.00
0602.90.90	0708.90.05	0802.70.10	0810.20.90	0906.11.00
0603.11.00	0708.90.25	0802.70.20	0810.50.00	0906.19.00
0603.12.30	0708.90.30	0802.80.10	0810.60.00	0906.20.00
0603.12.70	0709.20.10	0802.90.20	0812.10.00	0907.10.00
0603.13.00	0709.20.90	0802.90.98	0901.11.00	0907.20.00
0603.14.00	0709.30.20	0803.10.10	0901.12.00	0908.11.00
0603.15.00	0709.30.40	0804.40.00	0901.21.00	0908.12.00
0603.19.01	0709.70.00	0805.40.40	0901.22.00	0908.21.00
0603.90.00	0709.91.00	0805.40.60	0901.90.10	0908.22.20
0604.20.00	0709.92.00	0805.40.80	0901.90.20	0908.22.40
0604.90.10	0709.93.10	0805.50.20	0902.10.10	0908.31.00
0604.90.30	0709.93.30	0805.50.30	0902.10.90	0908.32.00
0604.90.60	0710.29.15	0805.50.40	0902.20.10	0909.21.00
0701.10.00	0710.80.60	0805.90.01	0902.20.90	0909.22.00
0701.90.10	0710.80.85	0806.10.20	0902.30.00	0909.31.00
0701.90.50	0711.20.18	0806.10.40	0902.40.00	0909.32.00
0702.00.20	0711.20.28	0806.10.60	0903.00.00	0909.61.00
0702.00.40	0711.20.38	0807.11.30	0904.11.00	0909.62.00
0702.00.60	0711.20.40	0807.11.40	0904.12.00	0910.11.00
0704.20.00	0711.59.90	0807.19.10	0904.21.20	0910.12.00
0705.11.20	0711.90.30	0807.19.20	0904.21.40	0910.20.00
0705.11.40	0713.34.10	0807.19.50	0904.21.60	0910.30.00
0705.19.20	0713.60.10	0807.19.60	0904.21.80	0910.91.00

0910.99.05	1209.22.40	1507.10.00	1515.21.00	1602.20.40
0910.99.06	1209.23.00	1507.90.20	1515.29.00	1602.31.00
0910.99.07	1209.24.00	1507.90.40	1515.30.00	1602.39.00
0910.99.10	1210.20.00	1508.10.00	1515.50.00	1602.41.10
0910.99.20	1211.90.60	1508.90.00	1515.90.21	1602.41.20
0910.99.40	1212.93.00	1509.10.20	1515.90.60	1602.41.90
0910.99.50	1212.94.00	1509.10.40	1515.90.80	1602.42.20
0910.99.60	1301.20.00	1509.90.20	1516.10.00	1602.42.40
1001.19.00	1301.90.40	1509.90.40	1516.20.10	1602.49.10
1001.91.00	1301.90.91	1510.00.20	1516.20.90	1602.49.20
1002.10.00	1302.11.00	1510.00.40	1517.10.00	1602.49.40
1002.90.00	1302.12.00	1510.00.60	1517.90.10	1602.49.60
1005.10.00	1302.13.00	1511.10.00	1517.90.20	1602.49.90
1006.10.00	1302.14.01	1511.90.00	1517.90.45	1602.50.05
1008.40.00	1302.19.21	1512.11.00	1517.90.50	1602.50.07
1008.60.00	1302.19.41	1512.19.00	1517.90.60	1602.50.08
1202.30.05	1302.19.91	1512.21.00	1517.90.90	1602.50.21
1202.30.80	1302.20.00	1512.29.00	1518.00.20	1602.50.60
1202.41.05	1302.31.00	1513.11.00	1518.00.40	1602.50.90
1202.41.40	1302.32.00	1513.19.00	1520.00.00	1602.90.91
1202.41.80	1302.39.00	1513.21.00	1521.10.00	1701.12.05
1202.42.05	1401.20.20	1513.29.00	1521.90.20	1701.12.10
1202.42.40	1404.90.20	1514.11.00	1521.90.40	1701.12.50
1202.42.80	1501.10.00	1514.19.00	1522.00.00	1701.13.05
1203.00.00	1501.20.00	1514.91.90	1601.00.20	1701.13.10
1207.10.00	1501.90.00	1514.99.10	1601.00.40	1701.13.20
1207.21.00	1502.10.00	1514.99.50	1601.00.60	1701.13.50
1207.29.00	1502.90.00	1514.99.90	1602.10.10	1701.14.05
1207.30.00	1503.00.00	1515.11.00	1602.10.50	1701.14.10
1209.22.20	1504.30.00	1515.19.00	1602.20.20	1701.14.20

1701.14.50	1702.60.40	1805.00.00	1806.20.79	1806.90.15
1701.91.05	1702.90.05	1806.10.05	1806.20.81	1806.90.18
1701.91.10	1702.90.10	1806.10.10	1806.20.82	1806.90.20
1701.91.30	1702.90.20	1806.10.15	1806.20.83	1806.90.25
1701.91.42	1702.90.35	1806.10.22	1806.20.85	1806.90.28
1701.91.44	1702.90.40	1806.10.24	1806.20.87	1806.90.30
1701.91.48	1702.90.52	1806.10.28	1806.20.89	1806.90.35
1701.91.52	1702.90.54	1806.10.34	1806.20.91	1806.90.39
1701.91.54	1702.90.58	1806.10.38	1806.20.94	1806.90.45
1701.91.58	1702.90.64	1806.10.43	1806.20.95	1806.90.49
1701.91.80	1702.90.68	1806.10.45	1806.20.98	1806.90.55
1701.99.05	1703.10.30	1806.10.55	1806.20.99	1806.90.59
1702.11.00	1703.10.50	1806.10.65	1806.31.00	1806.90.90
1702.19.00	1703.90.30	1806.10.75	1806.32.01	1901.10.05
1702.20.22	1703.90.50	1806.20.20	1806.32.04	1901.10.11
1702.20.24	1704.10.00	1806.20.22	1806.32.06	1901.10.16
1702.20.28	1704.90.10	1806.20.24	1806.32.08	1901.10.21
1702.20.40	1704.90.25	1806.20.26	1806.32.14	1901.10.26
1702.30.22	1704.90.52	1806.20.28	1806.32.16	1901.10.29
1702.30.24	1704.90.54	1806.20.34	1806.32.18	1901.10.31
1702.30.28	1704.90.58	1806.20.36	1806.32.30	1901.10.33
1702.30.40	1704.90.64	1806.20.38	1806.32.55	1901.10.36
1702.40.22	1704.90.68	1806.20.50	1806.32.60	1901.10.41
1702.40.24	1704.90.74	1806.20.60	1806.32.70	1901.10.44
1702.40.28	1704.90.78	1806.20.67	1806.32.80	1901.10.49
1702.40.40	1801.00.00	1806.20.71	1806.32.90	1901.10.52
1702.50.00	1802.00.00	1806.20.73	1806.90.01	1901.10.54
1702.60.22	1803.10.00	1806.20.75	1806.90.05	1901.10.56
1702.60.24	1803.20.00	1806.20.77	1806.90.08	1901.10.62
1702.60.28	1804.00.00	1806.20.78	1806.90.10	1901.10.64

1901.10.66	1901.90.61	2004.10.40	2009.12.45	2101.20.58
1901.10.72	1901.90.62	2004.90.10	2009.19.00	2101.20.90
1901.10.74	1901.90.63	2005.10.00	2009.21.20	2101.30.00
1901.10.76	1901.90.64	2005.70.02	2009.21.40	2102.10.00
1901.10.91	1901.90.65	2005.70.04	2009.31.10	2102.20.20
1901.20.02	1901.90.66	2005.70.06	2009.39.10	2102.20.40
1901.20.05	1901.90.67	2005.70.08	2009.39.20	2102.20.60
1901.20.15	1901.90.68	2005.70.12	2009.41.20	2102.30.00
1901.20.20	1901.90.69	2005.70.16	2009.49.20	2103.20.20
1901.20.25	1901.90.71	2005.70.18	2009.61.00	2103.20.40
1901.20.30	1901.90.72	2005.70.23	2009.81.00	2103.30.20
1901.20.35	1902.11.20	2005.70.50	2009.89.40	2103.30.40
1901.20.40	1902.11.40	2005.70.91	2009.90.20	2103.90.20
1901.20.42	1902.40.00	2005.70.93	2101.11.21	2103.90.40
1901.20.45	1903.00.20	2007.91.90	2101.11.29	2103.90.72
1901.20.50	1903.00.40	2007.99.30	2101.12.32	2103.90.74
1901.20.55	1904.10.00	2007.99.55	2101.12.34	2103.90.78
1901.20.60	1904.20.10	2008.11.35	2101.12.38	2103.90.90
1901.20.65	1904.20.90	2008.11.60	2101.12.44	2104.10.00
1901.20.70	1904.30.00	2008.30.35	2101.12.48	2104.20.10
1901.20.80	1904.90.01	2008.30.37	2101.12.54	2104.20.50
1901.90.10	1905.10.00	2008.30.60	2101.12.58	2105.00.05
1901.90.20	1905.20.00	2008.30.66	2101.12.90	2105.00.10
1901.90.25	1905.31.00	2008.30.85	2101.20.20	2105.00.20
1901.90.28	1905.32.00	2008.91.00	2101.20.32	2105.00.25
1901.90.32	1905.40.00	2008.99.10	2101.20.34	2105.00.30
1901.90.33	1905.90.90	2008.99.13	2101.20.38	2105.00.40
1901.90.34	2001.90.10	2008.99.45	2101.20.44	2105.00.50
1901.90.36	2001.90.33	2008.99.65	2101.20.48	2106.90.03
1901.90.60	2001.90.45	2009.12.25	2101.20.54	2106.90.06

2106.90.09	2106.90.85	2208.20.10	2208.90.55	2707.99.51
2106.90.12	2106.90.87	2208.20.20	2208.90.71	2710.91.00
2106.90.15	2106.90.89	2208.20.30	2208.90.72	2710.99.05
2106.90.18	2106.90.91	2208.20.40	2208.90.75	2710.99.10
2106.90.22	2106.90.92	2208.20.50	2302.10.00	2710.99.16
2106.90.24	2106.90.94	2208.20.60	2306.10.00	2710.99.21
2106.90.26	2106.90.95	2208.30.30	2306.50.00	2710.99.31
2106.90.28	2106.90.97	2208.30.60	2306.60.00	2710.99.32
2106.90.32	2106.90.98	2208.40.20	2307.00.00	2710.99.39
2106.90.34	2202.91.00	2208.40.40	2308.00.10	2710.99.45
2106.90.36	2202.99.10	2208.40.60	2308.00.93	2710.99.90
2106.90.38	2202.99.22	2208.40.80	2309.90.22	2712.20.00
2106.90.42	2202.99.24	2208.50.00	2309.90.24	2811.19.10
2106.90.44	2202.99.28	2208.60.10	2309.90.28	2818.10.10
2106.90.46	2204.22.20	2208.60.20	2309.90.42	2818.10.20
2106.90.48	2204.22.40	2208.60.50	2309.90.44	2827.39.10
2106.90.52	2204.22.60	2208.70.00	2309.90.48	2837.19.01
2106.90.54	2204.22.80	2208.90.01	2309.90.60	2844.20.00
2106.90.58	2204.29.61	2208.90.05	2401.10.21	2844.50.00
2106.90.62	2204.29.81	2208.90.10	2401.10.29	2903.79.10
2106.90.64	2204.30.00	2208.90.12	2401.10.48	2903.89.05
2106.90.66	2205.10.30	2208.90.14	2401.10.53	2903.93.00
2106.90.68	2205.10.60	2208.90.15	2401.10.61	2903.99.15
2106.90.72	2205.90.20	2208.90.20	2401.10.63	2905.43.00
2106.90.74	2205.90.40	2208.90.25	2401.10.65	2905.44.00
2106.90.76	2205.90.60	2208.90.30	2401.10.95	2905.45.00
2106.90.78	2206.00.15	2208.90.35	2403.91.20	2908.99.06
2106.90.80	2206.00.30	2208.90.40	2403.91.45	2912.41.00
2106.90.82	2206.00.60	2208.90.46	2403.91.47	2914.79.40
2106.90.83	2207.20.00	2208.90.50	2621.10.00	2915.40.20

2916.34.25	3301.24.00	3602.00.00	3924.90.05	4101.20.40
2916.39.08	3301.25.00	3603.00.30	3924.90.56	4101.20.50
2916.39.12	3301.29.20	3603.00.60	3925.20.00	4101.20.70
2916.39.79	3301.29.51	3603.00.90	3925.30.10	4101.50.10
2918.19.20	3301.30.00	3604.90.00	3925.30.50	4101.50.20
2918.19.31	3301.90.10	3605.00.00	3926.30.10	4101.50.30
2918.99.20	3301.90.50	3606.90.40	3926.30.50	4101.50.35
2920.90.51	3302.10.10	3606.90.80	3926.90.10	4101.50.40
2921.12.01	3302.10.20	3808.52.00	3926.90.16	4101.50.50
2921.42.10	3302.10.40	3808.61.50	3926.90.21	4101.50.70
2921.42.18	3302.10.50	3809.10.00	3926.90.25	4101.90.10
2921.42.65	3302.10.90	3820.00.00	3926.90.35	4101.90.35
2921.45.60	3306.20.00	3823.11.00	3926.90.50	4101.90.40
2921.49.15	3401.19.00	3823.12.00	3926.90.70	4101.90.50
2921.51.20	3406.00.00	3823.13.00	3926.90.85	4101.90.70
2922.21.40	3501.10.10	3823.19.20	3926.90.99	4102.10.10
2925.29.70	3501.10.50	3823.19.40	4006.10.00	4102.10.20
2926.90.08	3501.90.20	3823.70.20	4009.12.00	4102.21.00
2926.90.12	3501.90.60	3823.70.40	4009.42.00	4102.29.10
2926.90.23	3502.19.00	3823.70.60	4010.11.00	4102.29.20
2930.70.00	3502.20.00	3824.60.00	4012.19.80	4102.29.30
2930.90.71	3503.00.10	3824.99.36	4015.19.05	4103.20.10
2931.33.00	3503.00.20	3825.10.00	4016.95.00	4103.20.20
2933.19.04	3503.00.40	3825.20.00	4016.99.05	4103.20.30
2933.69.60	3503.00.55	3825.30.00	4016.99.10	4103.30.10
3204.15.10	3504.00.10	3913.10.00	4016.99.15	4103.30.20
3204.15.80	3504.00.50	3922.10.00	4101.20.10	4103.90.11
3301.12.00	3505.10.00	3922.20.00	4101.20.20	4103.90.12
3301.19.10	3505.20.00	3924.10.20	4101.20.30	4103.90.13
3301.19.51	3601.00.00	3924.10.30	4101.20.35	4103.90.20

4115.20.00	4909.00.20	6102.30.20	6103.49.40	6104.59.80
4301.10.00	4910.00.40	6102.90.10	6103.49.80	6104.61.00
4301.60.30	4910.00.60	6102.90.90	6104.13.10	6104.62.10
4301.60.60	4911.10.00	6103.10.10	6104.19.15	6104.62.20
4301.80.02	4911.91.10	6103.10.20	6104.19.40	6104.63.10
4414.00.00	4911.91.15	6103.10.30	6104.19.50	6104.63.15
4417.00.20	4911.91.40	6103.10.50	6104.19.60	6104.63.20
4417.00.40	4911.99.20	6103.10.60	6104.19.80	6104.69.10
4419.90.90	4911.99.60	6103.10.90	6104.22.00	6104.69.20
4420.90.20	4911.99.80	6103.22.00	6104.23.00	6104.69.40
4421.91.40	5210.11.40	6103.23.00	6104.29.05	6104.69.80
4421.91.60	5210.11.60	6103.29.05	6104.29.10	6105.10.00
4421.99.30	5308.90.90	6103.29.10	6104.31.00	6105.20.10
4421.99.88	5407.54.00	6103.29.20	6104.32.00	6105.20.20
4814.20.00	5504.10.00	6103.31.00	6104.33.20	6105.90.10
4814.90.02	5801.33.00	6103.32.00	6104.39.10	6105.90.80
4818.90.00	5801.36.00	6103.33.10	6104.39.20	6106.10.00
4901.10.00	5903.10.15	6103.33.20	6104.41.00	6106.20.10
4901.91.00	6005.35.00	6103.39.10	6104.42.00	6106.20.20
4902.10.00	6101.20.00	6103.39.40	6104.43.10	6106.90.10
4902.90.10	6101.30.10	6103.39.80	6104.43.20	6106.90.15
4902.90.20	6101.30.15	6103.41.10	6104.44.10	6106.90.25
4904.00.00	6101.30.20	6103.41.20	6104.44.20	6106.90.30
4905.10.00	6101.90.05	6103.42.10	6104.49.10	6107.11.00
4905.91.00	6101.90.10	6103.42.20	6104.49.90	6107.12.00
4905.99.00	6101.90.90	6103.43.10	6104.51.00	6107.19.90
4906.00.00	6102.10.00	6103.43.15	6104.52.00	6107.21.00
4907.00.00	6102.20.00	6103.43.20	6104.53.20	6107.22.00
4908.10.00	6102.30.05	6103.49.10	6104.59.10	6107.29.20
4908.90.00	6102.30.10	6103.49.20	6104.59.40	6107.29.50

6107.29.90	6111.20.30	6114.30.10	6116.91.00	6201.92.05
6107.91.00	6111.20.40	6114.30.20	6116.92.08	6201.92.19
6107.99.50	6111.20.50	6114.30.30	6116.92.64	6201.92.30
6108.11.00	6111.20.60	6114.90.05	6116.92.88	6201.92.35
6108.19.90	6111.30.10	6114.90.10	6116.92.94	6201.92.45
6108.21.00	6111.30.20	6115.10.10	6116.93.05	6201.93.15
6108.22.10	6111.30.30	6115.10.15	6116.93.08	6201.93.18
6108.22.90	6111.30.40	6115.10.30	6116.93.74	6201.93.45
6108.29.90	6111.30.50	6115.10.40	6116.93.88	6201.93.47
6108.31.00	6111.90.05	6115.10.55	6116.99.35	6201.93.49
6108.32.00	6111.90.10	6115.10.60	6117.10.10	6201.93.50
6108.91.00	6111.90.20	6115.21.00	6117.10.40	6201.93.52
6108.92.00	6111.90.40	6115.29.40	6117.10.60	6201.93.55
6108.99.20	6111.90.50	6115.30.10	6117.80.20	6201.93.60
6108.99.90	6111.90.70	6115.30.90	6117.80.85	6201.93.65
6109.10.00	6111.90.90	6115.94.00	6117.80.95	6201.99.05
6109.90.10	6112.11.00	6115.95.60	6117.90.10	6201.99.15
6109.90.15	6112.12.00	6115.95.90	6117.90.90	6201.99.50
6109.90.80	6112.19.10	6115.96.60	6201.11.00	6201.99.80
6110.11.00	6112.19.40	6115.99.14	6201.12.10	6202.11.00
6110.12.20	6112.19.80	6115.99.40	6201.12.20	6202.12.10
6110.19.00	6112.20.10	6115.99.90	6201.13.10	6202.12.20
6110.20.10	6112.20.20	6116.10.08	6201.13.30	6202.13.10
6110.20.20	6112.31.00	6116.10.13	6201.13.40	6202.13.30
6110.30.10	6112.39.00	6116.10.17	6201.19.10	6202.13.40
6110.30.20	6112.41.00	6116.10.44	6201.19.90	6202.19.10
6110.30.30	6112.49.00	6116.10.48	6201.91.03	6202.19.90
6110.90.90	6113.00.10	6116.10.55	6201.91.05	6202.91.03
6111.20.10	6113.00.90	6116.10.65	6201.91.25	6202.91.15
6111.20.20	6114.20.00	6116.10.95	6201.91.40	6202.91.60

6202.91.90	6203.29.10	6203.43.11	6204.31.10	6204.53.30
6202.92.03	6203.29.15	6203.43.13	6204.31.20	6204.59.10
6202.92.05	6203.29.20	6203.43.45	6204.32.10	6204.59.20
6202.92.12	6203.29.30	6203.43.55	6204.32.20	6204.59.30
6202.92.25	6203.31.50	6203.43.60	6204.33.10	6204.59.40
6202.92.30	6203.31.90	6203.43.65	6204.33.40	6204.61.05
6202.92.90	6203.32.10	6203.43.70	6204.33.50	6204.61.15
6202.93.01	6203.32.20	6203.43.75	6204.39.20	6204.61.60
6202.93.05	6203.33.10	6203.43.90	6204.39.30	6204.61.80
6202.93.07	6203.33.20	6203.49.01	6204.39.60	6204.62.03
6202.93.09	6203.39.20	6203.49.05	6204.39.80	6204.62.05
6202.93.15	6203.39.50	6203.49.07	6204.41.10	6204.62.15
6202.93.25	6203.39.90	6203.49.09	6204.41.20	6204.62.50
6202.93.45	6203.41.01	6203.49.25	6204.42.10	6204.62.60
6202.93.48	6203.41.03	6203.49.35	6204.42.20	6204.62.70
6202.93.55	6203.41.06	6203.49.50	6204.42.30	6204.62.80
6202.99.03	6203.41.08	6203.49.90	6204.43.10	6204.63.01
6202.99.15	6203.41.25	6204.11.00	6204.43.20	6204.63.02
6202.99.60	6203.41.30	6204.12.00	6204.43.30	6204.63.03
6202.99.80	6203.41.60	6204.13.10	6204.43.40	6204.63.08
6203.11.15	6203.41.80	6204.13.20	6204.44.20	6204.63.09
6203.11.30	6203.42.03	6204.19.10	6204.44.30	6204.63.11
6203.11.60	6203.42.05	6204.19.20	6204.44.40	6204.63.50
6203.11.90	6203.42.07	6204.19.40	6204.49.10	6204.63.55
6203.12.10	6203.42.17	6204.19.80	6204.49.50	6204.63.60
6203.12.20	6203.42.25	6204.21.00	6204.51.00	6204.63.65
6203.19.10	6203.42.45	6204.22.10	6204.52.10	6204.63.70
6203.19.50	6203.43.03	6204.22.30	6204.52.20	6204.63.75
6203.22.10	6203.43.05	6204.23.00	6204.53.10	6204.63.90
6203.22.30	6203.43.09	6204.29.20	6204.53.20	6204.69.01

6204.69.02	6206.90.00	6209.20.20	6211.11.10	6211.42.10
6204.69.03	6207.11.00	6209.20.30	6211.11.40	6211.43.05
6204.69.04	6207.19.10	6209.20.50	6211.11.80	6211.43.10
6204.69.05	6207.19.90	6209.30.10	6211.12.10	6211.49.03
6204.69.06	6207.21.00	6209.30.20	6211.12.40	6211.49.15
6204.69.15	6207.22.00	6209.30.30	6211.12.80	6211.49.25
6204.69.22	6207.29.10	6209.90.05	6211.20.04	6211.49.50
6204.69.28	6207.29.90	6209.90.10	6211.20.08	6211.49.60
6204.69.45	6207.91.10	6209.90.20	6211.20.15	6211.49.80
6204.69.65	6207.91.30	6209.90.30	6211.20.24	6212.10.30
6204.69.80	6207.99.20	6209.90.50	6211.20.28	6212.10.50
6205.20.10	6207.99.40	6209.90.90	6211.20.34	6212.10.70
6205.20.20	6207.99.70	6210.10.50	6211.20.38	6212.10.90
6205.30.10	6207.99.85	6210.20.50	6211.20.44	6212.20.00
6205.30.15	6208.11.00	6210.20.90	6211.20.54	6212.30.00
6205.30.20	6208.19.20	6210.30.50	6211.20.64	6212.90.00
6205.90.05	6208.19.50	6210.30.70	6211.20.68	6213.20.20
6205.90.07	6208.19.90	6210.30.90	6211.20.74	6213.90.05
6205.90.40	6208.21.00	6210.40.15	6211.20.78	6213.90.07
6206.10.00	6208.22.00	6210.40.25	6211.32.50	6213.90.20
6206.20.10	6208.29.10	6210.40.28	6211.32.90	6214.10.10
6206.20.20	6208.29.90	6210.40.29	6211.33.50	6214.10.20
6206.20.30	6208.91.10	6210.40.55	6211.33.90	6214.20.00
6206.30.10	6208.91.30	6210.40.75	6211.39.03	6214.40.00
6206.30.20	6208.92.00	6210.40.80	6211.39.07	6214.90.00
6206.30.30	6208.99.20	6210.50.05	6211.39.15	6215.10.00
6206.40.10	6208.99.30	6210.50.22	6211.39.30	6216.00.05
6206.40.20	6208.99.50	6210.50.55	6211.39.60	6216.00.08
6206.40.25	6208.99.80	6210.50.75	6211.39.80	6216.00.17
6206.40.30	6209.20.10	6210.50.80	6211.42.05	6216.00.19

6216.00.24	6302.40.10	6304.99.35	6310.90.10	6403.19.20
6216.00.26	6302.40.20	6304.99.40	6310.90.20	6403.19.40
6216.00.29	6302.51.20	6304.99.60	6401.10.00	6403.19.50
6216.00.31	6302.51.30	6305.10.00	6401.92.30	6403.19.70
6216.00.33	6302.51.40	6305.20.00	6401.92.90	6403.20.00
6216.00.38	6302.53.00	6305.32.00	6401.99.30	6403.40.30
6216.00.41	6302.59.10	6305.33.00	6401.99.60	6403.51.11
6216.00.43	6302.59.20	6305.39.00	6401.99.80	6403.51.30
6216.00.46	6302.59.30	6305.90.00	6402.12.00	6403.51.60
6216.00.54	6302.60.00	6306.19.11	6402.19.15	6403.51.90
6216.00.58	6302.91.00	6306.19.21	6402.19.50	6403.59.10
6216.00.80	6302.99.10	6306.22.10	6402.19.70	6403.59.15
6216.00.90	6302.99.15	6306.22.90	6402.19.90	6403.59.30
6217.10.10	6302.99.20	6306.30.00	6402.91.26	6403.59.60
6217.10.95	6303.12.00	6306.40.41	6402.91.60	6403.59.90
6217.90.10	6303.19.11	6306.40.49	6402.91.80	6403.91.11
6217.90.90	6303.19.21	6307.10.10	6402.91.90	6403.91.30
6301.20.00	6303.91.00	6307.10.20	6402.99.08	6403.91.60
6301.30.00	6303.92.20	6307.90.30	6402.99.21	6403.91.90
6302.10.00	6303.99.00	6307.90.40	6402.99.23	6403.99.10
6302.21.30	6304.11.10	6307.90.50	6402.99.25	6403.99.20
6302.21.50	6304.19.05	6307.90.60	6402.99.27	6403.99.40
6302.21.70	6304.19.10	6307.90.68	6402.99.32	6403.99.60
6302.21.90	6304.19.30	6307.90.72	6402.99.33	6403.99.90
6302.29.00	6304.20.00	6307.90.85	6402.99.49	6404.11.20
6302.31.30	6304.91.01	6307.90.98	6402.99.80	6404.11.71
6302.31.50	6304.92.00	6308.00.00	6402.99.90	6404.11.79
6302.31.70	6304.99.10	6309.00.00	6403.12.30	6404.11.81
6302.31.90	6304.99.15	6310.10.10	6403.12.60	6404.11.89
6302.39.00	6304.99.25	6310.10.20	6403.19.10	6404.11.90

6404.19.15	6406.90.15	6913.90.10	7013.41.30	7103.10.20
6404.19.25	6406.90.60	6913.90.20	7013.41.50	7103.10.40
6404.19.39	6406.90.90	6913.90.30	7013.42.20	7103.91.00
6404.19.79	6505.00.01	6913.90.50	7013.42.40	7103.99.10
6404.19.82	6506.10.30	7013.10.10	7013.49.10	7103.99.50
6404.19.89	6506.10.60	7013.10.50	7013.49.20	7104.10.00
6404.19.90	6602.00.00	7013.22.10	7013.49.30	7104.20.00
6404.20.20	6603.90.41	7013.22.20	7013.49.40	7104.90.10
6404.20.40	6702.90.10	7013.22.30	7013.49.60	7104.90.50
6404.20.60	6702.90.65	7013.22.50	7013.91.30	7113.11.10
6405.10.00	6703.00.30	7013.28.05	7013.91.50	7113.11.20
6405.20.60	6703.00.60	7013.28.10	7013.99.10	7113.11.50
6405.90.20	6704.11.00	7013.28.20	7013.99.30	7113.19.10
6406.10.05	6704.19.00	7013.28.30	7013.99.35	7113.19.21
6406.10.20	6704.90.00	7013.28.40	7013.99.70	7113.19.25
6406.10.25	6910.90.00	7013.28.50	7013.99.90	7113.19.29
6406.10.30	6911.10.10	7013.28.60	7015.10.00	7113.19.30
6406.10.35	6911.10.25	7013.33.10	7015.90.10	7113.19.50
6406.10.40	6911.10.35	7013.33.20	7015.90.20	7113.20.10
6406.10.45	6911.10.37	7013.33.30	7015.90.50	7113.20.21
6406.10.50	6911.10.38	7013.33.50	7018.90.10	7113.20.25
6406.10.60	6911.10.52	7013.37.05	7019.40.90	7113.20.29
6406.10.65	6911.10.58	7013.37.10	7101.10.30	7113.20.30
6406.10.70	6911.10.60	7013.37.20	7101.10.60	7113.20.50
6406.10.72	6911.10.80	7013.37.30	7101.21.00	7116.10.25
6406.10.77	6911.90.00	7013.37.40	7101.22.30	7116.20.15
6406.10.85	6912.00.10	7013.37.50	7101.22.60	7116.20.30
6406.10.90	6913.10.10	7013.37.60	7102.10.00	7116.20.35
6406.20.00	6913.10.20	7013.41.10	7102.31.00	7116.20.40
6406.90.10	6913.10.50	7013.41.20	7102.39.00	7116.20.50

7117.11.00	7208.40.30	7210.90.90	7213.91.45	7217.20.30
7117.19.15	7208.40.60	7211.13.00	7213.91.60	7217.20.45
7117.19.20	7208.51.00	7211.14.00	7213.99.00	7217.20.60
7117.19.30	7208.52.00	7211.19.15	7214.20.00	7217.20.75
7117.19.60	7208.53.00	7211.19.20	7214.30.00	7217.30.15
7117.19.90	7208.54.00	7211.19.30	7214.91.00	7217.30.30
7117.90.10	7208.90.00	7211.19.45	7214.99.00	7217.30.45
7117.90.20	7209.15.00	7211.19.60	7215.10.00	7217.30.60
7117.90.30	7209.16.00	7211.19.75	7215.50.00	7217.30.75
7117.90.55	7209.17.00	7211.23.15	7215.90.10	7217.90.10
7117.90.90	7209.18.15	7211.23.20	7215.90.50	7217.90.50
7118.10.00	7209.18.25	7211.23.30	7216.10.00	7218.10.00
7118.90.00	7209.18.60	7211.23.45	7216.21.00	7218.91.00
7206.10.00	7209.25.00	7211.23.60	7216.22.00	7218.99.00
7206.90.00	7209.26.00	7211.29.20	7216.31.00	7219.11.00
7207.11.00	7209.27.00	7211.29.45	7216.32.00	7219.12.00
7207.12.00	7209.28.00	7211.29.60	7216.33.00	7219.13.00
7207.19.00	7209.90.00	7211.90.00	7216.40.00	7219.14.00
7207.20.00	7210.11.00	7212.10.00	7216.50.00	7219.21.00
7208.10.15	7210.12.00	7212.20.00	7216.99.00	7219.22.00
7208.10.30	7210.30.00	7212.30.10	7217.10.10	7219.23.00
7208.10.60	7210.41.00	7212.30.30	7217.10.20	7219.24.00
7208.25.30	7210.49.00	7212.30.50	7217.10.30	7219.31.00
7208.25.60	7210.50.00	7212.40.10	7217.10.40	7219.32.00
7208.26.00	7210.61.00	7212.40.50	7217.10.50	7219.33.00
7208.27.00	7210.69.00	7212.50.00	7217.10.60	7219.34.00
7208.36.00	7210.70.30	7212.60.00	7217.10.70	7219.35.00
7208.37.00	7210.70.60	7213.10.00	7217.10.80	7219.90.00
7208.38.00	7210.90.10	7213.20.00	7217.10.90	7220.11.00
7208.39.00	7210.90.60	7213.91.30	7217.20.15	7220.12.10

7220.12.50	7225.50.60	7228.20.50	7304.24.40	7305.20.20
7220.20.10	7225.50.70	7228.30.20	7304.24.60	7305.20.40
7220.20.60	7225.50.80	7228.30.40	7304.29.10	7305.20.60
7220.20.70	7225.91.00	7228.30.60	7304.29.20	7305.20.80
7220.20.80	7225.92.00	7228.30.80	7304.29.31	7305.31.20
7220.20.90	7225.99.00	7228.40.00	7304.29.41	7305.31.40
7220.90.00	7226.11.10	7228.50.10	7304.29.50	7305.31.60
7221.00.00	7226.11.90	7228.50.50	7304.29.61	7305.39.10
7222.11.00	7226.19.10	7228.60.10	7304.31.30	7305.39.50
7222.19.00	7226.19.90	7228.60.60	7304.31.60	7305.90.10
7222.20.00	7226.20.00	7228.60.80	7304.39.00	7305.90.50
7222.30.00	7226.91.05	7228.70.30	7304.41.30	7306.11.00
7222.40.30	7226.91.15	7228.70.60	7304.41.60	7306.19.10
7222.40.60	7226.91.25	7228.80.00	7304.49.00	7306.19.51
7223.00.10	7226.91.50	7229.20.00	7304.51.10	7306.21.30
7223.00.50	7226.91.70	7229.90.05	7304.51.50	7306.21.40
7223.00.90	7226.91.80	7229.90.10	7304.59.10	7306.21.80
7224.10.00	7226.92.10	7229.90.50	7304.59.20	7306.29.10
7224.90.00	7226.92.30	7229.90.90	7304.59.60	7306.29.20
7225.11.00	7226.92.50	7301.10.00	7304.59.80	7306.29.31
7225.19.00	7226.92.70	7302.10.10	7304.90.10	7306.29.41
7225.30.11	7226.92.80	7302.10.50	7304.90.30	7306.29.60
7225.30.30	7226.99.01	7302.90.10	7304.90.50	7306.29.81
7225.30.51	7227.10.00	7302.90.90	7304.90.70	7306.30.10
7225.30.70	7227.20.00	7304.11.00	7305.11.10	7306.30.30
7225.40.11	7227.90.10	7304.19.10	7305.11.50	7306.30.50
7225.40.30	7227.90.20	7304.19.50	7305.12.10	7306.40.10
7225.40.51	7227.90.60	7304.22.00	7305.12.50	7306.40.50
7225.40.70	7228.10.00	7304.23.60	7305.19.10	7306.50.10
7225.50.11	7228.20.10	7304.24.30	7305.19.50	7306.50.30

7306.50.50	7601.10.30	7607.20.10	8215.99.35	8421.91.40
7306.61.10	7601.10.60	7607.20.50	8215.99.45	8422.11.00
7306.61.30	7601.20.30	7608.10.00	8301.10.20	8422.90.02
7306.61.50	7601.20.60	7608.20.00	8301.10.40	8422.90.11
7306.61.70	7601.20.90	7609.00.00	8301.10.60	8422.90.21
7306.69.10	7604.10.10	7610.10.00	8301.10.80	8424.10.00
7306.69.30	7604.10.30	7615.10.11	8301.30.00	8424.90.05
7306.69.50	7604.10.50	7615.10.30	8301.40.60	8424.90.10
7306.69.70	7604.21.00	7615.10.50	8301.50.00	8428.10.00
7306.90.10	7604.29.10	7615.10.91	8301.60.00	8428.60.00
7306.90.50	7604.29.30	8211.91.10	8301.70.00	8430.20.00
7317.00.10	7604.29.50	8211.91.20	8302.10.30	8433.11.00
7318.16.00	7605.11.00	8211.91.25	8302.42.30	8433.19.00
7319.40.20	7605.19.00	8211.91.50	8302.42.60	8434.10.00
7319.40.30	7605.21.00	8211.91.80	8305.10.00	8435.10.00
7319.40.50	7605.29.00	8211.92.20	8305.20.00	8435.90.00
7319.90.10	7606.11.30	8211.92.60	8305.90.60	8438.10.00
7319.90.90	7606.11.60	8211.92.90	8306.21.00	8438.20.00
7320.20.10	7606.12.30	8212.10.00	8403.10.00	8438.30.00
7320.20.50	7606.12.60	8212.20.00	8403.90.00	8438.40.00
7321.81.50	7606.91.30	8212.90.00	8415.90.40	8438.90.10
7321.82.10	7606.91.60	8214.20.60	8415.90.80	8440.10.00
7321.82.50	7606.92.30	8214.90.30	8416.10.00	8440.90.00
7321.89.00	7606.92.60	8215.10.00	8416.20.00	8442.50.90
7323.91.10	7607.11.30	8215.91.30	8417.20.00	8443.19.20
7323.92.00	7607.11.60	8215.91.60	8419.81.50	8443.31.00
7323.94.00	7607.11.90	8215.91.90	8419.81.90	8443.32.10
7323.99.10	7607.19.10	8215.99.15	8420.10.10	8443.32.50
7324.29.00	7607.19.30	8215.99.24	8421.12.00	8443.39.10
7418.10.00	7607.19.60	8215.99.26	8421.91.20	8443.39.90

8443.91.20	8448.20.50	8453.20.00	8480.60.00	8521.90.00
8443.91.30	8448.31.00	8453.80.00	8481.90.10	8523.29.10
8443.99.25	8448.32.00	8453.90.10	8481.90.30	8523.29.20
8443.99.50	8448.33.00	8453.90.50	8481.90.50	8523.29.30
8445.11.00	8448.39.10	8465.96.00	8504.10.00	8523.29.40
8445.12.00	8448.39.50	8467.19.10	8507.30.80	8523.29.50
8445.13.00	8448.39.90	8467.29.00	8507.60.00	8523.29.60
8445.19.00	8448.42.00	8467.81.00	8507.90.40	8523.29.70
8445.20.00	8448.49.10	8467.89.10	8510.10.00	8523.29.80
8445.30.00	8448.49.20	8467.89.50	8512.10.20	8523.29.90
8445.40.00	8448.51.10	8467.91.01	8512.10.40	8523.41.00
8445.90.00	8448.51.30	8467.92.00	8516.10.00	8523.49.20
8446.10.00	8448.51.50	8468.10.00	8516.33.00	8523.49.30
8446.21.50	8448.59.10	8470.50.00	8516.71.00	8523.49.50
8446.29.00	8448.59.50	8471.41.01	8517.11.00	8523.51.00
8446.30.10	8449.00.10	8471.49.00	8517.61.00	8523.80.10
8447.11.10	8449.00.50	8471.60.80	8517.70.00	8523.80.20
8447.11.90	8450.11.00	8472.90.50	8518.10.80	8525.80.40
8447.12.10	8450.20.00	8476.89.00	8518.21.00	8527.91.50
8447.12.90	8450.90.20	8478.10.00	8518.22.00	8527.91.60
8447.20.20	8450.90.40	8478.90.00	8518.29.80	8528.49.05
8447.20.30	8450.90.60	8479.79.00	8518.30.10	8528.49.10
8447.20.40	8452.10.00	8479.89.55	8519.20.00	8528.49.25
8447.20.60	8452.21.10	8479.89.65	8519.30.10	8528.49.30
8447.90.10	8452.21.90	8479.90.41	8519.81.10	8528.49.40
8447.90.50	8452.29.10	8479.90.45	8519.89.10	8528.49.50
8447.90.90	8452.30.00	8479.90.55	8519.89.30	8528.49.65
8448.11.00	8452.90.10	8479.90.65	8521.10.30	8528.49.70
8448.19.00	8452.90.20	8479.90.75	8521.10.60	8528.49.75
8448.20.10	8453.10.00	8479.90.85	8521.10.90	8528.59.15

8528.59.23	8528.72.84	9001.50.00	9013.80.90	9101.29.90
8528.59.25	8528.72.97	9003.11.00	9013.90.20	9101.91.20
8528.59.33	8529.90.13	9003.19.00	9014.10.60	9101.91.80
8528.59.35	8531.80.90	9003.90.00	9023.00.00	9101.99.20
8528.59.50	8536.90.60	9004.10.00	9025.80.15	9101.99.60
8528.59.60	8539.29.20	9004.90.00	9025.80.35	9101.99.80
8528.62.00	8539.29.30	9005.10.00	9025.80.40	9102.11.10
8528.69.15	8539.29.40	9005.80.60	9025.80.50	9102.11.25
8528.69.25	8543.70.89	9005.90.40	9026.10.40	9102.11.30
8528.69.45	8548.10.05	9005.90.80	9026.10.60	9102.11.45
8528.69.50	8548.10.15	9006.40.40	9026.20.80	9102.11.50
8528.69.55	8548.10.25	9006.51.00	9026.80.60	9102.11.65
8528.69.60	8548.10.35	9006.52.10	9027.90.20	9102.11.70
8528.69.70	8703.10.10	9006.52.30	9029.90.60	9102.11.95
8528.71.10	8703.10.50	9006.52.50	9101.11.40	9102.12.80
8528.71.20	8710.00.00	9006.52.60	9101.11.80	9102.19.20
8528.71.30	8711.20.00	9006.52.91	9101.19.20	9102.19.40
8528.71.40	8711.30.00	9006.53.01	9101.19.40	9102.19.60
8528.71.45	8711.40.30	9006.59.20	9101.19.80	9102.19.80
8528.72.08	8711.40.60	9006.59.40	9101.21.10	9102.21.10
8528.72.32	8714.10.00	9006.59.91	9101.21.30	9102.21.25
8528.72.48	8714.99.10	9006.61.00	9101.21.50	9102.21.30
8528.72.52	8714.99.50	9006.91.00	9101.21.80	9102.21.50
8528.72.56	8714.99.60	9006.99.00	9101.29.10	9102.21.70
8528.72.62	8714.99.80	9007.91.40	9101.29.20	9102.21.90
8528.72.64	8801.00.00	9007.91.80	9101.29.30	9102.29.02
8528.72.68	8906.10.00	9008.50.20	9101.29.40	9102.29.04
8528.72.72	8907.90.00	9008.50.30	9101.29.50	9102.29.10
8528.72.76	9001.30.00	9013.10.10	9101.29.70	9102.29.20
8528.72.80	9001.40.00	9013.10.50	9101.29.80	9102.29.25

9102.29.30	9108.11.40	9111.20.40	9205.90.12	9301.10.00
9102.29.35	9108.11.80	9111.80.00	9205.90.14	9301.20.00
9102.29.40	9108.19.40	9111.90.40	9205.90.15	9301.90.30
9102.29.45	9108.19.80	9111.90.50	9205.90.18	9301.90.60
9102.29.50	9108.20.40	9111.90.70	9205.90.19	9301.90.90
9102.29.55	9108.20.80	9112.20.40	9205.90.20	9302.00.00
9102.29.60	9108.90.10	9112.20.80	9205.90.40	9303.10.00
9102.91.20	9108.90.20	9112.90.00	9205.90.60	9303.20.00
9102.91.40	9108.90.30	9113.10.00	9206.00.20	9303.30.40
9102.91.80	9108.90.40	9113.20.60	9206.00.40	9303.30.80
9102.99.20	9108.90.50	9113.20.90	9206.00.60	9303.90.40
9102.99.40	9108.90.60	9113.90.80	9206.00.80	9303.90.80
9102.99.60	9108.90.70	9114.10.40	9207.10.00	9304.00.20
9102.99.80	9108.90.85	9114.10.80	9207.90.00	9304.00.40
9103.10.80	9108.90.90	9114.30.40	9208.90.00	9304.00.60
9103.90.00	9108.90.95	9114.30.80	9209.30.00	9305.10.20
9104.00.60	9109.10.20	9114.40.20	9209.91.40	9305.10.40
9105.19.10	9109.10.40	9114.40.40	9209.91.80	9305.10.60
9105.19.20	9109.10.50	9114.40.60	9209.92.40	9305.10.80
9105.19.30	9109.10.80	9114.40.80	9209.92.60	9305.20.05
9105.19.50	9109.90.20	9114.90.10	9209.92.80	9305.20.80
9105.29.10	9109.90.60	9114.90.15	9209.94.80	9305.91.10
9105.29.20	9110.11.00	9114.90.40	9209.99.05	9305.91.20
9105.29.30	9110.12.00	9114.90.50	9209.99.10	9305.91.30
9105.29.50	9110.19.00	9201.10.00	9209.99.16	9305.99.50
9105.99.10	9110.90.20	9201.20.00	9209.99.18	9305.99.60
9105.99.20	9110.90.40	9201.90.00	9209.99.20	9306.21.00
9105.99.30	9110.90.60	9202.90.20	9209.99.40	9306.29.00
9105.99.40	9111.10.00	9202.90.40	9209.99.61	9306.30.41
9105.99.60	9111.20.20	9205.10.00	9209.99.80	9306.30.80

9306.90.00	9506.61.00	9601.90.40	9608.99.60	9619.00.43
9307.00.00	9506.62.40	9601.90.60	9609.10.00	9619.00.48
9401.10.40	9506.62.80	9601.90.80	9609.20.20	9619.00.64
9401.10.80	9506.69.20	9602.00.10	9609.20.40	9619.00.71
9401.90.10	9506.69.40	9602.00.40	9609.90.40	9619.00.74
9401.90.15	9506.69.60	9602.00.50	9609.90.80	9619.00.78
9401.90.25	9506.70.40	9603.10.15	9611.00.00	9619.00.90
9404.90.10	9506.70.60	9603.10.35	9612.10.10	9701.10.00
9404.90.20	9506.91.00	9603.10.40	9612.10.90	9701.90.00
9504.20.20	9506.99.05	9603.10.50	9612.20.00	9702.00.00
9504.20.40	9506.99.20	9603.10.60	9613.10.00	9703.00.00
9504.20.80	9506.99.25	9603.10.90	9613.80.10	9704.00.00
9504.30.00	9506.99.28	9603.21.00	9613.80.20	9705.00.00
9504.90.90	9506.99.30	9603.30.20	9613.80.40	9706.00.00
9505.10.10	9506.99.35	9603.30.40	9613.80.80	
9506.11.20	9506.99.40	9603.50.00	9613.90.40	
9506.11.40	9506.99.45	9603.90.40	9613.90.80	
9506.11.60	9506.99.55	9603.90.80	9614.00.21	
9506.12.40	9506.99.60	9604.00.00	9614.00.25	
9506.12.80	9507.20.40	9608.10.00	9614.00.26	
9506.19.40	9507.20.80	9608.20.00	9614.00.98	
9506.19.80	9507.30.60	9608.30.00	9616.10.00	
9506.21.40	9507.30.80	9608.40.40	9617.00.40	
9506.21.80	9507.90.20	9608.40.80	9618.00.00	
9506.29.00	9507.90.40	9608.50.00	9619.00.05	
9506.31.00	9507.90.70	9608.60.00	9619.00.11	
9506.32.00	9508.10.00	9608.91.00	9619.00.15	
9506.39.00	9508.90.00	9608.99.20	9619.00.21	
9506.51.60	9601.10.00	9608.99.30	9619.00.25	
9506.59.80	9601.90.20	9608.99.40	9619.00.33	

ii) the following products of China:

1. Other printed books, brochures and similar printed matter, provided for in subheading 4901.99.00, except for such printed matter provided for in statistical reporting number 4901.99.0040;
2. Machines for the reception, conversion and transmission or regeneration of voice, images or other data, provided for in subheading 8517.62.00, except for such machines provided for in statistical reporting numbers 8517.62.0010 and 8517.62.0020;
3. Other seats with wooden frames, not upholstered, provided for in subheading 9401.69.60, except for such seats provided for in statistical reporting numbers 9401.69.6011 and 9401.69.6031;
4. Other upholstered seats with metal frames, provided for in subheading 9401.71.00, except for such seats provided for in statistical reporting numbers 9401.71.0001, 9401.71.0005, 9401.71.0006, 9401.71.0008, 9401.71.0011, and 9401.71.0031."

ANNEX B**Part 1**

Note: All products that are classified in the 8-digit subheadings of the Harmonized Tariff Schedule of the United States (HTS) that are listed in Part 1 of this Annex are covered by the action taken in Annex A. The product descriptions that are contained in this Annex are provided for informational purposes only, and are not intended to delimit in any way the scope of the proposed action. Any questions regarding the scope of particular HTS subheadings should be referred to U.S. Customs and Border Protection. In the product descriptions, the abbreviation "nesoi" means "not elsewhere specified or included".

HTS Subheading	Product Description
0101.21.00	Live purebred breeding horses
0101.29.00	Live horses other than purebred breeding horses
0101.30.00	Live asses
0101.90.30	Mules and hinnies imported for immediate slaughter
0101.90.40	Mules and hinnies not imported for immediate slaughter
0102.21.00	Live purebred breeding cattle
0102.29.20	Cows imported specially for dairy purposes
0102.29.40	Live cattle other than purebred or those imported for dairy purposes
0102.31.00	Live purebred breeding buffalo
0102.39.00	Live buffalo, other than purebred breeding animals
0102.90.00	Live bovine animals, other than cattle and buffalo
0103.10.00	Live purebred breeding swine
0103.91.00	Live swine, other than purebred breeding swine, weighing less than 50 kg each
0103.92.00	Live swine, other than purebred breeding swine, weighing 50 kg or more
0104.10.00	Live sheep
0104.20.00	Live goats
0105.11.00	Live chickens weighing not over 185 g each
0105.12.00	Live turkeys weighing not more than over 185 g each
0105.13.00	Live ducks, weighing not more than 185 g each
0105.14.00	Live geese, weighing not more than 185 g each
0105.15.00	Live guinea fowls, weighing not more than 185 g each
0105.94.00	Live Poultry;Chickens
0105.99.00	Live ducks, geese, turkeys and guineas, weighing over 185 g each
0106.11.00	Live primates
0106.12.01	Live whales, dolphins and porpoises; manatees and dugongs, seals, sea lions, and walruses
0106.13.00	Live camels and other camelids (Camelidae)
0106.14.00	Live rabbits and hares
0106.19.30	Live foxes
0106.19.91	Live mammals, not elsewhere specified or included
0106.20.00	Live reptiles (including snakes and turtles)
0106.31.00	Live birds of prey
0106.32.00	Live psittaciforme birds (including parrots, parakeets, macaws and cockatoos)

HTS Subheading	Product Description
0106.33.00	Ostriches; emus
0106.39.01	Live birds, other than poultry, birds of prey or psittaciforme birds
0106.41.00	Bees
0106.49.00	Live insects other than bees
0106.90.01	Live animals other than mammals, reptiles, insects, and birds
0201.10.05	Bovine carcasses and halves, fresh or chld., descr. in gen. note 15 of the HTS
0201.10.10	Bovine carcasses and halves, fresh or chld., descr. in add. US note 3 to Ch. 2
0201.10.50	Bovine carcasses and halves, fresh or chld., other than descr. in gen. note 15 or add. US note 3 to Ch. 2
0201.20.02	High-qual. beef cuts w/bone in, processed, fresh or chld., descr in gen. note 15 of the HTS
0201.20.04	Bovine meat cuts (except high-qual. beef cuts), w/bone in, processed, fresh or chld., descr in gen. note 15 of the HTS
0201.20.06	Bovine meat cuts, w/bone in, not processed, fresh or chld., descr in gen. note 15 of the HTS
0201.20.10	High-qual. beef cuts, w/bone in, processed, fresh or chld., descr in add. US note 3 to Ch. 2
0201.20.30	Bovine meat cuts (except high-qual. beef cuts), w/bone in, processed, fresh or chld., descr in add. US note 3 to Ch. 2
0201.20.50	Bovine meat cuts, w/bone in, not processed, fresh or chld., descr in add. US note 3 to Ch. 2
0201.20.80	Bovine meat cuts, w/bone in, fresh or chld., not descr in gen. note 15 or add. US note 3 to Ch. 2
0201.30.02	High-qual. beef cuts, boneless, processed, fresh or chld., descr in gen. note 15 of the HTS
0201.30.04	Bovine meat cuts (except high-qual. beef cuts), boneless, processed, fresh or chld., descr in gen. note 15 of the HTS
0201.30.06	Bovine meat cuts, boneless, not processed, fresh or chld., descr in gen. note 15 of the HTS
0201.30.10	High-qual. beef cuts, boneless, processed, fresh or chld., descr in add. US note 3 to Ch. 2
0201.30.30	Bovine meat cuts (except high-qual. beef cuts), boneless, processed, fresh or chld., descr in add. US note 3 to Ch. 2
0201.30.50	Bovine meat cuts, boneless, not processed, fresh or chld., descr in add. US note 3 to Ch. 2
0201.30.80	Bovine meat cuts, boneless, fresh or chld., not descr in gen. note 15 or add. US note 3 to Ch. 2
0202.10.05	Bovine carcasses and halves, frozen, descr. in gen. note 15 of the HTS
0202.10.10	Bovine carcasses and halves, frozen, descr. in add. US note 3 to Ch. 2
0202.10.50	Bovine carcasses and halves, frozen, other than descr. in gen. note 15 or add. US note 3 to Ch. 2
0202.20.02	High-qual. beef cuts w/bone in, processed, frozen, descr in gen. note 15 of the HTS
0202.20.04	Bovine meat cuts (except high-qual. beef cuts), w/bone in, processed, frozen, descr in gen. note 15 of the HTS
0202.20.06	Bovine meat cuts, w/bone in, not processed, frozen, descr in gen. note 15 of the HTS
0202.20.10	High-qual. beef cuts, w/bone in, processed, frozen, descr in add. US note 3 to Ch. 2
0202.20.30	Bovine meat cuts (except high-qual. beef cuts), w/bone in, processed, frozen, descr in add. US note 3 to Ch. 2
0202.20.50	Bovine meat cuts, w/bone in, not processed, frozen, descr in add. US note 3 to Ch. 2
0202.20.80	Bovine meat cuts, w/bone in, frozen, not descr in gen. note 15 or add. US note 3 to Ch. 2
0202.30.02	High-qual. beef cuts, boneless, processed, frozen, descr in gen. note 15 of the HTS

HTS Subheading	Product Description
0202.30.04	Bovine meat cuts (except high-qual. beef cuts), boneless, processed, frozen, descr in gen. note 15 of the HTS
0202.30.06	Bovine meat cuts, boneless, not processed, frozen, descr in gen. note 15 of the HTS
0202.30.10	High-qual. beef cuts, boneless, processed, frozen, descr in add. US note 3 to Ch. 2
0202.30.30	Bovine meat cuts (except high-qual. beef cuts), boneless, processed, frozen, descr in add. US note 3 to Ch. 2
0202.30.50	Bovine meat cuts, boneless, not processed, frozen, descr in add. US note 3 to Ch. 2
0202.30.80	Bovine meat cuts, boneless, frozen, not descr in gen. note 15 or add. US note 3 to Ch. 2
0203.11.00	Carcasses and half-carcasses of swine, fresh or chilled
0203.12.10	Fresh or chilled retail cuts of ham, shoulders and cuts thereof, with bone in
0203.12.90	Fresh or chilled hams, shoulders and cuts thereof, with bone in, other than processed
0203.19.20	Meat of swine nesoi, retail cuts, fresh or chilled
0203.19.40	Meat of swine, nesoi, non retail cuts, fresh or chilled
0203.21.00	Carcasses and half-carcasses of swine, frozen
0203.22.10	Frozen retail cuts of hams, shoulders and cuts thereof, with bone in
0203.22.90	Frozen hams, shoulders and cuts thereof, with bone in, other than retail cuts
0204.10.00	Carcasses and half-carcasses of lamb, fresh or chilled
0204.21.00	Carcasses and half-carcasses of sheep, other than lamb, fresh or chilled
0204.22.20	Cuts of lamb meat with bone in, fresh or chilled
0204.22.40	Cuts of sheep meat with bone in, nesoi, fresh or chilled
0204.23.20	Boneless meat of lamb, fresh or chilled
0204.23.40	Boneless meat of sheep, nesoi, fresh or chilled
0204.30.00	Carcasses and half-carcasses of lamb, frozen
0204.41.00	Carcasses and half-carcasses of sheep, other than lamb, frozen
0204.42.20	Cuts of lamb meat with bone in, frozen
0204.42.40	Cuts of sheep meat with bone in, nesoi, frozen
0204.43.20	Boneless meat of lamb, frozen
0204.43.40	Boneless meat of sheep, nesoi, frozen
0204.50.00	Meat of goats, fresh, chilled or frozen
0205.00.00	Meat of horses, asses, mules or hinnies, fresh, chilled or frozen
0206.21.00	Tongues of bovine animals, frozen
0206.22.00	Livers of bovine animals, frozen
0206.29.00	Edible offal of bovine animals, except tongues or livers, frozen
0206.30.00	Edible offal of swine, fresh or chilled
0206.41.00	Livers of swine, frozen
0206.49.00	Edible offal of swine, except liver, frozen
0206.80.00	Edible offal of sheep, goats, horses, asses, mules or hinnies, fresh or chilled
0206.90.00	Edible offal of sheep, goats, horses, asses, mules or hinnies, frozen
0207.11.00	Chickens, not cut in pieces, fresh or chilled
0207.12.00	Chickens, not cut in pieces, frozen
0207.13.00	Cuts and offal of chickens, fresh or chilled
0207.14.00	Cuts and offal of chickens, frozen

HTS Subheading	Product Description
0207.24.00	Turkeys, not cut in pieces, fresh or chilled
0207.25.20	Turkeys, not cut in pieces, valued less than 88 cents/kg, frozen
0207.25.40	Turkeys, not cut in pieces, valued 88 cents or more per kg, frozen
0207.26.00	Cuts and offal of turkeys, fresh or chilled
0207.27.00	Cuts and offal of turkeys, frozen
0207.41.00	Ducks, not cut in pieces, fresh or chilled
0207.42.00	Ducks, not cut in pieces, frozen
0207.43.00	Fatty livers of ducks, fresh or chilled
0207.44.00	Cuts and offal, other than fatty livers, of ducks, fresh or chilled
0207.45.00	Cuts and offal of ducks, frozen
0207.51.00	Geese, not cut in pieces, fresh or chilled
0207.52.00	Geese, not cut in pieces, frozen
0207.53.00	Fatty livers of geese, fresh or chilled
0207.54.00	Cuts and offal, other than fatty livers, of geese, fresh or chilled
0207.55.00	Cuts and offal of geese, frozen
0207.60.10	Guinea fowls, not cut in pieces, fresh or chilled
0207.60.20	Guinea fowls, not cut in pieces, frozen
0207.60.30	Fatty livers of guinea fowls, fresh or chilled
0207.60.40	Cuts and offal, other than fatty livers, of guinea fowls, fresh or chilled
0207.60.60	Cuts and offal of guinea fowls, frozen
0208.30.00	Meat and edible meat offal of primates, fresh, chilled or frozen
0208.40.01	Meat and edible meat offal of whales, dolphins, porpoises, manatees, dugongs, seals, seal lions or walruses, fresh, chilled or frozen
0208.50.00	Meat and edible meat offal of reptiles, fresh, chilled or frozen
0208.60.00	Meat and edible meat offal of camels and other camelids, fresh, chilled or frozen
0208.90.30	Fresh, chilled or frozen quail, eviscerated, not in pieces
0208.90.91	Other meat and edible meat offal not elsewhere specified or included, fresh, chilled or frozen
0209.10.00	Pig fat, free of lean meat, fresh, chilled, frozen, salted, in brine, dried or smoked
0209.90.00	Poultry fat, not rendered or otherwise extracted, fresh, chilled, frozen, salted, in brine, dried or smoked
0210.11.00	Hams, shoulders and cuts thereof with bone in, salted, in brine, dried or smoked
0210.12.00	Bellies (streaky) and cuts thereof of swine, salted, in brine, dried or smoked
0210.20.00	Meat of bovine animals, salted, in brine, dried or smoked
0210.91.00	Meat and edible offal of primates, salted, in brine, dried or smoked; edible flours and meals thereof
0210.92.01	Meat, edible offal, & meals of whales, dolphins, porpoises, manatees, dugongs, seals, sea lions, walruses, salted, in brine, dried or smoked
0210.93.00	Meat and edible offal of reptiles, salted, in brine, dried or smoked; edible flours and meals thereof
0210.99.20	Meat and edible offal of poultry of heading 0105, in brine, dried or smoked; edible flours and meals thereof

HTS Subheading	Product Description
0210.99.91	Meat and edible offal not elsewhere specified or included, salted, in brine, dried or smoked; edible flours and meals thereof
0401.10.00	Milk and cream, unconcentrated, with no added sweeteners, fat content, by weight, not more than 1 percent
0401.20.20	Milk and cream, unconcentrated, unsweetened, fat content over 1% but n/o 6%, for not over 11,356,236 liters entered in any calendar year
0401.20.40	Milk and cream, unconcentrated, unsweetened, fat content over 1% but not over 6%, for over 11,356,236 liters entered in any calendar year
0401.40.02	Milk and cream, not concentrated, not sweetened, fat content o/6% but not o/10%, subject to gen. note 15 of the HTS
0401.40.05	Milk and cream, not concentrated, not sweetened, fat content o/6% but not o/10%, subject to add. US note 5 to Ch. 4
0401.40.25	Milk and cream, not concentrated, not sweetened, fat content o/6% but not o/10%, not subject to gen. nte 15 or add. nte 5 to Ch. 4
0401.50.02	Milk and cream, not concentrated, not sweetened, fat content o/10% but not o/45%, subject to gen. note 15 of the HTS
0401.50.05	Milk and cream, not concentrated, not sweetened, fat content o/10% but not o/45%, subject to add. US note 5 to Ch. 4
0401.50.25	Milk and cream, not concentrated, not sweetened, fat content o/10% but not o/45%, not subject to gen. nte 15 or add. nte 5 to Ch. 4
0401.50.42	Milk and cream, not concentrated, not sweetened, fat content o/45%, subject to gen. note 15 of the HTS
0401.50.50	Milk and cream, not concentrated, not sweetened, fat content o/45%, subject to add. US note 6 to Ch. 4
0401.50.75	Milk and cream, not concentrated, not sweetened, fat content o/45%, not subject to gen. nte 15 or add. nte 6 to Ch. 4
0402.10.05	Milk & cream, concen or sweetened, in powder, granules or other solid forms, w/fat content by weight not o/1.5%, subj to GN15
0402.10.10	Milk & cream in powder granules/other solid forms fat content by weight not exceeding 1.5% whether/not sweetened, described in addl note 7
0402.10.50	Milk & cream in powder granules/other solid forms fat content by weight not exceeding 1.5% whether/not sweetened, nesoi
0402.21.02	Milk & cream, concen, not sweetened, in powder, granules or other solid forms, w/fat content o/1.5% but not o/3%, subj to GN15
0402.21.05	Milk & cream, concen, not sweetened, in powder, granules or other solid forms, w/fat content o/1.5% but not o/3%, subj Ch4 US note 7
0402.21.25	Milk & cream, concen, not sweetened, in powder, granules or other solid forms, w/fat content o/1.5% but not o/3%, not subj GN15/Ch4 US note7
0402.21.27	Milk & cream, concen, not sweetened, in powder, granules or other solid forms, w/fat content o/3% but not o/35%, subject to gen. note 15
0402.21.30	Milk & cream, concen, not sweetened, in powder/granules/oth solid forms, fat cont o/3% but not o/35%, subj to Ch 4 US note 7
0402.21.50	Milk & cream, concen, not sweetened, in powder/granules/oth solid forms, fat cont o/3% but not o/35%, not subj to GN15 or Ch 4 US.S. note 7
0402.21.73	Milk & cream, concen, not sweetened, in powder, granules or other solid forms, w/fat content o/35%, subject to gen. note 15

HTS Subheading	Product Description
0402.21.75	Milk & cream, concen, not sweetened, in powder, granules or other solid forms, w/fat content o/35%, subject to add. US note 9 to Ch.4
0402.21.90	Milk & cream, concen, not sweetened, in powder, granules or other solid forms, w/fat content o/35%, not subj to GN15 or Ch4 US note 9
0402.29.05	Milk & cream, concen, sweetened, in powder, granules or other solid forms, w/fat content o/1.5%, subject to gen. note 15
0402.29.10	Milk & cream, concen, sweetened, in powder, granules or other solid forms, w/fat content o/1.5%, subject to add. US note 10 to Ch.4
0402.29.50	Milk & cream, concen, sweetened, in powder, granules or other solid forms, w/fat content o/1.5%, not subj to GN15 or Ch4 US note 10
0402.91.03	Milk & cream, concen, in non-solid forms, not sweetened, in airtight containers, subject to gen. note 15 of the HTS
0402.91.06	Milk & cream, concen in non-solid forms, not sweetened, not in airtight containers, subject to gen. note 15 of the HTS
0402.91.10	Milk & cream, concen in non-solid forms, not sweetened, in airtight containers, subject to add. US note 11 to Ch.4
0402.91.30	Milk & cream, concen in non-solid forms, not sweetened, not in airtight containers, subject to add. US note 11 to Ch. 4
0402.91.70	Milk & cream, concen in non-solid forms, not sweetened, in airtight containers, not subject to gen. note 15 or add. US note 11 to Ch.4
0402.91.90	Milk and cream, concentrated, in other than powder, granules or other solid forms, unsweetened, other than in airtight containers
0402.99.03	Condensed milk, sweetened, in airtight containers, subject to gen. note 15 of the HTS
0402.99.06	Condensed milk, sweetened, not in airtight containers, subject to gen. note 15 of the HTS
0402.99.10	Condensed milk, sweetened, in airtight containers, subject to add. US note 11 to Ch.4
0402.99.30	Condensed milk, sweetened, not in airtight containers, subject to add. US note 11 to Ch. 4
0402.99.45	Condensed milk, sweetened, in airtight containers, not subject to gen. note 15 or add. US note 11 to Ch.4
0402.99.55	Condensed milk, sweetened, not in airtight containers, not subject to gen. note 15 or add. US note 11 to Ch.4
0402.99.68	Milk & cream (except condensed milk), concentrated in non-solid forms, sweetened, subject to gen. note 15 of the HTS
0402.99.70	Milk & cream (except condensed milk), concentrated in non-solid forms, sweetened, subject to add. US note 10 to Ch. 4
0402.99.90	Milk & cream (except condensed milk), concentrated in non-solid forms, sweetened, not desc. gen. note 15 or add. US note 10 to Ch. 4
0403.10.05	Yogurt, in dry form, whether or not flavored or containing add fruit or cocoa, subject to gen. note 15 of the HTS
0403.10.10	Yogurt, in dry form, whether or not flavored or containing add fruit or cocoa, subject to add. US note 10 to Ch. 4
0403.10.50	Yogurt, in dry form, whether or not flavored or containing add fruit or cocoa, not subject to gen nte 15 or add. US nte 10 to Ch.4
0403.10.90	Yogurt, not in dry form, whether or not flavored or containing add fruit or cocoa
0403.90.02	Sour cream, fluid, n/o 45% by wt. butterfat, subject to gen. note 15 of the HTS
0403.90.04	Sour cream, fluid, n/o 45% by wt. butterfat, subject to add. US note 5 to Ch.4

HTS Subheading	Product Description
0403.90.16	Sour cream, fluid, n/o 45% by wt. butterfat, not subject to gen nte 15 or add US note 5 to Ch.4
0403.90.20	Fluid buttermilk
0403.90.37	Sour cream, dried, n/o 6% by wt. butterfat, subject to gen. note 15 of the HTS
0403.90.41	Sour cream, dried, n/o 6% by wt. butterfat, subject to add. US note 12 to Ch. 4
0403.90.45	Sour cream, dried, n/o 6% by wt. butterfat, not subject to gen nte 15 or add. US note 12 to Ch. 4
0403.90.47	Sour cream, dried, o/6% but n/o 35% by wt. butterfat, subject to gen. note 15 of the HTS
0403.90.51	Sour cream, dried, o/6% but n/o 35% by wt. butterfat, subject to add. US note 8 to Ch. 4
0403.90.55	Sour cream, dried, o/6% but n/o 35% by wt. butterfat, not subject to gen nte 15 or add. US note 8 to Ch. 4
0403.90.57	Sour cream, dried, o/35% but n/o 45% by wt. butterfat, subject to gen. note 15 of the HTS
0403.90.61	Sour cream, dried, o/35% but n/o 45% by wt. butterfat, subject to add. US note 9 to Ch. 4
0403.90.65	Sour cream, dried, o/35% but n/o 45% by wt. butterfat, not subject to gen nte 15 or add. US note 9 to Ch. 4
0403.90.72	Sour cream, o/45% by wt. butterfat, subject to gen. note 15 of the HTS
0403.90.74	Sour cream, o/45% by wt. butterfat, subject to add. US note 6 to Ch. 4
0403.90.78	Sour cream, o/45% by wt. butterfat, not subject to gen nte 15 or add. US note 6 to Ch. 4
0403.90.85	Fermented milk o/than dried fermented milk or o/than dried milk with added lactic ferments
0403.90.87	Curdled milk/cream/kephir & other fermentd or acid. milk/cream descr.in gen. note 15
0403.90.90	Curdled milk/cream/kephir & other fermentd or acid. milk/cream subject to add US note 10 to Ch.4
0403.90.95	Curdled milk/cream/kephir & other fermentd or acid. milk/cream subj to GN 15 or Ch4 US note 10
0404.90.10	Milk protein concentrates
0404.90.28	Dairy products of nat. milk constituents (except protein conc.), descr. in add. US nte 1 to Ch. 4 and subj to GN 15
0404.90.30	Dairy products of nat. milk constituents (except protein conc.), descr. in add. US nte 1 to Ch. 4 and sub to Ch4 US note 10
0404.90.50	Dairy products of nat. milk constituents (except protein conc.), descr. in add. US nte 1 to Ch. 4 & not subj to GN15 or Ch4 US note 10
0404.90.70	Products consisting of natural milk constituents (except protein conc.), whether or not sweetened, not descr. in add US note 1 to Ch. 4
0405.20.10	Butter substitute dairy spreads, over 45% butterfat weight, subject to general note 15 (outside quota)
0405.20.20	Butter substitute dairy spreads, over 45% butterfat weight, subject to quota pursuant to chapter 4 additional US note 14
0405.20.30	Butter substitute dairy spreads, over 45% butterfat weight, not subj to gen note 15 and in excess of quota in ch. 4 additional US note 14
0405.20.40	Butter substitute dairy spreads, containing 45% or less butterfat by weight
0405.20.50	Other dairy spreads of a type provided in chapter 4 additional US note 1, subject to general note 15 (outside quota)
0405.20.60	Other dairy spreads of a type provided in ch. 4 add. US note 1, subject to quota pursuant to chapter 4 additional US note 10

HTS Subheading	Product Description
0405.20.70	Other dairy spreads of a type provided in ch. 4 add. US note 1, not subject to gen note 15 and in excess of quota in ch. 4 add. US note 10
0405.20.80	Other dairy spreads, not butter substitutes or of a type provided for in chapter 4 additional US note 1
0405.90.05	Fats and oils derived from milk, other than butter or dairy spreads, subject to general note 15 (outside quota)
0405.90.10	Fats and oils derived from milk, other than butter or dairy spreads, subject to quota pursuant to chapter 4 additional US note 14
0405.90.20	Fats and oils derived from milk, other than butter or dairy spreads, not subject to gen note 15 and excess of quota in ch 4 add US note 14
0406.10.02	Chongos, unripened or uncured cheese, including whey cheese and curd, subject to gen. note 15 of the HTS
0406.10.04	Chongos, unripened or uncured cheese, including whey cheese and curd, subject to add. US note 16 to Ch. 4
0406.10.08	Chongos, unripened or uncured cheese, including whey cheese and curd, not subject to gen note 15 or add. US note 16 to Ch. 4
0406.10.12	Fresh (unripened/uncured) cheese (ex chongos), incl whey cheese and curd, subj to gen. note 15 of the HTS, not GN15
0406.10.14	Fresh (unripened/uncured) blue-mold cheese, cheese/subs for cheese cont or procd fr blue-mold cheese, subj to Ch4 US note 17, not GN15
0406.10.18	Fresh (unripened/uncured) blue-mold cheese, cheese/subs for cheese cont or proc fr blue-mold cheese, not subj to Ch4 US note 17 or GN15
0406.10.24	Fresh (unripened/uncured) cheddar cheese, cheese/subs for cheese cont or proc from cheddar cheese, subj to Ch 4 US note 18, not GN15
0406.10.28	Fresh (unripened/uncured) cheddar cheese, cheese/subs for cheese cont or proc from cheddar cheese, not subj to Ch4 US note 18, not GN15
0406.10.34	Fresh (unripened/uncured) american-type cheese, cheese cont or proc. fr american-type, subj to add. US note 19 to Ch.4, not GN15
0406.10.38	Fresh (unripened/uncured) american-type cheese, cheese cont or proc. fr american-type, not subj to add. US note 19 to Ch.4, not GN15
0406.10.44	Fresh (unripened/uncured) edam and gouda cheeses, cheese/subs for cheese cont or processed therefrom, subj to Ch4 US note 20, not GN15
0406.10.48	Fresh (unripened/uncured) edam and gouda cheeses, cheese/subs for cheese cont or processed therefrom, not sub to Ch4 US note 20, not GN15
0406.10.54	Fresh (unripened/uncured) Italian-type cheeses from cow milk, cheese/substitutes cont or proc therefrom, subj to Ch4 US nte 21, not GN15
0406.10.58	Fresh (unrip./uncured) Italian-type cheeses from cow milk, cheese/substitutes cont or proc therefrom, not subj to Ch4 US note 21 or GN15
0406.10.64	Fresh (unrip./uncured) Swiss/emmentaler cheeses w/o eyes, gruyere-process and cheese cont/proc. from, subj to Ch4 US note 22, not GN15
0406.10.68	Fresh (unripened/uncured) Swiss/emmentaler cheeses exc eye formation, gruyere-process cheese and cheese cont or proc. from such, not subj ..
0406.10.74	Fresh cheese, and substitutes for cheese,neosi, w/0.5% or less by wt. of butterfat, descr in add US note 23 to Ch 4, not GN15
0406.10.78	Fresh cheese, and substitutes for cheese,neosi, w/0.5% or less by wt. of butterfat, not descr in add US note 23 to Ch 4, not GN15

HTS Subheading	Product Description
0406.10.84	Fresh cheese, and substitutes for cheese, cont. cows milk, neosi, o/0.5% by wt. of butterfat, descr in add US note 16 to Ch 4, not GN15
0406.10.88	Fresh cheese, and substitutes for cheese, cont. cows milk, neosi, o/0.5% by wt. of butterfat, not descr in add US note 16 to Ch 4, not GN 15
0406.10.95	Fresh cheese, and substitutes for cheese, not cont. cows milk, neosi, o/0.5% by wt. of butterfat
0406.20.10	Roquefort cheese, grated or powdered
0406.20.15	Stilton cheese, grated or powdered, subject to add. US note 24 to Ch. 4
0406.20.22	Blue-veined cheese (except Roquefort or Stilton), grated or powdered, subject to gen. note 15 of the HTS
0406.20.24	Blue-veined cheese (except Roquefort or Stilton), grated or powdered, subject to add. US note 17 to Ch.4
0406.20.28	Blue-veined cheese (except Roquefort or Stilton), grated or powdered, not subject to gen nte 15 or add. US note 17 to Ch.4
0406.20.29	Cheddar cheese, grated or powdered, subject to gen. note 15 of the HTS
0406.20.31	Cheddar cheese, grated or powdered, subject to add. US note 18 to Ch. 4
0406.20.33	Cheddar cheese, grated or powdered, not subject to gen. note 15 or add. US note 18 to Ch. 4
0406.20.34	Colby cheese, grated or powdered, subject to gen. note 15 of the HTS
0406.20.36	Colby cheese, grated or powdered, subject to add. US note 19 to Ch. 4
0406.20.39	Colby cheese, grated or powdered, not describ. in gen. note 15 or add. US note 19 to Ch. 4
0406.20.43	Edam and gouda cheese, grated or powdered, subject to gen. note 15 of the HTS
0406.20.44	Edam and gouda cheese, grated or powdered, subject to add. US note 20 to Ch. 4
0406.20.48	Edam and gouda cheese, grated or powdered, not subject to gen note 15 or add. US nte 20 to Ch. 4
0406.20.49	Romano (cows milk), reggiano, provolone, provoletti, sbrinz and goya, grated or powdered, subject to gen. note 15 to HTS
0406.20.51	Romano, reggiano, provolone, provoletti, sbrinz and goya, made from cow's milk, grated or powdered, subject to add US note 21 to Ch.4
0406.20.53	Romano, reggiano, provolone, provoletti, sbrinz and goya, made from cow's milk, grated or powdered, not subj to Ch4 US nte 21 or GN15
0406.20.54	Reggiano, provolone, provoletti, sbrinz and goya cheeses, not made from cow's milk, grated or powdered
0406.20.55	Cheeses made from sheep's milk, including mixtures of such cheeses, grated or powdered
0406.20.56	Cheese (including mixtures) nesoi, grated or powdered, subject to gen. note 15 of the HTS
0406.20.57	Cheese containing or processed from bryndza, gjetost, gammelost, nokkelost or roquefort cheeses, grated or powdered
0406.20.61	Cheese containing or processed from blue-veined cheese (except roquefort), grated/powdered, subject to add US note 17 to Ch.4
0406.20.63	Cheese containing or processed from blue-veined cheese (except roquefort), grated/powdered, not subject to add US note 17 to Ch.4
0406.20.65	Cheese containing or processed from cheddar cheese, grated or powdered, subject to add US note 18 to Ch. 4
0406.20.67	Cheese containing or processed from cheddar cheese, grated or powdered, not subject to add US note 18 to Ch. 4

HTS Subheading	Product Description
0406.20.69	Cheese containing or processed from american-type cheese (except cheddar), grated or powdered, subject to add US note 19 to Ch. 4
0406.20.71	Cheese containing or processed from american-type cheese (except cheddar), grated or powdered, not subject to add US note 19 to Ch. 4
0406.20.73	Cheese containing or processed from edam or gouda cheeses, grated or powdered, subject to add US note 20 to Ch.4
0406.20.75	Cheese containing or processed from edam or gouda cheeses, grated or powdered, not subject to add US note 20 to Ch. 4
0406.20.77	Cheese containing or processed from italian-type cheeses made from cow's milk, grated or powdered, subject to add US note 21 to Ch. 4
0406.20.79	Cheese containing or processed from italian-type cheeses made from cow's milk, grated or powdered, not subject to add US note 21 to Ch. 4
0406.20.81	Cheese containing or processed from swiss, emmentaler or gruyere-process cheeses, grated or powdered, subject to add US nte 22 to Ch.4
0406.20.83	Cheese containing or processed from swiss, emmentaler or gruyere-process cheeses, grated or powdered, not subject to add US nte 22 to Ch. 4
0406.20.85	Cheese (including mixtures), nesoi, n/o 0.5% by wt. of butterfat, grated or powdered, subject to add US note 23 to Ch. 4
0406.20.87	Cheese (including mixtures), nesoi, n/o 0.5% by wt. of butterfat, grated or powdered, not subject to add US note 23 to Ch. 4
0406.20.89	Cheese (including mixtures), nesoi, o/0.5% by wt of butterfat, w/cow's milk, grated or powdered, subject to add US note 16 to Ch. 4
0406.20.91	Cheese (including mixtures), nesoi, o/0.5% by wt of butterfat, w/cow's milk, grated or powdered, not subject to add US note 16 to Ch. 4
0406.20.95	Cheese (including mixtures), nesoi, o/0.5% by wt of butterfat, not containing cow's milk, grated or powdered
0406.30.05	Stilton cheese, processed, not grated or powdered, subject to add US note 24 to Ch. 4
0406.30.12	Blue-veined cheese (except roquefort), processed, not grated or powdered, subject to gen. note 15 of the HTS
0406.30.14	Blue-veined cheese (except roquefort), processed, not grated or powdered, subject to add. US note 17 to Ch. 4
0406.30.18	Blue-veined cheese (except roquefort), processed, not grated or powdered, not subject to gen. note 15 or add. US note 17 to Ch. 4
0406.30.22	Cheddar cheese, processed, not grated or powdered, subject to gen. note 15 of the HTS
0406.30.24	Cheddar cheese, processed, not grated or powdered, subject to add US note 18 to Ch. 4
0406.30.28	Cheddar cheese, processed, not grated or powdered, not subject to gen note 15 or add US note 18 to Ch. 4
0406.30.32	Colby cheese, processed, not grated or powdered, subject to gen. note 15 of the HTS
0406.30.34	Colby cheese, processed, not grated or powdered, subject to add US note 19 to Ch. 4
0406.30.38	Colby cheese, processed, not grated or powdered, not subject to gen note 15 or add US note 19 to Ch. 4
0406.30.42	Edam and gouda cheese, processed, not grated or powdered, subject to gen. note 15 of the HTS
0406.30.44	Edam and gouda cheese, processed, not grated or powdered, subject to add. US note 20 to Ch. 4

HTS Subheading	Product Description
0406.30.48	Edam and gouda cheese, processed, not grated or powdered, not subject to gen note 15 or add. US note 20 to Ch. 4
0406.30.49	Gruyere-process cheese, processed, not grated or powdered, subject to gen. note 15 of the HTS
0406.30.51	Gruyere-process cheese, processed, not grated or powdered, subject to add. US note 22 to Ch. 4
0406.30.53	Gruyere-process cheese, processed, not grated or powdered, not subject to gen note 15 or add. US note 22 to Ch. 4
0406.30.55	Processed cheeses made from sheep's milk, including mixtures of such cheeses, not grated or powdered
0406.30.56	Cheese (including mixtures) nesoi, processed, not grated or powdered, subject to gen. note 15 of the HTS
0406.30.57	Processed cheese containing or processed from bryndza, gjetost, gammelost, nokkelost or roquefort, not grated or powdered, not GN15
0406.30.61	Processed cheese cont/procd fr blue-veined cheese (ex roquefort), not grated/powdered, subject to add US note 17 to Ch. 4, not GN15
0406.30.63	Processed cheese cont/procd fr blue-veined cheese (ex roquefort), not grated/powdered, not subject to add US note 17 to Ch. 4, not GN15
0406.30.65	Processed cheese cont/procd fr cheddar cheese, not grated/powdered, subject to add US note 18, not GN15
0406.30.67	Processed cheese cont/procd fr cheddar cheese, not grated/powdered, not subject to add US note 18, not GN15
0406.30.69	Processed cheese cont/procd fr american-type cheese (ex cheddar), not grated/powdered, subject to add US note 19 to Ch. 4, not GN15
0406.30.71	Processed cheese cont/procd fr american-type cheese (ex cheddar), not grated/powdered, not subject to add US note 19 to Ch. 4, not GN15
0406.30.73	Processed cheese cont/procd fr edam or gouda, not grated/powdered, subject to add US note 20 to Ch. 4, not GN15
0406.30.75	Processed cheese cont/procd from edam or gouda, not grated/powdered, not subject to add US note 20 to Ch. 4, not GN15
0406.30.77	Processed cheese cont/procd from italian-type, not grated/powdered, subject to add US note 21 to Ch. 4, not GN15
0406.30.79	Processed cheese cont/procd from italian-type, not grated/powdered, not subject to add US note 21 to Ch. 4, not GN15
0406.30.81	Processed cheese cont/procd from swiss, emmentaler or gruyere-process, n/graded/powdered, subject to add US note 22 to Ch. 4, not GN15
0406.30.83	Processed cheese cont/procd from swiss/emmentaler/gruyere-process, n/graded/powdered, not subject to add US note 22 to Ch. 4, not GN15
0406.30.85	Processed cheese (incl. mixtures), nesoi, n/o 0.5% by wt. butterfat, not grated or powdered, subject to Ch4 US note 23, not GN15
0406.30.87	Processed cheese (incl. mixtures), nesoi, n/o 0.5% by wt. butterfat, not grated or powdered, not subj to Ch 4 US note 23 or not GN15
0406.30.89	Processed cheese (incl. mixtures), nesoi, w/cow's milk, not grated or powdered, subject to add US note 16 to Ch. 4, not GN15
0406.30.91	Processed cheese (incl. mixtures), nesoi, w/cow's milk, not grated or powdered, not subject to add US note 16 to Ch. 4, not GN15

HTS Subheading	Product Description
0406.30.95	Processed cheese (incl. mixtures), nesoi, w/o cows milk, not grated or powdered, not GN15
0406.40.20	Roquefort cheese in original loaves, not grated or powdered, not processed
0406.40.40	Roquefort cheese, other than in original loaves, not grated or powdered, not processed
0406.40.44	Stilton cheese, nesoi, in original loaves, subject to add. US note 24 to Ch. 4
0406.40.48	Stilton cheese, nesoi, not in original loaves, subject to add. US note 24 to Ch. 4
0406.40.51	Blue-veined cheese, nesoi, in original loaves, subject to gen. note 15 of the HTS
0406.40.52	Blue-veined cheese, nesoi, not in original loaves, subject to gen. note 15 of the HTS
0406.40.54	Blue-veined cheese, nesoi, in original loaves, subject to add. US note 17 to Ch. 4
0406.40.58	Blue-veined cheese, nesoi, not in original loaves, subject to add. US note 17 to Ch. 4
0406.40.70	Blue-veined cheese, nesoi, not subject to gen. note 15 of the HTS or to add. US note 17 to Ch. 4
0406.90.05	Bryndza cheese, not grated or powdered, not processed
0406.90.06	Cheddar cheese, neosi, subject to gen. note 15 of the & entered pursuant to its provisions
0406.90.08	Cheddar cheese, neosi, subject to add. US note 18 to Ch. 4
0406.90.12	Cheddar cheese, nesoi, not subject to gen. note 15 of the HTS or to add. US note 18 to Ch. 4
0406.90.14	Edam and gouda cheese, nesoi, subject to gen. note 15 of the HTS
0406.90.16	Edam and gouda cheese, nesoi, subject to add. US note 20 to Ch. 4
0406.90.18	Edam and gouda cheese, nesoi, not subject to gen. note 15 of the HTS or to add. US note 20 to Ch. 4
0406.90.20	Gjetost cheese from goat's milk, whey or whey obtained from a mixture of goat's & n/o 20% cow's milk, not grated, powdered or processed
0406.90.25	Gjetost cheese, made from goats' milk, whey or whey obtained from a mixture of goats' & n/o 20% cows milk, not grated, powdered or processed
0406.90.28	Goya cheese, nesoi, subject to gen. note 15 of the HTS
0406.90.31	Goya cheese from cow's milk, not in original loaves, nesoi, subject to add. US note 21 to Ch. 4
0406.90.32	Goya cheese from cow's milk, not in original loaves, nesoi, not subject to gen. note 15 or to add. US note 21 to Ch. 4
0406.90.33	Goya cheese not from cow's milk, nesoi, not subject to gen. note 15 or to add. US note 21 to Ch. 4
0406.90.34	Sbrinz cheese, nesoi, subject to gen. note 15 of the HTS
0406.90.36	Sbrinz cheese from cow's milk, nesoi, subject to add. US note 21 to Ch. 4
0406.90.37	Sbrinz cheese from cow's milk, nesoi, not subject to gen. note 15 or to add. US note 21 to Ch. 4
0406.90.38	Sbrinz cheese not from cow's milk, nesoi, not subject to gen. note 15 or to add. US note 21 to Ch. 4
0406.90.39	Romano from cows milk, Reggiano, Parmesan, Provolone, and Provoletti cheese, nesoi, subject to gen. note 15 of the HTS
0406.90.41	Romano, Reggiano, Parmesan, Provolone, and Provoletti cheese, nesoi, from cow's milk, subject to add. US note 21 to Ch. 4
0406.90.42	Romano, Reggiano, Parmesan, Provolone, and Provoletti cheese, nesoi, from cow's milk, not subj to to GN 15 or Ch4 US note 21
0406.90.43	Reggiano, Parmesan, Provolone, and Provoletti cheese, nesoi, not from cow's milk, not subject to gen. note 15
0406.90.44	Swiss or Emmentaler cheese with eye formation, nesoi, subject to gen. note 15 of the HTS

HTS Subheading	Product Description
0406.90.46	Swiss or Emmentaler cheese with eye formation, nesoi, subject to add. US note 25 to Ch. 4
0406.90.48	Swiss or Emmentaler cheese with eye formation, nesoi, not subject to gen. note 15 or to add. US note 25 to Ch. 4
0406.90.49	Gammelost and nokkelost cheese, nesoi
0406.90.51	Colby cheese, nesoi, subject to gen. note 15 of the HTS and entered pursuant to its provisions
0406.90.52	Colby cheese, nesoi, subject to add. US note 19 to Ch. 4 and entered pursuant to its provisions
0406.90.54	Colby cheese, nesoi, not subject to gen. note 15 or to add. US note 19 to Ch. 4
0406.90.56	Cheeses, nesoi, from sheep's milk in original loaves and suitable for grating
0406.90.57	Pecorino cheese, from sheep's milk, in original loaves, not suitable for grating
0406.90.59	Cheeses, substitute for cheese (including mixtures of cheeses), nesoi, made from sheep's milk
0406.90.61	Cheeses & substitutes for cheese (incl. mixtures)
0406.90.63	w/romano/reggiano/parmesan/provolone/etc from cows milk, subj. to gen. note 15
0406.90.66	Cheeses & substitutes for cheese (incl. mixtures) not
0406.90.68	cont.romano/reggiano/parmesan/provolone/etc from cows milk, subj. to gen. note 15
0406.90.72	Cheeses & subst. for cheese (incl. mixt.), nesoi,
0406.90.74	w/romano/reggiano/parmesan/provolone/etc, f/cow milk, subj. Ch4 US note 21, not GN15
0406.90.76	Cheeses & subst. for cheese (incl. mixt.), nesoi,
0406.90.78	w/romano/reggiano/parmesan/provolone/etc, f/cow milk, not subj. Ch4 US note 21, not GN15
0406.90.82	Cheeses & subst. for cheese (incl. mixt.), nesoi, w/ or from blue-veined cheese, subj. to add. US note 17 to Ch.4, not GN15
0406.90.84	Cheeses & subst. for cheese (incl. mixt.), nesoi, w/ or from blue-veined cheese, not subj. to add. US note 17 to Ch.4, not GN15
0406.90.86	Cheeses & subst. for cheese (incl. mixt.), nesoi, w/ or from cheddar cheese, subj. to add. US note 18 to Ch.4, not GN15
0406.90.88	Cheeses & subst. for cheese (incl. mixt.), nesoi, w/ or from cheddar cheese, not subj. to add. US note 18 to Ch.4, not GN15
0406.90.90	Cheeses & subst. for cheese (incl. mixt.), nesoi, w/ or from Am. cheese except cheddar, subj. to add. US note 19 to Ch.4, not GN15
0406.90.92	Cheeses & subst. for cheese (incl. mixt.), nesoi, w/ or from Am. cheese except cheddar, not subj. to add. US note 19 to Ch.4, not GN15
0406.90.94	Cheeses & subst. for cheese (incl. mixt.), nesoi, w/ or from edam or gouda cheese, subj. to add. US note 20 to Ch.4, not GN15
0406.90.96	Cheeses & subst. for cheese (incl. mixt.), nesoi, w/ or from edam or gouda cheese, not subj. to add. US note 20 to Ch.4, not GN15
0406.90.98	Cheeses & subst. for cheese (incl. mixt.), nesoi, w/ or from swiss, emmentaler or gruyere, subj. to add. US note 22 to Ch.4, not GN15
0406.90.99	Cheeses & subst. for cheese (incl. mixt.), nesoi, w/ or from swiss, emmentaler or gruyere, not subj. Ch4 US note 22, not GN15
0406.90.99	Cheeses & subst. for cheese (incl. mixt.), nesoi, w/butterfat n/o 0.5% by wt, subject to add. US note 23 to Ch. 4, not GN15
0406.90.99	Cheeses & subst. for cheese (incl. mixt.), nesoi, w/butterfat n/o 0.5% by wt, not subject to add. US note 23 to Ch. 4, not GN15

HTS Subheading	Product Description
0406.90.95	Cheeses & subst. for cheese (incl. mixt.), nesoi, w/cows milk, w/butterfat o/0.5% by wt, subject to Ch 4 US note 16 (quota)
0406.90.97	Cheeses & subst. for cheese (incl. mixt.), nesoi, w/cows milk, w/butterfat o/0.5% by wt, not subject to Ch4 US note 16, not GN15
0406.90.99	Cheeses & subst. for cheese (incl. mixt.), nesoi, w/o cows milk, w/butterfat o/0.5% by wt, not GN15
0407.11.00	Birds' eggs, in shell, fertilized eggs for incubation, Gallus domesticus
0408.91.00	Birds' eggs, not in shell, dried, whether or not containing added sweeteners
0501.00.00	Human hair, unworked, whether or not washed and scoured; waste of human hair
0502.90.00	Badger hair and other brushmaking hair, nesoi, and waste thereof
0504.00.00	Guts, bladders and stomachs of animals (other than fish), whole and pieces thereof
0505.10.00	Feathers of a kind used for stuffing, and down
0507.10.00	Ivory, ivory powder and waste
0510.00.20	Ambergris, castoreum, civet, and musk used in the preparation of pharmaceutical products
0601.10.15	Tulip bulbs, dormant
0601.10.30	Hyacinth bulbs, dormant
0601.10.45	Lily bulbs, dormant
0601.10.60	Narcissus bulbs, dormant
0601.10.75	Crocus corms, dormant
0601.10.85	Lily of the valley pips, dormant
0601.10.90	Bulbs, tubers, tuberous roots, corms, crowns and rhizomes, nesoi, dormant
0601.20.10	Hyacinth bulbs, without soil attached, in growth or in flower
0601.20.90	Bulbs nesoi, tubers, tuberous roots, corms, crowns and rhizomes, in growth or in flower; chicory plants and roots
0602.10.00	Unrooted cuttings and slips of live plants
0602.20.00	Trees, shrubs, and bushes, grafted or not of kinds which bear edible fruits or nuts
0602.30.00	Rhododendron and azalea plants, grafted or not
0602.40.00	Rose plants, grafted or not
0602.90.20	Live orchid plants
0602.90.30	Live herbaceous perennials, other than orchid plants, with soil attached to roots
0602.90.40	Live herbaceous perennials, other than orchid plants, without soil attached to roots
0602.90.60	Other live plants nesoi, with soil attached to roots
0602.90.90	Other live plants nesoi, other than those with soil attached to roots
0603.11.00	Sweetheart, Spray and other Roses, fresh cut
0603.12.30	Miniature (spray) carnations, fresh cut
0603.12.70	Other Carnations, fresh cut
0603.13.00	Orchids, fresh cut
0603.14.00	Chrysanthemums, fresh cut
0603.15.00	Fresh cut Lilies (Lillium spp.)
0603.19.01	Fresh cut, Anthuriums, Alstroemeria, Gypsophila, Lilies, Snapdragons and flowers, nesoi
0603.90.00	Cut flowers and flower buds, suitable for bouquets or ornamental purposes, dried, dyed, bleached, impregnated or otherwise prepared
0604.20.00	Fresh foliage, branches, and other parts of plants for ornamental purposes

HTS Subheading	Product Description
0604.90.10	Mosses and lichens
0604.90.30	Dried or bleached foliage, branches, and other parts of plants for ornamental purposes, except mosses and lichens
0604.90.60	Other than fresh, bleached or dried: Foliage, branches, parts of plants and grasses, suitable for ornamental purposes, except mosses & lichen
0701.10.00	Seed potatoes, fresh or chilled
0701.90.10	Yellow (Solano) potatoes, excluding seed
0701.90.50	Fresh potatoes, other than yellow (Solano) potatoes or seed potatoes
0702.00.20	Tomatoes, fresh or chilled, entered during Mar.1 to July 14, or the period Sept.1 to Nov.14 in any year
0702.00.40	Tomatoes, fresh or chilled, entered during July 15 to Aug.31 in any year
0702.00.60	Tomatoes, fresh or chilled, entered from Nov. 15 thru the last day of Feb. of the following year
0704.20.00	Brussels sprouts, fresh or chilled
0705.11.20	Head lettuce (cabbage lettuce), fresh or chilled, if entered June 1 to October 31, inclusive, in any year
0705.11.40	Head lettuce (cabbage lettuce), fresh or chilled, if entered Nov. 1 through May 30, inclusive, in any year
0705.19.20	Lettuce, other than head lettuce, fresh or chilled, if entered June 1 to October 31, inclusive, in any year
0705.19.40	Lettuce, other than head lettuce, fresh or chilled, if entered Nov. 1 through May 30, inclusive, in any year
0705.21.00	Witloof chicory, fresh or chilled
0705.29.00	Chicory, other than witloof chicory, fresh or chilled
0707.00.20	Cucumbers, including gherkins, fresh or chilled, if entered December 1 in any year to the last day of the following February, inclusive
0707.00.40	Cucumbers, including gherkins, fresh or chilled, if entered March 1 to April 30, inclusive, in any year
0707.00.60	Cucumbers, including gherkins, fresh or chilled, if entered July 1 to August 31, inclusive, in any year
0708.20.10	Lima beans, fresh or chilled, shelled or unshelled, if entered November 1 through the following May 31, inclusive
0708.90.05	Chickpeas (garbanzos), fresh or chilled, shelled or unshelled
0708.90.25	Pigeon peas, fresh or chilled, shelled or unshelled, if entered from July 1 to September 30, inclusive, in any year
0708.90.30	Pigeon peas, fresh or chilled, shelled or unshelled, if entered Oct. 1 through the following June 30, inclusive
0709.20.10	Asparagus, fresh or chilled, not reduced in size, if entered September 15 to November 15, inclusive, and transported to the U.S. by air
0709.20.90	Asparagus, nesoi, fresh or chilled
0709.30.20	Eggplants (aubergines), fresh or chilled, if entered April 1 to November 30, inclusive, in any year
0709.30.40	Eggplants (aubergines), fresh or chilled, if entered December 1 through the following March 31, inclusive
0709.70.00	Spinach, New Zealand spinach and orache spinach (garden spinach), fresh or chilled

HTS Subheading	Product Description
0709.91.00	Globe artichokes, fresh or chilled
0709.92.00	Olives, fresh or chilled
0709.93.10	Pumpkins, fresh or chilled
0709.93.30	Gourds (Cucurbita spp.), fresh or chilled
0710.29.15	Lentils, uncooked or cooked by steaming or boiling in water, frozen
0710.80.60	Fiddlehead greens, uncooked or cooked by steaming or boiling in water, frozen, not reduced in size
0710.80.85	Brussels sprouts, uncooked or cooked by steaming or boiling in water, frozen, reduced in size
0711.20.18	Olives, n/pitted, green, in saline sol., in contain. > 8 kg, drained wt, for repacking or sale, subject to add. US note 5 to Ch. 7
0711.20.28	Olives, n/pitted, green, in saline sol., in contain. > 8 kg, drained wt, for repacking or sale, not subject to add. US note 5 to Ch. 7
0711.20.38	Olives, n/pitted, nesoi
0711.20.40	Olives, pitted or stuffed, provisionally preserved but unsuitable in that state for immediate consumption
0711.59.90	Truffles, provisionally preserved but unsuitable in that state for immediate consumption
0711.90.30	Capers, provisionally preserved but unsuitable in that state for immediate consumption
0713.34.10	Dried seeds of Bambara beans, of a kind used for sowing
0713.60.10	Dried pigeon pea seeds, of a kind used for sowing
0714.10.10	Cassava (manioc), frozen, whether or not sliced or in the form of pellets
0714.30.50	Dried yams (Dioscorea spp.), in the form of pellets
0801.12.00	Coconuts, fresh, in the inner shell (endocarp)
0801.21.00	Brazil nuts, fresh or dried, in shell
0801.22.00	Brazil nuts, fresh or dried, shelled
0802.21.00	Hazelnuts or filberts, fresh or dried, in shell
0802.61.00	Macadamia nuts, in shell
0802.70.10	Kola nuts (Cola spp.), fresh or dried, in shell
0802.70.20	Kola nuts (Cola spp.), fresh or dried, shelled
0802.80.10	Areca nuts, fresh or dried, in shell
0802.90.20	Pignolias, fresh or dried, in shell
0802.90.98	Nuts nesoi, fresh or dried, shelled
0803.10.10	Plantains, fresh
0804.40.00	Avocados, fresh or dried
0805.40.40	Grapefruit, fresh or dried, entered during the period August 1 through September 30, inclusive
0805.40.60	Grapefruit, fresh or dried, if entered during the month of October
0805.40.80	Grapefruit, fresh or dried, if entered during the period November 1 through the following July 31, inclusive
0805.50.20	Lemons, fresh or dried
0805.50.30	Tahitian limes, Persian limes and other limes of the Citrus latifolia variety, fresh or dried
0805.50.40	Limes of the Citrus aurantifolia variety, fresh or dried
0805.90.01	Citrus fruit, not elsewhere specified or included, fresh or dried, including kumquats, citrons and bergamots

HTS Subheading	Product Description
0806.10.20	Grapes, fresh, if entered during the period February 15 through March 31, inclusive
0806.10.40	Grapes, fresh, if entered during the period April 1 through June 30, inclusive
0806.10.60	Grapes, fresh, if entered during the period July 1 through the following February 14, inclusive
0807.11.30	Watermelons, fresh, if entered during the period from December 1, in any year, to the following March 31, inclusive
0807.11.40	Watermelons, fresh, if entered during the period April 1 through November 30, inclusive
0807.19.10	Cantaloupes, fresh, if entered during the period from August 1 through September 15, inclusive
0807.19.20	Cantaloupes, fresh, if entered during the periods from January 1 through July 31 or September 16 to December 31, inclusive
0807.19.50	Ogen and Galia melons, fresh, if entered during the period from December 1, in any year, to the following May 31, inclusive
0807.19.60	Ogen and Galia melons, fresh, if entered during the period from June 1 through November 30, inclusive
0807.19.70	Other melons nesoi, fresh, if entered during the period from December 1, in any year, to the following May 31, inclusive
0807.19.80	Other melons nesoi, fresh, if entered during the period from June 1 through November 30, inclusive
0807.20.00	Papayas (papaws), fresh
0809.10.00	Apricots, fresh
0809.21.00	Sour cherries (<i>Prunus cerasus</i>), fresh
0809.40.20	Plums, prunes and sloes, fresh, if entered during the period from January 1 through May 31, inclusive
0809.40.40	Plums, prunes and sloes, fresh, if entered during the period from June 1 through December 31, inclusive
0810.20.90	Raspberries and loganberries, fresh, if entered July 1 - August 31, inclusive; blackberries & mulberries, fresh, entered any time
0810.50.00	Kiwi fruit, fresh
0810.60.00	Durians, fresh
0812.10.00	Cherries, provisionally preserved, but unsuitable in that state for immediate consumption
0901.11.00	Coffee, not roasted, not decaffeinated
0901.12.00	Coffee, not roasted, decaffeinated
0901.21.00	Coffee, roasted, not decaffeinated
0901.22.00	Coffee, roasted, decaffeinated
0901.90.10	Coffee husks and skins
0901.90.20	Coffee substitutes containing coffee
0902.10.10	Green tea in packages not over 3 kg, flavored
0902.10.90	Green tea in packages not over 3 kg, not flavored
0902.20.10	Green tea in packages over 3 kg, flavored
0902.20.90	Green tea in packages over 3 kg, not flavored
0902.30.00	Black tea (fermented) and partly fermented tea, in immediate packings of a content not exceeding 3 kg
0902.40.00	Black tea (fermented) and partly fermented tea, other than in immediate packings of a content not exceeding 3 kg

HTS Subheading	Product Description
0903.00.00	Mate
0904.11.00	Pepper of the genus Piper, neither crushed nor ground
0904.12.00	Pepper of the genus Piper, crushed or ground
0904.21.20	Paprika, dried neither crushed nor ground
0904.21.40	Anaheim and ancho pepper, dried, neither crushed nor ground
0904.21.60	Fruits of the genus Capsicum, other than paprika or anaheim and ancho pepper, dried, not crushed or ground
0904.21.80	Fruits of the genus Pimenta (including allspice), dried
0904.22.20	Paprika, crushed or ground
0904.22.40	Anaheim and ancho pepper, crushed or ground
0904.22.73	Mixtures of mashed or macerated hot red peppers and salt, nesoi
0904.22.76	Fruits of the genus capsicum, crushed or ground, nesoi
0904.22.80	Fruits of the genus Pimenta (including allspice), crushed or ground
0905.10.00	Vanilla beans, neither crushed nor ground
0905.20.00	Vanilla beans, crushed or ground
0906.11.00	Cinnamon (Cinnamomum zeylanicum Blume) neither crushed nor ground
0906.19.00	Cinnamon and cinnamon-tree flowers, nesoi, neither crushed nor ground
0906.20.00	Cinnamon and cinnamon-tree flowers, crushed or ground
0907.10.00	Cloves (whole fruit, cloves and stems), neither crushed nor ground
0907.20.00	Cloves (whole fruit, cloves and stems), crushed or ground
0908.11.00	Nutmeg, neither crushed nor ground
0908.12.00	Nutmeg, crushed or ground
0908.21.00	Mace, neither crushed nor ground
0908.22.20	Mace, crushed or ground, Bombay or wild
0908.22.40	Mace, crushed or ground, other than Bombay or wild mace
0908.31.00	Cardamoms, neither crushed nor ground
0908.32.00	Cardamoms, crushed or ground
0909.21.00	Seeds of coriander, neither crushed nor ground
0909.22.00	Seeds of coriander, crushed or ground
0909.31.00	Seeds of cumin, neither crushed nor ground
0909.32.00	Seeds of cumin, crushed or ground
0909.61.00	Seeds of anise,badian, caraway or fennel; juniper berries; neither crushed nor ground
0909.62.00	Seeds of anise,badian, caraway or fennel; juniper berries; crushed or ground
0910.11.00	Ginger, neither crushed nor ground
0910.12.00	Ginger, crushed or ground
0910.20.00	Saffron
0910.30.00	Turmeric (curcuma)
0910.91.00	Mixtures of spices
0910.99.05	Thyme; bay leaves, crude or not manufactured
0910.99.06	Thyme, other than crude or not manufactured
0910.99.07	Bay leaves, other than crude or not manufactured
0910.99.10	Curry

HTS Subheading	Product Description
0910.99.20	Origanum, crude or not manufactured
0910.99.40	Origanum, other than crude or not manufactured
0910.99.50	Dill
0910.99.60	Spices, nesoi
1001.19.00	Durum wheat, other than seed
1001.91.00	Seed of wheat and meslin, other than durum wheat
1002.10.00	Rye, seed
1002.90.00	Rye, other than seed
1005.10.00	Seed corn (maize)
1006.10.00	Rice in the husk (paddy or rough)
1008.40.00	Fonio (<i>Digitaria</i> spp.)
1008.60.00	Triticale
1202.30.05	Peanuts (ground-nuts), seed, not roasted or cooked, shelled, subject to gen note 15 of the HTS
1202.30.80	Peanuts (ground-nuts), seed, not roasted or cooked, shelled, not subject to gen note 15 or add. US note 2 to Ch.12
1202.41.05	Peanuts (ground-nuts), not seed, not roasted or cooked, in shell, subject to gen note 15 of the HTS
1202.41.40	Peanuts (ground-nuts), not seed, not roasted or cooked, in shell, subject to add. US note 2 to Ch.12
1202.41.80	Peanuts (ground-nuts), not seed, not roasted or cooked, in shell, not subject to gen note 15 or add. US note 2 to Ch.12
1202.42.05	Peanuts (ground-nuts), not seed, not roasted or cooked, shelled, subject to gen note 15 of the HTS
1202.42.40	Peanuts (ground-nuts), not seed, not roasted or cooked, shelled, subject to add. US note 2 to Ch.12
1202.42.80	Peanuts (ground-nuts), not seed, not roasted or cooked, shelled, not subject to gen note 15 or add. US note 2 to Ch.12
1203.00.00	Copra
1207.10.00	Palm nuts and kernels
1207.21.00	Cotton seeds, whether or not broken, seed for sowing
1207.29.00	Cotton seeds, whether or not broken, other than seed for sowing
1207.30.00	Castor oil seeds
1209.22.20	White and ladino clover seeds of a kind used for sowing
1209.22.40	Clover seeds, other than white and ladino, of a kind used for sowing
1209.23.00	Fescue seeds of a kind used for sowing
1209.24.00	Kentucky blue grass seeds of a kind used for sowing
1210.20.00	Hop cones, fresh or dried, ground, powdered or in the form of pellets; lupulin
1211.90.60	Tonka beans, of a kind used in perfumery, in pharmacy or for insecticidal, fungicidal or similar purposes
1212.93.00	Sugar cane, fresh, chilled, frozen or dried, whether or not ground
1212.94.00	Chicory roots
1301.20.00	Gum Arabic
1301.90.40	Turpentine gum (oleoresinous exudate from living trees)

HTS Subheading	Product Description
1301.90.91	Lac,natural gums, resins, gum-resins and oleoresins (e.g., balsams), nesoi
1302.11.00	Saps and extracts of opium
1302.12.00	Saps and extracts of licorice
1302.13.00	Saps and extracts of hops
1302.14.01	Vegetable saps and extracts of ephedra
1302.19.21	Poppy straw extract
1302.19.41	Ginseng and other substances having prophylatic or therapeutic properties
1302.19.91	Vegetable saps and extracts nesoi
1302.20.00	Pectic substances, pectinates and pectates
1302.31.00	Agar-agar
1302.32.00	Mucilages and thickeners, whether or not modified, derived from locust beans, locust bean seeds or guar seeds
1302.39.00	Mucilages and thickeners derived from vegetable products other than locust beans, locust bean seeds or guar seeds, and excluding agar-agar
1401.20.20	Rattans, in the rough or cut transversely into sections, of a kind used primarily for plaiting
1404.90.20	Broomcorn (<i>Sorghum vulgare</i> var. <i>technicum</i>) of a kind used primarily in brooms or brushes
1501.10.00	Lard, other than heading 0209 or 1503
1501.20.00	Other pig fat other than heading 0209 or 1503
1501.90.00	Poultry fat, other than that of head 0209 or 1503
1502.10.00	Fats of bovine animals, sheep or goats, other than those of heading 1503: tallow
1502.90.00	Fats of bovine animals, sheep or goats, other than those of heading 1503, other than tallow
1503.00.00	Lard stearin, lard oil, oleostearin, oleo-oil, and tallow oil, not emulsified or mixed or otherwise prepared
1504.30.00	Fats and oils and their fractions, of marine mammals
1507.10.00	Crude soybean oil, whether or not degummed
1507.90.20	Pharmaceutical grade soybean oil meeting FDA requirements for use in intravenous fat emulsions, valued over \$5 per kg
1507.90.40	Soybean oil, other than crude, and its fractions, whether or not refined, but not chemically modified, nesoi
1508.10.00	Crude peanut (ground-nut) oil
1508.90.00	Peanut (ground-nut) oil, other than crude, and its fractions, whether or not refined, but not chemically modified
1509.10.20	Virgin olive oil and its fractions, whether or not refined, not chemically modified, weighing with the immediate container under 18 kg
1509.10.40	Virgin olive oil and its fractions, whether or not refined, not chemically modified, weighing with the immediate container 18 kg or over
1509.90.20	Olive oil, other than virgin olive oil, and its fractions, not chemically modified, weighing with the immediate container under 18 kg
1509.90.40	Olive oil, other than virgin olive oil, and its fractions, not chemically modified, weighing with the immediate container 18 kg or over
1510.00.20	Olive oil, including blends, and their fractions, not chemically modified, rendered unfit for use as food
1510.00.40	Edible oil including blends, and their fractions, nesoi, not chemically modified, weighing under 18 kg

HTS Subheading	Product Description
1510.00.60	Edible oil including blends, and their fractions, nesoi, not chemically modified, weighing 18 kg or over
1511.10.00	Palm oil, crude, and its fractions, whether or not refined, not chemically modified
1511.90.00	Palm oil, other than crude, and its fractions, whether or not refined, but not chemically modified
1512.11.00	Sunflower-seed or safflower oil, crude, and their fractions, whether or not refined, not chemically modified
1512.19.00	Sunflower seed or safflower oil, other than crude, and their fractions, whether or not refined, but not chemically modified
1512.21.00	Cottonseed oil, crude, and its fractions, whether or not gossypol has been removed
1512.29.00	Cottonseed oil, other than crude, and its fractions, whether or not refined, but not chemically modified
1513.11.00	Coconut (copra) oil, crude, and its fractions, not chemically modified
1513.19.00	Coconut (copra) oil, other than crude, and its fractions, whether or not refined, but not chemically modified
1513.21.00	Palm kernel or babassu oil, crude, and their fractions, not chemically modified
1513.29.00	Palm kernel oil or babassu oil, other than crude, and their fractions, whether or not refined, but not chemically modified
1514.11.00	Low erucic acid rapeseed or colza oil, crude, but not chemically modified
1514.19.00	Low erucic acid rapeseed or colza oil, other than crude, and their fractions, whether or not refined, but not chemically modified
1514.91.90	Rapeseed or colza (not low erucic acid) or mustard oil, crude, not chemically modified, nesoi
1514.99.10	Rapeseed/colza(not low erucic) or mustard oil, for use manufacture rubber substitute or lube oil,not crude,& its fractions,not chem modified
1514.99.50	Denatured rapeseed or colza (not low erucic acid) or mustard oil, other than crude, and their fractions, whether or not refined, nesoi
1514.99.90	Rapeseed/colza (not low erucic) or mustard oil, other than crude, & their fractions, whether or not refined, not chemically modified, nesoi
1515.11.00	Linseed oil, crude, and its fractions, not chemically modified
1515.19.00	Linseed oil, other than crude, and its fractions, whether or not refined, not chemically modified
1515.21.00	Corn (maize) oil, crude, and its fractions, not chemically modified
1515.29.00	Corn (maize) oil, other than crude, and its fractions, whether or not refined, not chemically modified
1515.30.00	Castor oil and its fractions, whether or not refined, but not chemically modified
1515.50.00	Sesame oil and its fractions, whether or not refined, not chemically modified
1515.90.21	Nut oils, whether or not refined, not chemically modified
1515.90.60	Jojoba oil and its fractions, whether or not refined, not chemically modified
1515.90.80	Fixed vegetable fats and oils and their fractions nesoi, whether or not refined, not chemically modified
1516.10.00	Animal fats and oils, partly or wholly hydrogenated, interesterified, reesterified or elaidinized, not further prepared
1516.20.10	Rapeseed oil, hydrogenated or hardened
1516.20.90	Vegetable fats and oils nesoi, partly or wholly hydrogenated, interesterified, reesterified or elaidinized, not further prepared

HTS Subheading	Product Description
1517.10.00	Margarine, excluding liquid margarine
1517.90.10	Edible artificial mixtures of products provided for in headings 1501 to 1515, cont. 5% or more by weight of soybean oil or fraction thereof
1517.90.20	Edible artificial mixtures of products provided for in headings 1501 to 1515, nesoi
1517.90.45	Edible mixt. & preps, dairy products described in add. US note 1 to Ch 4: subject to gen. note 15 of the HTS
1517.90.50	Edible mixt. & preps, dairy products described in add. US note 1 to Ch 4: subject to add. US note 10 to Ch. 4
1517.90.60	Edible mixt. & preps, dairy products described in add. US note 1 to Ch 4: not subj. to gen. note 15 or add. US note 10 to Ch. 4
1517.90.90	Edible mixt. & preps (ex. dairy products descr. in add. US note 1 to Ch. 4), nesoi
1518.00.20	Linseed or flaxseed oil, and their fractions, boiled, oxidized, dehydrated, sulfurized, blown or otherwise chemically modified
1518.00.40	Animal or vegetable fats and oils, nesoi, oxidized, dehydrated or otherwise chemically modified; inedible mixtures of fats and oils nesoi
1520.00.00	Glycerol, crude; glycerol waters and glycerol lyes
1521.10.00	Vegetable waxes (other than triglycerides), whether or not refined or colored
1521.90.20	Bleached beeswax
1521.90.40	Insect waxes, other than bleached beeswax, and spermaceti, whether or not refined or colored
1522.00.00	Degras; residues resulting from the treatment of fatty substances or animal or vegetable waxes
1601.00.20	Pork sausages and similar products of pork, pork offal or blood; food preparations based on these products
1601.00.40	Sausages and similar products of beef, beef offal or blood; food preparations based on these products, in airtight containers
1601.00.60	Sausage and similar products of meats, meat offal or blood nesoi; food preparations based on these products
1602.10.10	Homogenized preparations of prepared or preserved meat, meat offal or blood, put up for retail sale as food for infants or for dietetic purposes
1602.10.50	Homogenized preparations of prepared or preserved meat, meat offal or blood, put up for retail sale as food for children
1602.20.20	Prepared or preserved liver of goose
1602.20.40	Prepared or preserved liver of any animal other than of goose
1602.31.00	Prepared or preserved meat or meat offal of turkeys, nesoi
1602.39.00	Prepared or preserved meat or meat offal of ducks, geese or guineas, nesoi
1602.41.10	Prepared or preserved pork ham and cuts thereof, containing cereals or vegetables
1602.41.20	Pork hams and cuts thereof, not containing cereals or vegetables, boned and cooked and packed in airtight containers
1602.41.90	Prepared or preserved pork hams and cuts thereof, not containing cereals or vegetables, nesoi
1602.42.20	Pork shoulders and cuts thereof, boned and cooked and packed in airtight containers
1602.42.40	Prepared or preserved pork shoulders and cuts thereof, other than boned and cooked and packed in airtight containers
1602.49.10	Prepared or preserved pork offal, including mixtures

HTS Subheading	Product Description
1602.49.20	Pork other than ham and shoulder and cuts thereof, not containing cereals or vegetables, boned and cooked and packed in airtight containers
1602.49.40	Prepared or preserved pork, not containing cereals or vegetables, nesoi
1602.49.60	Prepared or preserved pork mixed with beef
1602.49.90	Prepared or preserved pork, nesoi
1602.50.05	Prepared or preserved offal of bovine animals
1602.50.07	Corned beef in airtight containers
1602.50.08	Of bovine animals, cured or pickled, not corned beef, not in airtight containers
1602.50.21	Of bovine animals, other, in airtight containers
1602.50.60	Prepared or preserved meat of bovine animals, not containing cereals or vegetables, nesoi
1602.50.90	Prepared or preserved meat of bovine animals, containing cereals or vegetables
1602.90.91	Prepared or preserved meat, meat offal or blood, whether or not canned, nesoi
1701.12.05	Beet sugar, raw, in solid form, w/o added flavoring or coloring, subject to gen. note 15 of the HTS
1701.12.10	Beet sugar, raw, in solid form, w/o added flavoring or coloring, subject to add. US 5 to Ch.17
1701.12.50	Beet sugar, raw, in solid form, w/o added flavoring or coloring, nesoi, not subject to gen. note 15 or add. US 5 to Ch.17
1701.13.05	Cane sugar, raw, specified in subheading 2 to chapter 17, in solid form, w/o added flavoring or coloring, subject to gen. note 15 of the HTS
1701.13.10	Cane sugar, raw, specified in subheading 2 and subject to add'l note 5 to this chapter, in solid form, w/o added flavoring or coloring
1701.13.20	Cane sugar, raw, specified in subheading 2 to chapter 17, to be used for certain polyhydric alcohols
1701.13.50	Cane sugar, raw, specif in subhead 2 to chapt 17, solid, w/o added flavor or color, not subject gen. note 15 of the HTS or chapter note 5
1701.14.05	Other cane sugar, raw, in solid form, w/o added flavoring or coloring, subject to gen. note 15 of the HTS
1701.14.10	Other cane sugar, raw, in solid form, w/o added flavoring or coloring, subject to add. US 5 to Ch.17
1701.14.20	Other cane sugar, raw, in solid form, to be used for certain polyhydric alcohols
1701.14.50	Other cane sugar, raw solid form, w/o flavoring or coloring, nesoi, not subject to gen. note 15 or add. US 5 to Ch.17
1701.91.05	Cane/beet sugar & pure sucrose, refined, solid, w/added coloring but not flav., subject to gen. note 15 of the HTS
1701.91.10	Cane/beet sugar & pure sucrose, refined, solid, w/added coloring but not flav., subject to add. US 5 to Ch.17
1701.91.30	Cane/beet sugar & pure sucrose, refined, solid, w/added coloring but not flav., not subject to gen. note 15 or add. US 5 to Ch.17
1701.91.42	Cane/beet sugar & pure sucrose, refined, solid, w/added flavoring, o/65% by wt. sugar, descr. in Ch17 US note 2, subj. to gen nte 15
1701.91.44	Cane/beet sugar & pure sucrose, refined, solid, w/added flavoring, o/65% by wt. sugar, descr. in Ch17 US note 2, subj. to Ch17 US nte 7
1701.91.48	Cane/beet sugar & pure sucrose, refined, solid, w/added flavoring, o/65% by wt. sugar, descr. in Ch17 US note 2, not GN 15/Ch 17 US nte 7

HTS Subheading	Product Description
1701.91.52	Cane/beet sugar & pure sucrose, refined, solid, w/added flavoring, o/10% by wt. sugar, descr. in Ch17 US note 3, subj. to gen nte 15
1701.91.54	Cane/beet sugar & pure sucrose, refined, solid, w/added flavoring, o/10% by wt. sugar, descr. in Ch17 US note 3, subj. to Ch17 US nte 8
1701.91.58	Cane/beet sugar & pure sucrose, refined, solid, w/added flavoring, o/10% by wt. sugar, descr. in Ch17 US note 3, not GN15/Ch.17 US nte 8
1701.91.80	Cane/beet sugar & pure sucrose, refined, solid, w/added flavoring, nesoi
1701.99.05	Cane/beet sugar & pure sucrose, refined, solid, w/o added coloring or flavoring, subject to gen. note 15 of the HTS
1702.11.00	Lactose and lactose syrup containing by weight 99% or more lactose, calculated on the dry matter
1702.19.00	Lactose and lactose syrup containing by weight less than 99% lactose, calculated on the dry matter
1702.20.22	Maple syrup, blended, described in add. US note 4 to Ch.17: subject to gen. note 15 of the HTS
1702.20.24	Maple syrup, blended, described in add. US note 4 to Ch.17: subject to add. US note 9 to Ch.17
1702.20.28	Maple syrup, blended, described in add. US note 4 to Ch.17: not subject to gen note 15 or add. US note 9 to Ch.17
1702.20.40	Maple sugar and maple syrup, nesoi
1702.30.22	Glucose & glucose syrup nt containing or containing in dry state less than 20% fructose; blended, see gen. note 15 of the schedule & prov.
1702.30.24	Glucose & glucose syrup nt containing or containing in dry state less than 20% fructose; blended, see add'l U.S. note 9 (chap. 17) & Prov.
1702.30.28	Glucose & glucose syrup not containing or containing in dry state less than 20% fructose; blended syrups (chap 17-note 4), nesoi
1702.30.40	Glucose and glucose syrup, not containing fructose or in the dry state less than 20 percent by weight of fructose, nesoi
1702.40.22	Blended syrup desc. in add'l U.S. note 4(chap.17) Contng in dry state 20%-50% by weight of fructose, see gen. note 15 of the HTS & prov.
1702.40.24	Blended syrup desc. in add'l U.S. note 4(chap.17) Contng in dry state 20%-50% by weight of fructose, see add'l U.S. note 9 (chap.17) & Prov.
1702.40.28	Blended syrup desc. in add'l U.S. note 4(chap.17) Contng in dry state 20%-50% by weight of fructose, nesoi
1702.40.40	Glucose in solid form & glucose syrup, containing in dry state at least 20% but less than 50% by weight of fructose, nesoi
1702.50.00	Chemically pure fructose
1702.60.22	Oth fructose & fruc. syrup contng in dry state >50% by wt. of fructose, blended syrup(see add'l U.S. note 4-chap 17) & see gen. note 15
1702.60.24	Oth fructose & fruc. syrup contng in dry state >50% by wt. of fructose, blended syrup(see add'l U.S. note 4-chap 17) & see add'l U.S. note 9
1702.60.28	Oth fructose & fruc. syrup contng in dry state >50% by wt. of fructose, blended syrup(see add'l U.S. note 4-chap 17), nesoi
1702.60.40	Glucose and glucose syrup, w/50% or more fructose, other than blended syrups described in add. US note 4 to Ch.17

HTS Subheading	Product Description
1702.90.05	Cane/beet sugars & syrups (incl. invert sugar); nesoi, w/soluble non-sugar solids 6% or less soluble solids, subj to GN 15
1702.90.10	Cane/beet sugars & syrups (incl. invert sugar); nesoi, w/soluble non-sugar solids 6% or less soluble solids, subj Ch17 US note 5
1702.90.20	Cane/beet sugars & syrups (incl. invert sugar); nesoi, w/soluble non-sugar solids 6% or less soluble solids, not subj to GN15/Ch17 US nte 5
1702.90.35	Invert molasses
1702.90.40	Other cane/beet syrups nesoi
1702.90.52	Sugar syrups, artificial honey, caramel, nesoi, subject to gen. note 15 of the HTS
1702.90.54	Blended syrups described in add. US note 4 to chap. 17, nesoi, subject to add. US note 9 to Ch. 17
1702.90.58	Blended syrups described in add. US note 4 to chap. 17, nesoi, not subject to add. US note 9 to Ch. 17
1702.90.64	Sugars nesoi w/o 65% by dry wt. sugar, described in add. U.S note 2 to Ch.17: and subj. to add. US note 7 to Ch.17
1702.90.68	Sugars nesoi w/o 65% by dry wt. sugar, described in add. U.S note 2 to Ch.17: and not subj. to add. US note 7 to Ch.17
1703.10.30	Cane molasses imported for (a) the commercial extraction of sugar or (b) human consumption
1703.10.50	Cane molasses nesoi
1703.90.30	Molasses, other than cane, imported for (a) the commercial extraction of sugar or (b) human consumption
1703.90.50	Molasses nesoi
1704.10.00	Chewing gum, not containing cocoa, whether or not sugar-coated
1704.90.10	Candied nuts, not containing cocoa
1704.90.25	Sugar confectionary cough drops, not containing cocoa
1704.90.52	Sugar confectionery nesoi, not containing cocoa, subject to gen. note 15 of the HTS
1704.90.54	Sugar confectionery nesoi, w/o cocoa, dairy products subject to add. US note 1 to chap. 4: subject to add US note 10 to chapter 4
1704.90.58	Sugar confectionery nesoi, w/o cocoa, dairy products subject to add. US note 1 to chap. 4: not subject to add US note 10 to chapter 4
1704.90.64	Sugar confectionery nesoi o/65% by dry wt. of sugar described in add. US note 2 to Ch. 17, w/o cocoa, subj. to add. US note 7 to Ch.17
1704.90.68	Sugar confectionery nesoi o/65% by dry wt. of sugar described in add. US note 2 to Ch. 17, w/o cocoa, not subj. to Ch17 US note 7
1704.90.74	Sugar confectionery nesoi o/10% by dry wt. of sugar described in add. US note 3 to Ch. 17, w/o cocoa, subj. to add. US note 8 to Ch.17
1704.90.78	Sugar confectionery nesoi o/10% by dry wt. of sugar described in add. US note 3 to Ch. 17, w/o cocoa, not subj. to Ch17 US note 8
1801.00.00	Cocoa beans, whole or broken, raw or roasted
1802.00.00	Cocoa shells, husks, skins and other cocoa waste
1803.10.00	Cocoa paste, not defatted
1803.20.00	Cocoa paste, wholly or partly defatted
1804.00.00	Cocoa butter, fat and oil
1805.00.00	Cocoa powder, not containing added sugar or other sweetening matter

HTS Subheading	Product Description
1806.10.05	Cocoa powder, sweetened, w/less than 65% by dry wt. sugar, subject to gen. note 15 of the HTS
1806.10.10	Cocoa powder, sweetened, w/less than 65% by dry wt. sugar, subject to add US note 1 to Ch. 18
1806.10.15	Cocoa powder, sweetened, w/less than 65% by dry wt. sugar, not subject to gen note 15 or add US note 1 to Ch. 18
1806.10.22	Cocoa powder, o/65% but less than 90% by dry wt of sugar, subject to gen. note 15 of the HTS
1806.10.24	Cocoa powder, o/65% but less than 90% by dry wt of sugar, described in add US note 2 to Ch.17: subj. to add US note 7 to Ch. 17
1806.10.28	Cocoa powder, o/65% but less than 90% by dry wt of sugar, described in add US note 2 to Ch.17: not subj. to add US note 7 to Ch. 17
1806.10.34	Cocoa powder, sweetened, neosi, subject to add US note 1 to Ch. 18
1806.10.38	Cocoa powder, sweetened, neosi, not subject to add US note 1 to Ch. 18
1806.10.43	Cocoa powder, o/90% by dry wt of sugar, subject to gen. note 15 of the HTS
1806.10.45	Cocoa powder, o/90% by dry wt of sugar, described in add US note 2 to Ch. 17: subject to add US note 7 to Ch. 17
1806.10.55	Cocoa powder, o/90% by dry wt of sugar, described in add US note 2 to Ch. 17: not subject to add US note 7 to Ch. 17
1806.10.65	Cocoa powder, o/90% by dry wt of sugar, neosi, subject to add. US note 1 to Ch. 18
1806.10.75	Cocoa powder, o/90% by dry wt of sugar, neosi
1806.20.20	Preparation consist wholly of ground cocoa beans, cont. n/o 32% butterfat and 60% sugar, in blocks or slabs 4.5 kg or more each
1806.20.22	Chocolate, ov 2kg, cont. milk solids, not in blocks 4.5 kg or more, subj. to gen. note 15 of the HTS
1806.20.24	Chocolate, ov 2kg, cont. milk solids, not in blocks 4.5 kg or more, subj. to add US note 2 to Ch. 18, not GN15, ov 5.5 pc bf
1806.20.26	Chocolate, ov 2kg, cont. milk solids, not in blocks 4.5 kg or more, not subj. Ch18 US note 2/GN15, ov 5.5 pc bf, less th 21% milk solids
1806.20.28	Chocolate, ov 2kg, cont. milk solids, not in blocks 4.5 kg or more, not GN15, ov 5.5 pc bf ov 21% milk solids
1806.20.34	Chocolate, ov 2kg, cont. milk solids, not in blocks 4.5 kg or more, not ov 5.5 pc bf, subj. to add US note 3 to Ch. 18, not GN15
1806.20.36	Chocolate, ov 2kg, cont. milk solids, not in blocks 4.5 kg or more, less than 21% milk solids, not subj. to Ch18 US note 3/GN15
1806.20.38	Chocolate, ov 2kg, cont. milk solids, not in blocks 4.5 kg or more, 21% or more milk solids, not GN15
1806.20.50	Chocolate, ov 2kg, cont. milk solids, not in blocks 4.5 kg or more, no milk solids, not GN15
1806.20.60	Confectioners' coatings & other products, not less than 6.8% non-fat solids of the cocoa bean nib and not less than 15% vegetable fats
1806.20.67	Chocolate/oth preps with cocoa, ov 2kg but n/o 4.5 kg, o/65% by wt of sugar, subject to gen. note 15 of the HTS
1806.20.71	Chocolate/oth preps with cocoa, ov 2kg but n/o 4.5 kg, o/65% by wt of sugar, desc in add US nte 2 to Ch. 17: subj. to add note 7 to Ch. 17
1806.20.73	Chocolate/oth preps with cocoa, ov 2kg but n/o 4.5 kg, o/65% by wt of sugar, desc in Ch17 US nte 2, not subj. to Ch17 US note 7

HTS Subheading	Product Description
1806.20.75	Chocolate/oth preps with cocoa, ov 2kg but n/o 4.5 kg, o/65% by wt of sugar, desc in add US nte 3 to Ch. 17: subj. to Ch17 US note 8
1806.20.77	Chocolate/oth preps with cocoa, ov 2kg but n/o 4.5 kg, o/65% by wt of sugar, desc in add US nte 3 to Ch. 17: not subj. to Ch17 US note 8
1806.20.78	Chocolate/oth preps with cocoa, ov 2kg but n/o 4.5 kg, o/65% by wt of sugar, neosi
1806.20.79	Chocolate/oth preps with cocoa, ov 2kg but n/o 4.5 kg, n/o 65% by wt of sugar, not in blocks 4.5 kg or more, subj to GN 15
1806.20.81	Chocolate/oth preps with cocoa, ov 2kg but n/o 4.5 kg, (dairy prod. descr. in Ch.4 US note 1), n/o 65% sugar, subj to Ch.4 nte 10, not GN15
1806.20.82	Chocolate/oth preps w/cocoa, o/2kg but n/o 4.5 kg (dairy prod. of Ch4 US note 1), n/o 65% sugar, less th 21% milk solid, not GN15
1806.20.83	Chocolate/oth preps w/cocoa, o/2kg but n/o 4.5 kg (dairy prod. of Ch4 US note 10), n/o 65% sugar, 21% or more milk solids, not GN15
1806.20.85	Low-fat chochoate crumb, n/o 65% by wt of sugar, ov 2kg but n/o 4.5 kg, subject to add US note 3 to Ch. 18, not GN15
1806.20.87	Low-fat chocolate crumb, n/o 65% by wt of sugar, ov 2kg but n/o 4.5 kg, less than 21% milk solids, not GN15, not subj to ch 18 US note 3
1806.20.89	Low-fat chocolate crumb, n/o 65% by wt of sugar, 21% or more milk solids, not ov 2kg, not GN15, not subj to ch 18 US note 3
1806.20.91	Blended syrups w/chocolate or cocoa, o/2kg but n/o 4.5 kg, n/o 65% sugar, descr in Ch17 US note 4, subj. to Ch17 US note 9, not GN15
1806.20.94	Blended syrups w/chocolate or cocoa, o/2kg but n/o 4.5 kg, n/o 65% sugar, descr in Ch 17 US note 4, not subj. to Cha7 US note 9, not GN15
1806.20.95	Chocolate and preps w/cocoa, nesoi, o/2kg but n/o 4.5 kg, n/o 65% sugar, desc in Ch17 US note 3, subj. to Ch17 US note 8, not GN15
1806.20.98	Chocolate and preps w/cocoa, neosi, o/2kg but n/o 4.5 kg, n/o 65% sugar, desc in Ch17 US note 3, not subj to Ch.17 US note 8, not GN15
1806.20.99	Chocolate and preps with cocoa, nesoi, ov 2kg but n/o 4.5 kg, n/o 65% sugar, nesoi
1806.31.00	Chocolate and other cocoa preparations, in blocks, slabs or bars, filled, not in bulk
1806.32.01	Chocolate, nt filled, in blocks/slabs/bars 2kg or less, subj. to GN15
1806.32.04	Chocolate, nt filled, in blocks/slabs/bars 2kg or less, subj. to add US note 2 to Ch. 18
1806.32.06	Chocolate, not filled, less than 21% milk solids, >5.5% butterfat, in blocks/slabs/bars 2kg or less
1806.32.08	Chocolate, not filled, 21% or more milk solids, >5.5% butterfat, in blocks/slabs/bars 2kg or less
1806.32.14	Chocolate, not filled, in blocks/slabs/bars 2kg or less, subj. to add US note 3 to Ch. 18
1806.32.16	Chocolate, not filled, less than 21% milk solids, <= 5.5% butterfat, in blocks/slabs/bars 2kg or less
1806.32.18	Chocolate, not filled, 21% or more milk solids, <=5.5% butterfat, in blocks/slabs/bars 2kg or less
1806.32.30	Chocolate, not filled, w/o butterfat/milk solids, in blocks/slabs/bars 2kg or less
1806.32.55	Cocoa preps, not filled, in blocks, slabs or bars weighing 2 kg or less, subject to gen. note 15 of the HTS
1806.32.60	Cocoa preps, (dairy prod. of Ch4 US note 1), not filled, in blocks, slabs or bars, w/wt 2 kg or less, subj. to add. US note 10 to Ch 4

HTS Subheading	Product Description
1806.32.70	Cocoa preps, (dairy prod. of Ch4 US note 1), less than 21% milk solids, not filled, in blocks/slabs/bars, 2 kg or less, not Ch.4 US nte 10
1806.32.80	Cocoa preps, (dairy prod. of Ch4 US note 1), 21% or more milk solids, not filled, in blocks/slabs/bars, 2 kg or less, not Ch.4 US nte 10
1806.32.90	Cocoa preps, not filled, in blocks, slabs or bars weighing 2kg or less,
1806.90.01	Cocoa preps, not in blocks/slabs/bars, subj. to gen. note 15 of the HTS
1806.90.05	Cocoa preps, (dairy prod. descr. in add US note 1 to Ch.4), not in blocks, slabs or bars, subj. to add. US note 10 to Ch 4, not GN15
1806.90.08	Cocoa preps, (dairy prod. descr. in add US note 1 to Ch.4), less than 21% milk solids, not in blocks, slabs or bars, not GN15
1806.90.10	Cocoa preps, (dairy prod. descr. in Ch4 US note 1), 21% or more milk solids, not in blocks, slabs or bars, not Ch4 USNote 10, not GN15
1806.90.15	Cocoa preps, o/5.5% butterfat by wt, not in blocks/slabs/bars, subj. to add US note 2 to Ch. 18, not GN15
1806.90.18	Cocoa preps, o/5.5% butterfat by wt, w/less than 21% milk solids, not in blocks/slabs/bars, not GN15
1806.90.20	Cocoa preps, o/5.5% butterfat by wt, 21% or more milk solids, not in blocks/slabs/bars, not GN15
1806.90.25	Cocoa preps, cont. milk solids, n/o 5.5% butterfat by wt, not in blocks/slabs/bars, subj. to add US note 3 to Ch. 18, not GN15
1806.90.28	Cocoa preps, cont. milk solids, n/o 5.5% butterfat by wt, w/less than 21% milk solids, not blocks/slabs/bars, not Ch18 US note 3, not GN15
1806.90.30	Cocoa preps, cont. milk solids, n/o 5.5% butterfat by wt, 21% or more milk solids, not in blocks/slabs/bars, not Ch18 US note 3, not GN15
1806.90.35	Blended syrups w/chocolate or cocoa, nesoi, described in add US note 4 to Ch.17: subj. to add US note 9 to Ch. 17, not GN15
1806.90.39	Blended syrups w/chocolate or cocoa, nesoi, described in add US note 4 to Ch.17: not subj. to add US note 9 to Ch. 17, not GN15
1806.90.45	Chocolate and preps w/cocoa, nesoi, o/65% by dry wt of sugar, described in add US note 2 to Ch.17: subj. to Ch17 US note 7, not GN15
1806.90.49	Chocolate and preps w/cocoa, nesoi, o/65% by dry wt of sugar, described in add US note 2 to Ch.17: not subj to Ch17 US note 7, not GN15
1806.90.55	Chocolate and preps w/cocoa, nesoi, o/10% by dry wt of sugar, described in add US note 3 to Ch.17: subj to Ch17 US note 8, not GN15
1806.90.59	Chocolate and preps w/cocoa, nesoi, o/10% by dry wt of sugar, described in add US note 3 to Ch.17: not subj to Ch17 US note 8, not GN15
1806.90.90	Chocolate and preps w/cocoa, nesoi, not put up for retail sale
1901.10.05	Preps for infant use, for retail sale, o/10% milk solids, subject to gen. note 15
1901.10.11	Preps for infant use, infant formula containing Oligossaccharides and >10% milk solid by weight, described in US note 2
1901.10.16	Preps for infant use, infant formula containing Oligossaccharides and > 10% milk solid by weight, nesoi
1901.10.21	Pre[s for infant use containing >10% milk solids, dairy products described in additional note 10 to chap: provisional
1901.10.26	Preps for infant use, containing >10% weight of milk solids, dairy products described in additional note 1 to chapter 4, nesoi

HTS Subheading	Product Description
1901.10.29	Preps for infant use, containing >10% by weight of milk solids, nesoi
1901.10.31	Preps for infant use, nesoi, described in general note 15 of USHTS and entered pursuant to its provisions
1901.10.33	Preps for infant use, nesoi, containing Oligosaccharides described in additional US note 2: provisional
1901.10.36	Preps for infant use, nesoi, formula containing Oligosaccharides, nesoi
1901.10.41	Preps for infant use, nesoi, dairy products described in additional US note 10 to chapter 4: provisional
1901.10.44	Preps for infant use, dairy products described in additional US note 1 to chapter 4
1901.10.49	Preps for infant use, nesoi
1901.10.52	Preps for young children, containing >10% milk solids by weight, described in general note 15 of USHTS: provisional
1901.10.54	Preps suitable for young children, containing >10% milk solids by weight, described in additional US note 10 to chapter 4
1901.10.56	Preps for young children, dairy preps containing > 10% by weight of milk solids, nesoi
1901.10.62	Preps for young children, nesoi, described in general note 15: provisional
1901.10.64	Preps for young children, nesoi, described in additional US note 10 to chapter 4
1901.10.66	Preps for young children, nesoi
1901.10.72	Preps for young children, other excl dairy, described in general note 15 of USHTS and entered pursuant to its provisions
1901.10.74	Preps for young children, nesoi, described in additional US note 8 to chapter 17 and entered pursuant to its provisions
1901.10.76	Preps for young children, nesoi, containing >10% by dry weight of sugar described in additional US note 3 to Chapter 17: provisional
1901.10.91	Preps for young children, nesoi
1901.20.02	Mixes for bakers wares, o/25% butterfat, not retail, subject to gen. note 15 of the HTS
1901.20.05	Mixes for bakers wares (dairy prod. of Ch4 US note 1), o/25% by wt butterfat, not retail, subj. to add. US nte 10 to Ch.4, not GN15
1901.20.15	Mixes for bakers wares (dairy prod. of Ch4 US note 1), o/25% by wt butterfat, not retail, not subj. to add. US nte 10 to Ch.4, not GN15
1901.20.20	Mixes for bakers wares, o/65% sugar, o/25% bf, not retail, descr in add US note 2 to Ch. 17: subj. to add. US nte 7 to Ch.17, not GN15
1901.20.25	Mixes and doughs for the prep of bakers wares of heading 1905, containing over 25% by weight of butterfat, not put up for retail sale, nesoi
1901.20.30	Mixes for bakers wares, o/25% bf, not retail, descr in add US note 1 to Ch. 19: subj. to add. US nte 3 to Ch.19, not GN15
1901.20.35	Mixes for bakers wares, o/25% bf, not retail, descr in add US note 1 to Ch. 19: not subj. to add. US nte 3 to Ch.19, not GN15
1901.20.40	Mixes for bakers wares, o/25% bf, not retail, nesoi
1901.20.42	Mixes for bakers wares, n/o 25% bf, not retail, subject to gen. note 15 of the HTS
1901.20.45	Mixes for bakers wares (dairy prod. of Ch4 US note 1), n/o 25% bf, not retail, subj. to add. US nte 10 to Ch.4, not GN15
1901.20.50	Mixes for bakers wares (dairy prod. of Ch4 US note 1), n/o 25% bf, not retail, not subj. to add. US nte 10 to Ch.4, not GN15

HTS Subheading	Product Description
1901.20.55	Mixes for bakers wares, o/65% sugar, n/o 25% bf, not retail, descr in add US note 2 to Ch. 17: subj. to Ch17 US nte 7, not GN15
1901.20.60	Mixes for bakers wares, o/65% sugar, n/o 25% bf, not retail, descr in add US note 2 to Ch. 17: not subj. to Ch17 US nte 7, not GN15
1901.20.65	Mixes for bakers wares, n/o 25% bf, not retail, descr in add US note 1 to Ch. 19: subj. to add. US nte 3 to Ch.19, not GN15
1901.20.70	Mixes for bakers wares, n/o 25% bf, not retail, descr in add US note 1 to Ch. 19: not subj. to add. US nte 3 to Ch.19, not GN15
1901.20.80	Mixes for bakers wares, n/o 25% bf, not retail, nesoi
1901.90.10	Malt extract, fluid
1901.90.20	Malt extract, solid or condensed
1901.90.25	Puddings, ready for immediate consumption without further preparation
1901.90.28	Dry mix. w/less than 31% bf & 17.5% or more sodium caseinate, bf, whey solids o/5.5% b'fat & dry whole milk, n/cntng dry milk/whey/b'fat
1901.90.32	Cajeta not made from cow's milk
1901.90.33	Margarine cheese subject to gen. note 15 of the HTS and entered pursuant to its provisions
1901.90.34	Margarine cheese subject to add. US note 23 to Ch. 4 and entered pursuant to its provisions
1901.90.36	Margarine cheese not subject to gen. note 15 or add US note 23 to Ch. 4
1901.90.60	Malted milk described in general note 15 of USHTS and entered pursuant to its provisions
1901.90.61	Malted milk described in additional US note 10 to chapter 4: provisional
1901.90.62	Malted milk containing >10% by weight of milk solids, nesoi
1901.90.63	Articles of milk or cream, nesoi, preps containing >10% by weight of milk solids, described in general note 15: provisional
1901.90.64	Articles of milk or cream, nesoi, preps containing >10% by weight of milk solids, described in additional US note 10 to chapter 4
1901.90.65	Articles of milk or cream, nesoi, preps containing >10% by weight of milk solids, nesoi
1901.90.66	Malted milk, nesoi, described in general note 15 of USHTS and entered pursuant to its provisions
1901.90.67	Articles of milk or cream, nesoi, containing >65% by dry weight of sugar described in additional US note 7 to Chapter 17: provisional
1901.90.68	Articles of milk or cream, nesoi, containing >65% by dry weight of sugar described in additional US note 2 to Chapter 17: provisional
1901.90.69	Articles of milk or cream, nesoi, described I n additional US note 8 to chapter 17 and entered pursuant to its provisions
1901.90.71	Articles of milk or cream, nesoi, containing >10% by dry weight of sugar described in additional US note 3 to chapter 17: provisional
1901.90.72	Food preps, nesoi, containing >5.5% by weight of butterfat and not packaged for retail sale, nesoi
1902.11.20	Uncooked pasta, not stuffed or otherwise prepared, containing eggs, exclusively pasta
1902.11.40	Uncooked pasta, not stuffed or otherwise prepared, containing eggs, nesoi, including pasta packaged with sauce preparations
1902.40.00	Couscous, whether or not prepared
1903.00.20	Tapioca and substitutes prepared from arrowroot, cassava or sago, in the form of flakes, grains, pearls, siftings or in similar forms

HTS Subheading	Product Description
1903.00.40	Tapioca and substitutes, prepared from starch nesoi, in the form of flakes, grains, pearls, siftings or in similar forms
1904.10.00	Prepared foods obtained by the swelling or roasting of cereals or cereal products
1904.20.10	Prep food in airtght cont.,of unroast cereal flake/mixture of unroasted/roasted cereal flake/swelled cereal,no apricot/citrus/peach/pear
1904.20.90	Prepared foods obtained from unroasted cereal flakes or from mixtures of unroasted and roasted cereal flakes or swelled cereals, nesoi
1904.30.00	Bulgur wheat, in grain form or in form of flakes or other worked grain (except flour,groats & meal), pre-cooked or otherwise prepared, nesoi
1904.90.01	Cereals,other than corn,in grain form or form flakes or other worked grain (not flour,groat & meal), pre-cooked or otherwise prepared, nesoi
1905.10.00	Crispbread
1905.20.00	Gingerbread and the like
1905.31.00	Sweet biscuits
1905.32.00	Waffles and wafers
1905.40.00	Rusks, toasted bread and similar toasted products
1905.90.90	Bakers' wares communion wafers, empty capsules suitable for pharmaceutical use, sealing wafers, rice paper and similar products, nesoi
2001.90.10	Capers, prepared or preserved by vinegar or acetic acid, in immediate containers holding more than 3.4 kg
2001.90.33	Nopalitos, preserved by vinegar
2001.90.45	Mangoes, prepared or preserved by vinegar or acetic acid
2004.10.40	Yellow (Solano) potatoes, prepared or preserved otherwise than by vinegar or acetic acid, frozen
2004.90.10	Antipasto, prepared or preserved otherwise than by vinegar or acetic acid, frozen
2005.10.00	Homogenized vegetables, prepared or preserved otherwise than by vinegar or acetic acid, not frozen
2005.70.02	Olives, green, not pitted, in saline, ripe, in containers holding 13 kg or less, aggregate quantity not to exceed 730 m ton/yr
2005.70.04	Olives, green, not pitted, in saline, ripe, in containers holding 13 kg or less, aggregate quantity exceeding 730 m ton/yr
2005.70.06	Olives, green, not pitted, in saline, not ripe, in containers holding o/8 kg for repkg, subject to add. US note 4 to Ch. 20
2005.70.08	Olives, green, not pitted, in saline, not ripe, in containers holding o/8 kg for repkg, not subject to add. US note 4 to Ch. 20
2005.70.12	Olives, green, not pitted, in saline, not ripe
2005.70.16	Olives, green, in saline, place packed, stuffed, in containers holding n/o 1 kg, aggregate quantity n/o 2700 m ton/yr
2005.70.18	Olives, green, in saline, place packed, stuffed, in containers holding n/o 1 kg, aggregate quantity o/2700 m ton/yr
2005.70.23	Olives, green, in saline, place packed, stuffed, not in containers holding 1 kg or less
2005.70.50	Olives (not green), in a saline solution, canned, not pitted
2005.70.91	Olives, green, container less 13 kg, quota of 550 m tons/year, prepared or preserved otherwise than by vinegar/acetic acid, not in saline

HTS Subheading	Product Description
2005.70.93	Olives, green, container less than 13 kg, exceed 550 m tons/year, prepared or preserved otherwise than by vinegar/acetic acid, not in saline
2007.91.90	Citrus jams, fruit jellies, and marmalades (other than orange)
2007.99.30	Guava jam
2007.99.55	Papaya pastes and purees, being cooked preparations
2008.11.35	Blanched peanuts, nesoi, not subject to gen note 15 or add US note 2 to Ch. 12
2008.11.60	Peanuts, otherwise prepared or preserved, nesoi, not subject to gen note 15 or add US note 2 to Ch. 12
2008.30.35	Orange pulp, otherwise prepared or preserved, nesoi
2008.30.37	Citrus fruit pulp other than orange, otherwise prepared or preserved, nesoi
2008.30.60	Lemons (other than peel or pulp), otherwise prepared or preserved, nesoi
2008.30.66	Limes (other than peel or pulp), otherwise prepared or preserved, not elsewhere specified or included
2008.30.85	Citron (other than peel or pulp), otherwise prepared or preserved, nesoi
2008.91.00	Palm hearts, otherwise prepared or preserved, nesoi
2008.99.10	Avocados, otherwise prepared or preserved, nesoi
2008.99.13	Banana pulp, otherwise prepared or preserved, nesoi
2008.99.45	Papaya pulp, otherwise prepared or preserved, nesoi
2008.99.65	Yucca, otherwise prepared or preserved, nesoi
2009.12.25	Orange juice, not frozen, Brix value not exceed 20, not concentrate & not made from juice degree concentration of 1.5 or >, unfermented
2009.12.45	Orange juice, not frozen, of a Brix value not exceeding 20, concentrated, unfermented
2009.19.00	Orange juice, not frozen, of a Brix value exceeding 20, unfermented
2009.21.20	Grapefruit juice, Brix value not exceeding 20, not concentrated and not made from a juice degree of concentration of 1.5 or >, unfermented
2009.21.40	Grapefruit juice, of a Brix value not exceeding 20, concentrated, unfermented
2009.31.10	Lime juice, of a Brix value not exceeding 20, unfit for beverage purposes, unfermented
2009.39.10	Lime juice, of a Brix value exceeding 20, unfit for beverage purposes, unfermented
2009.39.20	Lime juice, of a Brix value exceeding 20, fit for beverage purposes, unfermented
2009.41.20	Pineapple juice, of a Brix value not exceeding 20, not concentrated, or not having a degree of concentration of > 3.5, unfermented
2009.49.20	Pineapple juice, of a Brix value exceeding 20, not concentrated, or not having a degree of concentration of > 3.5, unfermented
2009.61.00	Grape juice (including grape must), of a Brix value not exceeding 30, unfermented
2009.81.00	Cranberry juice, concentrated or not concentrated
2009.89.40	Prune juice, concentrated or not concentrated
2009.90.20	Mixtures of vegetable juices, concentrated or not concentrated
2101.11.21	Instant coffee, not flavored
2101.11.29	Extracts, essences and concentrates of coffee other than unflavored instant coffee
2101.12.32	Preparations with a basis of extracts, essences or concentrates or with a basis of coffee, subject to general note 15 (outside quota)
2101.12.34	Blend syrup (Ch17 add US note 4) preparation w/basis of extract, essence or concentrate or w/basis of coffee, subj. quota of Ch17 add US nte 9

HTS Subheading	Product Description
2101.12.38	Blend syrup (Ch17 add US note 4) preparation w/basis of extract, essence or concentrate or w/ basis of coffee, over Ch17 add US note 9 quota
2101.12.44	Preparation ov 65% sugar (Ch17 add US nte 2) w/basis of extract, essence or concentrate or w/basis of coffee, subj. quota of Ch17 add US nte 7
2101.12.48	Preparation ov 65% sugar (Ch17 add US note 2) w/ basis of extract, essence or concentrate or w/ basis of coffee, ov Ch17 add US note 9 quota
2101.12.54	Preparation ov 10% sugar (Ch17 add US nte 3) w/basis of extract, essence or concentrate or w/basis of coffee, subj. quota of Ch17 add US nte 8
2101.12.58	Preparation ov 10% sugar (Ch17 add US note 3) w/ basis of extract, essence or concentrate or w/ basis of coffee, ov Ch17 add US note 8 quota
2101.12.90	Preparations nesoi, with a basis of extracts, essences or concentrates or with a basis of coffee
2101.20.20	Extracts, essences or concentrates of tea or mate
2101.20.32	Preparations with a basis of extracts, essences or concentrates or with a basis of tea or mate, subject to general note 15 (outside quota)
2101.20.34	Blend syrup (Ch17 add US nte 4) preparation w/basis extract/essence/concentrate or w/basis of tea or mate, subj. quota of Ch17 add US nte 9
2101.20.38	Blend syrup (Ch17 add US note 4) preparation w/basis of extract/essence/concentrate or w/basis of tea or mate, over Ch17 add US note 9 quota
2101.20.44	Preparation ov 65% sugar (Ch17 add US nte 2) w/basis extract/essence/concentrate or w/basis of tea or mate, subj. quota of Ch17 add US note 7
2101.20.48	Preparation ov 65% sugar (Ch17 add US note 2) w/basis of extract/essence/concentrate or w/basis of tea or mate, ov Ch17 add US note 9 quota
2101.20.54	Preparation ov 10% sugar (Ch17 add US nte 3) w/basis extract/essence/concentrate or w/basis of tea or mate, subj. quota of Ch17 add US note 8
2101.20.58	Preparation ov 10% sugar (Ch17 add US note 3) w/basis of extract/essence/concentrate or w/basis of tea or mate, ov Ch17 add US note 8 quota
2101.20.90	Preparations nesoi, with a basis of extracts, essences or concentrates or with a basis of tea or mate
2101.30.00	Roasted chicory and other roasted coffee substitutes and extracts, essences and concentrates thereof
2102.10.00	Active yeasts
2102.20.20	Inactive yeasts (except dried brewers' yeast)
2102.20.40	Dried brewers' yeast, crude
2102.20.60	Single-cell micro-organisms, dead, excluding yeasts, (but not including vaccines of heading 3002)
2102.30.00	Prepared baking powders
2103.20.20	Tomato ketchup
2103.20.40	Tomato sauces, nesoi
2103.30.20	Mustard flour and meal
2103.30.40	Prepared mustard
2103.90.20	Sauces derived or prepared from fish
2103.90.40	Nonalcoholic preparations of yeast extract (other than sauces)
2103.90.72	Mixed condiments and mixed seasonings (described in add US note 3 to Ch. 21), subject to gen. note 15 of the HTS

HTS Subheading	Product Description
2103.90.74	Mixed condiments and mixed seasonings (described in add US note 3 to Ch. 21), subject to add. US note 8(a) to Ch.17, not GN15
2103.90.78	Mixed condiments and mixed seasonings (described in add US note 3 to Ch. 21), not subject to gen note 15 or add. US note 8(a) to Ch.17
2103.90.90	Sauces and preparations therefor, neosi
2104.10.00	Soups and broths and preparations therefor
2104.20.10	Homogenized composite food preps put up for retail sale for infants or for dietetic purposes
2104.20.50	Homogenized composite food preps put up for retail sale for young children
2105.00.05	Ice cream, whether or not w/cocoa, subject to gen. note 15 of the HTS
2105.00.10	Ice cream, whether or not w/cocoa, subject to add. US note 5 to Ch. 21, not GN15
2105.00.20	Ice cream, whether or not containing cocoa, not subject to gen note 15 or add. US note 5 to Ch.21
2105.00.25	Edible ice (dairy prod. described in add US note 1 to Ch. 4), subject to gen note 15 of the HTS
2105.00.30	Edible ice (dairy prod. described in add US note 1 to Ch. 4), subject to add US note 10 to Ch. 4, not GN15
2105.00.40	Edible ice except ice cream, dairy products described in add'l U.S. note 1 to chap. 4, nesoi
2105.00.50	Edible ice, except ice cream, not described in add US note 1 to Ch. 4, nesoi
2106.90.03	Food preps, nesoi, n/o 5.5% bf, mixed w/other ingred. if o/16% milk solids capable of being further proc., subj. to GN15
2106.90.06	Food preps, nesoi, n/o 5.5% bf, mixed w/other ingred. if o/16% milk solids capable of being further proc., subj. to Ch4 US nte 10, not GN15
2106.90.09	Food preps, nesoi, n/o 5.5% b'fat, mixed w/other ingredi., if o/16% milk solids by wt, capable of being further proc, bulk, nesoi, not GN15
2106.90.12	Compound alcoholic preparations of a kind used for the manufacture of beverages, over 20% weight alcohol but not over 0.5% vol alcohol
2106.90.15	Compound alcoholic preparations used in the manufacture of beverages, cont. over 20% not over 50% of alcohol by weight
2106.90.18	Compound alcoholic preparations of a kind used for the manufacture of beverages, containing over 50% of alcohol by weight
2106.90.22	Butter substitutes o/10% by wt of milk solids, o/45% butterfat, subject to gen. note 15 to the HTS
2106.90.24	Butter substitutes o/10% by wt of milk solids, o/45% butterfat, subject to add US note 14 to Ch.4, not GN15
2106.90.26	Butter substitutes o/10% by wt of milk solids, o/45% butterfat, not subject to gen note 15 or add US note 14 to Ch.4
2106.90.28	Butter substitutes o/10% by wt of milk solids, n/o 45% butterfat, neosi
2106.90.32	Butter substitutes n/o 10% by wt of milk solids, o/45% butterfat, subject to gen. note 15 to the HTS
2106.90.34	Butter substitutes n/o 10% by wt of milk solids, o/45% butterfat, subject to add US note 14 to Ch.4, not GN15
2106.90.36	Butter substitutes n/o 10% by wt of milk solids, o/45% butterfat, not subject to gen note 15 or add US note 14 to Ch.4
2106.90.38	Butter substitutes n/o 10% by wt of milk solids, n/o 45% butterfat, neosi
2106.90.42	Syrups from cane/beet sugar, neosi, w/added coloring but not added flavoring, subject to gen. note 15 of the HTS

HTS Subheading	Product Description
2106.90.44	Syrups from cane/beet sugar, neosi, w/added coloring but not added flavoring, subject to add US note 5 to Ch. 17, not GN15
2106.90.46	Syrups from cane/beet sugar, neosi, w/added coloring but not added flavoring, not subject to gen note 15 or add US note 5 to Ch. 17
2106.90.48	Orange juice, fortified with vitamins or minerals
2106.90.52	Juice of any single fruit or vegetables juices (o/t orange), concentrated, fortified with vitamins or minerals
2106.90.54	Mixtures of fruit or vegetable juices, fortified with vitamins or minerals, nesoi, mixtures of juices in concentrated form
2106.90.58	Food preparations of gelatin, neosi
2106.90.62	Food preps, nesoi, o/10% by wt of milk solids, subject to gen. note 15 of the HTS
2106.90.64	Food preps, nesoi, o/10% by wt of milk solids, dairy prods, descr. in add US note 1 to Ch.4: subject to add US note 10 to Ch.4, not GN15
2106.90.66	Food preps, nesoi, o/10% by wt of milk solids, dairy prods, descr. in add US note 1 to Ch.4: not subject to Ch4 US note 10, not GN15
2106.90.68	Blended syrups, neosi, o/10% milk solids, descr. in add US note 4 to Ch 17: subject to add US note 9 to Ch. 17, not GN15
2106.90.72	Blended syrups, neosi, o/10% milk solids, descr. in add US note 4 to Ch 17: not subject to add US note 9 to Ch. 17, not GN15
2106.90.74	Food preps, nesoi, o/10% milk solids, o/65% sugar, descr. in add US note 2 to Ch.17, subject to add US note 7 to Ch. 17, not GN15
2106.90.76	Food preps, nesoi, o/10% milk solids, o/65% sugar, descr. in add US note 2 to Ch.17, not subject to add US note 7 to Ch. 17, not GN15
2106.90.78	Food preps, nesoi, o/10% milk solids, o/10% sugar, descr. in add US note 3 to Ch.17, subject to add US note 8 to Ch. 17, not GN15
2106.90.80	Food preps, nesoi, o/10% milk solids, o/10% sugar, descr. in add US note 3 to Ch.17, not subject to add US note 8 to Ch. 17, not GN15
2106.90.82	Food preps, nesoi, o/10% milk solids, neosi
2106.90.83	Food preps, nesoi, n/o 10% by wt of milk solids, subject to gen. note 15 of the HTS
2106.90.85	Food preps, nesoi, n/o 10% by wt of milk solids, dairy prods, descr. in add US note 1 to Ch.4: subject to add US note 10 to Ch.4, not GN15
2106.90.87	Food preps, nesoi, n/o 10% by wt of milk solids, dairy prods, descr. in add US note 1 to Ch.4: n/subject to add US note 10 to Ch. 4, n/GN15
2106.90.89	Blended syrups, neosi, n/o 10% milk solids, descr. in add US note 4 to Ch 17: subject to add US note 9 to Ch. 17, not GN15
2106.90.91	Blended syrups, neosi, n/o/10% milk solids, descr. in add US note 4 to Ch 17: not subject to add US note 9 to Ch. 17, not GN15
2106.90.92	Food preps, nesoi, n/o 10% milk solids, o/65% sugar, descr. in add US note 2 to Ch.17, subject to add US note 7 to Ch. 17, not GN15
2106.90.94	Food preps, nesoi, n/o 10% milk solids, o/65% sugar, descr. in add US note 2 to Ch.17, not subject to add US note 7 to Ch. 17, not GN15
2106.90.95	Food preps, nesoi, n/o 10% milk solids, o/10% sugar, descr. in add US note 3 to Ch.17, subject to add US note 8 to Ch. 17, not GN15
2106.90.97	Food preps, nesoi, n/o 10% milk solids, o/10% sugar, descr. in add US note 3 to Ch.17, not subject to add US note 8 to Ch. 17, not GN15

HTS Subheading	Product Description
2106.90.98	Other food preps nesoi, incl preps for the manufacture of beverages, non-dairy coffee whiteners, herbal teas and flavored honey
2202.91.00	Nonalcoholic beer
2202.99.10	Chocolate milk drink
2202.99.22	Milk-based drinks described in general note 15 of USHTS and entered pursuant to its provisions, nonalcoholic, nesoi
2202.99.24	Milk-based drinks described in additional US note 10 to chapter 4 and entered pursuant to its provisions, nonalcoholic, nesoi
2202.99.28	Milk-based drinks, nonalcoholic, nesoi
2204.22.20	Wine of fresh grapes, other than sparkling wine, of an alcoholic strength by volume $\leq 14\%$ in containers holding over 2 liters but not over 4 liters
2204.22.40	Wine of fresh grapes, other than sparkling wine, of an alcoholic strength by volume $> 14\%$ in containers holding over 2 liters but not over 4 liters
2204.22.60	Wine of fresh grapes, other than sparkling wine, of an alcoholic strength by volume $\leq 14\%$ in containers holding over 4 liters but not over 10 liters
2204.22.80	Wine of fresh grapes, other than sparkling wine, of an alcoholic strength by volume $> 14\%$ in containers holding over 4 liters but not over 10 liters
2204.29.61	Wine of fresh grapes, other than sparkling wine, of an alcoholic strength by volume $\leq 14\%$ in containers holding > 10 liters
2204.29.81	Wine of fresh grapes, other than sparkling wine, of an alcoholic strength by volume $> 14\%$ in containers holding > 10 liters
2204.30.00	Grape must, nesoi, in fermentation or with fermentation arrested otherwise than by addition of alcohol
2205.10.30	Vermouth in containers holding 2 liters or less
2205.10.60	Wine of fresh grapes flavored with plants or aromatic substances, other than vermouth, in containers holding 2 liters or less
2205.90.20	Vermouth in containers each holding over 2 liters but not over 4 liters
2205.90.40	Vermouth in containers each holding over 4 liters
2205.90.60	Wine of fresh grapes flavored with plants or aromatic substances, other than vermouth, in containers holding over 2 liters
2206.00.15	Cider, fermented, whether still or sparkling
2206.00.30	Prune wine
2206.00.60	Effervescent wine, nesoi
2207.20.00	Ethyl alcohol and other spirits, denatured, of any strength
2208.20.10	Pisco and singani
2208.20.20	Grape brandy, excluding pisco and singani, in containers not over 4 liters, not over \$2.38/liter
2208.20.30	Grape brandy, excluding pisco and singani, in containers not over 4 liters, valued over \$2.38 to \$3.43/liter
2208.20.40	Grape brandy, excluding pisco and singani, in containers not over 4 liters, valued over \$3.43/liter
2208.20.50	Grape brandy, excluding pisco and singani, in containers over 4 liters, not over \$2.38/liter
2208.20.60	Grape brandy, excluding pisco and singani, in containers over 4 liters, over \$2.38/liter
2208.30.30	Irish and Scotch whiskies
2208.30.60	Whiskies, other than Irish and Scotch whiskies

HTS Subheading	Product Description
2208.40.20	Rum and tafia, in containers each holding not over 4 liters, valued not over \$3/proof liter
2208.40.40	Rum and tafia, in containers each holding not over 4 liters, valued over \$3/proof liter
2208.40.60	Rum and tafia, in containers each holding over 4 liters, valued not over \$0.69/proof liter
2208.40.80	Rum and tafia, in containers each holding over 4 liters, valued over \$0.69/proof liter
2208.50.00	Gin and Geneve
2208.60.10	Vodka, in containers each holding not over 4 liters, valued not over \$2.05/liter
2208.60.20	Vodka, in containers each holding not over 4 liters, valued over \$2.05/liter
2208.60.50	Vodka, in containers each holding over 4 liters
2208.70.00	Liqueurs and cordials
2208.90.01	Aquavit
2208.90.05	Bitters, not fit for use as beverages
2208.90.10	Bitters, fit for use as beverages
2208.90.12	Slivovitz brandy, valued not over \$3.43/liter, in containers each holding not over 4 liters
2208.90.14	Slivovitz brandy, valued not over \$3.43/liter, in containers each holding over 4 liters
2208.90.15	Slivovitz brandy, valued over \$3.43/liter
2208.90.20	Brandy, except slivovitz, in containers each holding not over 4 liters, valued not over \$2.38/liter
2208.90.25	Brandy, except grape brandy and slivovitz, in containers each holding not over 4 liters, valued over \$2.38 but not over \$3.43/liter
2208.90.30	Brandy, except grape brandy and slivovitz, in containers each holding not over 4 liters, valued over \$3.43/liter
2208.90.35	Brandy, except grape brandy and slivovitz, in containers each holding over 4 liters, valued not over \$2.38/liter
2208.90.40	Brandy, except grape brandy and slivovitz, in containers each holding over 4 liters, valued over \$2.38/liter
2208.90.46	Kirschwasser and ratafia
2208.90.50	Tequila, in containers each holding not over 4 liters
2208.90.55	Tequila, in containers each holding over 4 liters
2208.90.71	Imitations of brandy and other spirituous beverages containing alcohol
2208.90.72	Mescal in containers each holding not over 4 liters
2208.90.75	Spirits nesoi, fit for use as beverages or for beverage purposes
2302.10.00	Bran, sharps (middlings) and other residues, derived from the sifting, milling or other working of corn (maize)
2306.10.00	Oilcake and other solid residues, resulting from the extraction of vegetable fats or oils, of cotton seeds
2306.50.00	Oilcake and other solid residues, resulting from the extraction of vegetable fats or oils, of coconut or copra
2306.60.00	Oilcake and other solid residues, resulting from the extraction of vegetable fats or oils, of palm nuts or kernels
2307.00.00	Wine lees; argol
2308.00.10	Acorns and horse-chestnuts, of a kind used in animal feeding, not elsewhere specified or included
2308.00.93	Screenings, scalpings, chaff or scourings, ground or not ground of flaxseed (linseed), of a kind used in animal feeding, nesoi

HTS Subheading	Product Description
2309.90.22	Animal feeds w/milk or milk derivatives, o/10% by wt of milk solids, subject to gen. note 15 of the HTS
2309.90.24	Animal feeds w/milk or milk derivatives, o/10% by wt of milk solids, subject to add note 2 to Ch. 23, not GN15
2309.90.28	Animal feeds w/milk or milk derivatives, o/10% by wt of milk solids, not subject to gen note 15 or add note 2 to Ch. 23
2309.90.42	Animal feeds w/milk or milk derivatives, n/o 10% by wt of milk solids, subject to gen. note 15 of the HTS
2309.90.44	Animal feeds w/milk or milk derivatives, n/o 10% by wt of milk solids, subject to add note 2 to Ch. 23, not GN15
2309.90.48	Animal feeds w/milk or milk derivatives, n/o 10% by wt of milk solids, not subject to gen note 15 or add note 2 to Ch. 23
2309.90.60	Animal feeds containing egg, other than mixed feeds or mixed feed ingredients, not containing milk or milk derivatives
2401.10.21	Wrapper tobacco, not stemmed/stripped
2401.10.29	Tobacco (o/t wrapper tobacco), cont ov 35% wrapper tobacco, not stemmed/stripped
2401.10.48	Tobacco, not stemmed or stripped, not or not over 35% wrapper tobacco, oriental or turkish type, other than cigarette leaf
2401.10.53	Tobacco, not stemmed or stripped, not or not over 35% wrapper tobacco, cigar binder and filler
2401.10.61	Tobacco, not stemmed or stripped, not or not over 35% wrapper tobacco, flue-cured burley etc, not for cigarettes
2401.10.63	Tobacco, not stemmed or stripped, not or not over 35% wrapper tobacco, flue-cured burley, etc., described in addl US note 5 to chap 24
2401.10.65	Tobacco, not stemmed or stripped, not or not over 35% wrapper tobacco, flue-cured burley, etc., other nesoi
2401.10.95	Tobacco, not stemmed or stripped, not or not over 35% wrapper tobacco, not flue-cured burley, etc., other nesoi
2403.91.20	Homogenized or reconstituted tobacco suitable for use as wrapper tobacco
2403.91.45	Homogenized or reconstituted tobacco, not suitable for use as wrapper tobacco, to be used in cigarettes, des. in addl US note 5 to chap
2403.91.47	Homogenized or reconstituted tobacco, not suitable for use as wrapper tobacco, to be used in cigarettes, other nesoi
2621.10.00	Ash and residues from the incineration of municipal waste
2707.99.51	Phenols > 50% by wt hydroxybenzene
2710.91.00	Waste oils from petro oils/bitum minerals/preps 70%+ by wt. fr. petro oils/bitum minerals containing PCBs, PCTs or PBBs
2710.99.05	Wastes of distillate and residual fuel oil (including blends) derived from petroleum oil/bituminous minerals, testing under 25 degree A.P.I.
2710.99.10	Wastes of distillate and residual fuel oil (including blends) derived from petroleum oil/bituminous minerals, testing 25 degrees A.P.I. or >
2710.99.16	Waste motor fuel or motor fuel blending stock from petro oils and bitumin. minerals (o/than crude) or preps. 70%+ by wt. from petro oils
2710.99.21	Waste kerosene or naphthas from petro oils and bitumin minerals (o/than crude) or preps. 70%+ by wt. From petro oils/bitumin minerals

HTS Subheading	Product Description
2710.99.31	Waste lubricating oils, w/or w/o additives, from petro oils and bitumin minerals (o/than crude) or preps. 70%+ by wt. from petro oils
2710.99.32	Waste lubricating greases from petro oil/bitum min/70%+ by wt. fr petro oils but n/o 10% by wt. of fatty acid salts animal/vegetable origin
2710.99.39	Waste lubricating greases from petro oil/bitum min/70%+ by wt. fr petro oils but over 10% by wt. of fatty acid salts animal/vegetable origin
2710.99.45	Waste mixtures of hydrocarbons from petro oils & bitum. min. or preps.70%+ by wt. fr. petro oils, nesoi, n/o 50% any single hydrocarbon
2710.99.90	Waste petroleum oils & oils from bitum. min. or preps nesoi 70%+ by wt. from petro. oils or bitum. min., nesoi
2712.20.00	Paraffin wax (whether or not colored), obtained by synthesis or other process and less than 0.75% oil by wt.
2811.19.10	Arsenic acid
2818.10.10	Artificial corundum, crude
2818.10.20	Artificial corundum, in grains, or ground, pulverized or refined
2827.39.10	Vanadium chlorides
2837.19.01	Cyanides and cyanide oxides, except those of sodium
2844.20.00	Uranium enriched in U235 and plutonium and their compounds; alloys, dispersions, ceramic products and mixtures containing these products
2844.50.00	Spent (irradiated) fuel elements (cartridges) of nuclear reactors
2903.79.10	Bromochloromethane
2903.89.05	Dibromoethyldibromocyclohexane
2903.93.00	Halogenated derivatives of aromatic hydrocarbons, pentachlorobenzene
2903.99.15	Triphenylmethyl chloride
2905.43.00	Mannitol
2905.44.00	D-glucitol (Sorbitol)
2905.45.00	Glycerol
2908.99.06	4-Hydroxy-1-naphthalenesulfonic acid
2912.41.00	Vanillin (4-Hydroxy-3-methoxybenzaldehyde)
2914.79.40	Other halogenated, sulfonated, nitrated, etc derivatives of aromatic ketones and quinones whether or not with other oxygen function
2915.40.20	Aromatic salts and esters of chloroacetic acids, described in additional U.S. note 3 to section VI
2916.34.25	Phenylacetic acid salts, nesoi, described in additional US note 3 to section VI
2916.39.08	4-Chloro-3-nitrobenzoic acid
2916.39.12	4-Chloro-3,5-dinitrobenzoic acid and its esters
2916.39.79	Other aromatic monocarboxylic acids, their anhydrides, halides, peroxides, peroxyacids and their derivatives
2918.19.20	Aromatic carboxylic acids with alcohol function, w/o other oxygen functions, and their derivatives, described in add. U.S. note 3 to sec. VI
2918.19.31	Aromatic carboxylic acids with alcohol function, without other oxygen functions, and their derivatives, nesoi
2918.99.20	Aromatic pesticides, derived from carboxylic acids with additional oxygen function, and their derivatives, nesoi

HTS Subheading	Product Description
2920.90.51	Nonaromatic esters of inorganic acids of nonmetals and their salts and derivatives, excluding esters of hydrogen halides, nesoi
2921.12.01	2-(N,N-Dimethylamino)ethyl chloride hydrochloride
2921.42.10	N,N-Dimethylaniline
2921.42.18	o-Aminobenzenesulfonic acid; 6-chlorometanilic acid; 2-chloro-5-nitroaniline; 4-chloro-3-nitroaniline; dichloroanilines; and other specified
2921.42.65	Aniline derivatives and their salts of products in additional U.S. note 3 to section VI
2921.45.60	Aromatic monoamines and their derivatives and salts described in additional US note 3 to section VI, nesoi
2921.49.15	m-Nitro-p-toluidine
2921.51.20	Photographic chemicals of o-, m-, p-phenylenediamine, diaminotoluenes, and their derivatives, and salts thereof
2922.21.40	Aminohydroxynaphthalene sulfonic acids and their salts of products described in additional US note 3 to section VI
2925.29.70	Tetramethylguanidine
2926.90.08	Benzonitrile
2926.90.12	Other dichlorobenzonitriles
2926.90.23	3,5-Dibromo-4-hydroxybenzonitrile (Bromoxynil)
2930.70.00	Bis(2-hydroxyethyl)sulfide (thiodiglycol (INN))
2930.90.71	Dibutylthiourea
2931.33.00	Diethyl ethylphosphonate
2933.19.04	Aminoethylphenylpyrazole (phenylmethylaminopyrazole); 3-methyl-1-(p-tolyl)-2-pyrazolin-5-one (p-tolylmethylpyrazolone)
2933.69.60	Other compounds containing an unfused triazine ring (whether or not hydrogenated) in the structure
3204.15.10	Vat blue 1 (synthetic indigo) dye, Colour Index No. 73000 and preparations based thereon
3204.15.80	Vat dyes (including those usable in that state as pigments) and preparations based thereon, nesoi
3301.12.00	Essential oils of orange
3301.19.10	Essential oils of grapefruit
3301.19.51	Essential oils of citrus fruit, other, nesoi
3301.24.00	Essential oils of peppermint (<i>Mentha piperita</i>)
3301.25.00	Essential oils of mints, other than peppermint
3301.29.20	Essential oils of orris
3301.29.51	Essential oils other than those of citrus fruit, other, nesoi
3301.30.00	Resinoids
3301.90.10	Extracted oleoresins consisting essentially of nonvolatile components of the natural raw plant
3301.90.50	Concentrates of essential oils; terpenic by-product of the deterpenation of essential oils; aqueous distillates& solutions of essential oils
3302.10.10	Mixtures of odoriferous substances, mixtures with a basis of these substances, used in the food or drink industries, not containing alcohol
3302.10.20	Mixtures of or with a basis of odoriferous substances, used in the food or drink industries, not over 20 percent alcohol by weight

HTS Subheading	Product Description
3302.10.40	Mixtures of/with basis of odoriferous substances,with 20% to 50% alcohol by weight, needs only addn of ethyl alcohol or water to be beverage
3302.10.50	Mixtures of/with basis of odoriferous substances,over 50% of alcohol by weight, requiring only addn of ethyl alcohol or water to be beverage
3302.10.90	Mixtures of or with a basis of odoriferous substances, used in the food or drink industries, over 20 percent of alcohol by weight, nesoi
3306.20.00	Yarn used to clean between the teeth (dental floss)
3401.19.00	Soap; organic surface-active products used as soap, in bars, cakes, pieces; soap-impregnated paper, wadding, felt, not for toilet use
3406.00.00	Candles, tapers and the like
3501.10.10	Casein, milk protein concentrate
3501.10.50	Casein, other than milk protein concentrate
3501.90.20	Casein glues
3501.90.60	Caseinates and other casein derivatives, nesoi
3502.19.00	Egg albumin, other than dried
3502.20.00	Milk albumin, including concentrates of two or more whey proteins
3503.00.10	Fish glue
3503.00.20	Inedible gelatin and animal glue valued under 88 cents per kg
3503.00.40	Inedible gelatin and animal glue valued 88 cents or more per kg
3503.00.55	Gelatin sheets and derivatives, nesoi; isinglass; other glues of animal origin, nesoi
3504.00.10	Protein isolates
3504.00.50	Peptones and their derivatives; protein substances and their derivatives, nesoi; hide powder
3505.10.00	Dextrins and other modified starches
3505.20.00	Glues based on starches or on dextrins or other modified starches
3601.00.00	Propellant powders
3602.00.00	Prepared explosives, other than propellant powders
3603.00.30	Safety fuses or detonating fuses
3603.00.60	Percussion caps
3603.00.90	Detonating caps, igniters or electric detonators
3604.90.00	Signaling flares, rain rockets, fog signals and other pyrotechnic articles, excluding fireworks
3605.00.00	Matches, other than pyrotechnic articles of heading 3604
3606.90.40	Metaldehyde
3606.90.80	Articles of combustible materials as specified in note 2 of chap. 36, nesoi
3808.52.00	DDT (ISO) (clofenatone (INN)), in packings of a net weight content not exceeding 300 g
3808.61.50	Pesticides, nesoi , not exceeding 300g, specified in note 2 to chapter 38
3809.10.00	Finishing agents, dye carriers and like products, nesoi, with a basis of amylaceous substances
3820.00.00	Antifreezing preparations and prepared de-icing fluids
3823.11.00	Stearic acid
3823.12.00	Oleic acid
3823.13.00	Tall oil fatty acids
3823.19.20	Industrial monocarboxylic fatty acids or acid oils from refining derived from coconut, palm-kernel, or palm oil
3823.19.40	Industrial monocarboxylic fatty acids or acid oils from refining, nesoi

HTS Subheading	Product Description
3823.70.20	Oleyl alcohol derived from fatty substances of animal or vegetable origin
3823.70.40	Industrial fatty alcohols, other than oleyl, derived from fatty substances of animal or vegetable origin
3823.70.60	Industrial fatty alcohols other than derived from fatty substances of animal or vegetable origin
3824.60.00	Sorbitol other than that of subheading 2905.44
3824.99.36	Mixture of vanadium
3825.10.00	Municipal waste
3825.20.00	Sewage sludge
3825.30.00	Clinical waste
3913.10.00	Alginic acid, and its salts and esters, in primary forms
3922.10.00	Baths, shower baths and washbasins, of plastics
3922.20.00	Lavatory seats and covers, of plastics
3924.10.20	Plates, cups, saucers, soup bowls, cereal bowls, sugar bowls, creamers, gravy boats, serving dishes and platters, of plastics
3924.10.30	Trays, of plastics
3924.90.05	Nursing nipples and finger cots
3924.90.56	Household articles and toilet articles, nesoi, of plastics
3925.20.00	Doors, windows, and their frames and thresholds for doors, of plastics
3925.30.10	Blinds (including venetian blinds), of plastics
3925.30.50	Shutters and similar articles and parts thereof, nesoi, of plastics
3926.30.10	Handles and knobs for furniture, coachwork or the like, of plastics
3926.30.50	Fittings for furniture, coachwork or the like, other than handles and knobs, of plastics
3926.90.10	Buckets and pails, of plastics , nesoi
3926.90.16	Pacifiers
3926.90.21	Specified sanitary, invalid and nursing products, and fittings therefor, of plastics
3926.90.25	Handles and knobs, not used as fittings for furniture, coachwork or the like, of plastics
3926.90.35	Beads, bugles and spangles, not strung or set; articles thereof, nesoi, of plastics
3926.90.50	Frames or mounts for photographic slides, of plastics
3926.90.70	Clothespins, other than spring type, of plastics
3926.90.85	Fasteners, in clips suitable for use in a mechanical attaching device, of plastics
3926.90.99	Other articles of plastic, nesoi
4006.10.00	Camel-back strips of unvulcanized rubber, for retreading rubber tires
4009.12.00	Tubes, pipes and hoses of vulcanized rubber other than hard rubber, not reinforced or combined w/other materials, with fittings
4009.42.00	Tubes, pipes and hoses of vulcanized rubber other than hard rubber, reinforced or combined with other materials nesoi, with fittings
4010.11.00	Conveyor belts or belting of vulcanized rubber reinforced only with metal
4012.19.80	Retreaded pneumatic tires (nonradials), of rubber, not elsewhere specified or included
4015.19.05	Medical gloves of vulcanized rubber other than hard rubber
4016.95.00	Inflatable articles nesoi, of noncellular vulcanized rubber other than hard rubber
4016.99.05	Household articles nesoi, of noncellular vulcanized rubber other than hard rubber
4016.99.10	Handles and knobs, of noncellular vulcanized rubber other than hard rubber

HTS Subheading	Product Description
4016.99.15	Caps, lids, seals, stoppers and other closures, of noncellular vulcanized rubber other than hard rubber
4101.20.10	Whole raw hide/skin of bovine/equines (n/o 8 kg when dried, 10 kg when dry salted or 16 kg when fresh/otherwise preserved), not pretanned
4101.20.20	Whole bovine hides/skin upper/lining (n/o 8 kg when dried, 10 kg when dry salted or 16 kg when fresh/otherwise preserved), n/o 2.6 m2, nesoi
4101.20.30	Whole bovine hides/skin nesoi (n/o 8 kg when dried, 10 kg when dry salted or 16 kg when fresh/otherwise preserved), n/o 2.6 m2, nesoi
4101.20.35	Whole raw buffalo hides/skins (n/o 8 kg when dried, 10 kg when dry salted or 16 kg when fresh/otherwise preserved), over 2.6 m2, nesoi
4101.20.40	Whole bovine hides/skins (not buffalo) (n/o 8 kg dried, 10 kg dry salted or 16 kg fresh/otherwise preserved), ov 2.6 m2, vegetable pretanned
4101.20.50	Whole bovine hide/skin (not buffalo) (n/o 8 kg dried, 10 kg dry salted or 16 kg fresh/otherwise preserved), ov 2.6 m2, not vegetable pretann
4101.20.70	Whole equine hides and skins (n/o 8 kg when dried, 10 kg when dry salted or 16 kg when fresh/otherwise preserved), other than not pretanned
4101.50.10	Whole raw hides and skins of bovine or equine animals, of a weight exceeding 16 kg, not pretanned
4101.50.20	Whole raw bovine hides and skins upper/lining, of a weight over 16 kg, unit surface area n/o 2.6 m2, pretanned but not further prepared
4101.50.30	Whole raw bovine hides and skins, of a weight over 16 kg, unit surface area n/o 2.6 sq m, pretanned but not further prepared
4101.50.35	Whole raw buffalo hidess and skins, of a weight over 16 kg, surface area over 2.6 sq m, pretanned but not further prepared,
4101.50.40	Whole raw bovine hides and skins (not buffalo), weight over 16 kg, surface area over 2.6 m2, vegetable pretanned but not further prepared
4101.50.50	Whole raw bovine hides/skins (not buffalo), weight over 16 kg, surface area over 2.6 m2, pretanned (not vegetable) but not further prepared
4101.50.70	Whole raw equine hides and skins, of a weight exceeding 16 kg, pretanned but not further prepared
4101.90.10	Raw hides and skins (other than whole) of bovine or equine animals, not pretanned
4101.90.35	Raw buffalo hides and skins (other than whole), pretanned but not further prepared
4101.90.40	Raw bovine hides and skins (other than whole), vegetable pretanned but not further prepared
4101.90.50	Raw bovine hides and skins (other than whole), pretanned (other than vegetable pretanned) but not further prepared
4101.90.70	Raw equine hides and skins (other than whole), pretanned but further prepared
4102.10.10	Raw skins of sheep or lambs (not excluded by note 1(c) to chapter 41), with wool on, not pretanned
4102.10.20	Raw skins of sheep or lamb (not excluded by note 1(c) to chapter 41), with wool on, vegetable pretanned but not further prepared
4102.21.00	Raw skins of sheep or lambs, without wool on, pickled, other than those excluded by note 1(c) to chapter 41
4102.29.10	Raw skins of sheep or lamb (not excluded by note 1(c) to chapter 41), without wool on, not pretanned

HTS Subheading	Product Description
4102.29.20	Raw sheep or lamb skins (not excluded by note 1(c) to chapter 41), without wool on, vegetable pretanned but not further prepared
4102.29.30	Raw sheep or lamb skins (not excluded by note 1(c) to chapter 41), without wool on, pretanned other than vegetable but not further prepared
4103.20.10	Raw hides and skins of reptiles, not pretanned
4103.20.20	Raw hides and skins of reptiles, vegetable pretanned but not further prepared
4103.20.30	Raw hides and skins of reptiles, pretanned other than vegetable pretanned but not further prepared
4103.30.10	Raw hides and skins of swine, not pretanned
4103.30.20	Raw hides and skins of swine, pretanned but not further prepared
4103.90.11	Raw hides and skins of deer, goats, kids and animals nesoi (other than those excluded by note 1(b) or 1(c) to chapter 41), not pretanned
4103.90.12	Raw hides and skins of goats or kids (not excluded by note 1(c) to chapter 41), vegetable pretanned but not further prepared
4103.90.13	Raw hides and skins of goat or kid (not excluded by note 1(c) to chapter 41), pretanned (other than vegetable) but not prepared
4103.90.20	Raw hides and skins of animals nesoi (other than those excluded by note 1(b) or 1(c) to chapter 41), pretanned but not further prepared
4115.20.00	Parings & other waste of leather or composition leather, not suitable for the manufacture of leather articles; leather dust, powder & flour
4301.10.00	Raw furskins of mink, whole, with or without head, tail or paws
4301.60.30	Raw furskins of silver, black or platinum fox (including mutations of these), whole, with or without head, tail or paws
4301.60.60	Raw furskins of fox, other than of silver, black or platinum fox, whole, with or without head, tail or paws
4301.80.02	Other furskins, whole, with or without head, tail, or paws
4414.00.00	Wooden frames for paintings, photographs, mirrors or similar objects
4417.00.20	Wooden broom and mop handles, 1.9 cm or more in diameter and 97 cm or more in length
4417.00.40	Wooden paint brush and paint roller handles
4419.90.90	Tableware and kitchenware of wood other than of bamboo, other than bread boards, chopping boards and similar boards, chopsticks, forks, spoons
4420.90.20	Wooden cigar and cigarette boxes
4421.91.40	Blinds, shutters, screens and shades of bamboo, with wooden frames w/o fixed louver boards or slats in the center
4421.91.60	Skewers, candy sticks, ice cream sticks, tongue depressors, drink mixers and similar wares, other than toothpicks, of bamboo
4421.99.30	Blinds, shutters, screens and shades of wood other than bamboo, with wooden frames having fixed louver boards or slats in the center
4421.99.88	Canoe paddles of wood other than of bamboo
4814.20.00	Wallpaper and similar wallcoverings of paper, coated or covered on the face side with a layer of plastics
4814.90.02	Other wallpaper and similar wallcoverings, nesoi; window transparencies of paper, nesoi
4818.90.00	Bedsheets and similar household, sanitary or hospital articles of paper, cellulose wadding or webs of cellulose fibers, nesoi

HTS Subheading	Product Description
4901.10.00	Printed books, brochures, leaflets and similar printed matter in single sheets, whether or not folded
4901.91.00	Printed dictionaries and encyclopedias and serial installments thereof
4902.10.00	Newspapers, journals and periodicals, appearing at least four times a week
4902.90.10	Newspaper supplements printed by a gravure process
4902.90.20	Newspaper, journals and periodicals, except those appearing at least four times a week
4904.00.00	Music, printed or in manuscript, whether or not bound or illustrated
4905.10.00	Globes, printed
4905.91.00	Maps and hydrographic or similar charts of all kinds, including atlases and topographical plans, printed in book form
4905.99.00	Maps and hydrographic or similar charts of all kinds, including atlases, wall maps and topographical plans, printed, in other than book form
4906.00.00	Hand-drawn original plans and drawings; hand-written texts; photo reproductions on sensitized paper and carbon copies of the foregoing
4907.00.00	Unused stamps of current or new issue in country to which destined; stamp-impressed paper; check forms; documents of title, etc
4908.10.00	Transfers (decalcomanias), vitrifiable
4908.90.00	Transfers (decalcomanias), not vitrifiable
4909.00.20	Postcards, printed or illustrated
4910.00.40	Calendars printed on paper or paperboard in whole or in part by a lithographic process, over 0.51 mm in thickness
4910.00.60	Printed calendars, including calendar blocks, printed on paper or paperboard by other than a lithographic process
4911.10.00	Printed trade advertising material, commercial catalogs and the like
4911.91.10	Pictures, designs and photographs, printed over 20 years at time of importation
4911.91.15	Pictures, designs and photographs printed not over 20 years at time of importation, used in production of articles of heading 4901
4911.91.40	Pictures, designs and photographs, excluding lithographs on paper or paperboard, printed not over 20 years at time of importation
4911.99.20	Printed international customs forms (carnets), and parts thereof, in English or French, (whether or not in additional languages)
4911.99.60	Printed matter, nesoi, printed on paper in whole or in part by a lithographic process
4911.99.80	Printed matter, nesoi
5210.11.40	Unbleached plain weave fabrics of cotton, < 85% cotton, mixed mainly/solely with man-made fibers, wt < 200 g/m2, of number 42 or lower
5210.11.60	Unbleached plain weave fabrics of cotton, < 85% cotton, mixed mainly/solely with man-made fibers, wt < 200 g/m2, of numbers 43-68
5308.90.90	Yarn of other vegetable textile fibers, nesoi
5407.54.00	Woven fabrics, containing 85 percent or more by weight of textured polyester filaments, printed
5504.10.00	Artificial staple fibers, not carded, combed or otherwise processed for spinning, of viscose rayon
5801.33.00	Weft pile fabrics of man-made fibers, cut, other than fabrics of heading 5802 or 5806, nesoi
5801.36.00	Chenille fabrics of man-made fibers, other than fabrics of heading 5802 or 5806

HTS Subheading	Product Description
5903.10.15	Textile fabric spec in note 9 to sect XI, of man-made fibers, impreg, coated, covered or laminated w/polyvinyl chloride, over 60% plastics
6005.35.00	Wrap knit fabrics of synthetic fibers, specified in subheading note 1 to this chapter excluding headings 6001 to 6004
6101.20.00	Men's or boys' overcoats, carcoats, capes, cloaks, anoraks, windbreakers and similar articles, knitted or crocheted, of cotton
6101.30.10	Men's or boys' overcoats, carcoats, capes and like articles knitted or crocheted, of man-made fibers, 25% or more by weight of leather
6101.30.15	Men's or boy's overcoat, etc., knitted or crocheted, of manmade fibers, containing 23% or more wool or fine animal hair, nesoi
6101.30.20	Men's or boy's overcoats, carcoats, capes, cloaks, windbreakers and similar articles, knitted or crocheted, of man-made fibers, nesoi
6101.90.05	Men's or boys' overcoats, carcoats, capes, cloaks, windbreakers and similar articles, knitted or crocheted, of wool or fine animal hair
6101.90.10	Men's or boys' overcoats, carcoats, etc., of tex mats (other than wool, cotton or mmf), cont 70% or more wt of silk, knitted or crocheted
6101.90.90	Men's or boys' overcoats, carcoats, etc., of tex mats (other than wool, cotton or mmf), cont less than 70% wt silk, knitted or crocheted
6102.10.00	Women's or girls' overcoats, carcoats, capes, windbreakers and similar articles, knitted or crocheted, of wool or fine animal hair
6102.20.00	Women's or girls' overcoats, carcoats, capes, cloaks, anoraks, windbreakers and similar articles, knitted or crocheted, of cotton
6102.30.05	Women's or girls' overcoats, carcoats, etc., knitted or crocheted, of manmade fibers, cont. 25% or more by weight of leather
6102.30.10	Women's or girls' overcoats, carcoats, etc., knitted or crocheted, of manmade fibers, containing 23% or more of wool or fine animal hair
6102.30.20	Women's or girls' overcoats, carcoats, capes, windbreakers and similar articles, knitted or crocheted, of manmade fibers, nesoi
6102.90.10	Women's or girls' overcoats, carcoats, etc., of tex mats (other than wool, cotton or mmf), cont 70% or more wt of silk, knitted or crochet
6102.90.90	Women's or girls' overcoats, carcoats, etc., of tex mats (other than wool, cotton or mmf), cont less than 70% wt of silk, knitted/crocheted
6103.10.10	Men's or boys' suits, knitted or crocheted, of wool or fine animal hair
6103.10.20	Men's or boys' suits, knitted or crocheted, of synthetic fibers, containing 23 percent or more of wool or fine animal hair
6103.10.30	Men's or boys' suits, knitted or crocheted, of synthetic fibers, nesoi
6103.10.50	Men's or boys' suits, knitted or crocheted, of artificial fibers, nesoi
6103.10.60	Men's or boys' suits, knitted or crocheted, of cotton
6103.10.90	Men's or boys' suits, of tex mats (ex wool, cotton or mmf), containing under 70% by weight of silk or silk waste, knitted or crocheted
6103.22.00	Men's or boys' ensembles, knitted or crocheted, of cotton
6103.23.00	Men's or boys' ensembles, knitted or crocheted, of synthetic fibers
6103.29.05	Men's or boys' ensembles, knitted or crocheted, of wool or fine animal hair
6103.29.10	Men's or boys' ensembles, knitted or crocheted, of artificial fibers
6103.29.20	Men's or boys' ensembles, knitted or crocheted, of textile materials nesoi

HTS Subheading	Product Description
6103.31.00	Men's or boys' suit-type jackets and blazers, knitted or crocheted, of wool or fine animal hair
6103.32.00	Men's or boys' suit-type jackets and blazers, knitted or crocheted, of cotton
6103.33.10	Men's or boys' suit-type jackets and blazers, knitted or crocheted, of synthetic fibers, containing 23% or more of wool or fine animal hair
6103.33.20	Men's or boys' suit-type jackets and blazers, knitted or crocheted, of synthetic fibers, nesoi
6103.39.10	Men's or boys' suit-type jackets and blazers, knitted or crocheted, of artificial fibers
6103.39.40	Men's or boys' suit-type jackets and blazers, of textile mats, (except wool, cotton, or mmf), cont 70% or more by wt of silk, knitted/croc
6103.39.80	Men's or boys' suit-type jackets and blazers, of textile mats, (except wool, cotton, or mmf), cont less than 70% by wt of silk, knitted/croc
6103.41.10	Men's or boys' trousers, breeches and shorts, knitted or crocheted, of wool or fine animal hair
6103.41.20	Men's or boys' bib and brace overalls, knitted or crocheted, of wool or fine animal hair
6103.42.10	Men's or boys' trousers, breeches and shorts, knitted or crocheted, of cotton
6103.42.20	Men's or boys' bib and brace overalls, knitted or crocheted, of cotton
6103.43.10	Men's or boys' trousers, breeches and shorts, knitted or crocheted, of syn. fibers, cont. 23 percent or more of wool or fine animal hair
6103.43.15	Men's or boys' trousers, breeches and shorts, knitted or crocheted, of synthetic fibers, nesoi
6103.43.20	Men's and boys' bib and brace overalls of synthetic fibers, knitted or crocheted
6103.49.10	Men's or boys' trousers, breeches and shorts, knitted or crocheted, of artificial fibers
6103.49.20	Men's or boys' bib and brace overalls, knitted or crocheted, of artificial fibers
6103.49.40	Men's or boys' trousers, bib and brace overalls, breeches and shorts, of tex mat (except wool, cot or mmf), con 70% or more wt of silk, k/c
6103.49.80	Men's or boys' trousers, bib and brace overalls, breeches and shorts, of tex mat (except wool, cot or mmf), con under 70% by wt of silk, k/c
6104.13.10	Women's or girls' suits, knitted or crocheted, of synthetic fibers, containing 23 percent or more of wool or fine animal hair
6104.19.15	Women's or girls' suits, knitted or crocheted, of artificial fibers, nesoi
6104.19.40	Women's or girls' suits, of tex mats (ex wool, cotton or mmf), containing 70% or more by weight of silk or silk waste, knitted or crocheted
6104.19.50	Women's or girls' suits, knitted or crocheted, of wool or fine animal hair
6104.19.60	Women's or girls' suits, knitted or crocheted, of cotton
6104.19.80	Women's or girls' suits, of tex mats (ex wool, cotton or mmf), containing under 70% by weight of silk or silk waste, knitted or crocheted
6104.22.00	Women's or girls' ensembles, knitted or crocheted, of cotton
6104.23.00	Women's or girls' ensembles, knitted or crocheted, of synthetic fibers
6104.29.05	Women's or girls' ensembles, knitted or crocheted, of wool or fine animal hair
6104.29.10	Women's or girls' ensembles, knitted or crocheted, of artificial fibers
6104.31.00	Women's or girls' suit-type jackets and blazers, knitted or crocheted, of wool or fine animal hair
6104.32.00	Women's or girls' suit-type jackets and blazers, knitted or crocheted, of cotton
6104.33.20	Women's or girls' suit-type jackets and blazers, knitted or crocheted, of synthetic fibers, nesoi
6104.39.10	Women's or girls' suit-type jackets, knitted or crocheted, of artificial fibers

HTS Subheading	Product Description
6104.39.20	Women's or girls' suit-type jackets, knitted or crocheted, of textile materials nesoi
6104.41.00	Women's or girls' dresses, knitted or crocheted, of wool or fine animal hair
6104.42.00	Women's or girls' dresses, knitted or crocheted, of cotton
6104.43.10	Women's or girls' dresses, knitted or crocheted, of synthetic fibers, containing 23 percent or more of wool or fine animal hair
6104.43.20	Women's or girls' dresses, knitted or crocheted, of synthetic fibers, nesoi
6104.44.10	Women's or girls' dresses, knitted or crocheted, of artificial fibers, containing 23 percent or more of wool or fine animal hair
6104.44.20	Women's or girls' dresses, knitted or crocheted, of artificial fibers, nesoi
6104.49.10	Women's or girls' dresses, of textile mats (ex wool, cotton or mmf), containing 70% or more by weight of silk or silk waste, knitted or croc
6104.49.90	Women's or girls' dresses, of textile mats (ex wool, cotton or mmf), containing under 70% by weight of silk or silk waste, knitted or croc
6104.51.00	Women's or girls' skirts and divided skirts, knitted or crocheted, of wool or fine animal hair
6104.52.00	Women's or girls' skirts and divided skirts, knitted or crocheted, of cotton
6104.53.20	Women's or girls' skirts and divided skirts, knitted or crocheted, of synthetic fibers, nesoi
6104.59.10	Women's or girls' skirts and divided skirts, knitted or crocheted, of artificial fibers
6104.59.40	Women's or girls' skirts & divided skirts, of textile mats (ex wool, cotton or mmf), containing 70% or more by wt of silk, knitted or croc
6104.59.80	Women's or girls' skirts and divided skirts, of textile mats (ex wool, cotton or mmf), containing under 70% by wt of silk, knitted or croc
6104.61.00	Women's or girls' trousers, bib and brace overalls, breeches and shorts, knitted or crocheted, of wool or fine animal hair
6104.62.10	Women's or girls' bib and brace overalls, knitted or crocheted, of cotton
6104.62.20	Women's or girls' trousers, breeches and shorts, knitted or crocheted, of cotton
6104.63.10	Women's or girls' bib and brace overalls, knitted or crocheted, of synthetic fibers
6104.63.15	Women's or girls' trousers, etc., knitted or crocheted, of synthetic fibers, containing 23 percent or more of wool or fine animal hair
6104.63.20	Women's or girls' trousers, breeches and shorts, knitted or crocheted, of synthetic fibers, nesoi
6104.69.10	Women's or girls' bib and brace overalls, knitted or crocheted, of artificial fibers
6104.69.20	Women's or girls' trousers, breeches and shorts, knitted or crocheted, of artificial fibers
6104.69.40	Women's or girls' trousers, bib & brace overalls, breeches & shorts, of tex mats (ex wool, cotton or mmf), cont 70% or more wt of silk, k/c
6104.69.80	Women's or girls' trousers, bib & brace overalls, breeches & shorts, of tex mats (ex wool, cotton or mmf), cont under 70% by wt of silk, k/c
6105.10.00	Men's or boys' shirts, knitted or crocheted, of cotton
6105.20.10	Men's or boys' shirts, knitted or crocheted, of manmade fibers, containing 23 percent or more of wool or fine animal hair
6105.20.20	Men's or boys' shirts, knitted or crocheted, of manmade fibers, nesoi
6105.90.10	Men's or boys' shirts, knitted or crocheted, of wool or fine animal hair
6105.90.80	Men's or boys' shirts, of textile materials (ex wool, cotton or mmf), containing under 70% by weight of silk or silk waste, knitted/crochete
6106.10.00	Women's or girls' blouses and shirts, knitted or crocheted, of cotton

HTS Subheading	Product Description
6106.20.10	Women's or girls' blouses and shirts, knitted or crocheted, of manmade fibers, containing 23 percent or more of wool or fine animal hair
6106.20.20	Women's or girls' blouses and shirts, knitted or crocheted, of man-made fibers, nesoi
6106.90.10	Women's or girls' blouses and shirts, knitted or crocheted, of wool or fine animal hair
6106.90.15	Women's or girls' blouses and shirts, of textile materials (ex wool, cotton or mmf), containing 70% or more weight of silk, knitted or croc
6106.90.25	Women's or girls' blouses and shirts, of textile materials (ex wool, cotton or mmf), containing under 70% by weight of silk, knitted or croc
6106.90.30	Women's or girls' blouses and shirts, knitted or crocheted, of textile materials nesoi
6107.11.00	Men's or boys' underpants and briefs, knitted or crocheted, of cotton
6107.12.00	Men's or boys' underpants and briefs, knitted or crocheted, of man-made fibers
6107.19.90	Men's or boys' underpants and briefs, of textile materials (except cotton or mmf), containing under 70% by weight of silk, knitted or croc
6107.21.00	Men's or boys' nightshirts and pajamas, knitted or crocheted, of cotton
6107.22.00	Men's or boys' nightshirts and pajamas, knitted or crocheted, of man-made fibers
6107.29.20	Men's or boys' nightshirts and pajamas, knitted or crocheted, of wool or fine animal hair
6107.29.50	Men's or boys' nightshirts and pajamas, of textile materials (ex cotton, mmf or wool), containing 70% or more by wt of silk, knitted or croc
6107.29.90	Men's or boys' nightshirts and pajamas, of textile materials (ex cotton, mmf or wool), containing under 70% by wt of silk, knitted or croc
6107.91.00	Men's or boys' bathrobes, dressing gowns and similar articles, knitted or crocheted, of cotton
6107.99.50	Men's or boys' bathrobes, dressing gowns, & similar articles, of textile materials (except wool), containing 70% or more by wt of silk, k/c
6108.11.00	Women's or girls' slips and petticoats, knitted or crocheted, of man-made fibers
6108.19.90	Women's or girls' slips and petticoats, of textile materials (except mmf), containing under 70% by weight of silk, knitted or crocheted
6108.21.00	Women's or girls' briefs and panties, knitted or crocheted, of cotton
6108.22.10	Women's or girls' disposable briefs and panties designed for one-time use, of man-made fibers, knitted or crocheted
6108.22.90	Women's or girls' briefs and panties (other than disposable), of man-made fibers, knitted or crocheted
6108.29.90	Women's or girls' briefs and panties (other than disposable), of text mats (other than cotton or mmf) cont under 70% by wt of silk, k/c
6108.31.00	Women's or girls' nightdresses and pajamas, knitted or crocheted, of cotton
6108.32.00	Women's or girls' nightdresses and pajamas, knitted or crocheted, of man-made fibers
6108.91.00	Women's or girls' negligees, bathrobes, dressing gowns and similar articles, knitted or crocheted, of cotton
6108.92.00	Women's or girls' negligees, bathrobes, dressing gowns and similar articles, knitted or crocheted, of man-made fibers
6108.99.20	Women's or girls' negligees, bathrobes, dressing gowns and similar articles, knitted or crocheted, of wool or fine animal hair
6108.99.90	Women's or girls' bathrobes, negligees, & sim. articles, of textiles (except of cotton/mmf/wool), con under 70% by wt of silk, k/c
6109.10.00	T-shirts, singlets, tank tops and similar garments, knitted or crocheted, of cotton

HTS Subheading	Product Description
6109.90.10	T-shirts, singlets, tank tops and similar garments, knitted or crocheted, of man-made fibers
6109.90.15	T-shirts and similar garments, knitted or crocheted, of wool, with long sleeves
6109.90.80	T-shirts, singlets tanktops and sim garments, of text mat (except cotton, mmf or long sleeve wool garments), cont under 70% wt of silk, k/c
6110.11.00	Sweaters, pullovers, sweatshirts, waistcoats (vests) and similar articles, knitted or crocheted, of wool
6110.12.20	Sweaters, pullovers, sweatshirts, waistcoats (vests) and similar articles, knitted or crocheted, of Kashmir goats, not wholly of cashmere
6110.19.00	Sweaters, pullovers, sweatshirts, waistcoats (vests) and similar articles, knitted or crocheted, of fine animal hair
6110.20.10	Sweaters, pullovers and similar articles, knitted or crocheted, of cotton, containing 36 percent or more of flax fibers
6110.20.20	Sweaters, pullovers and similar articles, knitted or crocheted, of cotton, nesoi
6110.30.10	Sweaters, pullovers, sweatshirts and similar articles, knitted or crocheted, of man-made fibers, cont. 25% or more by weight of leather
6110.30.20	Sweaters, pullovers & similar articles, knitted or crocheted, of manmade fibers, containing 30 percent or more of silk or silk waste
6110.30.30	Sweaters, pullovers and similar articles, knitted or crocheted, of manmade fibers, nesoi
6110.90.90	Sweaters, pullovers, sweatshirts, vests and sim articles, of text mat (except wool, cotton or mmf), containing under 70% by wt of silk, k/c
6111.20.10	Babies' blouses and shirts, except those imported as parts of sets, knitted or crocheted, of cotton
6111.20.20	Babies' T-shirts, singlets and similar garments, except those imported as parts of sets, of cotton
6111.20.30	Babies' sweaters, pullovers, sweatshirts and similar articles, except those imported as parts of sets, knitted or crocheted, of cotton
6111.20.40	Babies' dresses, knitted or crocheted, of cotton
6111.20.50	Babies' trousers, breeches and shorts, except those imported as parts of sets, knitted or crocheted, of cotton
6111.20.60	Babies' garments and clothing accessories, knitted or crocheted, of cotton, nesoi
6111.30.10	Babies' trousers, breeches and shorts, except those imported as parts of sets, knitted or crocheted, of synthetic fibers
6111.30.20	Babies' blouses and shirts, except those imported as parts of sets, knitted or crocheted, of synthetic fibers
6111.30.30	Babies' T-shirts, singlets and similar garments, except those imported as parts of sets, knitted or crocheted, of synthetic fibers
6111.30.40	Babies' sweaters, pullovers and similar articles, except those imported as parts of sets, knitted or crocheted, of synthetic fibers
6111.30.50	Babies' garments and clothing accessories, knitted or crocheted, of synthetic fibers, nesoi
6111.90.05	Babies' garments and clothing accessories, knitted or crocheted, of wool or fine animal hair
6111.90.10	Babies' trousers, breeches and shorts, except those imported as parts of sets, knitted or crocheted, of artificial fibers
6111.90.20	Babies' blouses and shirts, except those imported as parts of sets, knitted or crocheted, of artificial fibers
6111.90.40	Babies' sweaters, sweatshirts, and similar articles, except those imported as parts of sets, knitted or crocheted, of artificial fibers

HTS Subheading	Product Description
6111.90.50	Babies' garments and clothing accessories, knitted or crocheted, of artificial fibers, nesoi
6111.90.70	Babies garments and clothing accessories, of textile materials (except wool, cotton or mmf), containing 70% or more by weight of silk, k/c
6111.90.90	Babies garments and clothing accessories, of textile materials (except wool, cotton or mmf), containing under 70% by weight of silk, k/c
6112.11.00	Track suits, knitted or crocheted, of cotton
6112.12.00	Track suits, knitted or crocheted, of synthetic fibers
6112.19.10	Track suits, knitted or crocheted, of artificial fibers
6112.19.40	Track suits, of textile materials (except cotton or mmf), containing 70% or more by weight of silk or silk waste, knitted or crocheted
6112.19.80	Track suits, of textile materials (except cotton or mmf), containing less than 70% by weight of silk or silk waste, knitted or crocheted
6112.20.10	Ski-suits, knitted or crocheted, of man-made fibers
6112.20.20	Ski-suits, knitted or crocheted, of textile materials other than man-made fibers
6112.31.00	Men's or boys' swimwear, knitted or crocheted, of synthetic fibers
6112.39.00	Men's or boys' swimwear, knitted or crocheted, of textile materials other than synthetic fibers
6112.41.00	Women's or girls' knitted or crocheted swimwear of synthetic fibers
6112.49.00	Women's or girls' swimwear, knitted or crocheted, of textile materials other than synthetic fibers
6113.00.10	Garments nesoi, made up of k/c fabrics of 5903, 5906 or 5907, w an outer surf impreg, coated, cov, or lam w rub/p mat which obscures the fab
6113.00.90	Garments nesoi, made up of k/c fabrics of 5903, 5906 or 5907, not impreg, coated, covered, or laminated w rubber or plastics materials
6114.20.00	Garments nesoi, knitted or crocheted, of cotton
6114.30.10	Tops, knitted or crocheted, of man-made fibers
6114.30.20	Bodysuits and bodyshirts, knitted or crocheted, of man-made fibers
6114.30.30	Garments nesoi, knitted or crocheted, of man-made fibers
6114.90.05	Garments nesoi, knitted or crocheted, of wool or fine animal hair
6114.90.10	Other garments nesoi, of textile materials (except wool, cotton or mmf), contain 70% or more by weight of silk or silk waste, knitted/croch
6115.10.10	Graduated compression panty hose and tights (not for orthopedic treatment), of synthetic fibers
6115.10.15	Graduated compression panty hose and tights (not for orthopedic treatment), of textile materials except synthetic fibers
6115.10.30	Graduated compression hosiery (except pantyhose and tights) (not for orthopedic treatment), of cotton
6115.10.40	Graduated compression hosiery (except pantyhose and tights) (not for orthopedic treatment), of synthetic fibers
6115.10.55	Graduated compression hosiery (except pantyhose and tights) (not for orthopedic treatment), of artificial fibers
6115.10.60	Graduated compression hosiery (except pantyhose and tights) (not for orthopedic treatment), nesoi
6115.21.00	Panty hose and tights (not graduated compression), knitted or crocheted, of synthetic fibers, measuring per single yarn less than 67 decitex

HTS Subheading	Product Description
6115.29.40	Panty hose (not graduated compressoin) and tights, containing 70% or more by weight of silk or silk waste, knitted or crocheted
6115.30.10	Women's full-length or knee-length hosiery, measuring per single yarn less than 67 decitex containing 70% or more by wt of silk, knit/croc
6115.30.90	Women's full-length or knee-length hosiery, measuring per single yarn less than 67 decitex containing under 70% by wt of silk, knitted/croc
6115.94.00	Hosiery nesoi, knitted or crocheted, of wool or fine animal hair
6115.95.60	Stockings, socks, etc. (not surgical), knitted or crocheted, of cotton, containing lace or net
6115.95.90	Stockings, socks, etc. nesoi (not surgical and not containing lace or net), knitted or crocheted, of cotton
6115.96.60	Stockings, socks, etc. nesoi, knitted or crocheted, of synthetic fibers, containing lace or net
6115.99.14	Hosiery nesoi, of artificial fibers, containing lace or net
6115.99.40	Stockings and other hosiery, including footwear without applied soles, of textile materials(except mmf), cont 70% or more by wt of silk, k/c
6115.99.90	Stockings and other hosiery, including footwear without applied soles, of textile materials(except mmf), cont under 70% by wt of silk, knitt
6116.10.08	Other gloves, mittens and mitts, the foregoing specially designed for sports use, incl. ski and snowmobile gloves, mittens and mitts
6116.10.13	Gloves, mittens & mitts, w/o four., k/c, coated w. plastics/rubber nesoi, cut & sewn, of veg. fibers, cont. > 50% by wt. of plastics/rubber
6116.10.17	Gloves, mittens & mitts, w/o four., k/c, coated w. plastics/rubber, nesoi, cut & sewn, of veg. fibers, cont. 50 % or less wt. of plas./rub.
6116.10.44	Gloves, mittens & mitts(excl sports), impreg etc, cut & sewn from pre-exist non-veg fib impreg fab, w/o fourch, con ov 50% wt plast/rub k/c
6116.10.48	Gloves, mittens & mitts(excl sports), impreg etc, cut & sewn from pre-exist non-veg fib impreg fab, w/o fourch, con < 50% wt pla/rub k/c
6116.10.55	Gloves, mittens & mitts(excl ports), impreg etc, not cut & sewn from pre-existing fabric, w/o fourch, con 50% or more wt of tex fibers, k/c
6116.10.65	Gloves, mittens & mitts(excl sports), impreg etc, not cut & sewn from pre-existing fabric, w/o fourch, cont < 50% by wt of text fib, k/c
6116.10.95	Gloves, mittens & mitts(excl sports), impreg etc, not cut & sewn from pre-existing fab, w fourch, cont < 50% by wt of textile fiber, k/c
6116.91.00	Gloves, mittens and mitts, knitted or crocheted, of wool or fine animal hair
6116.92.08	Gloves, etc., specially designed for sports, including ski and snowmobile gloves, mittens and mitts, knitted or crocheted, of cotton
6116.92.64	Gloves, mittens & mitts, (excl. ski or snowmobile), knitted or crocheted, of cotton, made from a pre-existing machine knit fabric, w/o four.
6116.92.88	Gloves, mittens & mitts, (excl. ski or snowmobile), k/c, of cotton, not made from a pre-existing machine knit fabric, w/o fourchettes
6116.92.94	Gloves, mittens & mitts, of cotton, k/c, not impreg. etc. with plas./rub., not from pre-ex. mach. knit fabric, not for sports, with four.
6116.93.05	Ice hockey and field hockey gloves, knitted or crocehted, of synthetic fibers, not impregnated, coated or covered with plastics or rubber
6116.93.08	Gloves, mittens & mitts, for sports use, (incl. ski and snowmobile gloves, etc.), of synthetic fibers

HTS Subheading	Product Description
6116.93.74	Gloves, mittens & mitts (excl. those designed for sports etc.), k/c, of synthetic fibers, cont. 23% or more wt. of wool etc., with four.
6116.93.88	Gloves, mittens & mitts (excl. those designed for sports etc.), k/c, of synthetic fibers, under 23% by wt. of wool etc., w/o fourchettes
6116.99.35	Gloves, mittens & mitts specially designed for sports, including ski and snowmobile gloves, mittens and mitts, of artificial fibers
6117.10.10	Shawls, scarves, mufflers, mantillas, veils and the like, knitted or crocheted, of wool or fine animal hair
6117.10.40	Shawls, scarves, etc., knitted or crocheted, containing 70% or more by weight of silk or silk waste
6117.10.60	Shawls, scarves, mufflers, mantillas, veils and the like, nesoi
6117.80.20	Ties, bow ties and cravats, containing 70% or more by weight of silk or silk waste, knitted or crocheted
6117.80.85	Headbands, ponytail holders & similar articles, of textile materials other than containing 70% or more by weight of silk, knitted/crocheted
6117.80.95	Made up clothing accessories (excl shawl, scarve, and like, tie, cravat, headband, ponytail holder and like), cont < 70% wt of silk, k/c
6117.90.10	Parts of garments or of clothing accessories, containing 70% or more by weight of silk or silk waste, knitted or crocheted
6117.90.90	Parts of garments or of clothing accessories, containing under 70% by weight of silk or silk waste, knitted or crocheted
6201.11.00	Men's or boys' overcoats, carcoats, capes, cloaks and similar coats of wool or fine animal hair, not knitted or crocheted
6201.12.10	Men's or boys' overcoats, carcoats, capes, & similar coats of cotton, not knit or crocheted, containing 15% or more by wt of down, etc
6201.12.20	Men's or boys' overcoats, carcoats, capes, & similar coats of cotton, not knit or crocheted, not containing 15% or more by wt of down, etc
6201.13.10	Men's or boys' overcoats, carcoats, capes, & like coats of man-made fibers, not knit or crocheted, cont. 15% or more by wt of down, etc
6201.13.30	Men's or boys' overcoats, carcoats, capes, & like coats of manmade fibers, not knit or crocheted, cont. 36 percent or more of wool, nesoi
6201.13.40	Men's or boys' overcoats, carcoats, capes, cloaks and similar coats, not knitted or crocheted, of manmade fibers, nesoi
6201.19.10	Men's or boys' overcoats, carcoats, capes, cloaks, & sim coats, of tex mats(except wool, cotton or mmf), cont > or = 70% by wt silk, not k/c
6201.19.90	Men's or boys' overcoats, carcoats, capes, cloaks, & sim coats, of tex mats(except wool, cotton or mmf), cont under 70% by wt silk, not k/c
6201.91.03	Rec. perf. outerwear, men's/boys' padded, sleeveless jackets, not knit/crochet, of wool or fine animal
6201.91.05	Rec perf outerwear, men's or boys' anoraks, windbreakers and similar articles nesoi, not knitted or crocheted, of wool or fine animal hair
6201.91.25	Men's or boys' padded, sleeveless jackets, not knitted or crocheted, of wool or fine animal hair, o/than rec. perf outerwear
6201.91.40	Men's or boys' anoraks, windbreakers and similar articles nesoi, not knitted or crocheted, of wool or fine animal hair, o/than rec perf outerwear

HTS Subheading	Product Description
6201.92.05	Rec perf outerwear, men's/boys' anoraks, windbreakers & similar articles, not knit/crocheted, of cotton, containing 15% or more by weight of down, etc
6201.92.19	Rec perf outerwear, men's/boys' anoraks, windbreakers & similar articles nesoi, not knit/crochet, of cotton, not cont. 15% or more by wt of down, etc
6201.92.30	Men's/boys' anoraks, windbreakers & sim articles, not knit/crochet, cotton, containing 15% or more by weight down, etc, o/than rec perf outerwear
6201.92.35	Men's or boys' anoraks, windbreakers and similar articles, nesoi, not knitted or crocheted, of cotton, water resistant, o/than rec perf outerwear
6201.92.45	Men's or boys' anoraks, windbreakers & sim articles nesoi, not knit/crochet, cotton, not cont. 15% or more by wt of down, etc, o/than rec perf outerwear
6201.93.15	Rec perf outerwear, men's/boys' anoraks, windbreakers & similar articles, not knit/crochet, of man-made fibers, cont. 15% or more by wt of down, etc
6201.93.18	Rec perf outerwear, men's/boys' padded, sleeveless jackets, not knit/ crochet, man-made fibers, not containing 15% or more by weight of down, etc
6201.93.45	Rec perf outerwear, men's/boys' anoraks, etc, nesoi, not knit/crochet, of manmade fibers, containing 36 percent or more of wool or fine animal hair
6201.93.47	Rec perf outerwear, men's/boys' anoraks, windbreakers and similar articles, not knitted or crocheted, of manmade fibers, nesoi, water resistant
6201.93.49	Rec perf outerwear, men's/boys' anoraks, windbreakers and similar articles, not knitted or crocheted, of manmade fibers, nesoi
6201.93.50	Men's/boys' anoraks, windbreakers & similar articles, not knit/crochet, man-made fibers, cont. 15% or more by wt of down, etc, o/than rec perf outerwear
6201.93.52	Men's/boys' padded, sleeveless jackets, not knit/crochet, man-made fibers, not containing 15% or more by wt of down, etc, o/than rec perf outerwear
6201.93.55	Men's/boys' anoraks, etc, nesoi, not knit/crochet, manmade fibers, containing 36 percent or more of wool or fine animal hair, o/than rec perf outerwear
6201.93.60	Men's or boys' anoraks, windbreakers & similar articles, not knitted or crocheted, of manmade fibers, nesoi, water resistant, o/than rec perf outerwear
6201.93.65	Men's or boys' anoraks, windbreakers and similar articles, not knitted or crocheted, of manmade fibers, nesoi, o/than rec perf outerwear
6201.99.05	Rec perf outerwear, men's/boys' anoraks, wind-breakers & sim articles, not k/c, of tex mats (except wool, cotton or mmf), cont 70% or more by wt silk
6201.99.15	Rec perf outerwear, men's/boys' anoraks, wind-breakers & sim articles, not k/c, text mats (not wool, cotton or mmf), cont under 70% by wt of silk
6201.99.50	Men's/boys' anoraks, wind-breakers & sim articles, not k/c, tex mats (not wool, cotton or mmf), cont 70% or more by wt silk, o/than rec perf outerwear
6201.99.80	men's/boys' anoraks, wind-breakers & similar articles, not k/c, of text mats(except wool, cotton or mmf), cont under 70% by wt of silk,
6202.11.00	Women's or girls' overcoats, carcoats, capes, cloaks and similar coats, not knitted or crocheted, of wool or fine animal hair
6202.12.10	Women's or girls' overcoats, carcoats, etc, not knitted or crocheted, of cotton, containing 15% or more by weight of down, etc
6202.12.20	Women's or girls' overcoats, carcoats, etc, not knitted or crocheted, of cotton, not containing 15% or more by weight of down, etc
6202.13.10	Women's or girls' overcoats, carcoats, etc, not knitted or crocheted, of man-made fibers, containing 15% or more by weight of down, etc

HTS Subheading	Product Description
6202.13.30	Women's or girls' overcoats, carcoats, etc, not knitted or crocheted, of m-m fibers, cont. 36% or more of wool or fine animal hair, nesoi
6202.13.40	Women's or girls' overcoats, carcoats, capes, cloaks and similar articles, not knitted or crocheted, of man-made fibers, nesoi
6202.19.10	Women's or girls' overcoats, carcoats, capes, cloaks & sim coats, of tex mats(except wool, cotton or mmf), con 70% or more wt silk, not k/c
6202.19.90	Women's or girls' overcoats, carcoats, capes, cloaks & sim coats, of tex mats(except wool, cotton or mmf), con under 70% wt silk, not k/c
6202.91.03	Rec perf outerwear, women's or girls' padded, sleeveless jackets, not knitted or crocheted, of wool or fine animal hair
6202.91.15	Rec perf outerwear, women's or girls' anoraks, windbreakers and similar articles nesoi, not knitted or crocheted, of wool or fine animal hair
6202.91.60	Women's or girls' padded, sleeveless jackets, not knitted or crocheted, of wool or fine animal hair, o/than rec perf outerwear
6202.91.90	Women's or girls' anoraks, windbreakers and similar articles nesoi, not knitted or crocheted, of wool or fine animal hair, o/than rec pert outerwear
6202.92.03	Rec perf outerwear, women's/girls' anoraks, windbreakers 7 similar articles, not knitt/crochet, cotton, cont. 15% or more by weight of down
6202.92.05	Rec perf outerwear, women's/girls' anoraks, windbreakers and similar articles, not knitted or crocheted, of cotton, nesoi, water resistant
6202.92.12	Rec perf outerwear, women's/girls' anoraks, windbreakers & similar articles, nt knit/crochet, of cotton, nt cont. 15% or more by wt of down, etc
6202.92.25	Women's/girls' anoraks, windbreakers & similar articles, not knit/crochet, cotton, cont. 15% or more by weight of down, o/than rec perf outerwear
6202.92.30	Women's or girls' anoraks, windbreakers and similar articles, not knitted or crocheted, of cotton, nesoi, water resistant, o/than rec perf outerwear
6202.92.90	Women's/girls' anoraks, windbreakers & similar articles, nt knit/crochet, cotton, nt cont. 15% or more by wt of down, etc, o/than rec perf outerwear
6202.93.01	Women's or girls' anoraks, windbreakers & like articles, not knitted or crocheted, of man-made fibers, cont. 15% or more by wt of down, etc
6202.93.05	Rec perf outerwear, women's/girls' anoraks, windbreakers, etc, nt knit/crochet, manmade fibers, cont. 36% or more of wool or fine animal hair, nesoi
6202.93.07	Rec perf outerwear, women's/girls' anoraks, windbreakers & similar articles, not knit/crochet, manmade fibers, nesoi, water resistant
6202.93.09	Rec perf outerwear, women's/girls' anoraks, windbreakers & similar articles, not knitted or crocheted, of man-made fibers, nesoi
6202.93.15	Women's/girls' anoraks, windbreakers & like articles, not knit/crochet, man-made fibers, cont. 15% or more by wt of down, etc, o/than rec perf outerwear
6202.93.25	Women's/girls' padded, sleeveless jackets, not knit/crochet, man-made fibers, not cont. 15% or more by wt of down, etc, o/than rec perf outerwear
6202.93.45	Women's/girls' anoraks, windbreakers, etc, nt knit/crochet, mm fibers, cont. 36% or more wool or fine animal hair, nesoi, o/than rec perf outerwear
6202.93.48	Women's/girls' anoraks, windbreakers & similar articles, not knit/crochet, of manmade fibers, nesoi, water resistant, o/than rec perf outwer
6202.93.55	Women's or girls' anoraks, windbreakers and similar articles, not knitted or crocheted, of man-made fibers, nesoi, o/than rec perf outerwear

HTS Subheading	Product Description
6202.99.03	Rec perf outerwear, women's/girls' anoraks, wind-breakers & similar articles, not k/c, tex mats (not wool, cotton or mmf), cont 70% or more by wt silk
6202.99.15	Rec perf outerwear, women's/girls' anoraks, wind-breakers & similar articles, not k/c, tex mats (not wool, cotton or mmf), cont < 70% by wt of silk
6202.99.60	Women's/girls' anoraks, wind-breakers, etc, not k/c, tex mats (not wool, cotton or mmf), cont 70% or more by wt silk, o/than rec perf outerwear
6202.99.80	Women's/girls' anoraks, wind-breakers & similar articles, not k/c, of tex mats (not wool, cotton or mmf), cont < 70% by wt of silk,
6203.11.15	Men's/boys' suits of wool, not knitted or crocheted, 30% or more of silk or silk waste, of wool yarn w/avg fiber diameter 18.5 micron or <
6203.11.30	Men's or boys' suits of wool or fine animal hair, not knitted or crocheted, containing 30 percent or more of silk or silk waste, nesoi
6203.11.60	Men's or boys' suits of wool, not knitted or crocheted, nesoi, of wool yarn with average fiber diameter of 18.5 micron or less
6203.11.90	Men's or boys' suits of wool or fine animal hair, not knitted or crocheted, nesoi
6203.12.10	Men's or boys' suits, of synthetic fibers, not knitted or crocheted, containing 36 percent or more by weight of wool or fine animal hair
6203.12.20	Men's or boys' suits, of synthetic fibers, under 36% by weight of wool, not knitted or crocheted
6203.19.10	Men's or boys' suits, not knitted or crocheted, of cotton
6203.19.50	Men's or boys' suits, of textile mats(except wool, cotton or mmf), containing 70% or more by weight of silk or silk waste, not knit or croch
6203.22.10	Men's or boys' judo, karate and other oriental martial arts uniforms, not knitted or crocheted, of cotton
6203.22.30	Men's or boys' ensembles, not knitted or crocheted, of cotton, other than judo, karate and other oriental martial arts uniforms
6203.29.10	Men's or boys' ensembles, not knitted or crocheted, of worsted wool fabric with wool yarn having average fiber diameter of 18.5 micron or <
6203.29.15	Men's or boys' ensembles, not knitted or crocheted, of wool or fine animal hair
6203.29.20	Men's or boys' ensembles, not knitted or crocheted, of artificial fibers
6203.29.30	Men's or boys' ensembles, not knitted or crocheted, of textile materials nesoi
6203.31.50	Men's or boys' suit-type jackets and blazers, of worsted wool fabric of wool yarn fiber avg diameter 18.5 micron or <, not knitt/crocheted
6203.31.90	Men's or boys' suit-type jackets and blazers, of wool or fine animal hair, not knitted or crocheted
6203.32.10	Men's or boys' suit-type jackets and blazers, not knitted or crocheted, of cotton, containing 36 percent or more of flax fibers
6203.32.20	Men's or boys' suit-type jackets and blazers, not knitted or crocheted, of cotton, under 36% by weight of flax
6203.33.10	Men's or boys' suit-type jackets and blazers, not knitted or crocheted, of synthetic fibers, cont. 36% or more of wool or fine animal hair
6203.33.20	Men's or boys' suit-type jackets and blazers, not knitted or crocheted, of synthetic fibers, under 36% by weight of wool
6203.39.20	Men's or boys' suit-type jackets and blazers, not knitted or crocheted, of artificial fibers, under 36% by weight of wool

HTS Subheading	Product Description
6203.39.50	Men's or boys' suit-type jackets and blazers, of textile materials(except wool, cotton or mmf), cont 70% or more by weight of silk, not k/c
6203.39.90	Men's or boys' suit-type jackets and blazers, of text materials(except wool, cotton or mmf), containing under 70% by weight of silk, not k/c
6203.41.01	Rec perf outerwear, men's/boys' trousers & breeches, wool or fine an. hair, cont elastomeric fib, water resist, w/o belt loops, weighing >9 kg/doz
6203.41.03	Rec perf outerwear, men's/boys' trousers and breeches, other than of HTS 6203.41.05, of wool yarn having average fiber diameter of 18.5 micron or less
6203.41.06	Rec perf outerwear, men's/boys' trousers and breeches, other than of HTS 6203.41.05, nesoi
6203.41.08	Rec perf outerwear, men's/boys' bib and brace overalls, not knitted or crocheted, of wool or fine animal hair
6203.41.25	Men's/boys' trousers & breeches, wool or fine an. hair, cont elastomeric fib, water resist, w/o belt loops, wt >9 kg/doz, o/than rec perf outerwear
6203.41.30	Men's/boys' trousers and breeches, o/ than of HTS 6203.41.05, wool yarn w/ average fiber diam of 18.5 micron or less, o/than rec perf outerwear
6203.41.60	Men's or boys' trousers and breeches, other than of HTSA 6203.41.05, nesoi, o/than rec perf outerwear
6203.41.80	Men's or boys' bib and brace overalls, not knitted or crocheted, of wool or fine animal hair, o/than rec perf outerwear
6203.42.03	Rec perf outerwear, men's/boys' trousers, overalls & shorts, not knit/crochet, of cotton, cont. 10 to 15% or more by weight of down
6203.42.05	Rec perf outerwear, men's/boys' bib and brace overalls, not knitted or crocheted, of cotton, not containing 10 to 15% or more by weight of down, etc
6203.42.07	Rec perf outerwear, men's/boys' trousers & shorts, not bibs, not knit/crochet, cotton, not containing 15% or more by weight of down, etc
6203.42.17	Men's or boys' trousers, overalls & shorts, not knitted or crocheted, of cotton, cont. 10 to 15% or more by weight of down. o/than rec perf outerwear
6203.42.25	Men's/boys' bib & brace overalls, not knit/crochet, cotton, not containing 10 to 15% or more by weight of down, etc, o/than rec perf outerwear
6203.42.45	Men's/boys' trousers & shorts, not bibs, not knit/crochet, cotton, not containing 15% or more by weight of down, etc, o/than rec perf outerwear
6203.43.03	Rec perf outerwear, men's/boys' bib and brace overalls, not knitted or crocheted, of synthetic fibers, water resistant, not down
6203.43.05	Rec perf outerwear, men's/boys' bib and brace overalls, not knitted or crocheted, of synthetic fibers, not down, not water resistant
6203.43.09	Rec perf outerwear, men's /boys' trousers, etc, not knit/crochet, of synthetic fibers, containing 36 percent or more of wool or fine animal hair
6203.43.11	Rec perf outerwear, men's/boys' trousers and breeches, not knitted or crocheted, of synthetic fibers, nesoi, water resistant
6203.43.13	Rec perf outerwear, men's/boys' trousers, breeches & shorts, not k/c, synth fibers, cont under 15% wt down etc, cont under 36% wt wool, n/water resist,
6203.43.45	Men's /boys' trousers, bib & brace overalls, breeches & shorts, not knit/crochet, syn. fibers, cont. 15% or more down, etc, o/than rec perf outerwear
6203.43.55	Men's or boys' bib and brace overalls, not knitted or crocheted, of synthetic fibers, water resistant, not down, o/than rec perf outerwear

HTS Subheading	Product Description
6203.43.60	Men's or boys' bib and brace overalls, not knitted or crocheted, of synthetic fibers, not down, not water resistant, o/than rec perf outward
6203.43.65	Men's or boys' trousers, breeches and shorts, not knitted or crocheted, of synthetic fibers, certified hand-loomed and folklore products
6203.43.70	Men's/boys' trousers, etc, not knit/crochet, synthetic fibers, containing 36 percent or more of wool or fine animal hair, o/than rec perf outward
6203.43.75	Men's or boys' trousers and breeches, not knitted or crocheted, of synthetic fibers, nesoi, water resistant, o/than rec perf outward
6203.43.90	Men's/boys' trousers, breeches, shorts, not k/c, synth fibers, con under 15% wt down etc, cont und 36% wt wool, n/water resist, not rec perf outward
6203.49.01	Rec perf outward, men's/boys' bib and brace overalls, not knitted or crocheted, of artificial fibers
6203.49.05	Rec perf outward, men's/boys' trousers, breeches and shorts, not knitted or crocheted, of artificial fibers, nesoi
6203.49.07	Rec perf outward, men's/boys' trousers, bib & brace overalls, breeches & shorts, not k/c, tex mats (not wool, cotton, mmf), cont > or = 70% wt silk
6203.49.09	Rec perf outward, men's/boys' trousers, bib/brace overalls, breeches & shorts, not k/c, tex mats (not wool, cotton, mmf), con < 70% by wt silk,
6203.49.25	Men's or boys' bib and brace overalls, not knitted or crocheted, of artificial fibers, o/than rec perf outward
6203.49.35	Men's or boys' trousers, breeches and shorts, not knitted or crocheted, of artificial fibers, certified hand-loomed and folklore products
6203.49.50	Men's or boys' trousers, breeches and shorts, not knitted or crocheted, of artificial fibers, nesoi, o/than rec perf outward
6203.49.90	Men's/boys' trousers, bib/brace overalls, breeches & shorts, not k/c, tex mats (not wool, cotton, mmf), con < 70% by wt silk, o/than rec perf outward
6204.11.00	Women's or girls' suits, not knitted or crocheted, of wool or fine animal hair
6204.12.00	Women's or girls' suits, not knitted or crocheted, of cotton
6204.13.10	Women's or girls' suits, not knitted or crocheted, of synthetic fibers, containing 36 percent or more of wool or fine animal hair
6204.13.20	Women's or girls' suits, not knitted or crocheted, of synthetic fibers, nesoi
6204.19.10	Women's or girls' suits, not knitted or crocheted, of artificial fibers, containing 36 percent or more of wool or fine animal hair
6204.19.20	Women's or girls' suits, not knitted or crocheted, of artificial fibers, nesoi
6204.19.40	Women's or girls' suits, of textile materials(except wool,cotton or mmf), containing 70% or more by weight of silk or silk waste, not k/c
6204.19.80	Women's or girls' suits, of textile material(except wool,cotton or mmf), containing under 70% by weight of silk or silk waste, not knit/croc
6204.21.00	Women's or girls' ensembles, not knitted or crocheted, of wool or fine animal hair
6204.22.10	Women's or girls' judo, karate and other oriental martial arts uniforms, not knitted or crocheted, of cotton
6204.22.30	Women's or girls' ensembles, not knitted or crocheted, of cotton, other than judo, karate and other oriental martial arts uniforms
6204.23.00	Women's or girls' ensembles, not knitted or crocheted, of synthetic fibers
6204.29.20	Women's or girls' ensembles, not knitted or crocheted, of artificial fibers

HTS Subheading	Product Description
6204.31.10	Women's or girls' suit-type jackets & blazers, of wool or fine animal hair, not knitted or crocheted, cont. 30% or more of silk/silk waste
6204.31.20	Women's or girls' suit-type jackets and blazers, of wool or fine animal hair, not knitted or crocheted, under 30% by weight of silk
6204.32.10	Women's or girls' suit-type jackets and blazers, of cotton, not knitted or crocheted, containing 36 percent or more of flax fibers
6204.32.20	Women's or girls' suit-type jackets and blazers, of cotton, not knitted or crocheted, under 36% flax
6204.33.10	Women's or girls' suit-type jackets and blazers, not knitted or crocheted, of synthetic fibers, cont. 30% or more of silk/silk waste
6204.33.40	Women's or girls' suit-type jackets & blazers, not knitted or crocheted, of synthetic fibers, cont. 36% or more of wool or fine animal hair
6204.33.50	Women's or girls' suit-type jackets and blazers, not knitted or crocheted, of synthetic fibers, nesoi
6204.39.20	Women's or girls' suit-type jackets & blazers, not knitted or crocheted, of artificial fibers, cont. 36% or more of wool or fine animal hair
6204.39.30	Women's or girls' suit-type jackets and blazers, not knitted or crocheted, of artificial fibers, under 36% by weight of wool
6204.39.60	Women's or girls' suit-type jackets and blazers, not knitted/crocheted, of textile materials nesoi, cont. 70% + of silk or silk waste
6204.39.80	Women's or girls' suit-type jackets and blazers, not knitted or crocheted, of textile materials nesoi
6204.41.10	Women's or girls' dresses, not knitted or crocheted, of wool or fine animal hair, containing 30 percent of silk or silk waste
6204.41.20	Women's or girls' dresses, not knitted or crocheted, of wool or fine animal hair, under 30% by weight of silk
6204.42.10	Women's or girls' dresses, not knitted or crocheted, of cotton, certified hand-loomed and folklore products
6204.42.20	Women's or girls' dresses, not knitted or crocheted, of cotton, containing 36 percent or more of flax fibers, other than certified
6204.42.30	Women's or girls' dresses, not knitted or crocheted, of cotton, nesoi
6204.43.10	Women's or girls' dresses, not knitted or crocheted, of synthetic fibers, certified hand-loomed and folklore products
6204.43.20	Women's or girls' dresses, not knit or crocheted, of synthetic fibers, containing 30% or more of silk or silk waste, other than certified
6204.43.30	Women's or girls' dresses, of synthetic fibers, not knitted or crocheted, containing 36 percent or more of wool or fine animal hair, nesoi
6204.43.40	Women's or girls' dresses, not knitted or crocheted, of synthetic fibers, nesoi
6204.44.20	Women's or girls' dresses, not knitted or crocheted, of artificial fibers, nesoi, certified hand-loomed and folklore products
6204.44.30	Women's or girls' dresses, not knitted or crocheted, of artificial fibers, containing 36 percent or more of wool or fine animal hair
6204.44.40	Women's or girls' dresses, not knitted or crocheted, of artificial fibers, nesoi
6204.49.10	Women's or girls' dresses, not knitted or crocheted, containing 70% or more by weight of silk or silk waste
6204.49.50	Women's or girls' dresses, not knitted or crocheted, of textile materials nesoi

HTS Subheading	Product Description
6204.51.00	Women's or girls' skirts and divided skirts, not knitted or crocheted, of wool or fine animal hair
6204.52.10	Women's or girls' skirts and divided skirts, not knitted or crocheted, of cotton, certified hand-loomed and folklore products
6204.52.20	Women's or girls' skirts and divided skirts, not knitted or crocheted, of cotton, nesoi
6204.53.10	Women's or girls' skirts and divided skirts, not knitted or crocheted, of synthetic fibers, certified hand-loomed and folklore products
6204.53.20	Women's or girls' skirts & divided skirts, nt knit or crocheted, of synthetic fibers, cont. 36% or more of wool or fine animal hair, nesoi
6204.53.30	Women's or girls' skirts and divided skirts, not knitted or crocheted, of synthetic fibers, nesoi
6204.59.10	Women's or girls' skirts and divided skirts, not knitted or crocheted, of artificial fibers, certified hand-loomed and folklore products
6204.59.20	Women's or girls' skirts & divided skirts, nt knit or crocheted, of artificial fibers, cont. 36% or more of wool or fine animal hair, nesoi
6204.59.30	Women's or girls' skirts and divided skirts, not knitted or crocheted, of artificial fibers, nesoi
6204.59.40	Women's or girls' skirts and divided skirts, not knitted or crocheted, of textile materials nesoi
6204.61.05	Rec perf outerwear, women's/girls' trousers & breeches, not k/c, wool or f.a.h., cont elastomeric fib, water resist, w/o belt loops, wt > 6 kg/doz,
6204.61.15	Rec perf outerwear, women's/girls' trousers & breeches, not k/c, wool, w/o elastomeric fib, not water resist, w belt loops, weighing under 6 kg/doz,
6204.61.60	Women's or girls' trousers & breeches, not k/c, wool or f.a.h., cont elastomeric fib, water resist, w/o belt loops, wt > 6 kg/doz, not rec perf outwr
6204.61.80	Women's or girls' trousers & breeches, not k/c, wool, w/o elastomeric fib, not water resist, w/belt loops, wt under 6 kg/doz, o/than rec perf outerwear
6204.62.03	Rec perf outerwear, women's/girls' trousers, bib/brace overalls, breeches & shorts, not knit/crochet, cotton, cont. 15% or more by wt of down, etc
6204.62.05	Rec perf outerwear, women's/girls' bib and brace overalls, not knitted or crocheted, of cotton, not containing 15% or more by weight of down, etc
6204.62.15	Rec perf outerwear, women's or girls' trousers, breeches and shorts, not knitted or crocheted, of cotton, nesoi
6204.62.50	Women's/girls' trousers, bib/brace overalls, breeches & shorts, not knit/ crochet, cotton, cont. 15% or more by wt down, etc, o/than rec perf outerwear
6204.62.60	Women's/girls' bib/brace overalls, not knit/crochet, cotton, not containing 15% or more by weight of down, etc. o/than rec perf outerwear
6204.62.70	Women's or girls' trousers, breeches and shorts, not knitted or crocheted, of cotton, nesoi, certified hand-loomed and folklore products
6204.62.80	Women's or girls' trousers, breeches and shorts, not knitted or crocheted, of cotton, nesoi, o/than rec perf outerwear
6204.63.01	Rec perf outerwear, women's/girls' trousers, bib/brace overalls, breeches & shorts, not knit/crochet, syn. fibers, cont. 15% or more down, etc.
6204.63.02	Rec perf outerwear, women's/girls' bib/brace overalls, not knit/crochet, syn. fibers, water resistant, not cont. 15% or more by wt. of down, etc
6204.63.03	Rec perf outerwear, women's/girls' bib/ brace overalls of synthetic fibers, not knit/crochet, not cont. 15% or more by wt of down, etc, nesoi
6204.63.08	Rec perf outerwear, women's/girls' trousers, breeches & shorts, not knit/ crochet, syn. fibers, cont. 36% or more of wool or fine animal hair, nesoi

HTS Subheading	Product Description
6204.63.09	Rec perf outerwear, women's/girls' trousers, breeches and shorts, not knitted or crocheted, of synthetic fibers, nesoi, water resistant
6204.63.11	Rec perf outerwear, women's or girls' trousers, breeches and shorts, not knitted or crocheted, of synthetic fibers, nesoi
6204.63.50	Women's/girls' trousers, bib/brace overalls, breeches & shorts, not knit/crochet, syn. fibers, cont. 15% or more down, etc., o/than rec perf outerwear
6204.63.55	Women's/girls' bib/brace overalls, not knit/crochet, syn. fibers, water resistant, not cont. 15% or more by wt. of down, etc., o/than rec perf outerwear
6204.63.60	Women's/girls' bib & brace overalls of synthetic fibers, not knit/crochet, not cont. 15% or more by wt of down, etc, nesoi, o/than rec perf outerwear
6204.63.65	Women's or girls' trousers, breeches & shorts, not knit or crocheted, of synthetic fibers, nesoi, certified hand-loomed & folklore products
6204.63.70	Women's/girls' trousers, breeches & shorts, not knit/crochet, syn. fibers, cont. 36% or more wool or fine animal hair, nesoi, o/than rec perf outerwear
6204.63.75	Women's or girls' trousers, breeches and shorts, not knitted or crocheted, of synthetic fibers, nesoi, water resistant, o/than rec perf outerwear
6204.63.90	Women's or girls' trousers, breeches and shorts, not knitted or crocheted, of synthetic fibers, nesoi, o/than rec perf outerwear
6204.69.01	Rec perf outerwear, women's or girls' bib and brace overalls, not knitted or crocheted, of artificial fibers
6204.69.02	Rec perf outerwear, women's/girls' trousers, breeches & shorts, not knit/crochet, artificial fibers, cont. 36% or more of wool or fine animal hair
6204.69.03	Rec perf outerwear, women's/girls' trousers, breeches and shorts, not knitted or crocheted, of artificial fibers, nesoi
6204.69.04	Rec perf outerwear, women's/girls' trousers, bib/brace overalls, breeches & shorts, not k/c, silk or silk waste, cont > or = 70% wt silk or silk waste,
6204.69.05	Rec perf outerwear, women's/girls' trousers, bib/brace overalls, breeches & shorts, not k/c, silk or silk waste, cont under 70% by wt silk/silk waste,
6204.69.06	Rec perf outerwear, women's or girls' trousers, bib and brace overalls, breeches and shorts, not knitted or crocheted, of textile materials nesoi
6204.69.15	Women's or girls' bib and brace overalls, not knitted or crocheted, of artificial fibers, o/than rec perf outerwear
6204.69.22	Women's/girls' trousers, breeches & shorts, not knit/crochet, artificial fibers, cont. 36% or more wool or fine animal hair, o/than rec perf outerwear
6204.69.28	Women's or girls' trousers, breeches and shorts, not knitted or crocheted, of artificial fibers, nesoi, o/than rec perf outerwear
6204.69.45	Women's/girls' trousers, bib/brace overalls, breeches & shorts, not k/c, silk or silk waste, cont > or = 70% wt silk,silk waste, not rec perf outerwear
6204.69.65	Women's/girls' trousers, bib/brace overalls, breeches & shorts,not k/c, silk or silk waste, cont under 70% by wt silk/silk waste, not rec perf outwr
6204.69.80	Women's/girls' trousers, bib/brace overalls, breeches & shorts, not knit/crochet, textile materials nesoi, o/than red perf outerwear
6205.20.10	Men's or boys' shirts, not knitted or crocheted, of cotton, certified hand-loomed and folklore products
6205.20.20	Men's or boys' shirts, not knitted or crocheted, of cotton, nesoi

HTS Subheading	Product Description
6205.30.10	Men's or boys' shirts, not knitted or crocheted, of manmade fibers, certified hand-loomed and folklore products
6205.30.15	Men's or boys' shirts, not knitted or crocheted, of manmade fibers, containing 36 percent or more of wool or fine animal hair, nesoi
6205.30.20	Men's or boys' shirts, not knitted or crocheted, of manmade fibers, nesoi
6205.90.05	Men's or boys' shirts, not knitted or crocheted, of wool or fine animal hair, certified hand-loomed and folklore products
6205.90.07	Men's or boys' shirts, not knitted or crocheted, of wool or fine animal hair, nesoi
6205.90.40	Men's or boys' shirts, not knitted or crocheted, of textile materials, nesoi
6206.10.00	Women's or girls' blouses, shirts and shirt-blouses, not knitted or crocheted, of silk or silk waste
6206.20.10	Women's or girls' blouses and shirts, not knitted or crocheted, of wool or fine animal hair, certified hand-loomed and folklore products
6206.20.20	Women's or girls' blouses & shirts, not knitted or crocheted, of wool or fine animal hair, containing 30% or more of silk/silk waste, nesoi
6206.20.30	Women's or girls' blouses and shirts, not knitted or crocheted, of wool or fine animal hair, nesoi
6206.30.10	Women's or girls' blouses and shirts, not knitted or crocheted, of cotton, certified hand-loomed and folklore products
6206.30.20	Women's or girls' blouses and shirts, not knitted or crocheted, of cotton, containing 36 percent or more of flax fibers, nesoi
6206.30.30	Women's or girls' blouses and shirts, not knitted or crocheted, of cotton, nesoi
6206.40.10	Women's or girls' blouses and shirts, not knitted or crocheted, of manmade fibers, certified hand-loomed and folklore products
6206.40.20	Women's or girls' blouses and shirts, not knitted or crocheted, of manmade fibers, containing 30 percent or more of silk/silk waste, nesoi
6206.40.25	Women's or girls' blouses, shirts and shirt-blouses, not knitted or crocheted, of manmade fibers, containing 36% or more of wool, nesoi
6206.40.30	Women's or girls' blouses and shirts, not knitted or crocheted, of manmade fibers, nesoi
6206.90.00	Women's or girls' blouses, shirts and shirt-blouses, not knitted or crocheted, of textile materials nesoi
6207.11.00	Men's or boys' underpants and briefs, not knitted or crocheted, of cotton
6207.19.10	Men's or boys' underpants and briefs, of textile mats(except cotton), cont 70% or more wt of silk or silk waste, not knitted/crocheted
6207.19.90	Men's or boys' underpants and briefs, of textile mats(except cotton), cont under 70% by wt of silk or silk waste, not knitted/crocheted
6207.21.00	Men's or boys' nightshirts and pajamas, not knitted or crocheted, of cotton
6207.22.00	Men's or boys' nightshirts and pajamas, not knitted or crocheted, of man-made fibers
6207.29.10	Men's or boys' nightshirts and pajamas, of textile materials(except cotton or mmf), cont 70% or more by wt of silk or silk waste, not k/c
6207.29.90	Men's or boys' nightshirts and pajamas, of textile materials(except cotton or mmf), cont under 70% by weight of silk or silk waste, not k/c
6207.91.10	Men's or boys' bathrobes, dressing gowns and similar articles, not knitted or crocheted, of cotton
6207.91.30	Men's or boys' singlets and other undershirts, not knitted or crocheted, of cotton

HTS Subheading	Product Description
6207.99.20	Men's or boys' bathrobes, dressing gowns and similar articles, not knitted or crocheted, of wool or fine animal hair
6207.99.40	Men's or boys' singlets and other undershirts, not knitted or crocheted, of wool or fine animal hair
6207.99.70	Men's or boys' undershirts, bathrobes, & sim art, cont 70% or more by wt of silk or silk waste, not knitted or crocheted
6207.99.85	Men's or boys' singlets and other undershirts, not knitted or crocheted, of man-made fibers, nesoi
6208.11.00	Women's or girls' slips and petticoats, not knitted or crocheted, of man-made fibers
6208.19.20	Women's or girls' slips and petticoats, not knitted or crocheted, of cotton
6208.19.50	Women's or girls' slips and petticoats, of textile materials (except mmf or cotton), cont 70% or more by wt of silk or silk waste, not k/c
6208.19.90	Women's or girls' slips and petticoats, of textile materials (except mmf or cotton), cont under 70% by weight of silk or silk waste, not k/c
6208.21.00	Women's or girls' nightdresses and pajamas, not knitted or crocheted, of cotton
6208.22.00	Women's or girls' nightdresses and pajamas, not knitted or crocheted, of man-made fibers
6208.29.10	Women's or girls' nightdresses and pajamas, of textile materials(except cotton or mmf), cont > or = 70% by wt of silk or silk waste, not k/c
6208.29.90	Women's or girls' nightdresses and pajamas, of textile materials(except cotton or mmf), cont under 70% by wt of silk or silk waste, not k/c
6208.91.10	Women's or girls' bathrobes, dressing gowns and similar articles, not knitted or crocheted, of cotton
6208.91.30	Women's or girls' undershirts and underpants, not knitted or crocheted, of cotton
6208.92.00	Women's or girls' singlets & other undershirts, briefs, panties, bathrobes & similar articles, not knitted or crocheted, of man-made fibers
6208.99.20	Women's or girls' undershirts, underpants, bathrobes & like articles, not knitted or crocheted, of wool or fine animal hair
6208.99.30	Women's or girls' singlet & other undershirt, briefs, panties, negligees, dressing gowns & sim art, of silk, con > or = 70% wt silk, not k/c
6208.99.50	Women's or girls' singlets & other undershirts, briefs, panties, negligees, dressing gowns & sim art, of silk, con < 70% wt silk, not k/c
6208.99.80	Women's or girls' undershirts, underpants, bathrobes & like articles, not knitted or crocheted, of textile materials nesoi
6209.20.10	Babies' dresses, not knitted or crocheted, of cotton
6209.20.20	Babies' blouses and shirts, except those imported as parts of sets, not knitted or crocheted, of cotton
6209.20.30	Babies' trousers, breeches and shorts, except those imported as parts of sets, not knitted or crocheted, of cotton
6209.20.50	Babies' garments & clothing acc. nesoi, of cotton, incl. sunsuits & sim app, sets & parts of sets, & diapers, not knitted or crocheted
6209.30.10	Babies' blouses and shirts, except those imported as parts of sets, not knitted or crocheted, of synthetic fibers
6209.30.20	Babies' trousers, breeches and shorts, except those imported as parts of sets, not knitted or crocheted, of synthetic fibers
6209.30.30	Babies' garments and clothing accessories, not knitted or crocheted, nesoi, of synthetic fibers

HTS Subheading	Product Description
6209.90.05	Babies' garments and clothing accessories, not knitted or crocheted, of wool or fine animal hair
6209.90.10	Babies' blouses and shirts, except those imported as parts of sets, not knitted or crocheted, of artificial fibers
6209.90.20	Babies' trousers, breeches and shorts, except those imported as parts of sets, not knitted or crocheted, of artificial fibers
6209.90.30	Babies' garments and clothing accessories, not knitted or crocheted, nesoi, of artificial fibers
6209.90.50	Babies' garments and clothing accessories, of text mats(except wool, cotton or mmf), cont 70% or more by wt of silk or silk waste, not k/c
6209.90.90	Babies' garments and clothing accessories, of textile mats(except wool, cotton or mmf), cont under 70% by wt of silk or silk waste, not k/c
6210.10.50	Nonwoven dispos apparel designed for hosps, clinics, labs or cont area use, made up of fab of 5602/5603, n/formed or lined w paper, not k/c
6210.20.50	Men's or boys' overcoats/carcoats/capes/etc. of mmf, other than with outer sur. impreg/coated/etc. w/ rub/plast, n knitted/crocheted
6210.20.90	Men's or boys' overcoats/carcoats/capes/etc. of tx mat(excl mmf), other than with outer sur. impreg/coated/etc. w/ rub/plast, n k/c
6210.30.50	Women's or girls' overcoats/carcoats/capes/etc. of mmf, other than with outer sur. impreg/coated/etc. w/rub/plast, n k/c
6210.30.70	Women's or girls' overcoats/carcoats/capes/etc. of tx mat(excl mmf), fabric impreg/coated w/rub/plast completely obscuring fab, n k/c
6210.30.90	Women's or girls' overcoats/carcoats/capes/etc. of tx mat(excl mmf), other than with outer sur. impreg/coated etc. w/rub/plast, n k/c
6210.40.15	Rec perf outerwear, men's/boys' garm, nesoi, of fab 5903/5906/5907, not k/c, mmf, w/out sur. impreg/coatd/etc. w/rub/plast completely obscuring fab,
6210.40.25	Rec perf outerwear, men's/boys' garm, nesoi, of fab of 5903/5906/5907, not k/c, mmf, o/than w/outer sur. impreg/coated/etc. w/rub/plast,
6210.40.28	Rec perf outerwear, men's/boys' garm, nesoi, fab of 5903/5906/5907, not k/c, tex mat (excl mmf), w/out sur. impreg/etc. w/rub/plast compl obscuring fab
6210.40.29	Rec perf outerwear, men's or boys' garm, nesoi, of fab of 5903/5906/5907, not k/c, tex mat (excl mmf), w/out sur. impreg/etc. w/rub/plast
6210.40.55	Men's or boys' garm, nesoi, of fab of 5903/5906/5907, not k/c, mmf, o/than w/outer sur. impreg/coated/etc. w/rub/plast, o/than rec perf outerwear
6210.40.75	Men's/boys' garm, nesoi, fab of 5903/5906/5907, n k/c, tex mat (excl mmf), w/oute sur. impreg/etc. w/rub/plast compl obscuring fab,not rec perf outwr
6210.40.80	Men's or boys' garm, nesoi, of fab of 5903/5906/5907, not k/c, tex mat (excl mmf), w/out sur. impreg/etc. w/rub/plast, o/than rec perf outerwear
6210.50.05	Rec perf outerwear, women's/girls' garm, nesoi, fab of 5903/5906/5907,not k/c, mmf, o/than w/out sur. impreg/etc. w/rub/plast
6210.50.22	Rec perf outerwear, wom's/girls' garm, nesoi, fab of 5903/5906/5907, n k/c, tex mat (excpt mmf), o/than w/out sur. impreg/coated w/rub/plas
6210.50.55	Women's or girls' garm, nesoi, of fab of 5903/5906/5907, n k/c, of mmf, other than w/outer sur. impreg/etc. w/rub/plast, o/than rec perf outerwear
6210.50.75	Wom's/girls' garm, nesoi, fab of 5903/5906/5907, n k/c, of tex mat (excl mmf), w/o sur. impreg/etc. w/rub/plast comp obscur fab, not rec perf outerwear

HTS Subheading	Product Description
6210.50.80	Wom's/girls' garm, nesoi, fab of 5903/5906/5907, not k/c, tex mat(except mmf), o/than w/out sur. impreg/coated w/rub/plas, o/than rec perf outwear
6211.11.10	Men's or boys' swimwear, not knitted or crocheted, of man-made fibers
6211.11.40	Men's or boys' swimwear, of textile materials(except mmf), containing 70% or more by weight of silk or silk waste, not knit or crocheted
6211.11.80	Men's or boys' swimwear, of textile materials(except mmf), containing under 70% by weight of silk or silk waste, not knit or crocheted
6211.12.10	Women's or girls' swimwear, not knitted or crocheted, of man-made fibers
6211.12.40	Women's or girls' swimwear, of textile materials(except mmf), containing 70% or more by weight of silk or silk waste, not knit or crocheted
6211.12.80	Women's or girls' swimwear, of textile materials(except mmf), containing under 70% by weight of silk or silk waste, not knit or crocheted
6211.20.04	Anoraks, windbreakers and similar articles imported as parts of ski-suits, con 15% or more by wt of down & waterfowl plumage, etc, not k/c
6211.20.08	Anoraks, windbreakers and similar articles imported as parts of ski-suits, con under 15% by wt of down & waterfowl plumage, etc, not k/c
6211.20.15	Men's or boys' ski-suits, not knitted or crocheted, water resistant, not containing 15% or more by weight of down, etc
6211.20.24	Men's or boys' anoraks, windbreakers and sim art imp ted as pts of ski-suits, of wool, con < 15% wt of down etc, not water resist, not k/c
6211.20.28	Men's or boys' anoraks, etc. imported as parts of ski-suits, of tx mats(except wool), con 15% wt of down etc, not water resist, not k/c
6211.20.34	Men's or boys' trousers and breeches imported as parts of ski-suits, of wool, con under 15% by wt of down etc., not water resist, not k/c
6211.20.38	Men's or boys' trousers & breeches imported as pts of ski-suits, of tx mat(except wool), con 15% wt down etc, not water resist, not k/c
6211.20.44	Men's or boys' ski-suits nesoi, of wool or fine animal hair, con under 15% wt down etc, not water resist, not knitted/crocheted
6211.20.54	Women's or girls' anoraks, windbreakers and sim art imp ted as pts of ski-suits, of wool, con 15% wt down etc, not water resist, not k/c
6211.20.64	Women's or girls' trousers and breeches imported as parts of ski-suits, of wool, cont under 15% by wt of down etc, not water resist, not k/c
6211.20.68	Women's or girls' trousers & breeches imp as pts of ski-suits, of tx mats(except wool), con < 15% wt of down etc, not wat resist, not k/c
6211.20.74	Women's or girls' ski-suits nesoi, of wool or fine animal hair, con under 15% by wt of down etc, not water resistant, not knit or crocheted
6211.20.78	Women's or girls' ski-suits nesoi, of tx mats(except wool), con under 15% by weight of down etc, not water resistant, not knit or crocheted
6211.32.50	Rec pref outwear, men's or boys' track suits or other garments nesoi, not knitted or crocheted, of cotton
6211.32.90	Men's or boys' track suits or other garments nesoi, not knitted or crocheted, of cotton, o/than rec perf outwear
6211.33.50	Rec perf outwear, men's or boys' track suits or other garments nesoi, not knitted or crocheted, of man-made fibers
6211.33.90	Men's or boys' track suits or other garments nesoi, not knitted or crocheted, of man-made fibers, o/than rec perf outwear

HTS Subheading	Product Description
6211.39.03	Rec perf outerwear, men's or boys' track suits or other garments nesoi, not knitted or crocheted, of wool or fine animal hair
6211.39.07	Rec pref outerwear, men's/boys' garments(excl swimwear or ski-suits), nesoi, not k/c, tex mat (not wool, cotton,mmf), cont 70% or more wt of silk
6211.39.15	Rec perf outerwear, men's/boys' garments (excl swimwr or ski-suits), nesoi, not k/c, tex mat (not wool, cotton, mmf), cont under 70% by wt of silk
6211.39.30	Men's or boys' track suits or other garments nesoi, not knitted or crocheted, of wool or fine animal hair, o/than rec perf outerwear
6211.39.60	Men's/boys' garments (excl swimwr or ski-suits), nesoi, not k/c, tex mat (not wool, cotton or mmf), cont 70% or more wt of silk, not rec perf outerwear
6211.39.80	Men's/boys' garments (excl swimwr or ski-suits), nesoi, not k/c, tex mat (not wool, cotton, mmf), cont under 70% by wt of silk, not rec perf outerwear
6211.42.05	Rec perf outerwear, women's or girls' track suits or other garments nesoi, not knitted or crocheted, of cotton
6211.42.10	Women's or girls' track suits or other garments nesoi, not knitted or crocheted, of cotton, o/than rec perf outerwear
6211.43.05	Rec perf outerwear, women's or girls' track suits or other garments nesoi, not knitted or crocheted, of man-made fibers
6211.43.10	Women's or girls' track suits or other garments nesoi, not knitted or crocheted, of man-made fibers, o/than rec perf outerwear
6211.49.03	Rec perf outerwear, women's/girls' garments (excl swimwr or ski-suits), nesoi, not k/c, tex mat (not wool, cotton,mmf), cont 70% or more wt of silk
6211.49.15	Rec perf outerwear, women's or girls' track suits or other garments nesoi, not knitted or crocheted, of wool or fine animal hair
6211.49.25	Rec pref outerwear, women's/girls' garments (excl swimwr or ski-suits), nesoi, not k/c, tex mat (not wool, cotton,mmf), cont under 70% by wt of silk
6211.49.50	Women's/girls' garms (excl swimwr or ski-suits), nesoi, not k/c, tex mat (not wool, cotton, mmf), cont 70% or more wt of silk,o/than rec perf outerwear
6211.49.60	Women's or girls' track suits or other garments nesoi, not knitted or crocheted, of wool or fine animal hair, o/than rec perf outerwear
6211.49.80	Women's/girls' garm (excl swimwr or ski-suits), nesoi, not k/c, tex mat (not wool, cotton, mmf), cont under 70% by wt of silk, not rec perf outerwear
6212.10.30	Brassieres, containing lace, net or embroidery, containing 70% or more by weight of silk or silk waste, whether or not knitted or crocheted
6212.10.50	Brassieres containing lace, net or embroidery, containing under 70% by weight of silk or silk waste, whether or not knitted or crocheted
6212.10.70	Brassieres, not containing lace, net or embroidery, containing 70% or more by wt of silk or silk waste, whether or not knitted or crocheted
6212.10.90	Brassieres, not containing lace, net or embroidery, containing under 70% by wt of silk or silk waste, whether or not knitted or crocheted
6212.20.00	Girdles and panty-girdles
6212.30.00	Corsets
6212.90.00	Braces, suspenders, garters and similar articles and parts thereof
6213.20.20	Handkerchiefs, not knitted or crocheted, of cotton, nesoi
6213.90.05	Handkerchiefs, not knitted or crocheted, containing 70% or more by weight of silk or silk waste

HTS Subheading	Product Description
6213.90.07	Handkerchiefs, of silk or silk waste, containing less than 70 percent by weight of silk or silk waste
6213.90.20	Handkerchiefs, not knitted or crocheted, of textile materials, nesoi
6214.10.10	Shawls, scarves, mufflers, mantillas, veils and the like, not knitted or crocheted, containing 70% or more silk or silk waste
6214.10.20	Shawls, scarves, mufflers, mantillas, veils and the like, not knitted or crocheted, containing less than 70% silk or silk waste
6214.20.00	Shawls, scarves, mufflers, mantillas, veils and the like, not knitted or crocheted, of wool or fine animal hair
6214.40.00	Shawls, scarves, mufflers, mantillas, veils and the like, not knitted or crocheted, of artificial fibers
6214.90.00	Shawls, scarves, mufflers, mantillas, veils and the like, not knitted or crocheted, of textile materials nesoi
6215.10.00	Ties, bow ties and cravats, not knitted or crocheted, of silk or silk waste
6216.00.05	Ice hockey and field hockey gloves, not knitted or crocheted, impregnated, coated or covered with plastics or rubber
6216.00.08	Gloves, mittens & mitts, for sports, including ski & snowmobile gloves, etc., not knitted/crocheted, impreg. or cov. with plastic/rubber
6216.00.17	Gloves etc. (excl. for sports), not k/c, impreg. etc. with plas/rub, w/o four., cut & sewn, of veg. fibers, cont. <50% by wt. plas./rubber
6216.00.19	Gloves, mittens and mitts(excl sports), w/o four, impreg etc, cut & sewn from pre-exist impreg fab, of non-veg fib, con > 50% wt plas/rub
6216.00.24	Gloves, mittens and mitts(excl sports), w/o four, impreg etc, not cut & sewn from pre-exist fab, con 50% or more wt cotton/mmff, not k/c
6216.00.26	Gloves, mittens and mitts(excl sports), w/o four, impreg etc, not cut & sewn from pre-exist fab, con under 50% wt cotton or mmff, not k/c
6216.00.29	Gloves, mittens and mitts(excl sports), impreg, etc., with fourchettes, cont 50% or more by wt of coton, mmf or combo thereof, not knit/croc
6216.00.31	Gloves, mittens and mitts(excl sports), impreg, etc., with fourchettes, cont under 50% by wt of coton, mmf or combo thereof, not knit/croc
6216.00.33	Ice hockey and field hockey gloves, not knitted or crocheted, of cotton, not impregnated, coated or covered with plastics or rubber
6216.00.38	Gloves, mittens & mitts (excl. for sports), not impregnated, coated or covered with plastics or rubber, of cotton, without fourchettes
6216.00.41	Gloves, mittens & mitts (excl. for sports), not impregnated, coated or covered with plastics or rubber, of cotton, with fourchettes
6216.00.43	Ice hockey and field hockey gloves, not knitted or crocheted, of man-made fibers, not impregnated etc. with plastics or rubber
6216.00.46	Gloves, mittens & mitts, for sports use, incl. ski & snowmobile, of man-made fibers, not impregnated/coated with plastics or rubber
6216.00.54	Gloves, mittens & mitts (excl. for sports), not impregnated, coated or covered with plastics or rubber, of man-made fibers, w/o fourchettes
6216.00.58	Gloves, mittens & mitts (excl. for sports), not impregnated, coated or covered with plastics or rubber, of mmf, with fourchettes
6216.00.80	Gloves, mittens and mitts, not knitted or crocheted, of wool or fine animal hair, nesoi
6216.00.90	Gloves, mittens and mitts, not knitted or crocheted, of textile materials nesoi

HTS Subheading	Product Description
6217.10.10	Made up clothing accessories(excl those of heading 6212), containing 70% or more by weight of silk or silk waste, not knitted or crocheted
6217.10.95	Made up clothing accessories (excl of heading 6212 or headbands, ponytail holders & like), containing < 70% wgt of silk, not knit/crochet
6217.90.10	Parts of garments or of clothing accessories (excl those of heading 6212), containing 70% or more by weight of silk or silk waste, not k/c
6217.90.90	Parts of garments or of clothing accessories(excl those of heading 6212), containing under 70% by weight of silk or silk waste, n/knit/croc
6301.20.00	Blankets (other than electric blankets) and traveling rugs, of wool or fine animal hair
6301.30.00	Blankets (other than electric blankets) and traveling rugs, of cotton
6302.10.00	Bed linen, knitted or crocheted
6302.21.30	Bed linen, not knitted or crocheted, printed, of cotton, cont any embroidery, lace, braid, edging, trimming, piping or applique work, napped
6302.21.50	Bed linen, not knit or crocheted, printed, of cotton, cont any embroidery, lace, braid, edging, trimming, piping or applique work, n/napped
6302.21.70	Bed linen, not knit or crocheted, printed, of cotton, not cont any embroidery, lace,braid, edging, trimming, piping or applique work, napped
6302.21.90	Bed linen, not knit or croc, printed, of cotton, not cont any embroidery, lace, braid, edging, trimming, piping or applique work, not napped
6302.29.00	Bed linen, not knitted or crocheted, printed, of textile materials nesoi
6302.31.30	Bed linen, not knit/croc, not printed, of cotton, cont any embroidery, lace, braid, edging, trimming, piping or applique work, napped
6302.31.50	Bed linen, not knit/croc, not printed, of cotton, cont any embroidery, lace, braid, edging, trimming, piping or applique work, not napped
6302.31.70	Bed linen, not knit/croc, not printed, of cotton, not cont any embroidery, lace, braid, edging, trimming, piping or applique work, napped
6302.31.90	Bed linen, not knit/croc, not printed, of cotton, not cont any embroidery, lace, braid, edging, trimming,piping or applique work, not napped
6302.39.00	Bed linen, not knitted or crocheted, not printed, of textile materials nesoi
6302.40.10	Table linen, knitted or crocheted, of vegetable fiber (except of cotton)
6302.40.20	Table linen, knitted or crocheted, nesoi
6302.51.20	Plain woven tablecloths and napkins, not knitted or crocheted, of cotton
6302.51.30	Tablecloths and napkins, other than plain woven or damask, not knitted or crocheted, of cotton
6302.51.40	Table linen, other than tablecloths and napkins, not knitted or crocheted, of cotton, nesoi
6302.53.00	Table linen of man-made fibers, not knitted or crocheted
6302.59.10	Tablecloths and napkins of flax, not knitted or crocheted
6302.59.20	Table linen of flax, other than tablecloths and napkins, not knitted or crocheted
6302.59.30	Table linen, of textile materials other than of cotton, flax or man-made fibers, not knitted or crocheted
6302.60.00	Toilet linen and kitchen linen, of terry toweling or similar terry fabrics, of cotton
6302.91.00	Toilet and kitchen linen, other than terry toweling or similar terry fabrics of cotton
6302.99.10	Toilet and kitchen linen of textile materials nesoi, containing 85% or more by weight of silk or silk waste
6302.99.15	Toilet and kitchen linen of flax

HTS Subheading	Product Description
6302.99.20	Toilet and kitchen linen of textile materials nesoi, containing less than 85% by weight of silk or silk waste
6303.12.00	Curtains (including drapes), interior blinds and valances of synthetic fibers, knitted or crocheted
6303.19.11	Curtains (including drapes), interior blinds and valances of cotton, knitted or crocheted
6303.19.21	Curtains (including drapes), interior blinds and valances of textile materials other than of cotton or synthetic fibers, knitted or crocheted
6303.91.00	Curtains (including drapes), interior blinds and valances of cotton, not knitted or crocheted
6303.92.20	Curtains (including drapes), interior blinds and valances, nesoi, of synthetic fibers, not knitted or crocheted
6303.99.00	Curtains (including drapes), interior blinds, valances of textile materials other than of cotton or of synthetic fibers, not knitted/crocheted
6304.11.10	Bedspreads of cotton, knitted or crocheted, excluding those of heading 9404
6304.19.05	Bedspreads, not knitted or crocheted, of cotton, containing any embroidery, lace, etc.
6304.19.10	Bedspreads, not knitted or crocheted, of cotton, nesoi
6304.19.30	Bedspreads, not knitted or crocheted, other than those of cotton or man-made fibers, excluding those of heading 9404
6304.20.00	Bed nets made from warp knit fabrics, impregnated or coated with chemicals specified in subheading note 1 to this chapter
6304.91.01	Furnishing articles, excluding those of heading 9404 and other than bedspreads and bed nets, knitted or crocheted
6304.92.00	Furnishing articles (excluding those of heading 9404 and other than bedspreads) not knitted or crocheted, of cotton
6304.99.10	Wall hangings, not knitted or crocheted, of wool or fine animal hair, the foregoing certified hand-loomed and folklore products
6304.99.15	Wall hangings, not knitted or crocheted, of wool or fine animal hair, nesoi
6304.99.25	Wall hangings of jute, excluding those of heading 9404
6304.99.35	Furnishing articles (excl. those of heading 9404 and other than bedspreads and jute wall hangings) of veg. fibers (excl. cotton), not k/c
6304.99.40	Certified hand-loomed and folklore pillow covers of wool or fine animal hair, not knitted or crocheted
6304.99.60	Furnishing articles (excluding those of heading 9404 and other than bedspreads) not knitted or crocheted, of textile materials, nesoi
6305.10.00	Sacks and bags of a kind used for the packing of goods, of jute or of other textile bast fibers of heading 5303
6305.20.00	Sacks and bags of a kind used for the packing of goods, of cotton
6305.32.00	Flexible intermed. bulk containers of a kind used for packing goods, of man-made textile materials
6305.33.00	Other sacks/bags for packing goods, of mm tex.mat.(not flex.intermed.bulk containers), of polyethylene or polypro. strip or the like
6305.39.00	Sacks and bags of a kind used for the packing of goods, of man-made textile materials, nesoi
6305.90.00	Sacks and bags of a kind used for the packing of goods, of textile materials, nesoi
6306.19.11	Tarpaulins, awnings and sunblinds, of cotton
6306.19.21	Tarpaulins, awnings and sunblinds, of textile materials other than of cotton or synthetic fibers

HTS Subheading	Product Description
6306.22.10	Backpacking tents of synthetic fibers
6306.22.90	Tents other than backpacking tents, of synthetic fibers
6306.30.00	Sails of textile materials
6306.40.41	Pneumatic mattresses of cotton
6306.40.49	Pneumatic mattresses of textile materials other than of cotton
6307.10.10	Dustcloths, mop cloths and polishing cloths, of cotton
6307.10.20	Floor cloths, dishcloths and similar cleaning cloths of textile materials (except dustcloths, mops cloths and polishing cloths of cotton)
6307.90.30	Made-up labels of textile materials
6307.90.40	Cords and tassels of textile materials
6307.90.50	Corset lacings, footwear lacings or similar lacings of textile materials
6307.90.60	Surgical drapes of fabric formed on a base of paper or covered or lined with paper
6307.90.68	Surgical drapes of spunlaced or bonded fiber fabric disposable surgical drapes of man-made fibers
6307.90.72	Surgical drapes, nesoi, not spunlaced or bonded fiber fabric
6307.90.85	Wall banners, of man-made fibers
6307.90.98	National flags and other made-up articles of textile materials, nesoi
6308.00.00	Needlecraft sets for making up into rugs, etc., consist of woven fabric and yarn, whether/not w/accessories, put up packings for retail sale
6309.00.00	Worn clothing and other worn articles
6310.10.10	Used or new rags, scrap and worn out articles of twine, cordage, rope or cables, of wool or fine animal hair, sorted
6310.10.20	Used or new rags, scrap and worn out articles of twine, cordage, rope or cables, of textile materials nesoi, sorted
6310.90.10	Used or new rags, scrap and worn out articles of twine, cordage, rope or cables, of wool or fine animal hair, not sorted
6310.90.20	Used or new rags, scrap and worn out articles of twine, cordage, rope or cables, of textile materials nesoi, not sorted
6401.10.00	Waterproof footwear, not mechanically assembled, w/outer soles & uppers of rubber or plastics, w/metal toecap
6401.92.30	Waterproof ski boots & snowboard boots, not mechanically asmbld., w/outer sole and uppers of rubb. or plast., cover/ankle but not knee
6401.92.90	Waterproof footwear, not mechanically asmbld., w/outer soles and upper of rubber or plastics, nesoi, covering ankle but not knee
6401.99.30	Waterproof protect. footwear, not mechanically asmbld., w/outer soles and uppers of rubber or plastics, not cover ankle, w/o closures
6401.99.60	Waterproof protect. footwear, not mechanically asmbld., w/outer soles and uppers of rubber or plastics, not cover ankle, w/closures
6401.99.80	Waterproof footwear, not mechanically asmbld, w/outer soles and 90% of ext. surf. area of uppers of rubber or plastics, not cover ankle
6402.12.00	Ski-boots, cross-country ski footwear and snowboard boots, w/outer soles and uppers of rubber or plastics
6402.19.15	Sports footwear (o/than ski fwear & golf shoes), w/outer soles of rubber or plastics & uppers >90% ext. surf. area rubber or plast.

HTS Subheading	Product Description
6402.19.50	Sports footwear w/outer soles and uppers of rubber or plastics, nesoi, valued over \$3 but not over \$6.50/pair
6402.19.70	Sports footwear w/outer soles and uppers of rubber or plastics, nesoi, valued over \$6.50 but not over \$12/pair
6402.19.90	Sports footwear w/outer soles and uppers of rubber or plastics, nesoi, valued over \$12/pair
6402.91.26	Footwear, covers ankle, w/outer soles & uppers of rubber or plastics, nesoi, w/metal toe-cap, not protective, valued o/\$6.50 but n/o \$12/pair
6402.91.60	Footwear w/outer soles & uppers of rubber or plastics, nesoi, covering ankle, nesoi, valued n/o \$3/pair
6402.91.80	Footwear w/outer soles & uppers of rubber or plastics, nesoi, covering ankle, nesoi, valued o/\$6.50 but n/o \$12/pair
6402.91.90	Footwear w/outer soles & uppers of rubber or plastics, nesoi, covering ankle, nesoi, valued over \$12/pair
6402.99.08	Footwear not cov. ankle, w/outer soles & uppers of rubber or plastics, nesoi, w/metal toe-cap, to protect against liquids, chem, weather
6402.99.21	Footwear not cov. ankle, w/outer soles & uppers of rubber or plastics, nesoi, w/metal toe-cap, not protective, valued over \$12/pair
6402.99.23	Footwear w/outer soles & uppers of rubber or plastics, nesoi, n/cov. ankle, w/ext. surf. uppers o/90% rubber/plastics, w/base of wood
6402.99.25	Footwear w/outer soles & uppers of rubber or plastics, nesoi, n/cov. ankle, w/ext. surf. uppers o/90% rubber/plastics, w/base of cork
6402.99.27	Sandals w/outer soles & uppers of rubber or plastics, not cov. ankle, produced in one piece by molding
6402.99.32	Protective active footwear w/outer soles & uppers of rubber or plastics, not covered ankle, nesoi, valued over \$24/pair
6402.99.33	Footwear w/outer soles & uppers of rubber or plastics, nesoi, n/cov. ankle, nesoi, design. as protection against liquids/chemicals/weather
6402.99.49	Footwear w/outer soles & uppers of rubber or plastics, nesoi, n/cov. ankle, w/open toes or heels or of the slip-on type
6402.99.80	Footwear w/outer soles & uppers of rubber or plastics, nesoi, n/cov. ankle, nesoi, valued o/\$6.50 but n/o \$12/pair
6402.99.90	Footwear w/outer soles & uppers of rubber or plastics, nesoi, n/cov. ankle, nesoi, valued over \$12/pair
6403.12.30	Ski-boots, cross-country ski footwear and snowboard boots, w/outer soles of rubber/plastics/leather/comp. leather & uppers of leather, welt
6403.12.60	Ski-boots, cross-country ski footwear and snowboard boot, w/outer soles of rubber/plastics/leather/comp. leather & uppers of leather, n/welt
6403.19.10	Golf shoes, w/outer soles rubber/plastics/leather/comp. leather & uppers of leather, welt, for men/youths/boys
6403.19.20	Sports footwear, nesoi, w/outer soles of rubber/plastics/leather/comp. leather & uppers of leather, welt, for men/youths/boys
6403.19.40	Sports footwear, nesoi, w/outer soles rubber/plastics/leather/comp. leather & uppers of leather, n/welt, for men/youths/boys
6403.19.50	Golf shoes, w/outer soles rubber/plastics/leather/comp. leather & upper of leather, for persons other than men/youths/boys

HTS Subheading	Product Description
6403.19.70	Sports footwear, nesoi, w/outer soles rubber/plastics/leather/comp.leather & uppers of leather, for persons other than men/youths/boys
6403.20.00	Footwear w/outer soles leather and uppers consist. of leather straps across the instep and around the big toe
6403.40.30	Footwear w/outer soles of rubber/plastics/leather/comp. leather & uppers of leather, w/protective metal toe-cap, welt
6403.51.11	Footwear w/outer soles of leather & uppers of leather, covering ankle, made on a base or platform of wood, w/o insole or metal toe-cap
6403.51.30	Footwear w/outer soles and uppers of leather, nesoi, covering the ankle, welt
6403.51.60	Footwear w/outer soles and uppers of leather, nesoi, covering the ankle, n/welt, for men, youths and boys
6403.51.90	Footwear w/outer soles and uppers of leather, nesoi, covering the ankle, n/welt, for persons other than men, youths and boys
6403.59.10	Footwear w/outer soles of leather & uppers of leather, not covering ankle, made on a base or platform of wood, w/o insole or metal toe-cap
6403.59.15	Turn or turned footwear w/outer soles and uppers of leather, not covering the ankle
6403.59.30	Footwear w/outer soles and uppers of leather, not covering the ankle, welt, nesoi
6403.59.60	Footwear w/outer soles and uppers of leather, not cov. ankle, n/welt, for men, youths and boys
6403.59.90	Footwear w/outer soles and uppers of leather, not cov. ankle, n/welt, for persons other than men, youths and boys
6403.91.11	Footwear w/outer soles of rubber, plastics & uppers of leather, covering ankle, made on a base or platform of wood, w/o insole or metal toe
6403.91.30	Footwear w/outer soles of rubber/plastics/composition leather & uppers of leather, covering the ankle, welt
6403.91.60	Footwear w/outer soles of rubber/plastics/composition leather & uppers of leather, covering the ankle, n/welt, for men,youths and boys
6403.91.90	Footwear w/outer soles of rubber/plastics/comp. leather & uppers of leather, cov. ankle, n/welt, for persons other than men/youths/boys
6403.99.10	Footwear w/outer soles of rubber, plastics & uppers of leather, not covering ankle, made on a base or platform of wood, w/o insole or metal
6403.99.20	Footwear w/outer soles of rubber/plastics/comp. leather & uppers of leather, n/cov. ankle, made on a base wood
6403.99.40	Footwear w/outer soles of rubber/plastics/comp. leather & uppers of leather, n/cov. ankle, welt, nesoi
6403.99.60	Footwear w/outer soles of rubber/plastics/comp. leather & uppers of leather, n/cov. ankle, n/welt, for men, youths and boys, nesoi
6403.99.90	Footwear w/outer soles of rubber/plastics/comp. leather & uppers of leather, n/cov. ankle, for women/child./infants, val. over \$2.50/pair
6404.11.20	Sports & athletic footwear w/outer soles of rubber/plastics & uppers of textile, w/ext. surf. of uppers over 50% leather
6404.11.71	Sports ftwear w/outer soles rubber/plastic & uppers veg fiber, val.>\$3 but <\$6.50/pr, not subj note 5 ch 64
6404.11.79	Sports ftwear w/outer soles rubber/plastic & uppers textile, val. >\$3 but <\$6.50/pr, subj note 5 ch 64

HTS Subheading	Product Description
6404.11.81	Sports ftwear w/outer soles rubber/plastic & uppers veg fiber, val. >\$6.50 but <\$12/pr, not subj note 5 to ch 64
6404.11.89	Sports ftwear w/outer soles rubber/plastics& uppers textile, val. >\$6.50 but <\$12/pr, subj note 5 ch 64
6404.11.90	Sports ftwear w/outer soles rubber/plastic & uppers textile, val. >\$12/pair
6404.19.15	Ftwear w/outer soles rubber/plastic & uppers textile, nesoi, w/ext. surf. of uppers > 50% leather
6404.19.25	Ftwear w/outer soles rubber/plastic & upp. veg. fibers, nesoi, w/open toes/heels or slip-on, < 10% rub/plast by wt.
6404.19.39	Ftwear w/outr sole rub/plast & upp. textile, nesoi, w/open toes/heels or slip-on, >10% by wt. rub./plast not subj note 5 ch 64
6404.19.79	Footwear w/outr sole rub/plast. & upper. textile, nesoi, val. o/\$3 but n/o \$6.50/pr, nesoi, subj note 5 ch 64
6404.19.82	Footwear w/outer sole rub/plast. & upp. veg fiber, nesoi, val. o/\$6.50 but n/o \$12/pr, not subj note 5 ch 64
6404.19.89	Footwear w/outer soles rub/plast. & upp. textile, nesoi, val. o/\$6.50 but n/o \$12/pr, subj note 5 ch 64
6404.19.90	Footwear w/outer soles of rub./plast. & upp. of textile, nesoi, val. o/\$12/pr
6404.20.20	Footwear w/outer soles of leather/comp. leath., n/o 50% by wt. rub./plast. or rub./plast./text. & 10%+ by wt. rub./plast., val. n/o \$2.50/pr
6404.20.40	Footwear w/outer soles of leather/comp. leath., n/o 50% by wt. rub./plast. or rub./plast./text. & 10%+ by wt. rub./plast., val. o/\$2.50/pr
6404.20.60	Footwear w/outer soles of leather/comp. leather & uppers of textile, nesoi
6405.10.00	Footwear, nesoi, w/outer soles of other than rubber/plastics/leather/comp.leather & uppers of leather/composition leather, nesoi
6405.20.60	Footwear, nesoi, with soles and uppers of wool felt
6405.90.20	Disposable footwear, nesoi, designed for one-time use
6406.10.05	Formed uppers for footwear, of leather/composition leather, for men, youths and boys
6406.10.20	Formed uppers for footwear, of textile materials, w/o 50% of external surface leather
6406.10.25	Formed uppers for footwear, of textile materials, nesoi, valued n/o \$3/pr
6406.10.30	Formed uppers for footwear, of textile materials, nesoi, valued o/\$3 but n/o \$6.50/pr
6406.10.35	Formed uppers for footwear, of textile materials, nesoi, valued o/\$6.50 but n/o \$12/pr
6406.10.40	Formed uppers for footwear, of textile materials, nesoi, valued o/\$12/pr
6406.10.45	Formed upper for footwear, of materials other than leather/comp.leather or textile, w/over 90% of ext. surf. rub./plast. not for fw w/foxing
6406.10.50	Formed uppers for footwear, of materials other than leather/comp.leather or textile materials, nesoi
6406.10.60	Uppers & pts. thereof for footwear, nesoi, of rubber or plastics
6406.10.65	Uppers & pts. thereof for footwear, nesoi, of leather
6406.10.70	Uppers & pts. thereof for footwear, nesoi, of textile materials w/external surface area over 50% leather
6406.10.72	Uppers for footwear, nesoi, of cotton, w/external surface area less than 50% textile materials
6406.10.77	Uppers & pts. thereof for footwear, nesoi, of cotton, w/external surface area 50% or more of textile materials

HTS Subheading	Product Description
6406.10.85	Uppers for footwear, nesoi, of materials nesoi, w/external surface area less than 50% textile materials
6406.10.90	Uppers & pts. thereof for footwear, nesoi
6406.20.00	Outer soles and heels for footwear, of rubber or plastics
6406.90.10	Parts of footwear, nesoi, of wood
6406.90.15	Parts of footwear; nesoi, removable insoles, heel cushions, gaiters, leggings, etc, & pts. thereof; all the foregoing of textile materials
6406.90.60	Parts of footwear; nesoi, removable insoles, heel cushions, etc; gaiters, leggings, etc, & pts. thereof; all the foregoing of leather
6406.90.90	Parts of footwear, nesoi; removable insoles, heel cushions, etc; gaiters, leggings, etc, & pts thereof; all the foregoing of materials nesoi
6505.00.01	Hair-nets of any material, whether or not lined or trimmed
6506.10.30	Safety headgear of reinforced or laminated plastics, whether or not lined or trimmed
6506.10.60	Safety headgear, other than of reinforced or laminated plastics, whether or not lined or trimmed
6602.00.00	Walking-sticks, seat-sticks, whips, riding-crops and the like
6603.90.41	Umbrella handles, knobs, tips and caps
6702.90.10	Artificial flowers/foilage/fruit & pts thereof; articles of artif. flowers, etc.; all the foregoing of feathers
6702.90.65	Artificial flowers/foilage/fruit & pts thereof; articles of artif. flowers, etc.; all the foregoing of materials o/than plast./feath./mmf
6703.00.30	Human hair, dressed, thinned, bleached or otherwise worked, for use in making wigs or the like
6703.00.60	Wool or other animal hair or other textile materials, prepared for use in making wigs or the like
6704.11.00	Wigs (complete), of synthetic textile materials
6704.19.00	Wigs (partial), false beards, eyebrows and the like, of synthetic textile materials
6704.90.00	Wigs, false beards, eyebrows and the like, of animal hair or textile materials (other than synthetic textiles)
6910.90.00	Ceramic (o/than porcelain or china) sinks, washbasins, baths, bidets, water closet bowls, urinals & siml. sanitary fixtures
6911.10.10	Porcelain or china hotel, restaurant & nonhousehold table and kitchenware
6911.10.25	Bone china household table & kitchenware valued o/\$31.50/doz. pcs.
6911.10.35	Porcelain or china (o/than bone china) househld tabl. & kitch.ware in sets in which aggregate val. of arts./US note 6(b) n/o \$56
6911.10.37	Porcelain or china (o/than bone china) househld tabl. & kitch.ware in sets in which aggregate val. of arts./US note 6(b) o/\$56 n/o \$200
6911.10.38	Porcelain or china (o/than bone china) househld tabl. & kitch.ware in sets in which aggregate val. of arts./US note 6(b) o/\$200
6911.10.52	Porcelain or china (o/than bone china) hsehld tabl/kit.ware n/in specif.sets,cups o/\$8 but n/o \$29/dz, saucers o/\$5.25 but n/o \$18.75/dz,etc
6911.10.58	Porcelain or china (o/than bone china) hsehld tabl/kit ware n/in specif. sets, cups o/\$29/dz, saucers o/\$18.75/dz, bowls o/\$33/dz, etc.
6911.10.60	Porcelain or china (o/than bone china) household serviette rings

HTS Subheading	Product Description
6911.10.80	Porcelain or china (o/than bone china) household tableware & kitchenware, not in specified sets, nesoi
6911.90.00	Porcelain or china (o/than bone china) household and toilet articles (other than tableware or kitchenware), nesoi
6912.00.10	Course-grained earthen/stoneware tabl & kitchware; fine-grain earthenware tabl & kitch.ware w/reddish body & lustrous colored/mottled glaze
6913.10.10	Porcelain or china statues, statuettes & handmade flowers, valued o/\$2.50 each, of original work by professional sculptors
6913.10.20	Bone china statuettes and other ornamental articles, nesoi
6913.10.50	Porcelain or china (o/than bone china) statuettes and other ornamental articles, nesoi
6913.90.10	Ceramic (o/than porcelain or china) statues, statuettes, handmade flowers, val. o/\$2.50 each, of original work by professional sculptors
6913.90.20	Ornamental articles of ceramic tile
6913.90.30	Earthenware ornamental articles, having a reddish-colored body and a lustrous glaze of differing colors
6913.90.50	Ceramic (o/than porcelain, china or earthenware) ornamental articles, nesoi
7013.10.10	Transparent glass-ceramic kitchenware 75% by vol. crystalline, of lithium aluminosilicate, w/low lin. coefficient of expansion
7013.10.50	Glass-ceramic ware of a kind used for household, office, indoor decoration or similar purposes, nesoi
7013.22.10	Stemware drinking glasses of lead crystal, valued n/over \$1 each
7013.22.20	Stemware drinking glasses of lead crystal, valued o/\$1 but n/over \$3 each
7013.22.30	Stemware drinking glasses of lead crystal, valued o/\$3 but n/over \$5 each
7013.22.50	Stemware drinking glasses of lead crystal, valued over \$5 each
7013.28.05	Stemware of pressed and toughened (specially tempered) glass, o/than lead crystal
7013.28.10	Stemware, o/than of pressed and toughened glass, o/than lead crystal, valued n/over \$0.30 each
7013.28.20	Stemware, o/than of pressed and toughened glass, o/than lead crystal, valued o/\$0.30 but n/over \$3 each
7013.28.30	Stemware, o/than of pressed and toughened glass, o/than lead crystal, cut or engraved, valued o/\$3 but n/over \$5 each
7013.28.40	Stemware, o/than of pressed and toughened glass, o/than lead crystal, cut or engraved, valued over \$5 each
7013.28.50	Stemware, o/than of pressed and toughened glass, o/than lead crystal, not cut or engraved, valued o/\$3 but n/over \$5 each
7013.28.60	Stemware, o/than of pressed and toughened glass, o/than lead crystal, not cut or engraved, valued over \$5 each
7013.33.10	Drinking glasses, nesoi, of lead crystal, valued n/over \$1 each
7013.33.20	Drinking glasses, nesoi, of lead crystal, valued o/\$1 but n/over \$3 each
7013.33.30	Drinking glasses, nesoi, of lead crystal, valued o/\$3 but n/over \$5 each
7013.33.50	Drinking glasses, nesoi, of lead crystal, valued over \$5 each
7013.37.05	Drinking glasses, nesoi, of pressed and toughened (specially tempered) glass, o/than lead crystal
7013.37.10	Drinking glasses, nesoi, o/than of pressed and toughened glass, o/than lead crystal, valued n/over \$0.30 each

HTS Subheading	Product Description
7013.37.20	Drinking glasses, nesoi, o/than of pressed and toughened glass, o/than lead crystal, valued o/\$0.30 but n/over \$3 each
7013.37.30	Drinking glasses, nesoi, o/than of pressed and toughened glass, o/than lead crystal, cut or engraved, valued o/\$3 but n/over \$5 each
7013.37.40	Drinking glasses, nesoi, o/than of pressed and toughened glass, o/than lead crystal, cut or engraved, valued over \$5 each
7013.37.50	Drinking glasses, nesoi, o/than of pressed and toughened glass, o/than lead crystal, not cut or engraved, valued o/\$3 but n/over \$5 each
7013.37.60	Drinking glasses, nesoi, o/than of pressed and toughened glass, o/than lead crystal, not cut or engraved, valued over \$5 each
7013.41.10	Glassware for table or kitchen purposes (o/than drinking glasses), of lead crystal, valued n/over \$1 each
7013.41.20	Glassware for table or kitchen purposes (o/than drinking glasses), of lead crystal, valued over \$1 but n/over \$3 each
7013.41.30	Glassware for table or kitchen purposes (o/than drinking glasses), of lead crystal, valued over \$3 but n/over \$5 each
7013.41.50	Glassware for table or kitchen purposes (o/than drinking glasses), of lead crystal, valued over \$5 each
7013.42.20	Glassware for table or kitchen purposes (o/than drinking glasses), of low coefficient of heat expansion glass, n/o \$3 each
7013.42.40	Glassware for table or kitchen purposes (o/than drinking glasses), of low coefficient of heat expansion, over \$5 each
7013.49.10	Glassware for table or kitchen purposes (o/than drinking glasses), of pressed and toughened glass, nesoi
7013.49.20	Glassware for table or kitchen purposes (o/than drinking glasses), nesoi, valued n/over \$3 each
7013.49.30	Glassware for table or kitchen purposes (o/than drinking glasses), nesoi, cut or engraved, valued over \$3 but n/over \$5 each
7013.49.40	Glassware for table or kitchen purposes (o/than drinking glasses), nesoi, cut or engraved, valued over \$5 each
7013.49.60	Glassware for table or kitchen purposes (o/than drinking glasses), nesoi, n/cut or engraved, valued over \$5 each
7013.91.30	Glassware for toilet/office/indoor decor. & similar purposes, of lead crystal, valued over \$3 but n/over \$5 each
7013.91.50	Glassware for toilet/office/indoor decor. & similar purposes, of lead crystal, valued over \$5 each
7013.99.10	Glassware, nesoi, decorated/colored within the body prior to solidification; millefiori glassware; glassware colored & w/bubbles etc
7013.99.30	Smokers' articles of glass, nesoi; perfume bottles of glass fitted with ground glass stoppersk, nesoi
7013.99.35	Votive-candle holders of glass, nesoi
7013.99.70	Glassware for toilet/office/indoor decor. or similar purposes, nesoi, cut or engraved, valued over \$5 each
7013.99.90	Glassware for toilet/office/indoor decor. or similar purposes, nesoi, n/cut or engraved, valued over \$5 each

HTS Subheading	Product Description
7015.10.00	Glasses, curved, bent, hollowed, or the like (but not optically worked), for corrective spectacles
7015.90.10	Watch glasses, round
7015.90.20	Watch glasses, not round
7015.90.50	Clock glasses; glasses curved, bent, hollowed, etc. for noncorrective spectacles; hollow spheres & segments for glasses; all n/opt. wkd.
7018.90.10	Glass eyes, except prosthetic articles
7019.40.90	Woven glass fiber fabrics of rovings, o/30 cm wide, colored, other than fiberglass tire cord fabric
7101.10.30	Natural pearls, graded and temporarily strung for convenience of transport
7101.10.60	Natural pearls, not strung, mounted or set
7101.21.00	Cultured pearls, unworked
7101.22.30	Cultured pearls, worked, graded and temporarily strung for convenience of transport
7101.22.60	Cultured pearls, worked, not strung, mounted or set
7102.10.00	Diamonds, unsorted, whether or not worked
7102.31.00	Nonindustrial diamonds, unworked or simply sawn, cleaved or bruted
7102.39.00	Nonindustrial diamonds, worked, but not mounted or set
7103.10.20	Precious stones (o/than diamonds) & semiprecious stones, unworked
7103.10.40	Precious stones (o/than diamonds) & semiprecious stones, simply sawn or roughly shaped
7103.91.00	Rubies, sapphires and emeralds, worked, whether or not graded, but n/strung (ex. ungraded temporarily strung), mounted or set
7103.99.10	Precious or semiprecious stones, nesoi, cut but not set and suitable for use in the manufacture of jewelry
7103.99.50	Precious or semiprecious stones, nesoi, worked, whether or not graded, but n/strung (ex. ungraded temporarily strung), mtd. or set
7104.10.00	Piezo-electric quartz
7104.20.00	Synthetic or reconstructed precious or semiprecious stones, unworked or simply sawn or roughly shaped
7104.90.10	Synthetic or reconstructed precious or semiprecious stones, cut but not set & suitable for use in the manufacture of jewelry
7104.90.50	Synth.or reconstruct. precious or semiprecious stones, wkd, whether or not graded, but n/strung (ex.ungraded temp. strung), mtd./set,nesoi
7113.11.10	Silver rope, curb, etc. in continuous lengths, whether or not plated/clad with other precious metal, suitable for jewelry manufacture
7113.11.20	Silver articles of jewelry and parts thereof, nesoi, valued not over \$18 per dozen pieces or parts
7113.11.50	Silver articles of jewelry and parts thereof, nesoi, valued over \$18 per dozen pieces or parts
7113.19.10	Precious metal (o/than silver) rope, curb, etc. in continuous lengths, whether or not plated/clad precious metal, for jewelry manufacture
7113.19.21	Gold rope necklaces and neck chains
7113.19.25	Gold mixed link necklaces and neck chains
7113.19.29	Gold necklaces and neck chains (o/than of rope or mixed links)
7113.19.30	Precious metal (o/than silver) clasps and parts thereof

HTS Subheading	Product Description
7113.19.50	Precious metal (o/than silver) articles of jewelry and parts thereof, whether or not plated or clad with precious metal,nesoi
7113.20.10	Base metal clad w/precious metal, rope, curb & like articles in continuous lengths, suitable for use in jewelry manufacture
7113.20.21	Base metal clad w/gold rope necklaces and neck chains
7113.20.25	Base metal clad w/gold mixed link necklaces and neck chains
7113.20.29	Base metal clad w/gold necklaces and neck chains, nesoi
7113.20.30	Base metal clad w/precious metal clasps and parts thereof
7113.20.50	Base metal clad w/precious metal articles of jewelry and parts thereof, nesoi
7116.10.25	Cultured pearl articles
7116.20.15	Jewelry articles of precious or semiprecious stones, valued over \$40 per piece
7116.20.30	Semiprecious stones (except rock crystal), graded and strung temporarily for convenience of transport
7116.20.35	Semiprecious stone (except rock crystal) figurines
7116.20.40	Semiprecious stone (except rock crystal) articles (other than jewelry and figurines)
7116.20.50	Precious stone articles,nesoi
7117.11.00	Cuff links and studs of base metal (whether or not plated w/precious metal)
7117.19.15	Rope, curb, cable, chain, etc., of base metal (whether or n/plated w/prec. metal), val. n/over 33 cents/meter for jewelry mfr.
7117.19.20	Rope, curb, cable, chain, etc., of base metal (whether or n/plated w/prec. metal), val. o/33 cents/meter, for jewelry mfr.
7117.19.30	Religious articles of a devotional character, design. to be carried on the person, of base metal (whether or not plated with precious metal)
7117.19.60	Toy jewelry (o/than rope, curb, cable, chain, etc.) of base metal, val. not over 8 cents each
7117.19.90	Imitation jewelry (o/than toy jewelry & rope, curb, cable, chain, etc.), of base metal (wheth. or n/plated w/prec.metal), nesoi
7117.90.10	Necklaces wholly of plastic shapes on a fiber string, valued not over 30 cents per dozen
7117.90.20	Rosaries and chaplets of a purely devotional character for personal use, of a material o/than prec. or base metals, nesoi
7117.90.30	Religious articles of a purely devotional character designed to be carried on the person, nesoi
7117.90.55	Imitation jewelry nesoi, not of base metal, n/o 20 cents/doz. pcs or pts
7117.90.90	Imitation jewelry not of base metal or plastics, nesoi, over 20 cents/dozen pcs or pts
7118.10.00	Coin (other than gold coin), not being legal tender
7118.90.00	Coins, nesoi
7206.10.00	Iron and nonalloy steel ingots
7206.90.00	Iron and nonalloy steel in primary forms (o/than ingots)
7207.11.00	Iron or nonalloy steel semifinished products, w/less than 0.25% carbon, w/rect. cross sect.(incl. sq.), w/width less than twice thickness
7207.12.00	Iron or nonalloy steel semifinished products, w/less than 0.25% carbon, w/rect. cross sect. (exclud. sq.), nesoi
7207.19.00	Iron or nonalloy steel semifinished products, w/less than 0.25% carbon, o/than w/rect. cross section
7207.20.00	Iron or nonalloy steel semifinished products, w/0.25% or more of carbon

HTS Subheading	Product Description
7208.10.15	Iron/nonalloy steel, width 600mm+, hot-rolled flat-rolled products, w/patterns in relief, in coils, pickled, not clad/plated/coated
7208.10.30	Iron/nonalloy steel,width 600mm+,hot-rolled flat-rolled product,in coil,w/pattern in relief,w/thick 4.75mm+,not pickld,not clad/plated/coatd
7208.10.60	Iron/nonalloy steel,width 600mm+,hot-rolled flat-rolled product,in coil,w/pattern in relief,w/thick <4.75mm,not pickld,not clad/plated/coatd
7208.25.30	Nonalloy hi-strength steel, width 600mm+, hot-rolled flat-rolled products, in coils, w/thick 4.75mm+, pickled, not clad/plated/coated
7208.25.60	Iron/nonalloy steel, width 600mm+, hot-rolled flat-rolled products, in coils, w/thick 4.7mm or more, pickled, not clad/plated/coated
7208.26.00	Iron/nonalloy steel, width 600mm+, hot-rolled flat-rolled products, in coils, w/thick 3mm or mor but less 4.75mm, pickled, not clad/plated
7208.27.00	Iron/nonalloy steel, width 600mm+, hot-rolled flat-rolled products, in coils, w/thick less than 3mm, pickled, not clad/plated/coated
7208.36.00	Iron/nonalloy steel, width 600mm+, hot-rolled flat-rolled products, in coils, w/thick o/10mm, not pickled/clad/plated/coated
7208.37.00	Iron/nonalloy steel, width 600mm+, hot-rolled flat-rolled products, in coils, w/thick 4.75mm or more & n/o 10mm, not pickled/clad/plated
7208.38.00	Iron/nonalloy steel, width 600mm+, hot-rolled flat-rolled products, in coils, w/thick 3mm or more & less 4.75mm, not pickld/clad/plated
7208.39.00	Iron/nonalloy steel, width 600mm+, hot-rolled flat-rolled products, in coils, w/thick less than 3mm, not pickled/clad/plated/coated
7208.40.30	Iron/nonalloy steel, width 600mm+, hot-rolled flat-rolled products, w/pattern in relief,not coils,w/thick 4.75 or more, n/clad/plated/coated
7208.40.60	Iron/nonalloy steel, width 600mm+, hot-rolled flat-rolled products, w/pattern in relief,not coils,w/thick < 4.75mm, not clad/plated/coated
7208.51.00	Iron/nonalloy steel, width 600mm+, hot-rolled flat-rolled products, nesoi, not in coils, w/thick o/10mm, not clad/plated/coated
7208.52.00	Iron/nonalloy steel, width 600mm+, hot-rolled flat-rolled products, neosi, not in coils, w/thick 4.75mm+ but n/o 10mm, not clad/plated/
7208.53.00	Iron/nonalloy steel, width 600mm+, hot-rolled flat-rolled products, neosi, not in coils, w/thick 3mm+ but < 4.75mm, not clad/plated/coated
7208.54.00	Iron/nonalloy steel, width 600mm+, hot-rolled flat-rolled products, neosi, not in coils, w/thick less than 3mm, not clad/plated/coated
7208.90.00	Iron/nonalloy steel, width 600mm+, hot-rolled flat-rolled products, nesoi, not clad/plated/coated
7209.15.00	Iron/nonalloy steel, width 600mm+, cold-rolled flat-rolled products, in coils, w/thick 3mm+, not clad/plated/coated
7209.16.00	Iron/nonalloy steel, width 600mm+, cold-rolled flat-rolled products, in coils, w/thick o/1mm but less than 3mm, not clad/plated/coated
7209.17.00	Iron/nonalloy steel, width 600mm+, cold-rolled flat-rolled products, in coils, w/thick 0.5mm or more but n/o 1mm, not clad/plated/coated
7209.18.15	Nonalloy hi-strength steel, width 600mm+, cold-rolled flat-rolled products, in coils, w/thick less than 0.5mm, not clad/plated/coated
7209.18.25	Nonalloy steel(blackplate), width 600mm+, cold-rolled flat-rolled products, in coils, w/thick less than 0.361mm, not clad/plated/coated

HTS Subheading	Product Description
7209.18.60	Iron/nonalloy steel, width 600mm+, cold-rolled flat-rolled products, in coils, w/thick 0.361mm+ but less 5mm, not clad/plated/coated
7209.25.00	Iron/nonalloy steel, width 600mm+, cold-rolled flat-rolled products, not in coils, w/thick 3mm or more, not clad/plated/coated
7209.26.00	Iron/nonalloy steel, width 600mm+, cold-rolled flat-rolled products, not in coils, w/thick o/1mm but less than 3mm, not clad/plated/coated
7209.27.00	Iron/nonalloy steel, width 600mm+, cold-rolled flat-rolled products, not in coils, w/thick 0.5mm+ but n/o 1mm, not clad/plated/coated
7209.28.00	Iron/nonalloy steel, width 600mm+, cold-rolled flat-rolled products, not in coils, w/thick less than 0.5mm, not clad/plated/coated
7209.90.00	Iron/nonalloy steel, width 600mm+, flat-rolled products further worked than cold-rolled, not clad/plated/coated, nesoi
7210.11.00	Iron/nonalloy steel, width 600mm+, flat-rolled products, plated or coated with tin, w/thick. 0.5 mm or more
7210.12.00	Iron/nonalloy steel, width 600mm+, flat-rolled products, plated or coated with tin, less than 0.5 mm thick
7210.30.00	Iron/nonalloy steel, width 600mm+, flat-rolled products, electrolytically plated or coated with zinc
7210.41.00	Iron/nonalloy steel, width 600mm+, flat-rolled products, plated or coated with zinc (other than electrolytically), corrugated
7210.49.00	Iron/nonalloy steel, width 600mm+, flat-rolled products, plated or coated with zinc (other than electrolytically), not corrugated
7210.50.00	Iron/nonalloy steel, width 600mm+, flat-rolled products, plated or coated with chromium oxides or with chromium and chromium oxides
7210.61.00	Iron/nonalloy steel, width 600mm+, flat-rolled products, plated or coated with aluminum-zinc alloys
7210.69.00	Iron/nonalloy steel, width 600mm+, flat-rolled products, plated or coated with aluminum o/than aluminum-zinc alloy
7210.70.30	Iron/nonalloy steel, width 600mm+, flat-rolled products, painted/varnished or coated w/plastic but not plated/coated or clad w/metal
7210.70.60	Iron/nonalloy steel, width 600mm+, flat-rolled products, painted/varnished or coated w/plastic, nesoi
7210.90.10	Iron/nonalloy steel, width 600mm+, flat-rolled products, clad
7210.90.60	Iron/nonalloy steel, width 600mm+, flat-rolled products, electrolytically coated or plated with base metal, nesoi
7210.90.90	Iron/nonalloy steel, width 600mm+, flat-rolled products, plated or coated, nesoi
7211.13.00	Iron/nonalloy steel, width less th/600mm, hot-rolled flat-rolled universal mill plate, not clad/plated/coated
7211.14.00	Iron/nonalloy steel, width less th/600mm, hot-rolled flat-rolled products, nesoi, w/thick of 4.75mm or more, not clad/plated/coated
7211.19.15	Nonalloy hi-strength steel, width less th/300mm, hot-rolled flat-rolled products, not clad/plated/coated
7211.19.20	Iron/nonalloy steel, nesoi, width less th/300mm, hot-rolled flat-rolled products, w/thick o/1.25 mm but n/o 4.75 mm, n/clad/plated/coated
7211.19.30	Iron/nonalloy steel, nesoi, width less th/300mm, hot-rolled flat-rolled products, w/thick 1.25mm or less, not clad/plated/coated

HTS Subheading	Product Description
7211.19.45	Nonalloy hi-strength steel, width 300mm+ but less th/600mm, hot-rolled flat-rolled products, not clad/plated/coated
7211.19.60	Iron/nonalloy steel, neosi, width 300mm+ but less th/600mm, hot-rolled flat-rolled products, pickled, not clad/plated/coated
7211.19.75	Iron/nonalloy steel, neosi, width 300mm+ but less th/600mm, hot-rolled flat-rolled products, not pickled, not clad/plated/coated
7211.23.15	Nonalloy hi-strength steel, width less th/300mm, cold-rolled flat-rolled, <0.25% carbon, w/thick o/1.25mm, not clad/plated/coated
7211.23.20	Iron/nonalloy steel, nesoi, width less th/300mm, cold-rolled flat-rolled, <0.25% carbon, w/thick o/1.25mm, not clad/plated/coated
7211.23.30	Iron/nonalloy steel, nesoi, width less th/300mm, cold-rolled flat-rolled, <0.25% carbon, w/thick o/0.25mm n/o 1.25mm, not clad/plated
7211.23.45	Iron/nonalloy steel, nesoi, width less th/300mm, cold-rolled flat-rolled, <0.25% carbon, w/thick n/o 0.25mm, not clad/plated/coated
7211.23.60	Iron/nonalloy steel, nesoi, width 300mm+ but less th/600mm, cold-rolled flat-rolled, <0.25% carbon, not clad/plated/coated
7211.29.20	Iron/nonalloy steel, width less th/300mm, cold-rolled flat-rolled, w/0.25% or more carbon, w/thick o/0.25mm, not clad/plated/coated
7211.29.45	Iron/nonalloy steel, width less th/300mm, cold-rolled flat-rolled, w/0.25% or more carbon, w/thick 0.25mm or less, not clad/plated/coated
7211.29.60	Iron/nonalloy steel, width 300mm+ but less th/600mm, cold-rolled flat-rolled, w/0.25% or more carbon, not clad/plated/coated
7211.90.00	Iron/nonalloy steel, width less th/600mm, flat-rolled further worked than cold-rolled, not clad, plated or coated
7212.10.00	Iron/nonalloy steel, width less th/600mm, flat-rolled products, plated or coated with tin
7212.20.00	Iron/nonalloy steel, width less th/600mm, flat-rolled products, electrolytically plated or coated with zinc
7212.30.10	Iron/nonalloy steel, width less th/300mm, flat-rolled products, plated/coated with zinc (other than electrolytically), w/thick o/0.25mm
7212.30.30	Iron/nonalloy steel, width less th/300mm, flat-rolled products, plated/coated w/zinc (other than electrolytically), w/thick 0.25mm or less
7212.30.50	Iron/nonalloy steel, width 300+ but less th/600mm, flat-rolled products, plated or coated with zinc (other than electrolytically)
7212.40.10	Iron/nonalloy steel, width less th/300mm, flat-rolled products, painted, varnished or coated w/plastic
7212.40.50	Iron/nonalloy steel, width 300+ but less th/600mm, flat-rolled products, painted, varnished or coated w/plastic
7212.50.00	Iron/nonalloy steel, width less th/600mm, flat-rolled products, plated or coated nesoi
7212.60.00	Iron/nonalloy steel, width less th/600mm, flat-rolled products, clad
7213.10.00	Iron/nonalloy, concrete reinforcing bars and rods in irregularly wound coils, hot-rolled
7213.20.00	Free-cutting steel, bars and rods in irregularly wound coils, hot-rolled
7213.91.30	Iron/nonalloy steel, nesoi, hot-rolled bars & rods in irregularly wound coils, w/cir. x-sect. diam. <14mm, n/tempered/treated/partly mfd
7213.91.45	Iron/nonalloy steel, nesoi, hot-rolled bars & rods in irregularly wound coils, w/cir. x-sect. diam. <14mm, w/0.6%+ of carbon, nesoi

HTS Subheading	Product Description
7213.91.60	Iron/nonalloy steel, nesoi, hot-rolled bars & rods in irregularly wound coils, w/cir. x-sect.
	diam. <14mm, w/less th/0.6% carbon, nesoi
7213.99.00	Iron/nonalloy steel, nesoi, hot-rolled bars & rods, w/cir. x-sect. diam 14+mm or non-circ. x-
	sect., in irregularly wound coils, nesoi
7214.20.00	Iron/nonalloy steel, concrete reinforcing bars and rods, not further worked than hot-rolled,
	hot-drawn or hot-extruded, n/coils
7214.30.00	Free-cutting steel, bars and rods, not further worked than hot-rolled, hot-drawn or hot-
	extruded, n/coils, nesoi
7214.91.00	Iron/nonalloy steel, bars and rods, not further worked than hot-rolled, hot-drawn or hot-
	extruded, w/rectangular (o/than square) X-section
7214.99.00	Iron/nonalloy steel, bars and rods, not further worked than hot-rolled, hot-drawn or hot-
	extruded, w/non-rectangular X-sect, not in coils
7215.10.00	Free-cutting steel, bars and rods, not further worked than cold-formed or cold-finished, not
	in coils
7215.50.00	Iron/nonalloy steel nesoi, bars and rods, not further wkd. than cold-formed or cold-finished,
	not in coils
7215.90.10	Iron/nonalloy steel, bars and rods, not cold-formed, plated or coated with metal
7215.90.50	Iron/nonalloy steel, bars and rods, further worked than cold-formed or cold-finished, nesoi
7216.10.00	Iron/nonalloy steel, U,I or H-sections, not further worked than hot-rolled, hot-drawn or
	extruded, w/height under 80 mm
7216.21.00	Iron/nonalloy steel, L-sections, not further worked than hot-rolled, hot-drawn or extruded,
	w/height under 80 mm
7216.22.00	Iron/nonalloy steel, T-sections, not further worked than hot-rolled, hot-drawn or extruded,
	w/height under 80 mm
7216.31.00	Iron/nonalloy steel, U-sections, not further worked than hot-rolled, hot-drawn or extruded,
	w/height of 80 mm or more
7216.32.00	Iron/nonalloy steel, I-sections (standard beams), not further worked than hot-rolled, hot-
	drawn or extruded, w/height 80 mm or more
7216.33.00	Iron/nonalloy steel, H-sections, not further worked than hot-rolled, hot-drawn or extruded,
	w/height 80 mm or more
7216.40.00	Iron/nonalloy steel, L or T-sections, not further worked than hot-rolled, hot-drawn or
	extruded, w/height 80 mm or more
7216.50.00	Iron/nonalloy steel, angles, shapes & sections nesoi, not further worked than hot-rolled, hot-
	drawn or extruded
7216.99.00	Iron/nonalloy steel, angles, shapes & sections nesoi,further wkd. than cold-formed or cold-
	finished and not from flat-rolled products
7217.10.10	Iron/nonalloy steel, flat wire, <0.25% carbon, not plated or coated, w/thick n/o 0.25 mm
7217.10.20	Iron/nonalloy steel, flat wire, <0.25% carbon, not plated or coated, w/thick o/0.25mm but
	n/o 1.25 mm
7217.10.30	Iron/nonalloy steel, flat wire, <0.25% carbon, not plated or coated, w/thick o/1.25 mm
7217.10.40	Iron/nonalloy steel, round wire, <0.25% carbon, not plated or coated, w/diameter less than
	1.5 mm
7217.10.50	Iron/nonalloy steel, round wire, <0.25% carbon, not plated or coated, w/diameter of 1.5 mm
	or more
7217.10.60	Iron/nonalloy steel, wire (other than flat or round), <0.25% carbon, not plated or coated
7217.10.70	Iron/nonalloy steel, flat wire, w/0.25% or more carbon, not plated or coated

HTS Subheading	Product Description
7217.10.80	Iron/nonalloy steel, round wire, w/0.25% or more carbon, not plated or coated
7217.10.90	Iron/nonalloy steel, wire (other than flat or round), w/0.25% or more of carbon, not plated or coated
7217.20.15	Iron/nonalloy steel, flat wire, plated or coated with zinc
7217.20.30	Iron/nonalloy steel, round wire, <0.25% carbon, plated or coated with zinc, w/diameter of 1.5 mm or more
7217.20.45	Iron/nonalloy steel, round wire, w/0.25% or more carbon and/or <1.5mm diam, plated or coated with zinc
7217.20.60	Iron/nonalloy steel, wire (other than flat or round), <0.25% carbon, plated or coated with zinc
7217.20.75	Iron/nonalloy steel, wire (other than flat or round), w/0.25% or more of carbon, plated or coated with zinc
7217.30.15	Iron/nonalloy steel, flat wire, plated or coated with base metal other than zinc
7217.30.30	Iron/nonalloy steel, round wire, <0.25% carbon, plated or coated with base metal other than zinc, w/diam. of 1.5 mm or more
7217.30.45	Iron/nonalloy steel, round wire, w/0.25% or more carbon and/or <1.5mm diam, plated or coated with base metal other than zinc
7217.30.60	Iron/nonalloy steel, wire (other than flat or round), <0.25% carbon, plated or coated with base metal other than zinc
7217.30.75	Iron/nonalloy steel, wire (other than flat or round), w/0.25% or more of carbon, plated or coated with base metal other than zinc
7217.90.10	Iron/nonalloy steel, wire, coated with plastics
7217.90.50	Iron/nonalloy steel, wire, plated or coated with materials other than base metals or plastics
7218.10.00	Stainless steel, ingots and other primary forms
7218.91.00	Stainless steel, semifinished products of rectangular (other than square) cross-section
7218.99.00	Stainless steel, semifinished products, other than of rectangular (other than square) cross-section
7219.11.00	Stainless steel, width 600mm+, hot-rolled flat-rolled products, in coils, w/thickness o/10 mm
7219.12.00	Stainless steel, width 600mm+, hot-rolled flat-rolled products, in coils, w/thick. 4.75 mm or more but n/o 10 mm
7219.13.00	Stainless steel, width 600mm+, hot-rolled flat-rolled products, in coils, w/thick. 3 mm or more but less than 4.75 mm
7219.14.00	Stainless steel, width 600mm+, hot-rolled flat-rolled products, in coils, w/thickness less than 3 mm
7219.21.00	Stainless steel, width 600mm+, hot-rolled flat-rolled products, not in coils, w/thickness o/10 mm
7219.22.00	Stainless steel, width 600mm+, hot-rolled flat-rolled products, not in coils, w/thick. 4.75 mm or more but n/o 10 mm
7219.23.00	Stainless steel, width 600mm+, hot-rolled flat-rolled products, not in coils, w/thick. 3 mm or more but less than 4.75 mm
7219.24.00	Stainless steel, width 600mm+, hot-rolled flat-rolled products, not in coils, w/thickness less than 3 mm
7219.31.00	Stainless steel, width 600mm+, cold-rolled flat-rolled products, w/thickness of 4.75 mm or more
7219.32.00	Stainless steel, width 600mm+, cold-rolled flat-rolled products, w/thickness of 3 mm or more but less than 4.75 mm

HTS Subheading	Product Description
7219.33.00	Stainless steel, width 600mm+, cold-rolled flat-rolled products, w/thickness o/1 mm but less than 3 mm
7219.34.00	Stainless steel, width 600mm+, cold-rolled flat-rolled products, w/thickness of 0.5 mm or more but n/o 1 mm
7219.35.00	Stainless steel, width 600mm+, cold-rolled flat-rolled products, w/thickness of less than 0.5 mm
7219.90.00	Stainless steel, width 600mm+, flat-rolled products, nesoi, further worked than cold-rolled
7220.11.00	Stainless steel, width less th/600mm, hot-rolled flat-rolled products, w/thickness of 4.75 mm or more
7220.12.10	Stainless steel, width 300m+ but less th/600mm, hot-rolled flat-rolled products, w/thickness of less than 4.75 mm
7220.12.50	Stainless steel, width less th/300mm, hot-rolled flat-rolled products, w/thickness of less than 4.75 mm
7220.20.10	Stainless steel, width 300+ but less th/600mm, cold-rolled flat-rolled products
7220.20.60	Stainless steel, width less th/300mm, cold-rolled flat-rolled products, w/thickness o/1.25 mm
7220.20.70	Stainless steel, width less th/300mm, cold-rolled flat-rolled products, w/ thickness of 0.25 mm but n/o 1.25 mm
7220.20.80	Stainless razor blade steel, width less th/300mm, cold-rolled flat-rolled, w/thickness n/o 0.25 mm
7220.20.90	Stainless steel (o/than razor blade steel), width less th/300mm, cold-rolled flat-rolled products, w/thickness n/o 0.25 mm
7220.90.00	Stainless steel, width less th/600mm, flat-rolled products further worked than cold-rolled
7221.00.00	Stainless steel, bars and rods in irregularly wound coils, hot-rolled
7222.11.00	Stainless steel, bars and rods, hot-rolled, hot-drawn or extruded, of circular cross-section
7222.19.00	Stainless steel, bars and rods, hot-rolled, hot-drawn or extruded, other than of circular cross-section
7222.20.00	Stainless steel, bars and rods, not further worked than cold-formed or cold-finished, nesoi
7222.30.00	Stainless steel, bars and rods, further worked than cold-formed or cold-finished, nesoi
7222.40.30	Stainless steel, angles, shapes & sections, hot-rolled, not drilled/punched or otherwise advanced
7222.40.60	Stainless steel, angles, shapes & sections, other than hot-rolled and not drilled/punched or otherwise advanced
7223.00.10	Stainless steel, round wire
7223.00.50	Stainless steel, flat wire
7223.00.90	Stainless steel, wire (other than round or flat wire)
7224.10.00	Alloy (o/than stainless) steel, ingots and other primary forms
7224.90.00	Alloy (o/than stainless) steel, semifinished products
7225.11.00	Alloy silicon electrical steel (grain-oriented), width 600mm+, flat-rolled products
7225.19.00	Alloy silicon electrical steel (other than grain-oriented), width 600mm+, flat-rolled products
7225.30.11	Alloy tool steel, width 600mm+, hot-rolled flat-rolled products, in coils, w/thick. of 4.75 mm or more
7225.30.30	Alloy (o/th stainless, silicon elect., hi-speed, or tool) steel, width 600mm+, hot-rolled flat-rolled products, in coils, w/thick 4.75mm+
7225.30.51	Alloy tool steel, width 600mm+, hot-rolled flat-rolled products, in coils, w/thick. of less than 4.75 mm

HTS Subheading	Product Description
7225.30.70	Alloy (o/th stainless, silicon elect., hi-speed, or tool) steel, width 600mm+, hot-rolled flat-rolled prod., in coils, w/thick less 4.75mm
7225.40.11	Alloy tool steel, width 600mm+, hot-rolled flat-rolled products, n/coils, w/thick. of 4.75 mm or more
7225.40.30	Alloy (o/th stainless, silicon elect., hi-speed, or tool) steel, width 600mm+, hot-rolled flat-rolled products, n/coils, w/thick 4.75mm+
7225.40.51	Alloy tool steel, width 600mm+, hot-rolled flat-rolled products, n/coils, w/thick. of less than 4.75 mm
7225.40.70	Alloy (o/th stainless, silicon elect., hi-speed, or tool) steel, width 600mm+, hot-rolled flat-rolled prod., n/coils, w/thick less 4.75mm
7225.50.11	Alloy tool steel, width 600mm+, cold-rolled flat-rolled products
7225.50.60	Alloy steel (o/ than tool), width 600mm+, cold-rolled flat-rolled products, w/thickness 4.75 mm or more
7225.50.70	Alloy heat-resisting steel, width 600mm+, cold-rolled flat-rolled products, w/thickness less than 4.75 mm
7225.50.80	Alloy steel (o/th heat-resisting), width 600mm+, cold-rolled flat-rolled products, w/thickness less than 4.75 mm
7225.91.00	Alloy steel, width 600mm+, flat-rolled products further worked than cold-rolled, electrolytically plated or coated with zinc
7225.92.00	Alloy steel, width 600mm+, flat-rolled products further worked than cold-rolled, plated or coated with zinc (o/than electrolytically)
7225.99.00	Alloy steel, width 600mm+, flat-rolled products further worked than cold-rolled, nesoi
7226.11.10	Alloy silicon electrical steel (grain-oriented), width 300mm+ but less th/600mm, flat-rolled products
7226.11.90	Alloy silicon electrical steel (grain-oriented), width less th/300mm, flat-rolled products
7226.19.10	Alloy silicon electrical steel (o/than grain-oriented), width 300mm+ but less th/600mm, flat-rolled products
7226.19.90	Alloy silicon electrical steel (o/than grain-oriented), width less th/300mm, flat-rolled products
7226.20.00	Alloy high-speed steel, width less th/600mm, flat-rolled products of high-speed steel
7226.91.05	Alloy chipper knife tool steel (o/than hi-speed), width less th/600mm, hot-rolled flat-rolled products
7226.91.15	Alloy tool steel (o/than hi-speed/chipper knife), width 300mm+ but less th/600mm, hot-rolled flat-rolled products
7226.91.25	Alloy tool steel (o/than hi-speed/chipper knife), width less th/300mm, hot-rolled flat-rolled products
7226.91.50	Alloy steel (o/than silicon elect./tool), width less th/600mm, hot-rolled flat-rolled products, w/thickness of 4.75 mm or more
7226.91.70	Alloy steel (o/than silicon elect./tool), width 300mm+ but less th/600mm, hot-rolled flat-rolled products, w/thickness less than 4.75 mm
7226.91.80	Alloy steel (o/than silicon elect./tool), width less th/300mm, hot-rolled flat-rolled products, w/thickness less than 4.75 mm
7226.92.10	Alloy tool steel (o/than hi-speed), width 300mm+ but less th/600mm, cold-rolled flat-rolled products
7226.92.30	Alloy tool steel (o/than hi-speed), width less th/300mm, cold-rolled flat-rolled products
7226.92.50	Alloy steel (o/than tool), width 300mm+ but less th/600mm, cold-rolled flat-rolled products

HTS Subheading	Product Description
7226.92.70	Alloy steel (o/than tool), width less th/300mm, cold-rolled flat-rolled products, w/thickness n/o 0.25 mm
7226.92.80	Alloy steel (o/than tool), width less th/300mm, cold-rolled flat-rolled products, w/thickness o/0.25 mm
7226.99.01	Alloy steel, width less than 600mm, flat-rolled products further worked than cold-rolled, nesoi
7227.10.00	Alloy high-speed steel, bars and rods in irregularly wound coils, hmot-rolled
7227.20.00	Alloy silico-manganese steel, bars and rods in irregularly wound coils, hot-rolled
7227.90.10	Alloy tool steel (o/than hi-speed), bars & rods in irregular wound coils, hot-rolled, n/tempered, treated or partly manufactured
7227.90.20	Alloy tool steel (o/than hi-speed), bars and rods in irregularly wound coils, hot-rolled, nesoi
7227.90.60	Alloy steel (o/than hi-speed/silico-mang./tool) steel, bars and rods in irregularly wound coils, hot-rolled
7228.10.00	Alloy high-speed steel, bars and rods, o/than hot-rolled and in irregularly wound coils
7228.20.10	Alloy silico-manganese steel, bars and rods, not cold-formed, o/than hot-rolled and in irregularly wound coils
7228.20.50	Alloy silico-manganese steel, bars and rods, cold formed, o/than hot-rolled and in irregularly wound coils
7228.30.20	Alloy ball-bearing tool steel, bars and rods, not further worked than hot-rolled, hot-drawn or extruded
7228.30.40	Alloy chipper knife tool steel, bars and rods, not cold-formed & not further worked than hot-rolled, hot-drawn or extruded
7228.30.60	Alloy tool steel (o/than ball-bearing/chipper knife), bars and rods, not further worked than hot-rolled, hot-drawn or extruded
7228.30.80	Alloy steel (o/than hi-speed, silico-mang./tool), bars and rods, not further worked than hot-rolled, hot-drawn or extruded
7228.40.00	Alloy steel, bars and rods, not further worked than forged
7228.50.10	Alloy tool steel (o/than hi-speed), bars and rods, not further worked than cold-formed or cold-finished
7228.50.50	Alloy steel (o/than tool), bars and rods, not further worked than cold-formed or cold-finished
7228.60.10	Alloy tool steel (o/than hi-speed), bars and rods, further worked than hot-rolled, forged, cold-formed or cold-finished
7228.60.60	Alloy steel (o/than tool), bars and rods, further worked than hot-rolled, forged but not cold-formed
7228.60.80	Alloy steel (o/than tool), bars and rods, cold-formed
7228.70.30	Alloy steel, angles, shapes and sections, hot-rolled & not drilled/not punched and not otherwise advanced
7228.70.60	Alloy steel, angles, shapes and sections, o/than hot-rolled & not drilled/punced and not otherwise advanced
7228.80.00	Alloy steel hollow drill bars and rods
7229.20.00	Alloy silico-manganese steel, wire
7229.90.05	Alloy high-speed steel, wire
7229.90.10	Alloy steel (o/than hi-speed/silico-mang.), flat wire
7229.90.50	Alloy steel (o/than hi-speed/silico-mang.), round wire
7229.90.90	Alloy steel (o/than hi-speed/silico-mang.), wire (o/than flat or round wire)

HTS Subheading	Product Description
7301.10.00	Iron or steel sheet piling, whether or not drilled, punched or made from assembled elements
7302.10.10	Iron or nonalloy steel, rails for railway or tramway tracks
7302.10.50	Alloy steel, rails for railway or tramway tracks
7302.90.10	Sleepers (cross-ties) for railway or tramway track construction of iron or steel
7302.90.90	Railway or tramway track construction material and other materials specialized for joining or fixing rails, of iron or steel, nesoi
7304.11.00	Stainless steel, seamless line pipe used for oil or gas pipelines
7304.19.10	Iron (o/than cast) or nonalloy steel, seamless line pipe used for oil and gas pipelines
7304.19.50	Alloy (other than stainless) steel, seamless line pipe used for oil or gas pipelines
7304.22.00	Stainless steel, seamless drill pipe, of a kind used in drilling for oil or gas
7304.23.60	Alloy (other than stainless) steel, seamless drill pipe, of a kind used in drilling for oil or gas
7304.24.30	Stainless steel, seamless casing pipe, threaded or coupled, of a kind used in drilling for oil or gas
7304.24.40	Stainless steel, seamless casing pipe, not threaded or coupled, of a kind used in drilling for oil or gas
7304.24.60	Stainless steel, seamless tubing, of a kind used in drilling for oil or gas
7304.29.10	Iron (o/than cast) or nonalloy steel, seamless casing pipe, threaded or coupled, of a kind used in drilling for oil or gas
7304.29.20	Iron (o/than cast) or nonalloy steel, seamless casing pipe, not threaded or coupled, of a kind used in drilling for oil or gas
7304.29.31	Alloy (other than stainless) steel, seamless casing pipe, threaded or coupled, of a kind used in drilling for oil or gas
7304.29.41	Alloy (other than stainless) steel, seamless casing pipe, not threaded or coupled, of a kind used in drilling for oil or gas
7304.29.50	Iron (o/than cast) or nonalloy, seamless tubing, of a kind used in drilling for oil or gas
7304.29.61	Alloy (other than stainless) steel, seamless tubing, of a kind used in drilling for oil or gas
7304.31.30	Iron (o/than cast) or nonalloy steel, seamless, cold-drawn or cold-rolled, hollow bars w/circular cross section
7304.31.60	Iron (o/than cast) or nonalloy steel, seamless, cold-drawn or cold-rolled, tubes, pipes & hollow profiles, w/circular cross section, nesoi
7304.39.00	Iron (o/than cast) or nonalloy steel, seamless, not cold-drawn or cold-rolled, tubes, pipes and hollow prof., w/circular cross sect., nesoi
7304.41.30	Stainless steel, seamless, cold-drawn/cold-rolled, tubes, pipes and hollow profiles, w/circular cross section & extern. diam less than 19mm
7304.41.60	Stainless steel, seamless, cold-drawn/cold-rolled, tubes, pipes and hollow profiles, w/circular cross section & extern. diam of 19mm or more
7304.49.00	Stainless steel, seamless, not cold-drawn/cold-rolled, tubes, pipes and hollow profiles, w/circular cross section
7304.51.10	Alloy steel (o/than stainless), seamless, cold-drawn/cold-rolled, tubes, pipes, etc., w/circ. cross sect., for mfr of ball/roller bearings
7304.51.50	Alloy steel (o/than stainless), seamless, cold-drawn/cold-rolled, tubes, pipes and hollow profiles, w/circular cross section, nesoi
7304.59.10	Alloy steel (o/than stainless), seamless, n/cold-drawn/cold-rolled, tubes, pipes, etc. w/circ. cross sect., for mfr ball/roller bearings

HTS Subheading	Product Description
7304.59.20	Alloy steel (o/than stainless), seamless, n/cold-drawn/cold-rolled, tubes, pipes, etc. w/circ. cross sect., for boilers, heaters, etc
7304.59.60	Heat-resisting alloy steel (o/than stainless), seamless, n/cold-drawn/cold-rolled, tubes, pipes, etc., w/circ. cross sect., nesoi
7304.59.80	Alloy steel (o/than heat-resist or stainless), seamless, n/cold-drawn/cold-rolled, tubes, pipes and hollow prof., w/circ. cross sect., nesoi
7304.90.10	Iron (o/than cast) or nonalloy steel, seamless, tubes, pipes and hollow profiles, o/than circ. cross sect., w/wall thickness of 4 mm or more
7304.90.30	Alloy steel (o/than stainless), seamless, tubes, pipes and hollow profiles, o/than circ. cross sect., w/wall thickness of 4 mm or more
7304.90.50	Iron (o/than cast) or nonalloy steel, seamless, tubes, pipes and hollow profiles, o/than circ. cross sect., w/wall thickness less than 4 mm
7304.90.70	Alloy steel (o/than stainless), seamless, tubes, pipes and hollow profiles, o/than circ. cross sect., w/wall thickness less than 4 mm
7305.11.10	Iron or nonalloy steel, seamed, w/circ. cross sect. & ext. diam o/406.4mm, line pipe, long. submerg. arc weld., used for oil/gas
7305.11.50	Alloy steel, seamed, circ. w/cross sect. & ext. diam o/406.4mm, line pipe, long. submerg. arc weld., used for oil/gas pipelines
7305.12.10	Iron or nonalloy steel, seamed, w/circ. cross sect. & ext. diam o/406.4mm, line pipe, long. welded nesoi, used for oil/gas
7305.12.50	Alloy steel, seamed, w/circ. cross sect. & ext. diam o/406.4mm, line pipe, long. welded nesoi, used for oil/gas pipelines
7305.19.10	Iron or nonalloy steel, seamed, w/circ. cross sect. & ext. diam o/406.4mm, line pipe, not long. welded, used for oil/gas
7305.19.50	Alloy steel, seamed, w/circ. cross sect. & ext. diam o/406.4mm, line pipe, not long. welded, used for oil/gas pipelines
7305.20.20	Iron or nonalloy steel, seamed, w/circ. cross sect. & ext. diam. o/406.4mm, casing pipe, threaded/coupled, of kind for drilling for oil/gas
7305.20.40	Iron or nonalloy steel, seamed, w/circ. cross sect. & ext. diam. o/406.4mm, casing pipe, n/threaded/coupled, of kind for drill. for oil/gas
7305.20.60	Alloy steel, seamed, w/circ. cross sect. & ext. diam. o/406.4mm, casing pipe, threaded/coupled, of kind for drilling for oil/gas
7305.20.80	Alloy steel, seamed, w/circ. cross sect. & ext. diam. o/406.4mm, casing pipe, n/threaded/coupled, of kind for drilling for oil/gas
7305.31.20	Steel, long. welded, w/circ. cross sect & ext. diam o/406.4mm, tapered pipes and tubes principally used as pts of illuminating arts.
7305.31.40	Iron or nonalloy steel, long. welded, w/circ. cross sect. & ext. diam. o/406.4mm, tubes and pipes, o/th used in oil/gas drill.etc
7305.31.60	Alloy steel, long. welded, w/circ. cross sect. & ext. diam. o/406.4mm, tubes and pipes, o/than used in oil/gas drill. or pipelines
7305.39.10	Iron or nonalloy steel, weld. o/than long. weld., w/circ. x-sect. & ext. diam. o/406.4mm, tubes and pipes, o/th used in oil/gas drill.etc
7305.39.50	Alloy steel, weld. o/than long. weld., w/circ. x-sect. & ext. diam. o/406.4mm, tubes and pipes, o/than used in oil/gas drill. or pipelines
7305.90.10	Iron or nonalloy steel, seamed, w/circ. cross sect. & ext. diam. o/406.4mm, not welded, tubes and pipes, o/th used in oil/gas drill.etc

HTS Subheading	Product Description
7305.90.50	Alloy steel, seamed, w/circ. cross sect. & ext. diam. o/406.4mm, not welded, tubes and pipes, o/than used in oil/gas drill. or pipelines
7306.11.00	Welded stainless steel, w/ext. diam 406.4mm or less or o/than circ. x-sect, line pipe of a kind used for oil and gas pipelines
7306.19.10	Iron or nonalloy steel, seamed, w/ext. diam. 406.4mm or less or o/than circ. x-sect, line pipe of a kind used for oil and gas pipelines
7306.19.51	Alloy steel, seamed (o/than welded stainless steel), w/ext. diam 406.4mm or less or o/than circ. x-sect, line pipe of a kind used for oil an
7306.21.30	Welded stainless steel, w/ext. diam 406.4mm or less or o/than circ. x-sect, threaded/coupled, casing of kind used in drilling for oil/gas
7306.21.40	Welded stainless steel, w/ext. diam 406.4mm or less or o/than circ. x-sect, n/threaded/coupled, casing of kind used in drilling for oil/gas
7306.21.80	Welded stainless steel, w/ext. diam 406.4mm or less or o/than circ. x-sect, tubing of a kind used for drilling for oil/gas
7306.29.10	Iron or nonalloy steel, seamed, w/ext. diam 406.4mm or less or o/than circ. x-sect, threaded/coupled, casing of kind used in drill. oil/gas
7306.29.20	Iron or nonalloy steel, seamed, w/ext. diam 406.4mm or less or o/than circ. x-sect, n/threaded/coupled, casing kind used drill for oil/gas
7306.29.31	Alloy steel, seamed (o/than welded stainless steel), w/ext. diam 406.4mm or less or o/than circ. x-sect, threaded/coupled, casing of kind us
7306.29.41	Alloy steel, seamed (o/than welded stainless steel), w/ext. diam 406.4mm or less or o/than circ. x-sect, n/threaded/coupled, casing of kind
7306.29.60	Iron or nonalloy steel, seamed, w/ext. diam. 406.4mm or less or o/than circ. x-sect, tubing of a kind used for drilling for oil/gas
7306.29.81	Alloy steel, seamed (o/than welded stainless steel), w/ext. diam 406.4mm or less or o/than circ. x-sect, tubing of a kind used for drilling
7306.30.10	Iron or nonalloy steel, welded, w/circ. x-sect & ext. diam. 406.4mm or less, tubes, pipes, hollow profiles, w/wall thick. less than 1.65 mm
7306.30.30	Nonalloy steel, welded, w/circ. x-sect & ext. diam. 406.4mm or less, tapered pipes & tubes, w/wall thick. of 1.65 mm+, pts. of illum. arts.
7306.30.50	Iron or nonalloy steel, welded, w/circ. x-sect & ext. diam. 406.4mm or less, pipes, tubes & holl. prof., w/wall thick. of 1.65 mm or more
7306.40.10	Stainless steel, welded, w/circ. x-sect & ext. diam. 406.4mm or less, tubes, pipes, hollow profiles, w/wall thick. less than 1.65 mm
7306.40.50	Stainless steel, welded, w/circ. x-sect & ext. diam. 406.4mm or less, tubes, pipes, hollow profiles, w/wall thick. of 1.65 mm or more
7306.50.10	Alloy steel (o/stainless), welded, w/circ. x-sect & ext. diam. 406.4mm or less, tubes, pipes, hollow prof., w/wall thick. less th/1.65 mm
7306.50.30	Alloy steel (o/stainless), welded, w/circ. x-sect & ext. diam. 406.4mm or less, tapered pipes & tubes, w/wall thick. of 1.65 mm+, pts. illum
7306.50.50	Alloy steel (o/stainless), welded, w/circ. x-sect & ext. diam. 406.4mm or less, tubes, pipes, hollow prof., w/wall thick. of 1.65 mm+
7306.61.10	Iron or nonalloy steel, welded, w/square or rectangular x-sect, tubes, pipes and hollow profiles, w/wall thickness of 4 mm or more
7306.61.30	Alloy steel, welded, w/square or rectangular x-sect, tubes, pipes and hollow profiles, w/wall thickness of 4 mm or more

HTS Subheading	Product Description
7306.61.50	Iron or nonalloy steel, welded, w/square or rectangular x-sect, tubes, pipes and hollow profiles, w/wall thickness less than 4 mm
7306.61.70	Alloy steel, welded, w/square or rectangular x-sect, tubes, pipes and hollow profiles, w/wall thickness less than 4 mm
7306.69.10	Iron or nonalloy steel, welded, w/other non-circ. x-sect, tubes, pipes and hollow profiles, w/wall thickness of 4 mm or more
7306.69.30	Alloy steel, welded, w/other non-circ. x-sect, tubes, pipes and hollow profiles, w/wall thickness of 4 mm or more
7306.69.50	Iron or nonalloy steel, welded, w/other non-circ. x-sect, tubes, pipes and hollow profiles, w/wall thickness less than 4 mm
7306.69.70	Alloy steel, welded, w/other non-circ. x-sect, tubes, pipes and hollow profiles, w/wall thickness less than 4 mm
7306.90.10	Iron or nonalloy steel, seamed o/welded, w/non-circ. x-sect. or circ. x-sect. w/ext. diam. 406.4mm or less, tubes, pipes & hollow profiles
7306.90.50	Alloy steel, seamed o/than welded, w/non-circ. x-sect or circ. x-sect w/ext. diam. 406.4mm or less, tubes, pipes and hollow profiles
7317.00.10	Iron or steel, thumb tacks
7318.16.00	Iron or steel, nuts
7319.40.20	Iron or steel, safety pins
7319.40.30	Iron or steel, dressmakers' or common pins
7319.40.50	Iron or steel, pins (o/than safety pins, dressmakers' or common pins)
7319.90.10	Iron or steel, sewing, darning or embroidery needles
7319.90.90	Iron or steel, knitting needles, bodkins, crochet hooks, embroidery stilettos and similar articles for use in the hand
7320.20.10	Iron or steel, helical springs, suitable for motor-vehicle suspension
7320.20.50	Iron or steel, helical springs (o/than suitable for motor-vehicle suspension)
7321.81.50	Iron or steel, nonportable non-electric domestic grates & warming appl. (o/than cooking/plate warmers), for gas fuel/both gas & other fuels
7321.82.10	Iron or steel, portable non-electric domestic grates & warming appliances (o/than cooking/plate warmers) for liquid fuels
7321.82.50	Iron or steel, nonportable non-electric domestic grates & warming appliances (o/than cooking/plate warmers), for liquid fuels
7321.89.00	Iron or steel, non-electric domestic grates & warming appliances (o/than cooking/plate warmers), o/than for gas or liquid fuelss
7323.91.10	Cast iron, table, kitchen or o/household arts. and parts thereof, not enameled but coated or plated with precious metals
7323.92.00	Cast iron, table, kitchen or o/household arts. and parts thereof, enameled
7323.94.00	Iron (o/than cast) or steel (o/than stainless), table, kitchen or o/household arts. and parts thereof, enameled
7323.99.10	Iron (o/th cast) or steel (o/th stainless), table, kitchen or o/household arts. & parts thereof, not enameled but plated/coat. w/silver
7324.29.00	Iron (o/than cast) or steel, baths (whether or not enameled)
7418.10.00	Copper & copper alloy table, kitchen, household articles & parts; pot scourers, scouring & polishing pads, gloves, etc

HTS Subheading	Product Description
7601.10.30	Aluminum (o/than alloy), unwrought, in coils, w/uniform x-section throughout length & w/least cross-sectional dimension n/o 9.5 mm
7601.10.60	Aluminum (o/than alloy), unwrought nesoi
7601.20.30	Aluminum alloys, unwrought, in coils, w/uniform x-section throughout length & w/least cross-sectional dimension n/o 9.5 mm
7601.20.60	Aluminum alloys, w/25% or more by weight of silicon, unwrought nesoi
7601.20.90	Aluminum alloys nesoi, unwrought nesoi
7604.10.10	Aluminum (o/than alloy), profiles
7604.10.30	Aluminum (o/than alloy), bar and rods, with a round cross section
7604.10.50	Aluminum (o/than alloy), bar and rods, other than with a round cross section
7604.21.00	Aluminum alloy, hollow profiles
7604.29.10	Aluminum alloy, profiles (o/than hollow profiles)
7604.29.30	Aluminum alloy, bars and rods, having a round cross section
7604.29.50	Aluminum alloy, bars and rods, other than with a round cross section
7605.11.00	Aluminum (o/than alloy), wire, with a maximum cross-sectional dimension over 7 mm
7605.19.00	Aluminum (o/than alloy), wire, with a maximum cross-sectional dimension of 7 mm or less
7605.21.00	Aluminum alloy, wire, with a maximum cross-sectional dimension over 7 mm
7605.29.00	Aluminum alloy, wire, with a maximum cross-sectional dimension of 7 mm or less
7606.11.30	Aluminum (o/than alloy), plates/sheets/strip, w/thick. o/0.2mm, rectangular (incl. sq), not clad
7606.11.60	Aluminum (o/than alloy), plates/sheets/strip, w/thick. o/0.2mm, rectangular (incl. sq), clad
7606.12.30	Aluminum alloy, plates/sheets/strip, w/thick. o/0.2mm, rectangular (incl. sq), not clad
7606.12.60	Aluminum alloy, plates/sheets/strip, w/thick. o/0.2mm, rectangular (incl. sq), clad
7606.91.30	Aluminum (o/than alloy), plates/sheets/strip, w/thick. o/0.2mm, o/than rectangular (incl. sq), not clad
7606.91.60	Aluminum (o/than alloy), plates/sheets/strip, w/thick. o/0.2mm, o/than rectangular (incl. sq), clad
7606.92.30	Aluminum alloy, plates/sheets/strip, w/thick. o/0.2mm, o/than rectangular (incl. sq), not clad
7606.92.60	Aluminum alloy, plates/sheets/strip, w/thick. o/0.2mm, o/than rectangular (incl. sq), clad
7607.11.30	Aluminum, foil, w/thickness n/o 0.01 mm, rolled but not further worked, not backed
7607.11.60	Aluminum, foil, w/thickness over 0.01 mm but n/o 0.15 mm, rolled but not further worked, not backed
7607.11.90	Aluminum, foil, w/thickness over 0.15 mm but n/o 0.2 mm, rolled but not further worked, not backed
7607.19.10	Aluminum, etched capacitor foil, w/thickness n/o 0.2 mm, not rolled or rolled and further worked, not backed
7607.19.30	Aluminum, foil nesoi, w/thickness n/o 0.15 mm, cut to shape, not rolled, not backed
7607.19.60	Aluminum, foil nesoi, w/thickness o/0.15mm but n/o 0.2 mm or 0.15mm or less & not cut to shape, not rolled, not backed, nesoi
7607.20.10	Aluminum, foil, w/thickness n/o 0.2 mm, backed, covered or decorated with a character, design, fancy effect or pattern
7607.20.50	Aluminum, foil, w/thickness n/o 0.2 mm, backed, nesoi
7608.10.00	Aluminum (o/than alloy), tubes and pipes
7608.20.00	Aluminum alloy, tubes and pipes

HTS Subheading	Product Description
7609.00.00	Aluminum, fittings for tubes and pipes
7610.10.00	Aluminum, doors, windows and their frames and thresholds for doors
7615.10.11	Aluminum, pot scourers, scouring or polishing pads, gloves and the like
7615.10.30	Aluminum, cooking and kitchen ware (o/than cast), enameled or glazed or containing nonstick interior finishes
7615.10.50	Aluminum, cast cooking and kitchen ware, not enameled or glazed and not containing nonstick interior finishes
7615.10.91	Aluminum, table, kitchen or other household articles (o/than cooking or kitchen ware) and parts thereof
8211.91.10	Table knives with fixed blades and silver-plated handles
8211.91.20	Table knives w/fixed blades, w/stain. steel handles w/Ni or ov 10% by wt. of Mn, w/overall length 25.9cm or less & val. <than 25 cents ea
8211.91.25	Table knives w/fixed blades, w/stain. steel handles cont. Ni or ov 10% by wt of Mn, nesoi
8211.91.50	Table knives w/fixed blades, with rubber or plastics handles
8211.91.80	Table knives w/fixed blades, w/handles other than of silver-plate, stainless steel, rubber or plastics
8211.92.20	Kitchen and butcher knives w/fixed blades, with rubber or plastics handles
8211.92.60	Hunting knives w/fixed blades, with wood handles
8211.92.90	Knives w/fixed blades (o/than table knives, other knives w/rubb./plast. handles, or hunting knives w/wood handles)
8212.10.00	Base metal razors
8212.20.00	Base metal safety razor blades (including razor blade blanks)
8212.90.00	Base metal parts of razors and razor blades
8214.20.60	Manicure and pedicure sets, and combinations thereof, in leather containers
8214.90.30	Butchers' or kitchen cleavers with their handles, nesoi, and base metal parts thereof
8215.10.00	Sets of assted. base metal spoons, forks, ladles, etc. & similar kitchen or tableware, w/at least one article plated w/prec. metal
8215.91.30	Base metal forks plated with precious metal
8215.91.60	Base metal spoons and ladles plated with precious metal
8215.91.90	Base metal skimmers, cake-servers, fish-knives, etc. and similar kitchen or tableware and parts, plated with precious metal
8215.99.15	Base metal forks, w/stainless steel handles, nesoi, valued at 25 cents each or more
8215.99.24	Base metal table forks and barbecue forks, with wood handles
8215.99.26	Base metal forks (o/than plated w/prec. metal, or w/handles of stain. steel, wood, rubber or plastics), nesoi
8215.99.35	Base metal spoons, w/stainless steel handles & valued at 25 cents and over, and base metal ladles w/stainless steel handles
8215.99.45	Base metal spoons and ladles, nesoi
8301.10.20	Padlocks, base metal, not of cylinder or pin tumbler construction, not ov 3.8cm wide
8301.10.40	Padlocks, base metal, not of cylinder or pin tumbler construction, ov 3.8cm but n/o 6.4cm wide
8301.10.60	Padlocks, base metal, of cylinder or pin tumbler construction, not ov 3.8cm wide
8301.10.80	Padlocks, base metal, of cylinder or pin tumbler construction, ov 3.8cm but n/o 6.4cm wide
8301.30.00	Base metal locks, of a kind used for furniture

HTS Subheading	Product Description
8301.40.60	Base metal locks (o/than padlocks, locks for motor vehicles or furniture, luggage locks)
8301.50.00	Base metal clasps and frames with clasps, incorporating locks
8301.60.00	Base metal parts of padlocks, other locks, and clasps and frames with clasps incorporating locks
8301.70.00	Base metal keys for padlocks, other locks, and clasps and frames with clasps incorporating locks
8302.10.30	Iron or steel, aluminum, or zinc hinges and base metal parts thereof, designed for motor vehicles
8302.42.30	Iron or steel, aluminum, or zinc mountings, fittings & similar articles, suitable for furniture, and base metal parts thereof
8302.42.60	Base metal (o/than iron/steel/aluminum/zinc) mountings, fittings & similar articles, suitable for furniture, and base metal parts thereof
8305.10.00	Base metal fittings for loose-leaf binders or files
8305.20.00	Base metal staples in strips (e.g., for offices, upholstery, packaging)
8305.90.60	Base metal letter clips, letter corners, indexing tags and similar office articles nesoi, and base metal parts thereof
8306.21.00	Base metal statuettes and other ornaments plated w/prec. metal, and base metal parts thereof
8403.10.00	Central heating boilers (other than those of heading 8402)
8403.90.00	Parts of central heating boilers (other than those of heading 8402)
8415.90.40	Chassis, chassis bases and other outer cabinets for air conditioning machines,
8415.90.80	Parts for air conditioning machines, nesoi
8416.10.00	Furnace burners for liquid fuel
8416.20.00	Furnace burners for pulverized solid fuel or for gas, including combination burners
8417.20.00	Bakery ovens, including biscuit ovens
8419.81.50	Cooking stoves, ranges & ovens, other than microwave, for making hot drinks or for cooking or heating food, not used for domestic purposes
8419.81.90	Machinery and equipment nesoi, for making hot drinks or for cooking or heating food, not used for domestic purposes
8420.10.10	Textile calendering or rolling machines
8421.12.00	Centrifugal clothes dryers
8421.91.20	Drying chambers for the clothes-dryers of subheading 8421.12 and other parts of clothes-dryers incorporating drying chambers
8421.91.40	Furniture designed to receive the clothes-dryers of subheading 8421.12
8422.11.00	Dishwashing machines of the household type
8422.90.02	Water containment chambers for the household dishwashing machines and other parts of the same incorporating water containment chambers
8422.90.11	Parts of can-sealing machines
8422.90.21	Parts of machines for packing tobacco, wrapping candy, cigarette packages and of combination candy cutting and wrapping machines
8424.10.00	Fire extinguishers, whether or not charged
8424.90.05	Parts of fire extinguishers
8424.90.10	Parts of simple piston pump sprays and powder bellows
8428.10.00	Passenger or freight elevators other than continuous action; skip hoists

HTS Subheading	Product Description
8428.60.00	Teleferics, chair lifts, ski draglines; traction mechanisms for funiculars
8430.20.00	Snowplows and snowblowers
8433.11.00	Mowers for lawns, parks or sports grounds, powered, with the cutting device rotating in a horizontal plane
8433.19.00	Mowers for lawns, parks or sports grounds, nesoi
8434.10.00	Milking machines
8435.10.00	Presses, crushers and similar machinery used in the manufacture of wine, cider, fruit juices or similar beverages
8435.90.00	Parts of presses, crushers and similar machinery used in the manufacture of wine, cider, fruit juices or similar beverages
8438.10.00	Bakery machinery and machinery for the manufacture of macaroni, spaghetti or similar products, nesoi
8438.20.00	Machinery for the manufacture of confectionery, cocoa or chocolate, nesoi
8438.30.00	Machinery for sugar manufacture, nesoi
8438.40.00	Brewery machinery, nesoi
8438.90.10	Parts of machinery for sugar manufacture, nesoi
8440.10.00	Bookbinding machinery, including book-sewing machines
8440.90.00	Parts for bookbinding machinery, including book-sewing machines
8442.50.90	Printing type, blocks, cylinders and other printing components; blocks, cylinders and lithographic stones, prepared for printing purposes
8443.19.20	Textile printing machinery
8443.31.00	Multifunction units (machines which perform two or more of the functions of printing, copying or facsimile transmission, capable of connecti
8443.32.10	Printer units, capable of connecting to an automatic data processing machine or to a network
8443.32.50	Single function units other than printer units (machines which perform only one of the functions of printing, copying or facsimile transmiss
8443.39.10	Electrostatic photocopying apparatus, operating by reproducing the original image directly onto the copy (direct process)
8443.39.90	Other printers, copying machines or facsimile machines, nesoi
8443.91.20	Parts of textile printing machinery
8443.91.30	Parts for printing machinery other than textile printing machinery
8443.99.25	Parts and accessories of printers, nesoi
8443.99.50	Parts and accessories of other printing, copying or facsimile machines; nesoi
8445.11.00	Carding machines for preparing textile fibers
8445.12.00	Combing machines for preparing textile fibers
8445.13.00	Drawing or roving machines for preparing textile fibers
8445.19.00	Machines for preparing textile fibers, nesoi
8445.20.00	Textile spinning machines
8445.30.00	Textile doubling or twisting machines
8445.40.00	Textile winding (including weft-winding) or reeling machines
8445.90.00	Machinery for producing textile yarns nesoi; machines for preparing textile yarns for use on machines of heading 8446 or 8447
8446.10.00	Weaving machines (looms) for weaving fabrics of a width not exceeding 30 cm

HTS Subheading	Product Description
8446.21.50	Shuttle type power looms for weaving fabrics of a width exceeding 30 cm, but not exceeding 4.9 m
8446.29.00	Weaving machines for weaving fabrics of a width exceeding 30 cm, shuttle type, nesoi
8446.30.10	Shuttleless type power looms, for weaving fabrics of a width exceeding 4.9 m, nesoi
8447.11.10	Circular knitting machines with cylinder diameter not exceeding 165 mm, for knitting hosiery
8447.11.90	Circular knitting machines with cylinder diameter not exceeding 165 mm, other than for knitting hosiery
8447.12.10	Circular knitting machines with cylinder diameter exceeding 165 mm, for knitting hosiery
8447.12.90	Circular knitting machines with cylinder diameter exceeding 165 mm, other than for knitting hosiery
8447.20.20	V-bed flat knitting machines, power driven, over 50.8 mm in width
8447.20.30	V-bed flat knitting machines, nesoi
8447.20.40	Warp knitting machines
8447.20.60	Flat knitting machines, other than V-bed or warp; stitch-bonding machines
8447.90.10	Braiding and lace-braiding machines
8447.90.50	Embroidery machines
8447.90.90	Knitting machines other than circular or flat knitting; machines for making gimped yarn, tulle, trimmings or net; machines for tufting
8448.11.00	Dobbies and Jacquards, card reducing, copying, punching or assembling machines for use with machines of heading 8444, 8445, 8446 or 8447
8448.19.00	Auxiliary machinery for machines of heading 8444, 8445, 8446 or 8447, nesoi
8448.20.10	Parts and accessories of machines for extruding or drawing man-made textile filaments
8448.20.50	Parts and accessories of machines of heading 8444 or of their auxiliary machinery, nesoi
8448.31.00	Card clothing as parts and accessories of machines of heading 8445 or of their auxiliary machinery
8448.32.00	Parts and accessories of machines for preparing textile fibers, other than card clothing
8448.33.00	Spindles, spindle flyers, spinning rings and ring travellers of machines of heading 8445 or of their auxiliary machines
8448.39.10	Parts of spinning, doubling or twisting machines of heading 8445 or of their auxiliary machinery
8448.39.50	Parts of winding or reeling machines of heading 8445 or of their auxiliary machinery
8448.39.90	Parts and accessories of machines of heading 8445 or their auxiliary machinery, nesoi
8448.42.00	Reeds for looms, healds and heald-frames of weaving machines (looms) or their auxiliary machinery
8448.49.10	Shuttles for weaving machines (looms)
8448.49.20	Parts and accessories of weaving machines (looms) or of their auxiliary machinery, other than shuttles, reeds, healds and heald-frames
8448.51.10	Latch needles for knitting machines
8448.51.30	Needles for knitting machines other than latch needles or spring-beard needles
8448.51.50	Sinkers, needles and other articles used to form stitches, nesoi, for machines of heading 8447
8448.59.10	Parts of knitting machines of heading 8447 or of their auxiliary machinery, nesoi
8448.59.50	Accessories of machines of heading 8447 or of their auxiliary machinery, nesoi
8449.00.10	Finishing machinery for felt or nonwovens and parts thereof

HTS Subheading	Product Description
8449.00.50	Machinery for making felt hats; blocks for making hats; parts thereof
8450.11.00	Household- or laundry-type washing machines, each of a dry linen capacity not exceeding 10 kg, fully automatic
8450.20.00	Household- or laundry-type washing machines, each of a dry linen capacity exceeding 10 kg
8450.90.20	Tub and tub assemblies for household- or laundry-type washing machines
8450.90.40	Furniture designed to receive household- or laundry-type washing machines
8450.90.60	Parts for household- or laundry-type washing machines, nesoi
8452.10.00	Sewing machines of the household type
8452.21.10	Sewing machines specially designed to join footwear soles to uppers, automatic
8452.21.90	Sewing machines, automatic, nesoi
8452.29.10	Sewing machines, other than automatic, specially designed to join footwear soles to uppers
8452.30.00	Sewing machine needles
8452.90.10	Furniture, bases and covers for sewing machines, and parts thereof
8452.90.20	Parts of sewing machines, nesoi
8453.10.00	Machinery for preparing, tanning or working hides, skins or leather
8453.20.00	Machinery for making or repairing footwear
8453.80.00	Machinery, nesoi, for making or repairing articles of hides, skins or leather
8453.90.10	Parts of machinery for making or repairing footwear
8453.90.50	Parts of machinery for preparing, tanning or working hides, skins or leather or making or repairing articles of same, nesoi
8465.96.00	Splitting, slicing or paring machines for working wood, cork, bone, hard rubber, hard plastics or similar hard materials
8467.19.10	Tools for working in the hand, pneumatic, other than rotary type, suitable for metal working
8467.29.00	Electromechanical tools for working in the hand, other than drills or saws, with self-contained electric motor
8467.81.00	Chain saws for working in the hand, hydraulic or with self-contained nonelectric motor
8467.89.10	Other tools for working in the hand, hydraulic or with self-contained nonelectric motor, suitable for metal working, nesoi
8467.89.50	Other tools for working in the hand, hydraulic or with self-contained nonelectric motor, other than suitable for metal working, nesoi
8467.91.01	Parts of chain saws
8467.92.00	Parts of pneumatic tools for working in the hand
8468.10.00	Hand-held blow torches
8470.50.00	Cash registers
8471.41.01	ADP machines, nonportable or over 10 kg, comprise in the same housing least central processing unit and input & output unit
8471.49.00	ADP machines, nesoi, entered as a system (consisting of a central processing unit, an input unit, and an output unit)
8471.60.80	Optical scanners and magnetic ink recognition devices not entered with the rest of a ADP system
8472.90.50	Typewriters other than printers of heading 8443; word processing machines
8476.89.00	Automatic goods-vending (other than beverage-vending but incl. money-changing machines) not incorporating heating or refrigerating devices
8478.10.00	Machinery for preparing or making up tobacco, nesoi

HTS Subheading	Product Description
8478.90.00	Parts of machinery for preparing or making up tobacco, nesoi
8479.79.00	Other passenger boarding bridges
8479.89.55	Electromechanical appliances with self-contained electric motor, trash compactors
8479.89.65	Electromechanical appliances with self-contained electric motor, nesoi
8479.90.41	Parts of floor polishers of subheading 8479.89.20; parts of carpet sweepers
8479.90.45	Parts of trash compactors, frame assemblies
8479.90.55	Parts of trash compactors, ram assemblies
8479.90.65	Parts of trash compactors, container assemblies
8479.90.75	Parts of trash compactors, cabinets or cases
8479.90.85	Parts of trash compactors, nesoi
8480.60.00	Molds for mineral materials
8481.90.10	Parts of hand operated and check appliances for pipes, boiler shells, tanks, vats or the like, of copper
8481.90.30	Parts of hand operated and check appliances for pipes, boiler shells, tanks, vats or the like, of iron or steel
8481.90.50	Parts of hand operated and check appliances for pipes, boiler shells, tanks, vats or the like, other than of copper or iron or steel
8504.10.00	Ballasts for discharge lamps or tubes
8507.30.80	Nickel-cadmium storage batteries, other than of a kind used as the primary source of power for electric vehicles
8507.60.00	Lithium-ion batteries
8507.90.40	Parts of lead-acid storage batteries, including separators therefor
8510.10.00	Shavers, with self-contained electric motor
8512.10.20	Electrical lighting equipment of a kind used on bicycles
8512.10.40	Electrical visual signaling equipment of a kind used on bicycles
8516.10.00	Electric instantaneous or storage water heaters and immersion heaters
8516.33.00	Electrothermic hand drying apparatus
8516.71.00	Electrothermic coffee or tea makers, for domestic purposes
8517.11.00	Line telephone sets with cordless handsets
8517.61.00	Base stations
8517.70.00	Parts of products in heading 8517
8518.10.80	Microphones and stands therefor, nesoi
8518.21.00	Single loudspeakers mounted in their enclosures
8518.22.00	Multiple loudspeakers mounted in the same enclosure
8518.29.80	Loudspeakers nesoi, not mounted in their enclosures, nesoi
8518.30.10	Line telephone handsets
8519.20.00	Sound recording or reproducing apparatus operated by coins, bank notes, bank cards, tokens or other means of payment
8519.30.10	Turntables with automatic record changing mechanism
8519.81.10	Transcribing machines
8519.89.10	Record players, other than coin- or token-operated, without loudspeaker
8519.89.30	Sound recording and reproducing apparatus, nesoi
8521.10.30	Color, cartridge or cassette magnetic tape-type video players

HTS Subheading	Product Description
8521.10.60	Color, cartridge or cassette magnetic tape-type video recording and reproducing apparatus, nesoi
8521.10.90	Magnetic tape-type video recording or reproducing apparatus, other than color, cartridge or cassette type
8521.90.00	Video recording or reproducing apparatus, other than magnetic tape-type
8523.29.10	Unrecorded magnetic media
8523.29.20	Pre-recorded magnetic tapes for reproducing phenomena other than sound or image
8523.29.30	Pre-recorded magnetic tapes, of a width not exceeding 4 mm, of news sound recording relating to current events
8523.29.40	Pre-recorded magnetic tapes, of a width not exceeding 4 mm, nesoi
8523.29.50	Pre-recorded magnetic video tape recordings of a width exceeding 4 mm but not exceeding 6.5 mm
8523.29.60	Pre-recorded magnetic tapes of a width exceeding 4 mm but not exceeding 6.5 mm, nesoi
8523.29.70	Pre-recorded magnetic video tape recordings of a width exceeding 6.5 mm
8523.29.80	Pre-recorded magnetic tapes of a width exceeding 6.5 mm, nesoi
8523.29.90	Pre-recorded magnetic media other than tape, nesoi
8523.41.00	Unrecorded optical media
8523.49.20	Recorded optical media, for reproducing phenomena other than sound or image
8523.49.30	Recorded optical media, for reproducing sound only
8523.49.50	Recorded optical media, nesoi
8523.51.00	Semiconductor media, solid state non-volatile storage devices
8523.80.10	Phonograph records
8523.80.20	Discs, tapes, solid-state non-volatile storage devices, smart cards and other media for the recording of sound or of other phenomena, whet
8525.80.40	Digital still image video cameras
8527.91.50	Radiobroadcast receiver combinations incorporating tape recorders, nesoi
8527.91.60	Radiobroadcast receivers combined with sound recording or reproducing apparatus, nesoi
8528.49.05	Incomplete or unfinished color video monitors, presented w/o a display device, incorp. VCR or player
8528.49.10	Incomplete or unfinished color video monitors, presented w/o a display device, not incorp. VCR or player
8528.49.25	Non-high definition color video monitors, nonprojection type, w/CRT, video display diagonal not over 34.29 cm, not incorp. VCR or player
8528.49.30	Non-high definition color video monitors, nonprojection, w/CRT, video display diag. ov 34.29 cm but n/ov 35.56 cm, not incorp. VCR or player
8528.49.40	Non-high definition color video monitors, nonprojection type, w/CRT, video display diagonal over 35.56 cm, not incorporating VCR or player
8528.49.50	Non-high definition color video monitors, projection type, with cathode-ray tube, not incorporating VCR or player
8528.49.65	High definition color video monitors, nonprojection type, with cathode-ray tube, not incorporating VCR or player
8528.49.70	High definition color video monitors, projection type, with cathode-ray tube, incorporating VCR or player
8528.49.75	High definition color video monitors, projection type, with cathode-ray tube, not incorporating VCR or player

HTS Subheading	Product Description
8528.59.15	Color video monitors w/flat panel screen, video display diagonal n/ov 34.29 cm, incorporate VCR or player
8528.59.23	Color video monitors w/flat panel screen, video display diagonal > 34.29 cm, incorporating VCR or player, not subject US note 13
8528.59.25	Color video monitors w/flat panel screen, video display diagonal n/ov 34.29 cm, not incorporate VCR or player
8528.59.33	Color video monitors w/flat panel screen, video display diagonal > 34.29 cm, not with VCR/player, not subj US note 13
8528.59.35	Color video monitors nesoi, with video display diagonal not over 34.29 cm, incorporating VCR or player
8528.59.50	Color video monitors nesoi, with video display diagonal over 34.29 cm, not incorporating VCR or player
8528.59.60	Black and white or other monochrome video monitors, other
8528.62.00	Projectors capable of directly connecting to and designed for use with an automatic data processing machine of heading 8471
8528.69.15	Non-high definition color video projectors, with a cathode-ray tube, incorporating VCR or player
8528.69.25	High definition color video projectors, with a cathode-ray tube, incorporating VCR or player
8528.69.45	Color video projectors w/flat panel screen, video display diagonal not over 34.29 cm, not incorporating VCR or player
8528.69.50	Color video projectors w/flat panel screen, video display diagonal over 34.29 cm, not incorporating VCR or player
8528.69.55	Color video projectors nesoi, incorporating video recording or reproducing apparatus
8528.69.60	Color video projectors nesoi, not incorporating a video recording or reproducing apparatus
8528.69.70	Black and white or other monochrome video projectors
8528.71.10	Reception apparatus for television, not designed to incorporate a video display or screen, incorporating video recording or reproducing appa
8528.71.20	TV reception set top boxes with a communication function, nesoi
8528.71.30	TV reception printed circuit assemblies incorporating a tuner, of a kind used with ADP machines of heading 8471, nesoi
8528.71.40	TV reception apparatus, not designed to incorp. video display or screen, not incorp. video recording/reproducing apparatus, color
8528.71.45	TV reception apparatus, not designed to incorp. video display or screen, not incorp. video recording/reproducing apparatus, monochrome
8528.72.08	Incomplete or unfinished color tv reception apparatus, presented w/o a display device, n/incorp. VCR or player
8528.72.32	Non-high definition color television reception apparatus, nonprojection, w/CRT, video display diag. ov 35.56 cm, not incorp. a VCR or player
8528.72.48	High definition color television reception apparatus, nonprojection, with cathode-ray tube, not incorporating a VCR or player
8528.72.52	High definition color television reception apparatus, projection type, with cathode-ray tube, incorporating a VCR or player
8528.72.56	High definition color television reception apparatus, projection type, with cathode-ray tube, not incorporating a VCR or player
8528.72.62	Color television reception apparatus w/flat panel screen, video display diagonal n/ov 34.29 cm, incorporating a VCR or player

HTS Subheading	Product Description
8528.72.64	Color television reception apparatus w/flat panel screen, video display diagonal over 34.29 cm, incorporating a VCR or player
8528.72.68	Color television reception apparatus w/flat panel screen, video display diagonal n/o 34.29 cm, not incorporating a VCR or player
8528.72.72	Color television reception apparatus w/flat panel screen, video display diagonal over 34.29 cm, not incorporating a VCR or player
8528.72.76	Color television reception apparatus nesoi, video display diagonal not over 34.29 cm, incorporating a VCR or player
8528.72.80	Color television reception apparatus nesoi, video display diagonal over 34.29 cm, incorporating a VCR or player
8528.72.84	Color television reception apparatus nesoi, video display diagonal not over 34.29 cm, not incorporating a VCR or player
8528.72.97	Color television reception apparatus nesoi, video display diagonal over 34.29 cm, not incorporating a VCR or player, nesoi
8529.90.13	Printed circuit assemblies for television apparatus, nesoi
8531.80.90	Electric sound or visual signaling apparatus, nesoi
8536.90.60	Battery clamps used in motor vehicles of headings 8702, 8703, 8704, or 8711
8539.29.20	Electrical filament lamps, voltage not exceeding 100 V, having glass envelopes n/o 6.35 mm in diameter, suitable in surgical instruments
8539.29.30	Electrical filament lamps nesoi, designed for a voltage not exceeding 100 V, excluding ultraviolet and infrared lamps
8539.29.40	Electrical filament lamps, designed for a voltage exceeding 100 V, of a power exceeding 200 W
8543.70.89	Portable battery operated electronic readers for recording text, still images or audio files
8548.10.05	Spent primary cells, spent primary batteries and spent electric storage batteries, entered for recovery of lead
8548.10.15	Spent primary cells, spent primary batteries and spent electric storage batteries, not entered for recovery of lead
8548.10.25	Waste and scrap of primary cells, primary batteries and electric storage batteries, entered for recovery of lead
8548.10.35	Waste and scrap of primary cells, primary batteries and electric storage batteries, not entered for recovery of lead
8703.10.10	Motor vehicles specially designed for traveling on snow
8703.10.50	Golf carts and similar motor vehicles
8710.00.00	Tanks & other armored fighting vehicles, motorized, whether or not fitted with weapons, and parts of such vehicles
8711.20.00	Motorcycles (incl. mopeds) and cycles, fitted w/ recip. internal-combustion piston engine w/capacity o/50 but n/o 250 cc
8711.30.00	Motorcycles (incl. mopeds) and cycles, fitted w/ recip. internal-combustion piston engine w/capacity o/250 but n/o 500 cc
8711.40.30	Motorcycles (incl. mopeds) and cycles, fitted w/ recip. internal-combustion piston engine w/capacity o/500 cc but n/o 700 cc
8711.40.60	Motorcycles (incl. mopeds) and cycles, fitted w/ recip. internal-combustion piston engine w/capacity o/700 cc but n/o 800 cc
8714.10.00	Pts. & access. for motorcycles (including mopeds)
8714.99.10	Pts. & access. for bicycles & o/cycles, click twist grips and click stick levers

HTS Subheading	Product Description
8714.99.50	Pts. & access. for bicycles & o/cycles, derailleurs and parts thereof
8714.99.60	Pts. & accs. for bicycles & o/cycl., trigger & twist grip cntrls for 3-spd hubs, alum. handlebar stems >\$2.15 ea, & stem rotor assys. & pts.
8714.99.80	Pts. & access. nesoi, for bicycles and other cycles of heading 8712
8801.00.00	Balloons, dirigibles and non-powered aircraft, gliders and hang gliders
8906.10.00	Warships
8907.90.00	Floating structures nesoi (for example, rafts, other than inflatable rafts, tanks, cofferdams, landing stages, buoys and beacons)
9001.30.00	Contact lenses
9001.40.00	Spectacle lenses of glass, unmounted
9001.50.00	Spectacle lenses of materials other than glass, unmounted
9003.11.00	Frames and mountings, of plastics, for spectacles, goggles or the like
9003.19.00	Frames and mountings, other than of plastics, for spectacles, goggles or the like
9003.90.00	Parts of frames and mountings for spectacles, goggles or the like
9004.10.00	Sunglasses, corrective, protective or other
9004.90.00	Spectacles, goggles and the like, corrective, protective or other, other than sunglasses
9005.10.00	Binoculars
9005.80.60	Monoculars and astronomical instruments other than binoculars and optical telescopes but not including instruments for radio-astronomy
9005.90.40	Parts and accessories, for binoculars, monoculars, optical telescopes, or astronomical instruments, incorp. good or 9001 or 9002
9005.90.80	Parts and accessories, including mountings, for binoculars, monoculars, other optical telescopes, and other astronomical instruments, nesoi
9006.40.40	Fixed focus instant print cameras
9006.51.00	Cameras with through-the-lens viewfinder, for roll film of a width not exceeding 35 mm, not cinematographic
9006.52.10	Fixed focus, hand held, 110 cameras
9006.52.30	Fixed focus, hand held cameras, other than 110 cameras, for roll film of a width less than 35 mm, not cinematographic
9006.52.50	Fixed focus cameras nesoi, for roll film of a width less than 35 mm, not cinematographic
9006.52.60	Cameras, other than fixed focus, nesoi, for roll film of a width less than 35 mm, valued not over \$10 each, not cinematographic
9006.52.91	Cameras, other than fixed focus, nesoi, for roll film of a width less than 35 mm, valued over \$10 each, not cinematographic
9006.53.01	Cameras nesoi, for roll film of a width of 35 mm, not cinematographic
9006.59.20	Cameras of a kind used for preparing printing plates or cylinders
9006.59.40	Fixed focus cameras, nesoi, not cinematographic
9006.59.91	Photographic cameras, other than fixed focus, valued over \$10 each, nesoi
9006.61.00	Photographic discharge lamp (electronic) flashlight apparatus
9006.91.00	Parts and accessories for photographic cameras, not cinematographic
9006.99.00	Parts and accessories for photographic flashlight apparatus and flashbulbs
9007.91.40	Parts for cinematographic cameras
9007.91.80	Accessories for cinematographic cameras
9008.50.20	Microfilm, microfiche or other microform readers, capable of producing copies

HTS Subheading	Product Description
9008.50.30	Microfilm, microfiche or other microform readers, other than those capable of producing copies
9013.10.10	Telescopic sights for rifles not designed for use with infrared light
9013.10.50	Other telescopic sights for arms other than rifles; periscopes
9013.80.90	Liquid crystal devices nesoi, and optical appliances and instruments, nesoi
9013.90.20	Parts and accessories of telescopic sights for rifles
9014.10.60	Gyroscopic directing finding compasses, other than electrical
9023.00.00	Instruments, apparatus and models, designed for demonstrational purposes, unsuitable for other uses, and parts and accessories thereof
9025.80.15	Nonelectrical barometers, not combined with other instruments
9025.80.35	Hygrometers and psychrometers, non-electrical, non-recording
9025.80.40	Thermographs, barographs, hygrographs and other recording instruments, other than electrical
9025.80.50	Combinations of thermometers, barometers and similar temperature and atmosphere measuring and recording instruments, nonelectrical
9026.10.40	Flow meters, other than electrical, for measuring or checking the flow of liquids
9026.10.60	Instruments and apparatus for measuring or checking the level of liquids, other than flow meters, non-electrical
9026.20.80	Instruments and apparatus, other than electrical, for measuring or checking the pressure of liquids or gases
9026.80.60	Nonelectrical instruments and apparatus for measuring or checking variables of liquids or gases, nesoi
9027.90.20	Microtomes
9029.90.60	Parts and accessories of stroboscopes
9101.11.40	Wrist watches with cases of or clad with precious metal, electrically operated, with mechanical display only, with 0-1 jewel in mvmt
9101.11.80	Wrist watches with cases of or clad with precious metal, electrically operated, with mechanical display only, w/more than 1 jewel in mvmt
9101.19.20	Wrist watches with cases of or clad with precious metal, electrically operated, with opto-electronic display only
9101.19.40	Wrist watches with cases of or clad with precious metal, electrically operated, with both opto-electronic and mechanical displays, 0-1 jewel
9101.19.80	Wrist watches with cases of or clad with precious metal, electrically operated, w/both opto-electronic & mechanical displays, over 1 jewel
9101.21.10	Straps/bands/bracelets of tex. mat. or base metal, whether or not gold- or silver-plated entered with wrist watches of subheading 9101.21.50
9101.21.30	Straps, bands or bracelets, nesoi, entered with wrist watches of subheading 9101.21.50 and classifiable therewith
9101.21.50	Wrist watches with cases of or clad with precious metal, not electrically operated, with automatic winding, with over 17 jewels in mvmt
9101.21.80	Wrist watches with cases of or clad with precious metal, not electrically operated, with automatic winding, w/17 jewels or less in mvmt
9101.29.10	Wrist watches with cases of or clad with precious metal, not electrically operated, not automatic winding, with 0-1 jewel in mvmt

HTS Subheading	Product Description
9101.29.20	Wrist watches with cases of or clad with precious metal, not electrically operated, not automatic winding, with 2-7 jewels in mvmt
9101.29.30	Wrist watches with cases of or clad with precious metal, not electrically operated, n/auto winding, 8-17 jewels, mvmt n/o \$15 & n/o 15.2 mm
9101.29.40	Wrist watches with cases of or clad with precious metal, not electrically operated, n/auto winding, 8-17 jewels, mvmt n/o \$15 & ov 15.2 mm
9101.29.50	Wrist watches with cases of or clad with precious metal, not electrically operated, not automatic winding, 8-17 jewels, movement over \$15
9101.29.70	Straps/bands/bracelets of tex. mat. or base metal, whether or not gold- or silver-plated entered with wrist watches of subheading 9101.29.90
9101.29.80	Straps, bands or bracelets, nesoi, entered with wrist watches of subheading 9101.29.90 and classifiable therewith
9101.29.90	Wrist watches with cases of or clad with precious metal, not electrically operated, not automatic winding, w/over 17 jewels in the mvmt
9101.91.20	Watches (excl. wrist watches) with cases of or clad with precious metal, electrically operated, with opto-electronic display only
9101.91.80	Watches (excl. wrist watches) with cases of or clad with precious metal, electrically operated, over 1 jewel in mvmt, n/optoelec. display
9101.99.20	Watches (excl. wrist watches) with cases of or clad with precious metal, not electrically operated, with 0-7 jewels in the mvmt
9101.99.60	Watches (excl. wrist watches) with cases of or clad with precious metal, not electrically operated, w/8-17 jewels in mvmt, mvmt over \$15 ea
9101.99.80	Watches (excl. wrist watches) with cases of or clad with precious metal, not electrically operated, with over 17 jewels in the mvmt
9102.11.10	Wrist watches nesoi, electrically operated, mechanical display only, 0-1 jewel, gold/silver-plated case, band of textile mat. or base metal
9102.11.25	Wrist watches nesoi, electrically operated, mechanical display only, 0-1 jewel, case nesoi, with band of textile material or base metal
9102.11.30	Wrist watches nesoi, electrically operated, mechanical display only, 0-1 jewel, gold- or silver-plated case, with band of material nesoi
9102.11.45	Wrist watches nesoi, electrically operated, mechanical display only, 0-1 jewel, case nesoi, with band of material nesoi
9102.11.50	Wrist watches nesoi, electrically operated, mechanical display only, over 1 jewel, gold/silver-plated case, band of textile or base metal
9102.11.65	Wrist watches nesoi, electrically operated, mechanical display only, over 1 jewel, case nesoi, with band of textile material or base metal
9102.11.70	Wrist watches nesoi, electrically operated, mechanical display only, over 1 jewel, gold- or silver-case, with band of material nesoi
9102.11.95	Wrist watches nesoi, electrically operated, mechanical display only, over 1 jewel, case nesoi, with band of material nesoi
9102.12.80	Wrist watches nesoi, electrically operated, with opto-electronic display only
9102.19.20	Wrist watches nesoi, electrically operated, w/both optoelectronic & mechanical displays, 0-1 jewel, band of textile material or base metal
9102.19.40	Wrist watches nesoi, electrically operated, w/both optoelectronic & mechanical displays, 0-1 jewel, band of material nesoi

HTS Subheading	Product Description
9102.19.60	Wrist watches nesoi, electrically operated, w/both optoelectronic & mechanical displays, over 1 jewel, band of textile mat. or base metal
9102.19.80	Wrist watches nesoi, electrically operated, w/both optoelectronic & mechanical displays, over 1 jewel, band of material nesoi
9102.21.10	Wrist watches nesoi, automatic winding, 0-1 jewel, watch band of textile material or base metal
9102.21.25	Wrist watches nesoi, automatic winding, 0-1 jewel, watch band not of textile material or base metal
9102.21.30	Wrist watches nesoi, automatic winding, 2-17 jewels, watch band of textile material or base metal
9102.21.50	Wrist watches nesoi, automatic winding, 2-17 jewels, watch band not of textile material or base metal
9102.21.70	Wrist watches nesoi, automatic winding, over 17 jewels, watch band of textile material or base metal
9102.21.90	Wrist watches nesoi, automatic winding, over 17 jewels, watch band not of textile material or base metal
9102.29.02	Straps/bands/bracelets of tex. mat. or base metal, whether or not gold- or silver-plated entered with wrist watches of subheading 9102.29.04
9102.29.04	Wrist watches nesoi, not electrically operated, not autowind, 0-1 jewel, entered with straps/bands/bracelet of tex. mat. or base metal
9102.29.10	Wrist watches nesoi, not electrically operated, not automatic winding, 0-1 jewel, with strap/band/bracelet of material nesoi
9102.29.20	Wrist watches nesoi, not electrically operated, not automatic winding, 2-7 jewels, with strap/band/bracelet of material nesoi
9102.29.25	Wrist watches nesoi, not electrically operated, n/autowind, 8-17 jewels, mvmt n/o \$15 & n/o 15.2 mm, band of textile material or base metal
9102.29.30	Wrist watches nesoi, not electrically operated, not automatic winding, 8-17 jewels, movement n/o \$15 & n/o 15.2 mm, band of material nesoi
9102.29.35	Wrist watches nesoi, not electrically operated, n/autowinding, 8-17 jewel, mvmt n/o \$15 & ov 15.2 mm, band of textile material or base metal
9102.29.40	Wrist watches nesoi, not electrically operated, n/autowinding, 8-17 jewel, mvmt n/o \$15 & over 15.2 mm, with band of material nesoi
9102.29.45	Wrist watches nesoi, not electrically operated, not auto winding, 8-17 jewels, movement over \$15 each, with band of textiles or base metal
9102.29.50	Wrist watches nesoi, not electrically operated, not auto winding, 8-17 jewels, mvmt over \$15 each, with band of material nesoi
9102.29.55	Wrist watches nesoi, not electrically operated, not automatic winding, over 17 jewels in the mvmt, with band of textiles or base metal
9102.29.60	Wrist watches nesoi, not electrically operated, not automatic winding, over 17 jewels in the movement, with band of material nesoi
9102.91.20	Watches (excl. wrist watches) nesoi, electrically operated, with opto-electronic display only
9102.91.40	Watches (excl. wrist watches) nesoi, electrically operated, with 0-1 jewel in the movement
9102.91.80	Watches (excl. wrist watches) nesoi, electrically operated, with over 1 jewel in the movement
9102.99.20	Watches (excl. wrist watches) nesoi, not electrically operated, with 0-7 jewels in the movement

HTS Subheading	Product Description
9102.99.40	Watches (excl. wrist watches) nesoi, not electrically operated, with 8-17 jewels in movement, movement valued not over \$15 each
9102.99.60	Watches (excl. wrist watches) nesoi, not electrically operated, with 8-17 jewels in movement, movement valued over \$15 each
9102.99.80	Watches (excl. wrist watches) nesoi, not electrically operated, having over 17 jewels in the movement
9103.10.80	Clocks with watch movements, excluding clocks of heading 9104, electrically operated, with over 1 jewel in the movement
9103.90.00	Clocks with watch movements, excluding clocks of heading 9104, not electrically operated
9104.00.60	Instrument panel clocks for vehicles, air/spacecraft or vessels, w/clock or watch movement < 50 mm wide, nonelectric
9105.19.10	Alarm clocks nesoi, not electrically operated, movement measuring not over 50 mm, not designed to operate over 47 hrs without rewinding
9105.19.20	Alarm clocks nesoi, not electrically operated, movement measuring n/o 50 mm, designed to operate over 47 hrs w/o rewinding, with 0-1 jewel
9105.19.30	Alarm clocks nesoi, not electrically operated, movement measuring n/o 50 mm, designed to operate over 47 hrs w/o rewinding, over 1 jewel
9105.19.50	Alarm clocks nesoi, not electrically operated, movement measuring over 50 mm in width or diameter, valued over \$5 each
9105.29.10	Wall clocks nesoi, not electrically operated, mvmt measuring n/o 50 mm, not designed or constr. to operate over 47 hrs without rewinding
9105.29.20	Wall clocks nesoi, not electrically operated, mvmt measuring n/o 50 mm, 0-1 jewel, constructed/designed to operate over 47 hrs w/o rewinding
9105.29.30	Wall clocks nesoi, not electrically operated, mvmt measuring n/o 50 mm, ov 1 jewel, constructed/designed to operate ov 47 hrs w/o rewinding
9105.29.50	Wall clocks nesoi, not electrically operated, movement measuring over 50 mm in width or diameter, valued over \$5 each
9105.99.10	Standard marine chronometers nesoi, having spring-detent escapements
9105.99.20	Clocks nesoi, not electrically operated, mvmt not over 50 mm in width or diameter, not designed to operate for over 47 hrs without rewinding
9105.99.30	Clocks nesoi, not electrically operated, mvmt not over 50 mm in width or diameter, 0-1 jewel, designed to operate ov 47 hrs w/o rewinding
9105.99.40	Clocks nesoi, not electrically operated, mvmt not over 50 mm in width or diameter, over 1 jewel, designed to operate ov 47 hrs w/o rewinding
9105.99.60	Clocks nesoi, not electrically operated, movement measuring over 50 mm in width or diameter, valued over \$5 each
9108.11.40	Watch movements, complete and assembled, electrically operated, with mechanical display or device to incorporate such display, 0-1 jewel
9108.11.80	Watch movements, complete and assembled, electrically operated, with mechanical display or device to incorporate such display, over 1 jewel
9108.19.40	Watch movements, complete and assembled, electrically operated, w/both optoelectronic & mechanical displays, having 0-1 jewels
9108.19.80	Watch movements, complete and assembled, electrically operated, w/both optoelectronic & mechanical displays, having over 1 jewel
9108.20.40	Watch movements, complete and assembled, with automatic winding, over 17 jewels
9108.20.80	Watch movements, complete and assembled, with automatic winding, 17 jewels or less

HTS Subheading	Product Description
9108.90.10	Watch movements, complete and assembled, not electrically operated or automatic winding, measuring 33.8 mm or less, none or only 1 jewel
9108.90.20	Watch movements, complete and assembled, not electrically operated or automatic winding, measuring over 33.8 mm, none or only 1 jewel
9108.90.30	Watch movements, complete and assembled, not electrically operated or automatic winding, measuring 33.8 mm or less, over 1 but n/o 7 jewels
9108.90.40	Watch movements, complete and assembled, not electrically operated or automatic winding, measuring over 33.8 mm, ov 1 but not over 7 jewels
9108.90.50	Watch movements, complete and assembled, nesoi, measuring not over 15.2 mm, over 7 but n/o 17 jewels, valued not over \$15 each
9108.90.60	Watch movements, complete and assembled, nesoi, measuring over 15.2 mm but not over 33.8 mm, over 7 but n/o 17 jewels, valued n/o \$15 each
9108.90.70	Watch movements, complete and assembled, nesoi, measuring 33.8 mm or less, over 7 but not over 17 jewels, valued over \$15 each
9108.90.85	Watch movements, complete and assembled, nesoi, measuring over 33.8 mm, over 7 but not over 17 jewels, valued over \$15 each
9108.90.90	Watch movements, complete and assembled, not electrically operated or automatic winding, measuring 33.8 mm or less, over 17 jewels
9108.90.95	Watch movements, complete and assembled, not electrically operated or automatic winding, measuring over 33.8 mm, over 17 jewels
9109.10.20	Alarm clock movements, complete and assembled, electrically operated, with display nesoi, measuring not over 50 mm in width or diameter
9109.10.40	Alarm clock movements, complete and assembled, electrically operated, with display nesoi, measuring over 50 mm, valued over \$5 each
9109.10.50	Clock movements nesoi, complete and assembled, electrically operated, with opto-electronic display only
9109.10.80	Clock movements nesoi, complete and assembled, electrically operated, with display nesoi, measuring over 50 mm, valued over \$5 each
9109.90.20	Clock movements, complete and assembled, not electrically operated, measuring not over 50 mm in width or diameter
9109.90.60	Clock movements, complete and assembled, not electrically operated, measuring over 50 mm in width or diameter, valued over \$5 each
9110.11.00	Complete watch movements, unassembled or partly assembled (movement sets)
9110.12.00	Incomplete watch movements, assembled
9110.19.00	Rough watch movements
9110.90.20	Complete clock movements, unassembled or partly assembled (movement sets)
9110.90.40	Incomplete clock movements consisting of 2 or more pieces or parts fastened or joined together
9110.90.60	Incomplete clock movements, nesoi
9111.10.00	Watch cases of precious metal or of metal clad with precious metal
9111.20.20	Watch cases of gold- or silver-plated base metal
9111.20.40	Watch cases of base metal not gold- or silver-plated
9111.80.00	Watch cases, not of precious metal, of metal clad with precious metal or of base metal
9111.90.40	Parts of watch cases, of precious metal or of metal clad with precious metal

HTS Subheading	Product Description
9111.90.50	Bezels, backs and centers, of watch cases, not of precious metal or of metal clad with precious metal
9111.90.70	Parts of watch cases, other than bezels, backs and centers, not of precious metal or of metal clad with precious metal
9112.20.40	Clock cases and cases of a similar type for other goods of chapter 91, of metal
9112.20.80	Clock cases and cases of a similar type for other goods of chapter 91, other than cases of metal
9112.90.00	Parts of clock cases and cases of a similar type for other goods of chapter 91
9113.10.00	Watch straps, watch bands and watch bracelets, of precious metal or of metal clad with precious metal, and parts thereof
9113.20.60	Parts of watch bracelet of base metal, whether or not gold- or silver-plated, valued not over \$12 per dozen
9113.20.90	Parts of watch bracelets of base metal, whether or not gold- or silver-plated, valued over \$12 per dozen
9113.90.80	Watch straps, watch bands and watch bracelets, other than of precious metal, base metal or textile material, and parts thereof
9114.10.40	Springs, including hair-springs, for watches
9114.10.80	Springs, including hair-springs, for clocks
9114.30.40	Dials for watches and clocks, not exceeding 50 mm in width
9114.30.80	Dials for watches and clocks, exceeding 50 mm in width
9114.40.20	Watch movement bottom or pillar plates or their equivalent
9114.40.40	Any plate, or set of plates, suitable for assembling thereon a clock movement
9114.40.60	Plates and bridges for watches, nesoi
9114.40.80	Plates and bridges for clocks, nesoi
9114.90.10	Jewels for watch or clock movements
9114.90.15	Assemblies and subassemblies for watch movements consisting of 2 or more pieces or parts fastened or joined inseparably together
9114.90.40	Watch parts, nesoi
9114.90.50	Clock parts, nesoi
9201.10.00	Upright pianos
9201.20.00	Grand pianos
9201.90.00	Keybd string. musical instru., o/than w/elect. sound or ampl., pianos (incl. player pianos) nesoi; harpsichords & oth keybd string. instr.
9202.90.20	String musical instruments, o/than w/elect. sound or ampl., guitars, valued not over \$100 each (excluding the value of the case)
9202.90.40	String musical instruments, o/than w/elect. sound or ampl., guitars, valued over \$100 each (excluding the value of the case)
9205.10.00	Wind musical instruments, o/than w/elect. sound or ampl., brass-wind instruments
9205.90.12	Keyboard musical instruments, o/than w/elect. sound or ampl., pipe organs
9205.90.14	Keyboard musical instruments, o/than w/elect. sound or ampl., harmoniums and similar keyboard instruments with free metal reeds
9205.90.15	Piano accordions, o/than w/elect. sound or ampl.
9205.90.18	Accordions (o/than piano accordions) and similar instruments, o/than w/elect. sound or ampl.

HTS Subheading	Product Description
9205.90.19	Mouth organs
9205.90.20	Wind musical instruments, o/than w/elect. sound or ampl., bagpipes
9205.90.40	Wind musical instruments, o/than w/elect. sound or ampl., woodwind instruments (o/than bagpipes)
9205.90.60	Wind musical instruments (o/than brass-wind or woodwind) nesoi, o/than w/elect. sound or ampl.
9206.00.20	Percussion musical instruments, o/than w/elect. sound or ampl., drums
9206.00.40	Percussion musical instruments, o/than w/elect. sound or ampl., cymbals
9206.00.60	Percussion musical instruments, o/than w/elect. sound or ampl., sets of tuned bells known as chimes, peals or carillons
9206.00.80	Percussion musical instruments (o/than drums, cymbals, chimes, peals or carillons) nesoi (e.g., xylophones, castanets, maracas)
9207.10.00	Keyboard musical instruments (o/than accordions), the sound of which is produced, or must be amplified, electrically
9207.90.00	Musical instruments (o/than keyboard except accordions) nesoi, the sound of which is produced, or must be amplified, electrically
9208.90.00	Musical instruments nesoi in chapter 92; decoy calls; whistles, and o/mouth-blown sound signaling instruments
9209.30.00	Strings for musical instruments
9209.91.40	Tuning pins for pianos
9209.91.80	Parts & access. for pianos (o/than tuning pins and strings) nesoi
9209.92.40	Tuning pins for stringed musical instruments of heading 9202
9209.92.60	Bows, parts of bows, bow hair, chin rests and other parts and accessories for stringed musical instru. of 9202
9209.92.80	Parts & access. nesoi, for stringed musical instruments of heading 9202
9209.94.80	Parts & access. nesoi, for the musical instruments w/elect. sound or ampl. of heading 9207 nesoi
9209.99.05	Metronomes, tuning forks and pitch pipes of all kinds
9209.99.10	Mutes nesoi; pedals, dampers & spurs for drums; pedals & holders for cymbals; music holders nesoi; collapsible music instru stands, nesoi
9209.99.16	Parts & access. nesoi, for pipe organs
9209.99.18	Parts & access. nesoi, for harmoniums and similar keyboard instruments with free metal reeds of heading 9203, nesoi
9209.99.20	Parts & access. nesoi, for bagpipes
9209.99.40	Parts & access. nesoi, for woodwind and brass-wind musical instruments
9209.99.61	Parts for music boxes
9209.99.80	Parts & access. nesoi, for musical instruments, nesoi
9301.10.00	Artillery weapons (for example, guns, howitzers, and mortars)
9301.20.00	Rocket launchers; flame-throwers; grenade launchers; torpedo tubes and similar projectors
9301.90.30	Rifles, military
9301.90.60	Shotguns, military
9301.90.90	Military weapons, nesoi
9302.00.00	Revolvers and pistols (o/than of heading 9303 or 9304)
9303.10.00	Muzzle-loading firearms

HTS Subheading	Product Description
9303.20.00	Shotguns (incl. comb. shotgun-rifles), for sport, hunting or target-shooting
9303.30.40	Rifles (o/than muzzle-loading), for sport, hunting or target-shootings, valued o/\$25 but n/or \$50 each
9303.30.80	Rifles (o/than muzzle-loading), for sport, hunting or target-shooting rifles, valued at \$25 and under or o/\$50 each
9303.90.40	Revolvers and pistols, designed to fire only blank cartridges or blank ammunition
9303.90.80	Firearms and similar devices that operate by the firing of an explosive charge, nesoi
9304.00.20	Rifles that eject missiles by release of compressed air or gas, or by the release of a spring mechanism or rubber held under tension
9304.00.40	Pistols & other guns (o/than rifles) that eject missiles by release of comp. air or gas, a spring mechanism or rubber held under tension
9304.00.60	Arms (o/than those of heading 9307) nesoi
9305.10.20	Parts and accessories nesoi, for revolvers or pistols of heading 9302
9305.10.40	Parts and accessories nesoi, for revolvers or pistols designed to fire only blank cartridges or blank ammunition
9305.10.60	Parts and accessories nesoi, for muzzle-loading revolvers and pistols
9305.10.80	Parts and accessories nesoi, for revolvers or pistols nesoi
9305.20.05	Stocks, for rifles of heading 9303
9305.20.80	Other parts and accessories of shotguns or rifles of heading 9303
9305.91.10	Parts and accessories for military rifles of heading 9301
9305.91.20	Parts and accessories for military shotguns of heading 9301
9305.91.30	Parts and accessories for military weapons (other than rifles and shotguns) of heading 9301
9305.99.50	Parts and accessories for articles of subheading 9304.00.20 or 9304.00.40
9305.99.60	Parts and accessories for articles of headings 9301 to 9304, nesoi
9306.21.00	Cartridges, for shotguns
9306.29.00	Parts of cartridges for shotguns; air gun pellets
9306.30.41	Cartridges nesoi and empty cartridge shells
9306.30.80	Parts of cartridges nesoi
9306.90.00	Bombs, grenades, torpedoes, mines, missiles and similar munitions of war and pts thereof; other ammunition projectiles & pts. thereof
9307.00.00	Swords, cutlasses, bayonets, lances and similar arms, parts thereof and scabbards and sheaths therefor
9401.10.40	Seats, of a kind used for aircraft, leather upholstered
9401.10.80	Seats, of a kind used for aircraft (o/than leather upholstered)
9401.90.10	Parts of seats nesoi, for seats of a kind used for motor vehicles
9401.90.15	Parts of seats nesoi, for bent-wood seats
9401.90.25	Parts of seats (o/than of 9402) nesoi, of cane, osier, bamboo or similar materials
9404.90.10	Pillows, cushions and similar furnishings, of cotton
9404.90.20	Pillows, cushions and similar furnishings, other than of cotton
9504.20.20	Balls, for billiards
9504.20.40	Chalk, for billiards
9504.20.80	Articles nesoi and parts and accessories, for billiards

HTS Subheading	Product Description
9504.30.00	Coin- or token-operated games for arcade, table or parlor (o/than bowling alley equipment) nesoi and parts and accessories thereof
9504.90.90	Articles nesoi for arcade, table or parlor games & parts & access.; automatic bowling alley equipment & parts and accessories thereof
9505.10.10	Arts. for Christmas festivities, ornaments of glass
9506.11.20	Skis, cross-country snow-skis
9506.11.40	Skis, snow-skis (o/than cross-country)
9506.11.60	Parts and accessories (o/than poles) for snow-skis
9506.12.40	Bindings and parts & accessories thereof, for cross-country snow skis
9506.12.80	Bindings and parts & accessories thereof, for snow-skis (o/than cross-country)
9506.19.40	Cross country snow-ski equipment nesoi, and parts & accessories thereof nesoi
9506.19.80	Snow-ski (o/than cross country) equipment nesoi, and parts & accessories thereof nesoi
9506.21.40	Sailboards
9506.21.80	Parts and accessories for sailboards
9506.29.00	Water-skis, surf boards, and other water sport equipment (o/than sailboards) and parts & accessories thereof nesoi
9506.31.00	Golf clubs, complete
9506.32.00	Golf balls
9506.39.00	Golf equipment (o/than golf footwear) nesoi and parts & accessories thereof
9506.51.60	Parts and accessories for lawn-tennis rackets
9506.59.80	Rackets for games (o/than for lawn-tennis or badminton) and parts & accessories thereof
9506.61.00	Lawn-tennis balls
9506.62.40	Inflatable footballs and soccer balls
9506.62.80	Inflatable balls (o/than footballs and soccer balls) nesoi
9506.69.20	Baseballs and softballs
9506.69.40	Noninflatable hollow balls nesoi, w/diameter of 19 cm or less
9506.69.60	Noninflatable balls nesoi
9506.70.40	Ice skates w/footwear permanently attached
9506.70.60	Skates (o/than roller or ice) nesoi and parts & access. thereof (incl. parts and accessories for ice skates w/perm. attach. footwear)
9506.91.00	Arts. and equip. for general physical exercise, gymnastics or athletics and parts & accessories thereof
9506.99.05	Archery articles and equipment, and parts & accessories thereof
9506.99.20	Football, soccer and polo articles and equipment (o/than balls), and parts & accessories thereof
9506.99.25	Ice-hockey and field-hockey articles and equipment (o/than balls and skates), and parts & accessories thereof
9506.99.28	Lacrosse sticks
9506.99.30	Lawn-tennis articles and equipment (o/than balls and rackets), and parts & accessories thereof
9506.99.35	Skeet targets
9506.99.40	Toboggans; bobsleds and luges of a kind used in international competition
9506.99.45	Sleds and bobsleds (o/than bobsleds & luges for intl. competition) and parts & accessories for toboggans, sleds, bobsled, luges and the like

HTS Subheading	Product Description
9506.99.55	Swimming pools and wading pools and parts & accessories thereof
9506.99.60	Athletic and sports articles and equipment nesoi, and parts & accessories thereof nesoi
9507.20.40	Fish hooks, snelled
9507.20.80	Fish hooks, not snelled
9507.30.60	Fishing reels, valued over \$8.45 each
9507.30.80	Parts and accessories for fishing reels
9507.90.20	Fishing line, put up and packaged for retail sale
9507.90.40	Fishing casts or leaders
9507.90.70	Artificial baits and flies
9508.10.00	Traveling circuses and traveling menageries; parts and accessories thereof
9508.90.00	Merry-go-rounds, boat-swings, shooting galleries and other fairground amusements; traveling theaters; parts and accessories thereof
9601.10.00	Ivory, worked and articles thereof
9601.90.20	Shell, worked and articles thereof
9601.90.40	Coral, cut but not set, and cameos, suitable for use in jewelry
9601.90.60	Bone, horn, hoof, whalebone, quill, or any combination thereof, worked and articles thereof
9601.90.80	Carving materials of animal parts, worked and articles thereof, nesoi
9602.00.10	Unhardened gelatin, worked and articles thereof
9602.00.40	Wax, molded or carved articles
9602.00.50	Vegetable, mineral or gum materials, worked and articles of these materials
9603.10.15	Whiskbrooms, wholly or pt. of broom corn, n/o \$0.96 each, >first 61,655 dz in calendar year classif. In 9603.10.05-9603.10.35
9603.10.35	Whiskbrooms, wholly or pt. of broom corn, over \$0.96 each
9603.10.40	Brooms (o/than whiskbrooms), wholly or in part broom corn, val. n/o 96 cents ea, first 121478 dz in calendar yr, class. in 9603.10
9603.10.50	Brooms (o/than whiskbrooms), wholly or in part broom corn, val. n/o 96 cents ea, in excess of 121478 dz in calendar yr., class in 9603.10
9603.10.60	Brooms (o/than whiskbrooms), wholly or in part broom corn, val. ov 96 cents each
9603.10.90	Brooms & brushes of twigs or vegetable materials (o/than broom corn) bound together, w/ or w/o handles
9603.21.00	Toothbrushes, including dental-plate brushes
9603.30.20	Artists' brushes, writing brushes and similar brushes for the application of cosmetics, valued n/o 5 cents each
9603.30.40	Artists' brushes, writing brushes and similar brushes for the application of cosmetics, valued o/5 cents but n/o 10 cents each
9603.50.00	Brushes, constituting parts of machines, appliances or vehicles, nesoi
9603.90.40	Feather dusters
9603.90.80	Brooms & brushes nesoi, mops, hand-operated mechanical floor sweepers, squeegees and similar articles, nesoi
9604.00.00	Hand sieves and hand riddles
9608.10.00	Pens, w/ball point
9608.20.00	Pens and markers, w/felt tip or other porous-tip
9608.30.00	Pens, fountain, stylograph and other pens, nesoi

HTS Subheading	Product Description
9608.40.40	Pencils, propelling or sliding, w/mechanical action for extending, or for extending and retracting, the lead
9608.40.80	Pencils, propelling or sliding pencils, not w/mechanical action for extending, or for extending and retracting, the lead
9608.50.00	Sets of pens, mechanical pencils, etc. from two or more subheadings 9608.10 - 9608.40
9608.60.00	Refills for ball point pens, comprising the ball point and ink reservoir
9608.91.00	Pen nibs and nib points
9608.99.20	Refill cartridges for pens (o/than ball point pens)
9608.99.30	Balls for ball point pens
9608.99.40	Parts, of pens, mechanical pencils, etc. provided for in 9608.10, 9608.31, and 9608.39 (o/than balls for ball point pens)
9608.99.60	Duplicating stylos, pen-holders, pencil-holders and similar holders & pts. thereof, and parts of pens, mech.pencils, etc. of 9608 nesoi
9609.10.00	Pencils & crayons, with leads encased in a rigid sheath
9609.20.20	Pencil leads, black or colored, n/o 1.5 mm in maximum cross-sectional dimension
9609.20.40	Pencil leads, black or colored, o/1.5 mm in maximum cross-sectional dimension
9609.90.40	Tailors' chalks
9609.90.80	Pencils & crayons (o/than in rigid sheath), pastels, drawing charcoals and writing or drawing chalks, nesoi
9611.00.00	Date, sealing or numbering stamps and the like, designed for operating in the hand; hand-operated composing sticks and hand printing sets
9612.10.10	Ribbons, inked or otherwise prepared, less than 30 mm wide, put up in plastic/metal cart., of a kind used in typewriters, ADP or other mach.
9612.10.90	Ribbons, inked or otherwise prepared (whether or not on spools) nesoi, for typewriters and similar uses
9612.20.00	Ink pads (whether or not inked and with or without boxes)
9613.10.00	Cigarette lighters and similar lighters, gas fueled, not refillable, for the pocket
9613.80.10	Cigarette lighters and similar lighters, for the table
9613.80.20	Cigarette lighters and similar lighters (other than pocket or table), electrical
9613.80.40	Cigarette lighters & similar lighters (o/than pocket or table), n/elect., of prec.metal (o/than silver), precious/semiprec. stones, or comb.
9613.80.80	Cigarette lighters & similar lighters (o/than pocket or table), n/elect., nesoi, valued over \$5/dozen pieces
9613.90.40	Parts for electrical cigarette lighters and similar lighters
9613.90.80	Parts for nonelectrical cigarette lighters and similar lighters
9614.00.21	Roughly shaped blocks of wood or root, for the manufacture of smoking pipes
9614.00.25	Smoking pipes (o/than roughly shaped blocks of wood or root for the manufacture of smoking pipes) and pipe bowls of wood or root
9614.00.26	Smoking pipes and bowls, wholly of clay, and other smoking pipes w/bowls wholly of clay
9614.00.98	Cigar or cigarette holders o/than of metal; parts o/than of metal for smoking pipes & bowls or for cigar or cigarette holders
9616.10.00	Scent sprayers and similar toilet sprayers, and mounts and heads therefor
9617.00.40	Vacuum flasks and vessels, complete with cases, w/capacity o/2 liters

HTS Subheading	Product Description
9618.00.00	Tailors' dummies and other mannequins; automatons and other animated displays used for shop window dressing
9619.00.05	Sanitary napkins and tampons, diapers and diaper liners and similar sanitary articles, of plastics
9619.00.11	Sanitary napkins and tampons, diapers and diaper liners and similar sanitary articles, of paper pulp
9619.00.15	Sanitary napkins and tampons, diapers and diaper liners and similar sanitary articles, other than of paper pulp
9619.00.21	Sanitary towels and tampons, diapers and diaper liners for babies and similar sanitary articles, of wadding of cotton
9619.00.25	Sanitary towels and tampons, diapers and diaper liners for babies & similar sanitary articles, of wadding of other textile materials, nesoi
9619.00.33	Babies' diapers nesoi, of cotton, not knitted or crocheted
9619.00.43	Babies' diapers, not knitted or crocheted, nesoi, of artificial fibers
9619.00.48	Babies' diapers, of textile mats(except wool, cotton or mmf), cont under 70% by wt of silk or silk waste, not k/c
9619.00.64	Other sanitary garments nesoi, knitted or crocheted, of man-made fibers
9619.00.71	Other sanitary garments nesoi, not knitted or crocheted, of cotton
9619.00.74	Other sanitary garments nesoi, not knitted or crocheted, of man-made fibers
9619.00.78	Men's or boys' other sanitary garments, nesoi, of tex mat(except wool, cotton or mmf), cont under 70% by wt of silk, not k/c
9619.00.90	Other sanitary included articles of textile materials, nesoi
9701.10.00	Paintings, drawings (o/than of 4906) and pastels, executed entirely by hand, whether or not framed
9701.90.00	Collages and similar decorative plaques, executed entirely by hand, whether or not framed
9702.00.00	Original engravings, prints and lithographs, whether or not framed
9703.00.00	Original sculptures and statuary, in any material
9704.00.00	Postage or revenue stamps, stamp-postmarks, first-day covers, postal stationery, and the like, used or unused, other than heading 4907
9705.00.00	Collections and collectors' pieces of zoological, botanical, mineralogical, anatomical, historical, archaeological etc. interest
9706.00.00	Antiques of an age exceeding one hundred years

Part 2

Note: All products that are classified in the 8-digit subheadings of the Harmonized Tariff Schedule of the United States (HTS) that are listed in Part 2 of this Annex are partially covered by the action. The product descriptions that are contained in this Annex are provided for informational purposes only, and are not intended to delimit in any way the scope of the proposed action. Any questions regarding the scope of particular HTS subheadings should be referred to U.S. Customs and Border Protection. In the product descriptions, the abbreviation "nesoi" means "not elsewhere specified or included".

Item	HTS Subheading	Product Description
1.	4901.99.00	Printed books, brochures, leaflets and similar printed matter, other than in single sheets
		Except for: 4901.99.0040 - Bibles, testaments, prayer books and other religious books
2.	8517.62.00	Machines for the reception, conversion and transmission or regeneration of voice, images or other data, including switching and routing apparatus
		Except for: 8517.62.0010 - MODEMS (MODULATOR-DEMODULATOR APPARATUS) OF A KIND USED WITH DATA PROCESSING MACHINES OF HEADING 8471 8517.62.0020 - SWITCHING AND ROUTING APPARATUS
3.	9401.69.60	Chairs nesoi, w/wooden frames (o/than teak), not upholstered
		Except for: 9401.69.6011 - HOUSEHOLD CHAIRS WITH WOODEN FRAMES, NESOI 9401.69.6031 - CHAIRS WITH WOODEN FRAMES, NESOI
4.	9401.71.00	Seats nesoi, w/metal frame (o/than of heading 9402), upholstered
		Except for: 9401.71.0001 - HIGHCHAIRS AND BOOSTER SEATS, UPHOLSTERED, WITH METAL FRAMES 9401.71.0005 - INFANT WALKERS, UPHOLSTERED, WITH METAL FRAMES 9401.71.0006 - BOUNCERS WITH SEATS, UPHOLSTERED, WITH METAL FRAMES 9401.71.0008 - STATIONARY ACTIVITY CENTERS FOR CHILDREN, UPHOLSTERED, WITH METAL FRAMES 9401.71.0011 - HOUSEHOLD SEATS, UPHOLSTERED, WITH METAL FRAMES, NESOI 9401.71.0031 - SEATS, UPHOLSTERED, WITH METAL FRAMES, NESOI

ANNEX C

Effective with respect to goods entered for consumption, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern standard time on December 15, 2019, subchapter III of chapter 99 of the Harmonized Tariff Schedule of the United States (HTSUS) is modified:

4. by inserting the following new heading 9903.88.16 in numerical sequence, with the material in the new heading inserted in the columns of the HTSUS labeled "Heading/Subheading", "Article Description", and "Rates of Duty 1-General", respectively:

Heading/ Subheading	Article Description	Rates of Duty		
		1		2
		General	Special	
9903.88.16	Articles the product of China, as provided for in U.S. note 20(t) to this subchapter and as provided for in the subheadings enumerated in U.S. note 20(u)	The duty provided in the applicable subheading + 10%		

5. by inserting the following new U.S. note 20(t) to subchapter III of chapter 99 in numerical sequence:

"(t) For the purposes of heading 9903.88.16, products of China, as provided for in this note, shall be subject to an additional 10 percent ad valorem rate of duty. The products of China that are subject to an additional 10 percent ad valorem rate of duty under heading 9903.88.16 are products of China that are classified in the subheadings enumerated in U.S. note 20(u)(i) or described in U.S. note 20(u)(ii) to subchapter III. All products of China that are classified in the subheadings enumerated in U.S. note 20(u)(i) or described in U.S. note 20(u)(ii) to subchapter III are subject to the additional 10 percent ad valorem rate of duty imposed by heading 9903.88.16.

Notwithstanding U.S. note 1 to this subchapter, all products of China that are subject to the additional 10 percent ad valorem rate of duty imposed by heading 9903.88.16 shall also be subject to the general rates of duty imposed on products of China classified in the subheadings enumerated in U.S. note 20(u)(i) or described in U.S. note 20(u)(ii) to subchapter III.

Products of China that are classified in the subheadings enumerated in U.S. note 20(u)(i) or described in U.S. note 20(u)(ii) to subchapter III and that are eligible for special tariff treatment under general note 3(c)(i) to the tariff schedule, or that are eligible for temporary duty exemptions or reductions under subchapter II to chapter 99, shall be subject to the additional 10 percent ad valorem rate of duty imposed by heading 9903.88.16.

The additional duties imposed by heading 9903.88.16 do not apply to goods for which entry is properly claimed under a provision of chapter 98 of the HTSUS, except for goods entered under subheadings 9802.00.40, 9802.00.50, and 9802.00.60, and heading 9802.00.80. For subheadings 9802.00.40,

9802.00.50, and 9802.00.60, the additional duties apply to the value of repairs, alterations, or processing performed abroad, as described in the applicable subheading. For heading 9802.00.80, the additional duties apply to the value of the article less the cost or value of such products of the United States, as described in heading 9802.00.80.

Products of China that are provided for in heading 9903.88.16 and classified in one of the subheadings enumerated in U.S. note 20(u)(i) or described in U.S. note 20(u)(ii) to subchapter III shall continue to be subject to antidumping, countervailing, or other duties, fees, exactions and charges that apply to such products, as well as to the additional 10 percent ad valorem rate of duty imposed by heading 9903.88.16."

6. by inserting the following new U.S. note 20(u) to subchapter III of chapter 99 in numerical sequence:

"(u) Heading 9903.88.16 applies to:

i) all products of China that are classified in the following 8-digit subheadings:

0304.75.10	2903.99.08	2918.99.06	2930.30.30	3604.10.10
0304.75.50	2903.99.80	2918.99.35	2930.80.00	3604.10.90
0304.94.10	2907.29.10	2918.99.47	2930.90.24	3808.59.10
0502.10.00	2908.19.15	2918.99.50	2931.39.00	3808.59.50
0602.90.50	2908.99.25	2920.22.00	2931.90.05	3924.10.10
0802.90.25	2909.30.07	2921.42.55	2931.90.15	3924.10.40
0802.90.82	2909.30.09	2922.29.06	2931.90.26	3924.90.10
1212.91.00	2909.30.10	2922.29.15	2932.14.00	3924.90.20
1401.20.40	2909.30.30	2922.39.10	2932.91.00	3926.10.00
1514.91.10	2912.19.40	2924.21.18	2932.99.04	3926.20.10
1602.90.10	2914.69.60	2924.29.03	2932.99.55	3926.20.40
2208.90.80	2914.69.90	2924.29.23	2934.10.70	3926.40.00
2829.90.25	2915.39.35	2924.29.26	2934.20.05	3926.90.33
2903.21.00	2916.34.15	2925.19.10	2934.20.80	3926.90.40
2903.39.20	2917.19.30	2926.90.19	2940.00.20	3926.90.48
2903.77.00	2917.19.70	2926.90.21	3204.11.15	3926.90.65
2903.89.11	2917.39.08	2929.10.30	3204.19.40	3926.90.75
2903.89.31	2917.39.17	2929.10.80	3204.20.40	3926.90.77
2903.99.05	2918.29.25	2930.20.70	3301.29.10	4016.92.00

4016.99.20	5801.32.00	6115.29.80	6207.99.75	6302.51.10
4102.10.30	6001.22.00	6115.96.90	6207.99.90	6302.93.10
4301.30.00	6005.41.00	6115.99.19	6210.10.20	6302.93.20
4301.90.00	6006.24.90	6116.10.05	6210.10.70	6303.92.10
4419.11.00	6006.41.00	6116.10.75	6210.10.90	6304.11.20
4419.12.00	6103.10.40	6116.92.05	6210.20.30	6304.11.30
4419.19.10	6103.10.70	6116.92.74	6210.20.70	6304.19.15
4419.19.90	6104.13.20	6116.93.64	6210.30.30	6304.19.20
4419.90.10	6104.19.10	6116.93.94	6210.40.35	6304.93.00
4420.10.00	6104.29.20	6116.99.20	6210.50.03	6306.12.00
4421.10.00	6104.33.10	6116.99.48	6210.50.12	6306.29.11
4421.91.30	6104.53.10	6116.99.54	6210.50.35	6306.29.21
4421.91.50	6105.90.40	6116.99.75	6211.20.48	6306.90.10
4421.91.80	6107.19.10	6116.99.95	6211.20.58	6306.90.50
4421.91.85	6107.99.10	6117.10.20	6213.20.10	6307.20.00
4421.91.88	6107.99.20	6117.80.30	6213.90.10	6307.90.75
4421.99.40	6107.99.90	6117.80.87	6214.30.00	6307.90.89
4421.99.50	6108.19.10	6201.92.17	6215.20.00	6401.92.60
4421.99.60	6108.29.10	6202.93.03	6215.90.00	6401.99.10
4421.99.80	6108.39.10	6203.19.20	6216.00.13	6401.99.90
4421.99.85	6108.39.40	6203.19.30	6216.00.21	6402.19.05
4903.00.00	6108.39.80	6203.19.90	6216.00.35	6402.19.30
4909.00.40	6108.99.50	6203.23.00	6217.10.85	6402.20.00
4910.00.20	6109.90.40	6203.39.10	6301.10.00	6402.91.05
4911.91.20	6110.12.10	6203.43.01	6301.40.00	6402.91.10
4911.91.30	6110.30.15	6203.49.60	6301.90.00	6402.91.16
5210.19.10	6110.90.10	6204.29.40	6302.22.10	6402.91.20
5402.20.60	6111.90.30	6204.33.20	6302.22.20	6402.91.30
5513.21.00	6114.90.90	6205.90.10	6302.32.10	6402.91.40
5801.31.00	6115.22.00	6205.90.30	6302.32.20	6402.91.42

6402.91.50	6404.19.52	6912.00.41	7321.81.10	8301.40.30
6402.91.70	6404.19.57	6912.00.44	7323.91.50	8304.00.00
6402.99.04	6404.19.59	6912.00.45	7323.93.00	8305.90.30
6402.99.12	6404.19.61	6912.00.46	7323.99.30	8306.10.00
6402.99.16	6404.19.69	6912.00.48	7323.99.50	8306.29.00
6402.99.19	6404.19.72	6912.00.50	7323.99.70	8414.51.30
6402.99.31	6404.19.77	7013.42.10	7615.10.20	8414.51.90
6402.99.41	6404.19.87	7013.42.30	7615.10.71	8423.10.00
6402.99.61	6405.20.30	7013.49.50	7907.00.10	8443.39.60
6402.99.69	6405.20.90	7013.91.10	8211.10.00	8446.21.10
6402.99.71	6405.90.90	7013.91.20	8211.91.30	8450.12.00
6402.99.79	6406.10.10	7013.99.20	8211.91.40	8450.19.00
6403.19.30	6406.90.30	7013.99.40	8211.92.40	8467.21.00
6403.40.60	6601.10.00	7013.99.50	8213.00.30	8467.22.00
6403.99.75	6601.91.00	7013.99.60	8213.00.60	8471.30.01
6404.11.41	6601.99.00	7013.99.80	8213.00.90	8471.60.20
6404.11.49	6603.20.30	7019.19.30	8214.10.00	8472.90.40
6404.11.51	6603.20.90	7116.10.10	8214.20.30	8509.40.00
6404.11.59	6603.90.81	7116.20.05	8214.20.90	8509.80.10
6404.11.61	6702.10.20	7117.19.05	8214.90.60	8509.80.50
6404.11.69	6702.10.40	7117.90.45	8214.90.90	8510.30.00
6404.11.75	6702.90.35	7117.90.60	8215.99.01	8513.10.20
6404.11.85	6704.20.00	7117.90.75	8215.99.10	8513.10.40
6404.19.20	6910.10.00	7210.20.00	8215.99.20	8516.31.00
6404.19.30	6911.10.15	7214.10.00	8215.99.22	8516.32.00
6404.19.36	6911.10.41	7215.90.30	8215.99.30	8516.40.20
6404.19.37	6911.10.45	7302.40.00	8215.99.40	8516.40.40
6404.19.42	6912.00.20	7304.23.30	8215.99.50	8516.50.00
6404.19.47	6912.00.35	7321.12.00	8301.10.50	8516.60.60
6404.19.49	6912.00.39	7321.19.00	8301.10.90	8516.72.00

8516.79.00	8528.72.16	9105.91.40	9504.90.60	9610.00.00
8517.12.00	8531.80.15	9105.91.80	9505.10.15	9613.20.00
8517.18.00	8539.22.40	9105.99.50	9505.10.25	9613.80.60
8518.29.40	8539.22.80	9108.12.00	9505.10.30	9614.00.28
8518.30.20	8539.29.10	9108.90.80	9505.10.40	9614.00.94
8519.30.20	8539.50.00	9109.10.10	9505.10.50	9615.11.10
8519.50.00	8543.70.87	9109.10.30	9505.90.20	9615.11.20
8519.81.20	8543.70.93	9109.10.60	9505.90.40	9615.11.30
8519.81.25	8715.00.00	9109.10.70	9505.90.60	9615.11.40
8519.81.40	8905.90.10	9109.90.40	9506.40.00	9615.11.50
8519.89.20	9005.80.40	9113.20.20	9506.51.20	9615.19.20
8525.50.10	9006.40.60	9113.20.40	9506.51.40	9615.19.40
8526.92.10	9006.40.90	9113.90.40	9506.59.40	9615.19.60
8527.12.00	9006.59.60	9114.90.30	9506.70.20	9615.90.20
8527.13.11	9006.69.01	9202.10.00	9506.99.08	9615.90.30
8527.13.20	9008.50.10	9202.90.60	9506.99.12	9615.90.40
8527.13.40	9008.50.40	9208.10.00	9506.99.15	9615.90.60
8527.13.60	9101.91.40	9209.92.20	9506.99.50	9616.20.00
8527.19.10	9101.99.40	9209.94.40	9507.10.00	9617.00.10
8527.19.50	9102.12.20	9305.99.40	9507.30.20	9617.00.30
8527.91.05	9102.12.40	9404.30.40	9507.30.40	9617.00.60
8527.91.40	9102.29.15	9404.30.80	9507.90.60	9619.00.31
8527.92.10	9103.10.20	9404.90.80	9507.90.80	9619.00.41
8527.92.50	9103.10.40	9404.90.85	9603.10.05	9619.00.46
8527.99.10	9105.11.40	9404.90.95	9603.29.40	9619.00.61
8528.52.00	9105.11.80	9503.00.00	9603.29.80	9619.00.68
8528.59.40	9105.19.40	9504.20.60	9603.30.60	9619.00.79
8528.59.45	9105.21.40	9504.40.00	9603.40.20	
8528.69.35	9105.21.80	9504.50.00	9603.40.40	
8528.69.40	9105.29.40	9504.90.40	9605.00.00	

ii) the following products of China:

1. Other non-aromatic organa-inorganic compounds, provided for in subheading 2931.90.90, except for such compounds provided for in statistical reporting numbers 2931.90.9010, 2931.90.9021, 2931.90.9025, and 2931.90.9029;
2. Other upholstered seats with wooden frames, provided for in subheading 9401.61.40, except for such seats provided for in statistical reporting numbers 9401.61.4011 and 9401.61.4031;
3. Other upholstered seats with metal frames, provided for in subheading 9401.71.00, except for such seats provided for in statistical reporting numbers 9401.71.0007, 9401.71.0008, 9401.71.0011, and 9401.71.0031;
4. Other seats with metal frames, not upholstered, provided for in subheading 9401.79.00, except for such seats provided for in statistical reporting numbers 9401.79.0006, 9401.79.0011, 9401.79.0015, 9401.79.0025, 9401.79.0035, 9401.79.0046, and 9401.79.0050;
5. Other seats of reinforced or laminated plastics, provided for in subheading 9401.80.20, except for such seats provided for in statistical reporting numbers 9401.80.2005, 9401.80.2011, and 9401.80.2031;
6. Other seats of rubber or plastics except for other seats of reinforced or laminated plastics, provided for in subheading 9401.80.40, except for such seats provided for in statistical reporting numbers 9401.80.4004, 9401.80.4006, 9401.80.4015, 9401.80.4026, 9401.80.4035, and 9401.80.4046;
7. Furniture of reinforced or laminated plastics, provided for in subheading 9403.70.40, except for such furniture provided for in statistical reporting numbers 9403.70.4001, 9403.70.4002, 9403.70.4015, 9403.70.4020, and 9403.70.4031; and
8. Plastic furniture except for furniture of reinforced or laminated plastics, provided for in subheading 9403.70.80, except for such furniture provided for in statistical reporting numbers 9403.70.8001, 9403.70.8002, 9403.70.8015, 9403.70.8020, and 9403.70.8031."

ANNEX D

Part 1

Note: All products that are classified in the 8-digit subheadings of the Harmonized Tariff Schedule of the United States (HTS) that are listed in Part 1 of this Annex are covered by the action taken in Annex C. The product descriptions that are contained in this Annex are provided for informational purposes only, and are not intended to delimit in any way the scope of the proposed action. Any questions regarding the scope of particular HTS subheadings should be referred to U.S. Customs and Border Protection. In the product descriptions, the abbreviation "nesoi" means "not elsewhere specified or included".

HTS Subheading	Product Description
0304.75.10	Frozen Alaska pollack fillets, skinned, in blocks weighing over 4.5 kg, to be minced, ground or cut
0304.75.50	Fillets, frozen, of Alaska pollock, other than above
0304.94.10	Alaska pollack chilled or frozen fillets, in bulk or in immediate containers weighing with their contents over 6.8 kg each
0502.10.00	Pigs', hogs' or boars' bristles and hair and waste thereof
0602.90.50	Live mushroom spawn
0802.90.25	Pignolias, fresh or dried, shelled
0802.90.82	Nuts, nesoi, fresh or dried, in shell
1212.91.00	Sugar beet, fresh, chilled, frozen or dried, whether or not ground
1401.20.40	Rattans, other than those in the rough or cut transversely into sections, of a kind used primarily for plaiting
1514.91.10	Rapeseed/colza (not low erucic) or mustard oil, for use in manufacture of rubber substitutes or lubricating oil, crude, not chem modified
1602.90.10	Prepared or preserved frog meat
2208.90.80	Undenatured ethyl alcohol of an alcoholic strength by volume of less than 80 percent vol., nesoi
2829.90.25	Sodium bromate
2903.21.00	Vinyl chloride (Chloroethylene)
2903.39.20	Fluorinated, brominated or iodinated derivatives of acyclic hydrocarbons, nesoi
2903.77.00	Other acyclic hydrocarbon derivatives, perhalogenated only with fluorine and chlorine
2903.89.11	Halogenated pesticides derived in whole or in part from benzene or other aromatic hydrocarbon, nesoi
2903.89.31	Chlorinated, but not otherwise halogenated derivatives of cyclanic, cyclenic or cycloterpenic hydrocarbons
2903.99.05	3-Bromo-alpha,alpha,alpha-trifluorotoluene; and other specified halogenated derivatives of aromatic hydrocarbons
2903.99.08	p-Chlorobenzotrifluoride; and 3,4-Dichlorobenzotrifluoride
2903.99.80	Other halogenated derivatives of aromatic hydrocarbons, nesoi
2907.29.10	Pyrogalllic acid
2908.19.15	3-Hydroxy-alpha,alpha,alpha-trifluorotoluene
2908.99.25	Nitrophenols, except p-nitrophenol
2909.30.07	Decabromodiphenyl oxide; and octabromodiphenyl oxide

HTS Subheading	Product Description
2909.30.09	Bis-(tribromophenoxy)ethane; pentabromodiphenyl oxide; and tetradecabromodiphenoxy benzene
2909.30.10	6-tert-Butyl-3-methyl-2,4-dinitroanisole (Musk ambrette) and other artificial musks
2909.30.30	Pesticides, of aromatic ethers and their halogenated, sulfonated, nitrated or nitrosated derivatives
2912.19.40	Isobutanal
2914.69.60	1,4-Dihydroxyanthraquinone; and 2-ethylanthraquinone
2914.69.90	Quinones, nesoi
2915.39.35	Aromatic esters of acetic acid, nesoi
2916.34.15	Odoriferous or flavoring compounds of phenylacetic acid and its salts
2917.19.30	Ethylene brassylate
2917.19.70	Acyclic polycarboxylic acids and derivative (excluding plasticizers)
2917.39.08	Naphthalic anhydride
2917.39.17	Tetrabromophthalic anhydride
2918.29.25	3-Hydroxy-2-naphthoic acid
2918.99.06	1-Hydroxy-6-octadecyloxy-2-naphthalenecarboxylic acid; and 1-hydroxy-6-docosyloxy-2-naphthalene carboxylic acid
2918.99.35	Odoriferous or flavoring compounds of carboxylic acids with additional oxygen function, and their derivatives, nesoi
2918.99.47	Other aromatic carboxylic acids with add'l oxygen function and their anhydrides, halide, etc deriv (exclud goods in add US note 3 to sec VI)
2918.99.50	Nonaromatic carboxylic acids with additional oxygen function, and their derivatives, nesoi
2920.22.00	Diethyl phosphite
2921.42.55	Fast color bases of aniline derivatives and their salts
2922.29.06	m-Nitro-p-anisidine and m-nitro-o-anisidine as fast color bases
2922.29.15	m-Diethylaminophenol; m-dimethylaminophenol; 3-ethylamino-p-cresol; and 5-methoxy-m-phenylenediamine
2922.39.10	2'-Aminoacetophenone & other specified aromatic amino-aldehydes, -ketones and -quinones, other than those with more than one oxygen function
2924.21.18	sym-Diethyldiphenylurea
2924.29.03	3,5-Dinitro-o-toluamide
2924.29.23	4-Aminoacetanilide; 2-2-oxamidobis[ethyl-3-(3,5-di-tert-butyl-4-hydroxyphenyl)propionate]; and other specified cyclic amide chemicals
2924.29.26	3-Aminomethoxybenzanilide
2925.19.10	Ethylenebistetrabromophthalimide
2926.90.19	N,N-Bis(2-cyanoethyl)aniline; and 2,6-diflourobenzonitrile
2926.90.21	Aromatic fungicides of nitrile-function compounds
2929.10.30	3,4-Dichlorophenylisocyanate
2929.10.80	Other isocyanates, nesoi
2930.20.70	S-(2,3,3-trichloroallyl)diisopropylthiocarbamate
2930.30.30	Tetramethylthiuram monosulfide
2930.80.00	Aldicarb (ISO), captafol (ISO) and methamidophos (ISO)
2930.90.24	N-Cyclohexylthiophthalimide

HTS Subheading	Product Description
2931.39.00	Other organo-phosphorous derivatives, nesoi
2931.90.05	Diphenyldichlorosilane; and phenyltrichlorosilane
2931.90.15	Sodium tetraphenylboron
2931.90.26	Pesticides of aromatic organo-inorganic (except organo-sulfur) compounds
2932.14.00	Sucralose
2932.91.00	Isosafrole
2932.99.04	2,2-Dimethyl-1,3-benzodioxol-4-yl methylcarbamate (Bendiocarb)
2932.99.55	Bis-O-[(4-methylphenyl)methylene]-D-glucitol (Dimethylbenzylidene sorbitol); and Rhodamine 2C base
2934.10.70	4,5-Dichloro-2-n-octyl-4-isothiazolin-3-one; thiothiamine hydrochloride; and 4 other specified chemicals
2934.20.05	N-tert-Butyl-2-benzothiazolesulfenamide
2934.20.80	Other compounds containing a benzothiazole ring system (whether or not hydrogenated), not further fused
2940.00.20	D-Arabinose
3204.11.15	Disperse blue 30 and preparations based thereon
3204.19.40	Synthetic organic coloring matter and preparations based thereon, nesoi, described in additional U.S. note 3 to section VI
3204.20.40	Benzoxazol
3301.29.10	Essential oils of eucalyptus
3604.10.10	Display or special fireworks (Class 1.3G)
3604.10.90	Fireworks, nesoi
3808.59.10	Pesticides containing any aromatic or modified aromatic specified in note 1 to chapter 38
3808.59.50	Pesticides, nesoi specified in note 1 to chapter 38
3924.10.10	Salt, pepper, mustard and ketchup dispensers and similar dispensers, of plastics
3924.10.40	Tableware and kitchenware articles, nesoi, of plastics
3924.90.10	Curtains and drapes, incl. panels and valances, napkins, table covers, mats, scarves, runners, doilies, and like furnishings, of plastics
3924.90.20	Picture frames of plastics
3926.10.00	Office or school supplies, of plastics
3926.20.10	Gloves, seamless, of plastics
3926.20.40	Gloves, nesoi, of plastics
3926.40.00	Statuettes and other ornamental articles, of plastics
3926.90.33	Handbags made of beads, bugles and spangles, of plastics
3926.90.40	Imitation gemstones, of plastics
3926.90.48	Photo albums
3926.90.65	Clothespins, spring type, of plastics
3926.90.75	Pneumatic mattresses and other inflatable articles, nesoi, of plastics
3926.90.77	Waterbed mattresses and liners and parts of the foregoing, of plastics
4016.92.00	Erasers, of noncellular vulcanized rubber other than hard rubber
4016.99.20	Toys for pets made of noncellular vulcanized rubber other than hard rubber
4102.10.30	Raw skins of sheep or lamb (not excluded by note 1(c) to chapter 41), with wool on, pretanned other than vegetable but not further prepared

HTS Subheading	Product Description
4301.30.00	Raw lamb furskins of Astrakhan, Broadtail, Caracul, Persian, Indian, Chinese, Mongolian, Tibetan, whole
4301.90.00	Heads, tails, paws and other pieces or cuttings of raw furskins, suitable for furriers' use
4419.11.00	Bread boards, chopping boards and similar boards of bamboo
4419.12.00	Chopsticks of bamboo
4419.19.10	Forks and spoons of bamboo
4419.19.90	Tableware and kitchenware of bamboo, other than bread boards, chopping boards and similar boards, chopsticks , forks, spoons
4419.90.10	Forks and spoons of wood, other than of bamboo
4420.10.00	Wooden statuettes and other wood ornaments
4421.10.00	Wooden clothes hangers
4421.91.30	Blinds, shutters, screens and shades of bamboo, with wooden frames having fixed louver boards or slats in the center
4421.91.50	Toothpicks of bamboo
4421.91.80	Spring-type clothespins of bamboo
4421.91.85	Clothespins other than spring-type, of bamboo
4421.91.88	Canoe paddles of bamboo
4421.99.40	Blinds, shutters, screens and shades of wood other than bamboo, with wooden frames w/o fixed louver boards or slats in the center
4421.99.50	Toothpicks of wood other than of bamboo
4421.99.60	Skewers, candy sticks, ice cream sticks, tongue depressors, drink mixers and similar wares, other than toothpicks, of wood other than bamboo
4421.99.80	Spring-type clothespins of wood other than of bamboo
4421.99.85	Clothespins other than spring-type, of wood other than of bamboo
4903.00.00	Children's picture, drawing or coloring books
4909.00.40	Printed cards (except postcards) bearing personal greetings, messages or announcements, with or without envelopes or trimmings
4910.00.20	Calendars printed on paper or paperboard in whole or in part by a lithographic process, not over 0.51 mm in thickness
4911.91.20	Lithographs on paper or paperboard, not over 0.51 mm in thickness, printed not over 20 years at time of importation
4911.91.30	Lithographs on paper or paperboard, over 0.51 mm in thickness, printed not over 20 years at time of importation
5210.19.10	Unbleached 3- or 4-thread twill fabrics of cotton, incl. cross twill, < 85% cotton by wt, mixed mainly/solely with mm fibers, n/o 200 g/m2
5402.20.60	Multiple (folded) or cabled high tenacity yarn (except sewing thread) of polyesters, not put up for retail sale
5513.21.00	Woven fabrics of polyester staple fibers, < 85% polyester staple fibers, mixed mainly/solely w/cotton, not over 170 g/m2, plain weave, dyed
5801.31.00	Uncut weft pile fabrics of man-made fibers, other than fabrics of heading 5802 or 5806
5801.32.00	Cut corduroy of man-made fibers, other than fabrics of heading 5802 or 5806
6001.22.00	Knitted or crocheted looped pile fabrics of man-made fibers
6005.41.00	Unbleached or bleached warp knit fabrics (including made on galloon knitting machines) of artificial fiber, other than headings 6001 to 6004

HTS Subheading	Product Description
6006.24.90	Printed knitted or crocheted fabrics of cotton, nesoi
6006.41.00	Unbleached or bleached knitted or crocheted fabrics of artificial fibers, nesoi
6103.10.40	Men's or boys' suits, knitted or crocheted, of artificial fibers, containing 23 percent or more of wool or fine animal hair
6103.10.70	Men's or boys' suits, of tex mats(ex wool, cotton or mmf), containing 70% or more by weight of silk or silk waste, knitted or crocheted
6104.13.20	Women's or girls' suits, knitted or crocheted, of synthetic fibers, nesoi
6104.19.10	Women's or girls' suits, knitted or crocheted, of artificial fibers, containing 23 percent or more of wool or fine animal hair
6104.29.20	Women's or girls' ensembles, knitted or crocheted, of textile materials nesoi
6104.33.10	Women's or girls' suit-type jackets & blazers, knit or crocheted, of synthetic fibers, cont. 23% or more of wool or fine animal hair
6104.53.10	Women's or girls' skirts & divided skirts, knitted or crocheted, of synthetic fibers, cont. 23% or more of wool or fine animal hair
6105.90.40	Men's or boys' shirts, of textile materials (ex wool, cotton or mmf), containing 70% or more by weight of silk or silk waste, knitted/croch
6107.19.10	Men's or boys' underpants & briefs, of textile materials (ex cotton or mmf), containing 70% or more by weight of silk or silk waste, k/croc
6107.99.10	Men's or boys' bathrobes, dressing gowns and similar articles, knitted or crocheted, of man-made fibers
6107.99.20	Men's or boys' bathrobes, dressing gowns and similar articles, knitted or crocheted, of wool or fine animal hair
6107.99.90	Men's or boys' bathrobes, dressing gowns, and similar articles, of textile materials (except wool), containing under 70% by wt of silk, k/c
6108.19.10	Women's or girls' slips and petticoats, of textile materials (except mmf), containing 70% or more by weight of silk, knitted or crocheted
6108.29.10	Women's or girls' briefs and panties (other than disposable), of text materials (other than cotton or mmf) cont 70% or more wt of silk, k/c
6108.39.10	Women's or girls' nightdresses and pajamas, knitted or crocheted, of wool or fine animal hair
6108.39.40	Women's or girls' nightdresses & pajamas, con. 70% or more by wt of silk or silk waste, knitted or crocheted
6108.39.80	Women's or girls' nightdresses & pajamas, of textiles (except of cotton/mmf/wool), con. under 70% by wt of silk, knitted or crocheted
6108.99.50	Women's or girls' bathrobes, negligees, & sim. articles, con. 70% or more by wt of silk or silk waste, knitted or crocheted
6109.90.40	T-shirts, singlets tanktops & sim garments, of text mat (except cotton, mmf or long sleeve wool garments), cont 70% or more wt of silk, k/c
6110.12.10	Sweaters, pullovers, sweatshirts, waistcoats (vests) and similar articles, knitted or crocheted, of Kashmir goats, wholly of cashmere
6110.30.15	Sweaters, etc., knitted or crocheted, of manmade fibers, containing 23% or more of wool or fine animal hair
6110.90.10	Sweaters, pullovers, sweatshirts, vests and similar articles, of text mat (except wool, cotton or mmf), cont 70% or more by wt of silk, k/c
6111.90.30	Babies' T-shirts, singlets and similar garments, except those imported as parts of sets, knitted or crocheted, of artificial fibers

HTS Subheading	Product Description
6114.90.90	Other garment, nesoi, of textile materials (except wool, cotton or mmf), containing under 70% by wt of silk or silk waste, knitted/crocheted
6115.22.00	Panty hose and tights (not graduated compression), knitted or crocheted, of synthetic fibers, measuring per single yarn 67 decitex or more
6115.29.80	Panty hose (not surgical) and tights, of textile materials nesoi, knitted or crocheted
6115.96.90	Stockings, socks, etc. nesoi, knitted or crocheted, of synthetic fibers (not containing lace or net)
6115.99.19	Hosiery nesoi, knitted or crocheted, of artificial fibers, other than those containing lace or net
6116.10.05	Ice hockey and field hockey gloves, knitted or crocheted, impregnated, coated or covered with plastics or rubber
6116.10.75	Gloves, mittens & mitts(excl sports), impreg etc, not cut & sewn from pre-existing fabric, with fourch, con 50% or more wt of text fib, k/c
6116.92.05	Ice hockey and field hockey gloves, knitted or crocheted, of cotton, not impregnated, coated or covered with plastics or rubber
6116.92.74	Gloves, mittens & mitts (excl. ski or snowmobile), k/c, of cotton, from a pre-existing machine knit fabric, with fourchettes
6116.93.64	Gloves, mittens & mitts (excl. those designed for sports etc.), k/c, of synthetic fiber, cont. 23% or more wt. of wool etc., w/o four.
6116.93.94	Gloves, mittens & mitts (excl. those designed for sports etc.), k/c, of synthetic fibers, under 23% by wt. of wool etc., with fourchettes
6116.99.20	Ice hockey and field hockey gloves, knitted or crocheted, of artificial fibers, not impregnated, coated or covered with plastics or rubber
6116.99.48	Gloves, mittens & mitts (excl. those designed for sports etc.), knitted/crocheted, of artificial fibers, without fourchettes
6116.99.54	Gloves, mittens & mitts (excl. those designed for sports etc.), knitted or crocheted, of artificial fibers, with fourchettes
6116.99.75	Gloves, mittens and mitts, of textile materials(except wool, cotton or mmf), containing 70% or more by wt of silk or silk waste, knit/croc
6116.99.95	Gloves, mittens and mitts, of textile materials(except wool, cotton or mmf), containing under 70% by weight of silk or silk waste, knit/croc
6117.10.20	Shawls, scarves, mufflers, mantillas, veils and the like, knitted or crocheted, of man-made fibers
6117.80.30	Made up clothing accessories(excl shawls, scarves, mufflers, mantillas, veils and the like; ties and cravat), containing >= 70% wt of silk,
6117.80.87	Ties, bow ties and cravats, containing under 70% by weight of silk or silk waste, knitted or crocheted
6201.92.17	Rec perf outerwear, men's or boys' anoraks, windbreakers and similar articles, nesoi, not knitted or crocheted, of cotton, water resistant
6202.93.03	Rec perf outerwear, women's/girls' padded, sleeveless jackets, not knit/crochet, man-made fibers, not cont. 15% or more by weight of down, etc
6203.19.20	Men's or boys' suits, of artificial fibers, not knitted or crocheted, containing 36 percent or more of wool or fine animal hair
6203.19.30	Men's or boys' suits, of artificial fibers, nesoi, not knitted or crocheted
6203.19.90	Men's or boys' suits, of textile mats(except wool, cotton or mmf), containing under 70% by weight of silk or silk waste, not knit or croch

HTS Subheading	Product Description
6203.23.00	Men's or boys' ensembles, not knitted or crocheted, of synthetic fibers
6203.39.10	Men's or boys' suit-type jackets and blazers, of artificial fibers, containing 36% or more by weight of wool or fine animal hair, not k/c
6203.43.01	Rec perf outerwear, men's/boys' trousers, bib & brace overalls, breeches & shorts, not knit/crochet, syn. fibers, cont. 15% or more of down, etc
6203.49.60	Men's/boys' trousers, bib/brace overalls, breeches & shorts, not k/c, tex mats (not wool, cotton, mmf), cont > or = 70% wt silk, , not rec P outerwear
6204.29.40	Women's or girls' ensembles, not knitted or crocheted, of textile materials nesoi
6204.33.20	Women's or girls' suit-type jackets and blazers, not knitted or crocheted, of synthetic fibers, containing 36 percent or more of flax fibers
6205.90.10	Men's or boys' shirts, of silk or silk waste, containing 70% or more by wt of silk or silk waste, not knitted or crocheted
6205.90.30	Men's or boys' shirts, of silk or silk waste, containing under 70% by wt of silk or silk waste, not knitted or crocheted
6207.99.75	Men's or boys' bathrobes, dressing gowns and similar articles, not knitted or crocheted, of man-made fibers
6207.99.90	Men's or boys' undershirts, bathrobes, & sim art, of text mats (except of cotton, mmf, wool, silk), not knitted or crocheted
6210.10.20	Garments, not knitted or crocheted, made up of fabrics of heading 5602 or 5603 formed on a base of paper or covered or lined with paper
6210.10.70	Disposable briefs and panties designed for one time use, made up of fabrics of 5602 or 5603, not formed or lined w paper, not k/c
6210.10.90	Garments, nesoi, made up of fabrics of heading 5602 or 5603, not formed or lined w paper, not k/c
6210.20.30	Men's or boys' garments, sim to 6201.11-6201.19, of mmf, outer surf impreg, coated etc. w rub/plast, underlying fab completely obsc, not k/c
6210.20.70	Men's or boys' overcoats/carcoats/capes/etc. of tx mat(excl mmf), outer sur. impreg/etc. w/rub/plast completely obscuring fab, n k/c
6210.30.30	Women's or girls' overcoats/carcoats/capes/etc. of mmf, outer sur. impreg/coated/etc. w/rub/plast completely obscuring fab, n k/c
6210.40.35	Men's/boys' garm, nesoi, fab of 5903/5906/5907, not k/c, mmf, w/out sur. impreg/coated/etc. w/rub/plast completely obscuring fab, not rec perf outerwear
6210.50.03	Rec perf outerwear, women's/girls' garm, nesoi, fab of 5903/5906/5907, not k/c, mmf, w/outer sur. impreg/coated/etc. w/rub/plast compl obscuring fab
6210.50.12	Rec perf outerwear, women/girls' garm, nesoi, fab of 5903/5906/5907, n k/c, tex mat (excl mmf), w/out sur. impreg/etc. w/rub/plast comp obscuring fab
6210.50.35	Women's/girls' garm, nesoi, fab of 5903/5906/5907, n k/c, mmf, w/out sur. impreg/coated/etc. w/rub/plast compl obscuring fab, o/than rec perf outerwear
6211.20.48	Men's or boys' ski-suits nesoi, of tx mats(except wool or fine animal hair), con under 15% wt down etc, not water resist, not knitted/croch
6211.20.58	Women's or girls' anoraks and sim art imported as pts of ski-suits, of tx mats(except wool), con < 15% wt down etc, not wat resist, n k/c
6213.20.10	Handkerchiefs, not knitted or crocheted, of cotton, hemmed, not containing lace or embroidery
6213.90.10	Handkerchiefs, not knitted or crocheted, of man-made fibers

HTS Subheading	Product Description
6214.30.00	Shawls, scarves, mufflers, mantillas, veils and the like, not knitted or crocheted, of synthetic fibers
6215.20.00	Ties, bow ties and cravats, not knitted or crocheted, of man-made fibers
6215.90.00	Ties, bow ties and cravats, not knitted or crocheted, of textile materials nesoi
6216.00.13	Gloves etc. (excl. for sports etc.), not k/c, impreg. etc. with plas/rub, w/o four., cut & sewn, of veg. fibers, over 50% by wt. plas/rub
6216.00.21	Gloves, mittens and mitts(excl sports), w/o four, impreg etc, cut & sewn from pre-exist impreg fab, of non-veg fib, con < 50% wt plas/rub
6216.00.35	Gloves, mittens & mitts, all the foregoing for sports use, including ski & snowmobile gloves, mittens & mitts, of cotton
6217.10.85	Headbands, ponytail holders and similar articles, of textile materials containing < 70% by weight of silk, not knit/crochet
6301.10.00	Electric blankets
6301.40.00	Blankets (other than electric blankets) and traveling rugs, of synthetic fibers
6301.90.00	Blankets and traveling rugs, nesoi
6302.22.10	Bed linen, not knitted or crocheted, printed, of manmade fibers, containing embroidery, lace, braid, etc or applique work
6302.22.20	Bed linen, not knitted or crocheted, printed, of manmade fibers, nesoi
6302.32.10	Bed linen, not knitted or crocheted, not printed, of manmade fiber, containing embroidery, lace, braid, etc or applique work
6302.32.20	Bed linen, not knitted or crocheted, not printed, of manmade fibers, nesoi
6302.51.10	Damask tablecloths and napkins, not knitted or crocheted, of cotton
6302.93.10	Toilet and kitchen linen, of manmade fibers, of pile or tufted construction
6302.93.20	Toilet and kitchen linen, of manmade fibers, nesoi
6303.92.10	Curtains/drapes, inter. blinds, etc. of syn fib, made up from fab of subh 5407.60.11/5407.60.21/5407.60.91, not knitted or crocheted
6304.11.20	Bedspreads of man-made fibers, knitted or crocheted, excluding those of heading 9404
6304.11.30	Bedspreads of textile materials other than of cotton or of man-made fibers, knitted or crocheted, excluding those of heading 9404
6304.19.15	Bedspreads, not knitted or crocheted, of manmade fibers, containing any embroidery, lace, etc.
6304.19.20	Bedspreads, not knitted or crocheted, of manmade fibers, nesoi
6304.93.00	Furnishing articles (excluding those of heading 9404 and other than bedspreads) not knitted or crocheted, of synthetic fibers
6306.12.00	Tarpaulins, awnings and sunblinds, of synthetic fibers
6306.29.11	Tents of cotton
6306.29.21	Tents of textile materials other than of cotton or synthetic fibers
6306.90.10	Camping goods, nesoi, of cotton
6306.90.50	Camping goods, nesoi, of textile materials other than of cotton
6307.20.00	Lifejackets and lifebelts of textile materials
6307.90.75	Toys for pets, of textile materials
6307.90.89	Surgical towels; cotton towels of pile/tufted const.; pillow shells, of cotton; shells for quilts etc., and similar articles of cotton

HTS Subheading	Product Description
6401.92.60	Waterproof footwear, not mechanically asmbld., w/over 90% of ext. surf. area of soles & uppers PVC, covering/ankle but not knee
6401.99.10	Waterproof footwear, not mechanically assembled, w/outer soles & uppers of rubber or plastics, covering the knee
6401.99.90	Waterproof footwear, not mechanically asmbld, w/outer soles and uppers of rubber or plastics, nesoi, not cover ankle
6402.19.05	Golf shoes w/outer soles of rubber or plastics and uppers > 90% of ext. surface area rubber or plastics
6402.19.30	Sports footwear w/outer soles and uppers of rubber or plastics, nesoi, valued not over \$3/pair
6402.20.00	Footwear w/outer soles & uppers of rubber/plastics, w/upper straps or thongs assembled to sole by means of plugs (zoris)
6402.91.05	Footwear w/outer soles of rubber or plastics, o/than sports, covers ankle, w/metal toe-cap, w/ext. surf. uppers o/90% rubber or plastics
6402.91.10	Footwear, covers ankle, w/outer soles & uppers of rubber or plastics, nesoi, w/metal toe-cap, designed to protect liquids, chemicals, weather
6402.91.16	Footwear, covers ankle, w/outer soles & uppers of rubber or plastics, nesoi, w/metal toe-cap, not protective, valued n/o \$3/pair
6402.91.20	Footwear, covers ankle, w/outer soles & uppers of rubber or plastics, nesoi, w/metal toe-cap, not protective, valued over \$3 but n/o \$6.50/pair
6402.91.30	Footwear, covers ankle, w/outer soles & uppers of rubber or plastics, nesoi, w/metal toe-cap, not protective, valued over \$12/pair
6402.91.40	Footwear w/outer soles & uppers of rubber or plastics, nesoi, covering ankle, w/ext. surf. of uppers o/90% rubber or plastics
6402.91.42	Protective active footwear w/outer soles & uppers of rubber or plastics, covered ankle, nesoi, valued over \$24/pair
6402.91.50	Footwear w/outer soles & uppers of rubber or plastics, nesoi, covering ankle, designed as protection against liquids, chemicals, weather
6402.91.70	Footwear w/outer soles & uppers of rubber or plastics, nesoi, covering ankle, nesoi, valued over \$3 but n/o \$6.50/pair
6402.99.04	Footwear not cov. ankle, w/outer soles of rubber or plastics, nesoi, w/metal toe-cap, w/ext. surf. uppers o/90% rubber or plastics
6402.99.12	Footwear not cov. ankle, w/outer soles & uppers of rubber or plastics, nesoi, w/metal toe-cap, not protective, valued n/o \$3/pair
6402.99.16	Footwear not cov. ankle, w/outer soles & uppers of rubber or plastics, nesoi, w/metal toe-cap, not protective, valued > \$3 but n/o \$6.50/pair
6402.99.19	Footwear not cov. ankle, w/outer soles & uppers of rubber or plastics, nesoi, w/metal toe-cap, not protective, valued o/\$6.50 but n/o \$12/pair
6402.99.31	Footwear w/outer soles & uppers of rubber or plastics, nesoi, n/cov. ankle, w/ext. surf. of uppers o/90% rubber or plastics, nesoi
6402.99.41	Footwear, nesoi, w/outer soles & uppers of rubber or plastic, open toe or heel or slip-on, tex outersole
6402.99.69	Footwear w/outer soles & uppers of rubber or plastics, nesoi, n/cov. ankle, nesoi, valued n/o \$3/pair
6402.99.61	Footwear, nesoi, w/outer soles & uppers of rubber or plastics, o/than open toe or heel or slip-on, < \$3, tex outersole, not subj C64 note 5

HTS Subheading	Product Description
6402.99.71	Footwear, nesoi, w/outer soles and uppers of rubber or plastic, o/than open toe or heel or slip-on, \$3-6.50, tex outersole, not subj C64 note 5
6402.99.79	Footwear w/outer soles & uppers of rubber or plastics, nesoi, n/cov. ankle, nesoi, valued o/\$3 but n/o \$6.50/pair
6403.19.30	Golf shoes, w/outer soles rubber/plastics/leather/comp. leather & uppers of leather, n/welt, for men/youths/boys
6403.40.60	Footwear w/outer soles of rubber/plastics/leather/comp. leather & uppers of leather, w/protective metal toe-cap, n/welt
6403.99.75	Footwear w/outer soles of rubber/plastics/comp. leather & uppers of leather, n/cov. ankle, for women/child./infants, val.n/o \$2.50/pr
6404.11.41	Sports ftwear w/outr sole rub/plast & upper textile val. < \$3/pr, w/sole fixed w/adhesives w/o foxing not subj note 5 ch 64
6404.11.49	Sports ftwear, outer soles rubber/plastic & uppers textile, val. <\$3/pr, soles fixed w/adhesives w/o foxing, subj note 5 ch 64
6404.11.51	Sports ftwear w/outer soles rubber/plastic & uppers textile, val. < \$3/pair, not subj to note 5 ch 64
6404.11.59	Sports ftwear w/outer soles rubber/plastic, uppers textile, val <\$3/pair, subj note 5 ch 64
6404.11.61	Sports ftwear w/outr sole rubber/plastic & upper textile, val. >\$3 but < \$6.50/pr, w/soles fixed w/adhesives, not subj note 5 ch 64
6404.11.69	Sports ftwear w/outr sole rubber/plastic & uppers textile, val.>\$3 but <\$6.50/pr, w/sole fixed w/adhesives subj note 5 ch 64
6404.11.75	Sports ftwear w/outer soles rubber/plastic & uppers textile, val. >\$3 but <\$6.50/pr, not subj note 5 ch 64
6404.11.85	Sports ftwear w/outer soles rubber/plastic & uppers textile, val. >\$6.50 but < \$12/pr, not subj to note 5 ch 64
6404.19.20	Ftwear w/outer soles rubber/plastic & uppers textile, nesoi, designed to protect agst liquids, chemicals & weather
6404.19.30	Ftwear w/outer soles rubber/plastic & upp. textile, nesoi, w/open toes/heels or slip-on, <10% rub/plast by wt.
6404.19.36	Ftwear w/outer soles rub/plast & upp. veg fiber, nesoi, w/open toes/heels or slip-on, >10% by wt. rub./plast, subj note 5 ch 64
6404.19.37	Ftwear w/outr soles rubber/plastic & upp. textile, nesoi, w/open toes/heels or slip-on, >10% by wt. of rub/plast, subj note 5 ch 64
6404.19.42	Ftwear w/outr sole rub/plast. & upp. veg fiber, nesoi, val. <\$3/pr, w/sole fixed to upp. w/adhesives & w/o foxing, not subj note 5 ch 64
6404.19.47	Ftwear w/outr soles rub/plast & upp. textile, nesoi, val. <\$3/pr, w/sole fixed to upper w/adhesives & w/o foxing, not subj note 5 ch 64
6404.19.49	Ftwear w/outr sole rub./plast. & upp. textile, nesoi, val. <\$3/pr, w/soles fixed to upper w/adhesives & w/o foxing subj note 5 ch 64
6404.19.52	Ftwear w/outer soles rubber/plastic & upp. veg fiber, nesoi, val. <\$3/pr, nesoi, not subj note 5 ch 64
6404.19.57	Ftwear w/outr sole rub/plast./leather & upp. not veg fiber textile, nesoi, not sports, val. <\$3/pr, not subj note 5 ch 64
6404.19.59	Ftwear w/outr sole rub/plast./leather & upp. textile, nesoi, not sports, val. < \$3/pr, subj note 5 ch 64

HTS Subheading	Product Description
6404.19.61	Ftwear w/outr sole rub/plast. & upp. textile, nesoi, val. >/\$3 but <\$6.50/pr, w/sole fixed to upp. w/adhesives, not subj note 5 ch 64
6404.19.69	Ftwear w/outr sole rub/plast. & upp. textile, nesoi, val. >\$3 but <\$6.50/pr, w/sole fixed to upp. w/adhesives, subj note 5 ch 64
6404.19.72	Ftwear w/outr sole rub/plast. & upper veg fiber, nesoi, val. >\$3 but <\$6.50/pr, nesoi, not subj note 5 ch 64
6404.19.77	Footwear w/outer sole rub/plast. & upper textile, nesoi, val. o/\$3 but n/o \$6.50/pr, nesoi, not subj note 5 ch 64
6404.19.87	Footwear w/outer sole rub/plast. & upp. textile, nesoi, val. o/\$6.50 but n/o \$12/pr, not subj note 5 ch 64
6405.20.30	Footwear, nesoi, w/outer soles of other than rubber/plastics/leather/comp.leather & uppers of vegetable fibers, nesoi
6405.20.90	Footwear, nesoi, w/outer sole other than rubber/plastics/leather/comp. leather & upper of text. material other than veg. fibers or wool felt
6405.90.90	Footwear, nesoi, w/outer soles and uppers o/than leather or comp. leather, not disposable
6406.10.10	Formed uppers for footwear, of leather/composition leather, for women, misses, children and infants
6406.90.30	Parts of footwear, nesoi; removable insoles, heel cushions, etc; gaiters, leggings, etc., & pts. thereof; all the foregoing of rubber/plastic
6601.10.00	Garden or similar umbrellas
6601.91.00	Umbrellas, other than garden or similar umbrellas, having a telescopic shaft
6601.99.00	Umbrellas, other than garden or similar umbrellas, not having a telescopic shaft
6603.20.30	Umbrella frames, including frames mounted on shafts (sticks), for hand-held umbrellas chiefly used for protection against rain
6603.20.90	Umbrella frames, including frames mounted on shafts (sticks), other than for hand-held rain umbrellas, nesoi
6603.90.81	Handles, knobs, other parts, trimmings or accessories for walking sticks, seat-sticks, whips, riding crops and the like
6702.10.20	Artificial flowers/foilage/fruit; articles of art. flowers, etc.; all of plastics, asmbld by binding/gluing/or similar methods
6702.10.40	Artificial flowers/foilage/fruit & pts of; articles of art. flowers, etc.; all of plastics, not asmbld by binding/gluing/or similar methods
6702.90.35	Artificial flowers/foilage/fruit & pts thereof; articles of artif. flowers, etc.; all the foregoing of man-made fibers
6704.20.00	Wigs, false beards, eyebrows and the like, of human hair; articles of human hair, nesoi
6910.10.00	Porcelain or china ceramic sinks, washbasins, baths, bidets, water closet bowls, urinals & siml. sanitary fixtures
6911.10.15	Bone china household table & kitchenware valued n/o \$31.50/doz. pcs.
6911.10.41	Porcelain or china (o/than bone china) hsehld steins w/pewter lids, decanters, punch bowls, spoons & rests, salt/pepper sets, etc.
6911.10.45	Porcelain or china (o/than bone china) household mugs and steins w/o attached pewter lids
6912.00.20	Ceramic (o/than porcelain or china) hotel, restaurant or nonhousehold tableware and kitchenware
6912.00.35	Ceramic (o/than porcelain or china) household table and kitchenware, in sets in which aggregate val. of arts./US note 6(b) n/o \$38

HTS Subheading	Product Description
6912.00.39	Ceramic (o/than porcelain or china) household table and kitchenware, in sets in which aggregate val. of arts./US note 6(b) o/\$38
6912.00.41	Ceramic (o/than porcelain or china) hsehd steins w/pewter lids, decanters, punch bowls, spoons & rests, salt/pepper sets, etc.
6912.00.44	Ceramic (o/than porcelain or china) household mugs and steins w/o attached pewter lids
6912.00.45	Ceramic (o/than porcelain or china) household tabl/kitch.ware,n/in specif. sets, cups o/\$5.25/dz, saucers o/\$3/dz, etc.
6912.00.46	Ceramic (o/than porcelain or china) household serviette rings
6912.00.48	Ceramic (o/than porcelain or china) household tableware and kitchenware, nesoi
6912.00.50	Ceramic (o/than porcelain or china) household articles and toilet articles (o/than table and kitchenware), nesoi
7013.42.10	Glassware for table or kitchen purposes (o/than drinking glasses), of pressed and toughened low coefficient of heat expansion glass
7013.42.30	Glassware for table or kitchen purposes (o/than drinking glasses), of low coefficient of heat expansion glass, over \$3 but n/o \$5 each
7013.49.50	Glassware for table or kitchen purposes (o/than drinking glasses), nesoi, n/cut or engraved, valued over \$3 but n/o \$5 each
7013.91.10	Glassware for toilet/office/indoor decor. & similar purposes, of lead crystal, valued n/over \$1 each
7013.91.20	Glassware for toilet/office/indoor decor. & similar purposes, of lead crystal, valued over \$1 but n/over \$3 each
7013.99.20	Glassware for toilet/office/indoor decor. & similar purposes, of pressed and toughened (specially tempered) glass
7013.99.40	Glassware for toilet/office/indoor decor. or similar purposes, nesoi, valued n/over \$0.30 each
7013.99.50	Glassware for toilet/office/indoor decor. or similar purposes, nesoi, valued over \$0.30 but n/over \$3 each
7013.99.60	Glassware for toilet/office/indoor decor. or similar purposes, nesoi, cut or engraved, valued over \$3 but n/over \$5 each
7013.99.80	Glassware for toilet/office/indoor decor. or similar purposes, nesoi, n/cut or engraved, valued over \$3 but n/over \$5 each
7019.19.30	Glass fiber chopped strands of a length more than 50 mm
7116.10.10	Natural pearl articles
7116.20.05	Jewelry articles of precious or semiprecious stones, valued not over \$40 per piece
7117.19.05	Toy jewelry rope, curb, cable, chain, etc, of base metal (whether or not plated w/prec. metal), val. n/o 8 cents each
7117.90.45	Toy jewelry (except pts.), other than necklaces of plastic shapes, not of base metal, n/o 20 cents/dozen pcs
7117.90.60	Toy jewelry (except pts.), not of base metal, n/o 8 cents each
7117.90.75	Imitation jewelry of plastics, nesoi, over 20 cents/dozen pcs or pts
7210.20.00	Iron/nonalloy steel, width 600mm+, flat-rolled products, plated or coated with lead, including terneplate
7214.10.00	Iron/nonalloy steel, forged bars and rods, not in coils
7215.90.30	Iron/nonalloy steel, bars and rods, cold-formed, plated or coated with metal
7302.40.00	Iron or steel, fish plates and sole plates for jointing or fixing rails

HTS Subheading	Product Description
7304.23.30	Iron (o/than cast) or nonalloy steel, seamless drill pipe, of a kind used in drilling for oil or gas
7321.12.00	Iron or steel, non-electric domestic cooking appliances and plate warmers, for liquid fuels
7321.19.00	Iron or steel, non-electric domestic cooking appliances and plate warmers, o/than for gas or liquid fuels
7321.81.10	Iron or steel, portable non-electric domestic grates & warming appl. (o/cooking/plate warmers), for gas fuel or both gas and other fuels
7323.91.50	Cast iron, table, kitchen or o/household arts. and parts thereof, not enameled & not coated or plated with precious metals
7323.93.00	Stainless steel, table, kitchen or o/household arts. and parts thereof
7323.99.30	Iron (o/th cast)/steel (o/th stainless), table/kitchen /household arts. & parts thereof, not enameled but plated/coat. w/prec metal o/silver
7323.99.50	Tinplate, table, kitchen or o/household arts. & parts thereof, not coated or plated w/precious metal
7323.99.70	Iron (o/th cast) or steel (o/than tinplate or stainless), cookingware, not coated or plated with precious metal
7615.10.20	Aluminum, cast cooking and kitchen ware, enameled or glazed or containing nonstick interior finishes
7615.10.71	Aluminum, cooking and kitchen ware (o/than cast), not enameled or glazed and not containing nonstick interior finishes
7907.00.10	Zinc, household, table or kitchen use articles; zinc toilet and sanitary wares; zinc parts of all the foregoing
8211.10.00	Sets of assorted knives w/cutting blades serrated or not (including pruning knives)
8211.91.30	Table knives w/fixed blades, w/stain. steel handles, nesoi, not ov 25.9 cm in overall length & val less than 25 cents each
8211.91.40	Table knives w/fixed blades, w/stain. steel handles, nesoi
8211.92.40	Knives w/fixed blades (o/than table or kitchen and butcher knives), with rubber or plastic handles
8213.00.30	Base metal scissors, tailors' shears and similar shears, and blades thereof, valued n/o \$1.75 per dozen
8213.00.60	Base metal pinking shears, and blades thereof, valued over \$30 per dozen
8213.00.90	Base metal scissors, tailors' shears and similar shears (o/than pinking shears val o/\$30/dz), and base metal parts, val. o/\$1.75 per dozen
8214.10.00	Base metal paper knives, letter openers, erasing knives, nonmechanical pencil sharpeners and blades and base metal parts thereof
8214.20.30	Base metal instruments for manicure or pedicure purposes, and base metal parts thereof
8214.20.90	Manicure and pedicure sets, and combinations thereof, other than in leather containers
8214.90.60	Butchers' or kitchen chopping or mincing knives (o/than cleavers w/their handles), and base metal parts thereof
8214.90.90	Articles of cutlery, nesoi, and base metal parts of cutlery, nesoi
8215.99.01	Base metal forks, w/stainless steel handles cont. Ni or o/10% by wt of Mn, w/overall length n/o 25.9cm, valued under 25cents ea
8215.99.10	Base metal forks, w/stainless steel handles, nesoi, valued under 25 cents each
8215.99.20	Base metal forks, with rubber or plastic handles
8215.99.22	Base metal forks, without their handles
8215.99.30	Base metal spoons, w/stainless steel handles & valued under 25 cents each

HTS Subheading	Product Description
8215.99.40	Base metal spoons and ladles with handles of base metal (o/than stain. steel) or w/nonmetal handles
8215.99.50	Base metal skimmers/cake-servers/butter-knives/sugar tongs & similar kitchen or tableware, & base metal parts (incl. pts. of forks/spoons)
8301.10.50	Padlocks, base metal, not of cylinder or pin tumbler construction, ov 6.4cm wide
8301.10.90	Padlocks, base metal, of cylinder or pin tumbler construction, ov 6.4cm wide
8301.40.30	Base metal luggage locks
8304.00.00	Base metal desk-top filing/card-index cabinets, paper trays, pen trays & similar office/desk equipment nesoi, and base metal parts thereof
8305.90.30	Base metal paper clips and base metal parts thereof
8306.10.00	Base metal, nonelectric bells, gongs, and the like, and base metal parts thereof
8306.29.00	Base metal statuettes and other ornaments not plated w/prec.metal, and base metal parts thereof
8414.51.30	Ceiling fans for permanent installation, with a self-contained electric motor of an output not exceeding 125 W
8414.51.90	Table, floor, wall, window or roof fans, with a self-contained electric motor of an output not exceeding 125 W
8423.10.00	Personal weighing machines, including baby scales; household scales
8443.39.60	Copying machines, nesoi
8446.21.10	Shuttle type power looms for weaving fabrics of a width exceeding 4.9 m
8450.12.00	Household- or laundry-type washing machines, each of a dry linen capacity not exceeding 10 kg, with built-in centrifugal driers, nesoi
8450.19.00	Household- or laundry-type washing machines, each of a dry linen capacity not exceeding 10 kg, nesoi
8467.21.00	Electromechanical drills of all kinds for working in the hand, with self-contained electric motor
8467.22.00	Electromechanical saws for working in the hand, with self-contained electric motor
8471.30.01	Portable automatic data processing machines, not over 10 kg, consisting at least a central processing unit, keyboard and display
8471.60.20	Keyboards for automatic data processing machines not entered with the rest of a system
8472.90.40	Pencil sharpeners
8509.40.00	Electromechanical food grinders, processors, mixers, fruit or vegetable juice extractors, w self-contained electric motor, for domestic uses
8509.80.10	Electromechanical floor polishers, with self-contained electric motor, for domestic uses
8509.80.50	Electromechanical domestic appliances nesoi, with self-contained electric motor
8510.30.00	Hair-removing appliances with self-contained electric motor
8513.10.20	Flashlights
8513.10.40	Portable electric lamps designed to function by their own source of energy, other than flashlights
8516.31.00	Electrothermic hair dryers
8516.32.00	Electrothermic hairdressing apparatus other than hair dryers
8516.40.20	Electric flatirons, travel type
8516.40.40	Electric flatirons, other than travel type
8516.50.00	Microwave ovens of a kind used for domestic purposes

HTS Subheading	Product Description
8516.60.60	Electrothermic cookers, cooking plates, boiling rings, grillers and roasters, nesoi, of a kind used for domestic purposes
8516.72.00	Electrothermic toasters, for domestic purposes
8516.79.00	Electrothermic appliances nesoi, of a kind used for domestic purposes
8517.12.00	Telephones for cellular networks or for other wireless networks
8517.18.00	Telephone sets, nesoi
8518.29.40	Loudspeakers not mounted in their enclosures, with frequency range of 300Hz to 3.4kHz, with a diameter not over 50 mm, for telecommunication
8518.30.20	Headphones, earphones and combined microphone/speaker sets, other than telephone handsets
8519.30.20	Turntables without automatic record changing mechanism
8519.50.00	Telephone answering machines
8519.81.20	Cassette players (non-recording) designed exclusively for motor-vehicle installation
8519.81.25	Cassette players (non-recording), nesoi
8519.81.40	Sound recording and reproducing apparatus using magnetic tape, optical media, or semiconductor media
8519.89.20	Record players, other than coin- or token-operated, with loudspeakers
8525.50.10	Television transmission set top boxes which have a communication function
8526.92.10	Radio remote control apparatus for video game consoles
8527.12.00	Pocket-size radio cassette players
8527.13.11	Radio-tape player combination (other than pocket-size radio cassette type), nonrecording, capable of operating w/o an external source of power
8527.13.20	Radio-tape recorder combinations, capable of operating without an external source of power, nesoi
8527.13.40	Radio-phonograph combinations, capable of operating without external power source, nesoi
8527.13.60	Radiobroadcast receivers capable of operating without external power source, combined with sound recording or reproducing apparatus, nesoi
8527.19.10	Radiobroadcast receivers, able to operate w/o external power, with clock or clock-timer, valued not over \$40, not for motor vehicles
8527.19.50	Radiobroadcast receivers, capable of operation w/o external power, nesoi
8527.91.05	Radiobroadcast receiver combined w/ sound recording or reproducing apparatus for connection to telegraphic/telephonic apparatus/network
8527.91.40	Radiobroadcast receiver combinations incorporating tape players, nesoi
8527.92.10	Radiobroadcast receiver with clock or clock-timer, n/for m.v., n/combined w/sound recording or reproducing app., valued < or = \$40 ea
8527.92.50	Radiobroadcast receiver with clock or clock timer, n/for m.v., n/combined w/sound recording or reproducing app., valued > \$40 ea
8527.99.10	Infant nursery monitor systems, consisting, in the same package, of a radio transmitter, electrical adapter and radio receiver
8528.52.00	Other monitors capable of directly connecting to and designed for use with an automatic data processing machine of heading 8471
8528.59.40	Color video monitors nesoi, with video display diagonal over 34.29 cm, incorporating VCR or player
8528.59.45	Color video monitors nesoi, with video display diagonal not over 34.29 cm, not incorporating VCR or player

HTS Subheading	Product Description
8528.69.35	Color video projectors w/flat panel screen, video display diagonal not over 34.29 cm, incorporating VCR or player
8528.69.40	Color video projectors w/flat panel screen, video display diagonal over 34.29 cm, incorporating VCR or player
8528.72.16	Non-high def. color television reception app., nonprojection, w/CRT, display diag. ov 34.29 cm but n/ov 35.56 cm, incorp. VCR or player
8531.80.15	Doorbells, chimes, buzzers, and similar apparatus
8539.22.40	Electrical filament Christmas-tree lamps, of a power not exceeding 200 W and for a voltage exceeding 100 V
8539.22.80	Electrical filament lamps of a power not exceeding 200 W and for a voltage exceeding 100 V nesoi, excluding ultraviolet and infrared lamps
8539.29.10	Electrical filament Christmas-tree lamps, designed for a voltage not exceeding 100 V
8539.50.00	Light-emitting diode (LED) lamps
8543.70.87	Electrical machines w/ translation/dictionary; flatpanel displays except for heading 8528 (except 8528.51/61);infrared video game controller
8543.70.93	Portable interactive electronic education devices for children
8715.00.00	Baby carriages (including strollers) and parts thereof
8905.90.10	Floating docks
9005.80.40	Optical telescopes, including monoculars
9006.40.60	Instant print cameras, other than fixed focus, valued not over \$10 each
9006.40.90	Instant print cameras, other than fixed focus, valued over \$10 each
9006.59.60	Cameras nesoi, other than fixed focus, valued not over \$10 each, not cinematographic
9006.69.01	Photographic flashlight apparatus, nesoi
9008.50.10	Slide projectors
9008.50.40	Image projectors, except slide projectors and microfilm, microfiche or other microform readers
9101.91.40	Watches (excl. wrist watches) with cases of or clad with precious metal, electrically operated, with 0-1 jewel in mvmt, n/optoelec. display
9101.99.40	Watches (excl. wrist watches) with cases of or clad with precious metal, not electrically operated, w/8-17 jewels in mvmt, mvmt n/o \$15 ea
9102.12.20	Straps/bands/bracelets of tex. mat. or base metal, whether or not gold- or silver-plated entered with wrist watches of subheading 9102.12.80
9102.12.40	Straps, bands or bracelets, nesoi, entered with wrist watches of subheading 9102.12.80 and classifiable therewith
9102.29.15	Wrist watches nesoi, not electrically operated, not automatic winding, 2-7 jewels, with strap/band of textile material or base metal
9103.10.20	Clocks with watch movements, excluding clocks of heading 9104, electrically operated, with opto-electronic display only
9103.10.40	Clocks with watch movements, excluding clocks of heading 9104, electrically operated, with 0-1 jewel in the movement
9105.11.40	Alarm clocks nesoi, electrically operated, with opto-electronic display only
9105.11.80	Alarm clocks nesoi, electrically operated, other than with opto-electronic display only
9105.19.40	Alarm clocks nesoi, not electrically operated, movement measuring over 50 mm in width or diameter, valued not over \$5 each
9105.21.40	Wall clocks nesoi, electrically operated, with opto-electronic display only

HTS Subheading	Product Description
9105.21.80	Wall clocks nesoi, electrically operated, other than with opto-electronic display only
9105.29.40	Wall clocks nesoi, not electrically operated, movement measuring over 50 mm in width or diameter, valued not over \$5 each
9105.91.40	Clocks nesoi, electrically operated, with opto-electronic display only
9105.91.80	Clocks nesoi, electrically operated, other than with opto-electronic display only
9105.99.50	Clocks nesoi, not electrically operated, movement measuring over 50 mm in width or diameter, valued not over \$5 each
9108.12.00	Watch movements, complete and assembled, electrically operated, with opto-electronic display only
9108.90.80	Watch movements, complete and assembled, nesoi, measuring over 33.8 mm, over 7 but not over 17 jewels, valued not over \$15 each
9109.10.10	Alarm clock movements, complete and assembled, electrically operated, with opto-electronic display only
9109.10.30	Alarm clock movements, complete and assembled, electrically operated, with display nesoi, measuring over 50 mm, valued not over \$5 each
9109.10.60	Clock movements nesoi, complete and assembled, electrically operated, with display nesoi, measuring not over 50 mm in width or diameter
9109.10.70	Clock movements nesoi, complete and assembled, electrically operated, with display nesoi, measuring over 50 mm, valued not over \$5 each
9109.90.40	Clock movements, complete and assembled, not electrically operated, measuring over 50 mm in width or diameter, valued not over \$5 each
9113.20.20	Watch straps, watch bands and watch bracelets of base metal, whether or not gold- or silver-plated, valued not over \$5 per dozen
9113.20.40	Watch straps, watch bands and watch bracelets of base metal, whether or not gold- or silver-plated, valued over \$5 per dozen
9113.90.40	Watch straps, watch bands and watch bracelets, of textile material, and parts thereof
9114.90.30	Assemblies and subassemblies for clock movements consisting of 2 or more pieces or parts fastened or joined inseparably together
9202.10.00	String musical instruments, o/than w/elect. sound or ampl., played with a bow
9202.90.60	String musical instruments (o/than guitars or instruments played with a bow), o/than w/elect. sound or ampl.
9208.10.00	Music boxes
9209.92.20	Mutes, collapsible musical instru. stands, & music holders for attachment to instru., all the foregoing, for stringed music. instru. of 9202
9209.94.40	Collapsible musical instrument stands, for the instruments w/elect sound or ampl. of heading 9207
9305.99.40	Parts and accessories for articles of heading 9303 other than shotguns or rifles
9404.30.40	Sleeping bags, containing 20% or more by weight of feathers and/or down
9404.30.80	Sleeping bags, not containing 20% or more by weight of feathers and/or down
9404.90.80	Arts. of bedding & similar furnishings stuffed or internally fitted w/any material nesoi, of cotton, w/o embroidery/lace/braid/edging,etc
9404.90.85	Quilts, eiderdowns, comforters and similar articles, not of cotton
9404.90.95	Arts. of bedding & similar furnishings stuffed or internally fitted w/any material nesoi
9503.00.00	Toys, including riding toys o/than bicycles, puzzles, reduced scale models
9504.20.60	Tables, for billiards

HTS Subheading	Product Description
9504.40.00	Playing cards
9504.50.00	Video game consoles and machines, other than those of heading 9504.30
9504.90.40	Game machines (o/than coin- or token-operated) and parts and accessories thereof
9504.90.60	Chess, checkers, backgammon, darts and o/table and parlor games played on boards of a special design and parts thereof; poker chips and dice
9505.10.15	Arts. for Christmas festivities, ornaments of wood
9505.10.25	Arts. for Christmas festivities, ornaments, not of glass or wood
9505.10.30	Arts. for Christmas festivities, nativity scenes and figures thereof
9505.10.40	Arts. for Christmas festivities (o/than ornaments & nativity scenes) nesoi, of plastics
9505.10.50	Arts. for Christmas festivities (o/than ornaments & nativity scenes) nesoi, not of plastics
9505.90.20	Magic tricks and practical joke articles, and parts & accessories thereof nesoi
9505.90.40	Confetti, paper spirals or streamers, party favors, and noisemakers, and parts & accessories thereof nesoi
9505.90.60	Festive, carnival or other entertainment articles nesoi and parts & accessories thereof nesoi
9506.40.00	Articles and equipment for table-tennis and parts & accessories thereof
9506.51.20	Lawn-tennis rackets, strung
9506.51.40	Lawn-tennis rackets, not strung
9506.59.40	Badminton rackets and parts and accessories thereof
9506.70.20	Roller skates and parts & accessories thereof
9506.99.08	Badminton nets, of cotton
9506.99.12	Badminton articles and equipment (o/than rackets and cotton nets) and parts & accessories thereof
9506.99.15	Baseball articles and equipment (o/than baseballs) and parts & accessories thereof
9506.99.50	Snowshoes and parts & accessories thereof
9507.10.00	Fishing rods and parts & accessories thereof
9507.30.20	Fishing reels, valued not over \$2.70 each
9507.30.40	Fishing reels, valued over \$2.70 but not over \$8.45 each
9507.90.60	Fish landing nets, butterfly nets and similar nets
9507.90.80	Line fishing tackle nesoi, decoy birds & similar hunting or shooting equip., and parts & access. thereof
9603.10.05	Whiskbrooms, wholly or pt. of broom corn, n/o \$0.96 each, first 61,655 doz in calendar year classif. In 9603.10.05-9603.10.35
9603.29.40	Shaving brushes, hair brushes, nail brushes, eyelash and other toilet brushes (o/than tooth brushes), valued n/o 40 cents each
9603.29.80	Shaving brushes, hair brushes, nail brushes, eyelash and other toilet brushes (o/than tooth brushes), valued o/40 cents each
9603.30.60	Artists' brushes, writing brushes and similar brushes for the application of cosmetics, valued o/10 cents each
9603.40.20	Paint rollers
9603.40.40	Paint, distemper, varnish or similar brushes (o/than artists' brushes); paint pads
9605.00.00	Travel sets for personal toilet, sewing, shoe or clothes cleaning (o/than manicure and pedicure sets of 8214)
9610.00.00	Slates and boards, with writing or drawing surfaces (whether or not framed)
9613.20.00	Cigarette lighters and similar lighters, gas fueled, refillable, for the pocket

HTS Subheading	Product Description
9613.80.60	Cigarette lighters & similar lighters (o/than pocket or table), n/elect., nesoi, valued n/o \$5/dozen pieces
9614.00.28	Smoking pipes and pipe bowls (o/than wood, root or wholly of clay)
9614.00.94	Cigar or cigarette holders of metal; parts of metal for smoking pipes & bowls or for cigar or cigarette holders
9615.11.10	Combs, of hard rubber or plastics, valued n/o \$4.50 per gross
9615.11.20	Combs, of hard rubber, valued over \$4.50 per gross
9615.11.30	Combs, of plastics, valued over \$4.50 per gross
9615.11.40	Hair slides and the like, of hard rubber or plastics, not set with imitation pearls or imitation gemstones
9615.11.50	Hair slides and the like, of hard rubber or plastics, set w/imitation pearls or imit. gemstones
9615.19.20	Combs, not of hard rubber or plastics, valued n/o \$4.50 per gross
9615.19.40	Combs, not of hard rubber or plastics, valued over \$4.50 per gross
9615.19.60	Hair-slides and the like, not of hard rubber or plastics
9615.90.20	Nonthermic, nonornamental devices for curling the hair
9615.90.30	Hair pins
9615.90.40	Hair accessories and pts thereof, and pts. of combs, hair slides, etc. nesoi, of rubber or plastics, n/set w/imit. pearls or imit. gemstones
9615.90.60	Hair accessories and pts thereof, and pts. of combs, hair slides, etc. nesoi
9616.20.00	Powder puffs and pads for the application of cosmetics or toilet preparations
9617.00.10	Vacuum flasks and vessels, complete with cases, w/capacity n/o 1 liter
9617.00.30	Vacuum flasks and vessels, complete with cases, w/capacity o/1 liter but n/o 2 liters
9617.00.60	Vacuum flask and vacuum vessel parts (o/than glass liners)
9619.00.31	Babies' diapers, knitted or crocheted, of cotton, nesoi
9619.00.41	Babies' diapers, not knitted or crocheted, nesoi, of synthetic fibers
9619.00.46	Babies' diapers, of textile materials (except wool, cotton or mmf), containing under 70% by weight of silk, k/c
9619.00.61	Other sanitary garments nesoi, knitted or crocheted, of cotton
9619.00.68	Other sanitary garments, nesoi, of textile materials (except wool, cotton or mmf), < 70% by wt of silk or silk waste, knitted/crocheted
9619.00.79	Women's or girls' other sanitary garments, nesoi, of tex mat(except wool, cotton or mmf), cont under 70% by wt of silk, not k/c

Part 2

Note: All products that are classified in the 8-digit subheadings of the Harmonized Tariff Schedule of the United States (HTS) that are listed in Part 2 of this Annex are partially covered by the action. The product descriptions that are contained in this Annex are provided for informational purposes only, and are not intended to delimit in any way the scope of the proposed action. Any questions regarding the scope of particular HTS subheadings should be referred to U.S. Customs and Border Protection. In the product descriptions, the abbreviation "nesoi" means "not elsewhere specified or included".

Item	HTS Subheading	Product Description
1.	2931.90.90	Other non-aromatic organo-inorganic compounds
		Except for: 2931.90.9010 - ORGANO-SILICON COMPOUNDS 2931.90.9021 - DIBUTYLTIN OXIDE 2931.90.9025 – TETRABUTYLTIN 2931.90.9029 - ORGANO-TIN COMPOUNDS, NESOI
2.	9401.61.40	Chairs nesoi, w/wooden frames (o/than teak), upholstered
		Except for: 9401.61.4011 - CHAIRS, HOUSEHOLD, UPHOLSTERED, WITH WOODEN FRAMES, NESOI 9401.61.4031 - CHAIRS, UPHOLSTERED, WITH WOODEN FRAMES, NESOI
3.	9401.71.00	Seats nesoi, w/metal frame (o/than of heading 9402), upholstered
		Except for: 9401.71.0007 - SWINGS FOR CHILDREN, UPHOLSTERED, WITH METAL FRAMES 9401.71.0008 - STATIONARY ACTIVITY CENTERS FOR CHILDREN, UPHOLSTERED, WITH METAL FRAMES 9401.71.0011 - HOUSEHOLD SEATS, UPHOLSTERED, WITH METAL FRAMES, NESOI 9401.71.0031 - SEATS, UPHOLSTERED, WITH METAL FRAMES, NESOI
4.	9401.79.00	Seats nesoi, w/metal frame (o/than of heading 9402), not upholstered
		Except for: 9401.79.0006 - STATIONARY ACTIVITY CENTERS FOR CHILDREN, WITH METAL FRAMES, NESOI 9401.79.0011 - HOUSEHOLD OUTDOOR SEATS, WITH TEXTILE COVERED CUSHIONS OR TEXTILE SEATING OR BACKING MATERIAL, WITH METAL FRAMES, NESOI 9401.79.0015 - OUTDOOR SEATS WITH METAL FRAMES, WITH TEXTILE COVERED CUSHIONS OR TEXTILE SEATING OR BACKING MATERIAL 9401.79.0025 - HOUSEHOLD OUTDOOR SEATS WITH METAL FRAMES, EXCEPT WITH TEXTILE COVERED CUSHIONS OR TEXTILE SEATING OR BACKING MATERIAL

		9401.79.0035 - OUTDOOR SEATS WITH METAL FRAMES, EXCEPT WITH TEXTILE COVERED CUSHIONS OR TEXTILE SEATING OR BACKING MATERIAL 9401.79.0046 - HOUSEHOLD SEATS WITH METAL FRAMES, NESOI 9401.79.0050 - SEATS WITH METAL FRAMES, EXCEPT UPHOLSTERED
5.	9401.80.20	Seats nesoi, of reinforced or laminated plastics (o/than of heading 9402)
		Except for: 9401.80.2005 - STATIONARY ACTIVITY CENTERS FOR CHILDREN, OF REINFORCED OR LAMINATED PLASTICS 9401.80.2011 - HOUSEHOLD SEATS OF REINFORCED OR LAMINATED PLASTICS, NESOI 9401.80.2031 - SEATS OF REINFORCED OR LAMINATED PLASTICS, NESOI
6.	9401.80.40	Seats nesoi, of rubber or plastics (o/than of reinforced or laminated plastics & o/than of heading 9402)
		Except for: 9401.80.4004 - STATIONARY ACTIVITY CENTERS FOR CHILDREN, OF RUBBER OR PLASTICS, NESOI 9401.80.4006 - HOUSEHOLD OUTDOOR SEATS, WITH TEXTILE COVERED CUSHIONS OR TEXTILE SEATING OR BACKING MATERIAL, OF RUBBER OR PLASTICS, NESOI 9401.80.4015 - OUTDOOR SEATS OF RUBBER OR PLASTIC, WITH TEXTILE COVERED CUSHIONS OR TEXTILE SEATING OR BACKING MATERIAL, EXCEPT REINFORCED OR LAMINATED PLASTICS 9401.80.4026 - HOUSEHOLD OUTDOOR SEATS OF RUBBER OR PLASTICS, NESOI 9401.80.4035 - OUTDOOR SEATS OF RUBBER OR PLASTIC, NOT WITH TEXTILE COVERS OR TEXTILE SEATING OR BACKING MATERIAL, EXCEPT REINFORCED OR LAMINATED PLASTICS 9401.80.4046 - SEATS OF RUBBER OR PLASTICS, NESOI
7.	9403.70.40	Furniture (o/than seats & o/than of 9402) of reinforced or laminated plastics nesoi
		Except for: 9403.70.4001 - CRIBS OF REINFORCED OR LAMINATED PLASTICS 9403.70.4002 - TODDLER BEDS, BASSINETS AND CRADLES OF REINFORCED OR LAMINATED PLASTICS

		9403.70.4015 - HOUSEHOLD FURNITURE OF REINFORCED OR LAMINATED PLASTICS, NESOI 9403.70.4020 - OFFICE FURNITURE OF REINFORCED OR LAMINATED PLASTICS 9403.70.4031 - FURNITURE OF REINFORCED OR LAMINATED PLASTICS, NESOI
8.	9403.70.80	Furniture (o/than seats & o/than of 9402) of plastics (o/than reinforced or laminated) nesoi
		Except for: 9403.70.8001 - CRIBS OF PLASTICS, NESOI 9403.70.8002 - TODDLER BEDS, BASSINETS AND CRADLES OF PLASTICS, NESOI 9403.70.8015 - HOUSEHOLD FURNITURE OF PLASTICS, NESOI 9403.70.8020 - OFFICE FURNITURE OF PLASTICS, NESOI 9403.70.8031 - FURNITURE OF PLASTICS, NESOI

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