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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2018–0057; Product Identifier 2017–SW–119–AD; Amendment 39–19729; AD 2019–18–02]

RIN 2120–AA64

Airworthiness Directives; Leonardo S.p.A. Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain Leonardo S.p.A. (Leonardo) Model AW169 helicopters. This AD requires replacing the seals, filler wedges, and handles of each emergency exit window. This AD was prompted by a report that a high level of pushing force was required to jettison some windows. The actions of this AD are intended to address an unsafe condition on these products.

DATES: This AD is effective October 16, 2019.

The Director of the Federal Register approved the incorporation by reference of a certain document listed in this AD as of October 16, 2019.

ADDRESSES: For service information identified in this final rule, contact Leonardo S.p.A. Helicopters, Matteo Ragazzi, Head of Airworthiness, Viale G. Agusta 520, 21017 C. Costa di Samarate (Va) Italy; telephone +39–0331–711756; fax +39–0331–229046; or at *http://www.leonardocompany.com/-/bulletins.* You may review a copy of the referenced service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy, Room 6N–321, Fort Worth, TX 76177. It is also available on the internet at *http://www.regualtions.gov* by searching for and locating Docket No. FAA–2018–0057.

Examining the AD Docket

You may examine the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0057; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the European Aviation Safety Agency (EASA) AD, any service information that is incorporated by reference, the economic evaluation, any comments received, and other information. The street address for Docket Operations is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

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

SUPPLEMENTARY INFORMATION:

Discussion

On September 13, 2018, at 83 FR 46424, the **Federal Register** published the FAA's notice of proposed rulemaking (NPRM), which proposed to amend 14 CFR part 39 by adding an AD that would apply to Leonardo Model AW169 helicopters, serial numbers (S/N) 69007, 69009, 69011 to 69019 inclusive, 69021 to 69024 inclusive, 69027, 69032, 69033, 69041, 69045, and 69051. The NPRM proposed to require, within 70 hours time-in-service (TIS), replacing the seals and filler wedges on various cockpit and passenger windows and replacing certain internal and external window straps. The NPRM also proposed to require replacing decals on certain internal and external passenger and cockpit windows. The proposed requirements were intended to ensure the jettisoning of helicopter emergency exit windows, possibly affecting the evacuation of occupants after an emergency landing.

The NPRM was prompted by AD No. 2017–0155, dated August 23, 2017, issued by EASA, which is the Technical Agent for the Member States of the European Union, to correct an unsafe condition for Leonardo Model AW169 helicopters, S/N 69007, 69009, 69011 to 69019 inclusive, 69021 to 69024 inclusive, 69027, 69032, 69033, 69041, 69045, and 69051. EASA advises that during scheduled replacement of emergency exit window seals on in-service Model AW189 helicopters, an ''excessively high'' level of pushing force was required to jettison some windows. Further investigation determined that the affected windows were incorrectly installed during manufacturing. The installation did not conform to the approved drawings during the first installation in the production line. According to EASA, due to the similarity in the manufacturing process, incorrect window installation may have occurred on Model AW169 helicopters.

Comments

The FAA gave the public the opportunity to participate in developing this AD, but did not receive any comments on the NPRM.

FAA's Determination

These helicopters have been approved by EASA and are approved for operation in the United States. Pursuant to the FAA's bilateral agreement with the European Union, EASA has notified the FAA of the unsafe condition described in its AD. The FAA is issuing this AD because the FAA evaluated all information provided by EASA and determined the unsafe condition exists and is likely to exist or develop on other helicopters of the same type designs and that air safety and the public interest require adopting the AD requirements as proposed.

Related Service Information Under 1 CFR Part 51

The FAA reviewed Leonardo Service Bulletin No. 169–032, Revision A, dated September 8, 2017, which specifies replacing the seals, the non-metallic channels, handles, and decals on the cockpit doors and cabin emergency exit windows. 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.

Differences Between This AD and the EASA AD

The EASA AD requires that the corrective actions occur within 70 hours TIS or 6 months. This AD requires that

the corrective actions occur within 70 hours TIS.

Costs of Compliance

The FAA estimates that this AD affects 1 helicopter of U.S. Registry and that labor costs average $85 a work-hour. Based on these estimates, the FAA expects that 24 work-hours are needed to replace the decal, seal, filler wedges, and handle of each emergency exit window installed in cockpit doors and the cabin. Parts cost $1,500 for a total cost of $3,540 for this helicopter.

According to Leonardo's service information some of the costs of this AD may be covered under warranty, thereby reducing the cost impact on affected individuals. The FAA does not control warranty coverage by Leonardo. Accordingly, the FAA has included all costs in this 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

This AD will not have federalism implications under Executive Order 13132. This 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 AD:

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

2. Will not affect intrastate aviation in Alaska, and

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2019–18–02 Leonardo S.p.A.: Amendment 39–19729; Docket No. FAA–2018–0057; Product Identifier; 2017–SW–119–AD.

(a) Applicability

This AD applies to Leonardo S.p.A. (Leonardo) Model AW169 helicopters, serial numbers 69007, 69009, 69011 through 69019, 69021 through 69024, 69027, 69032, 69033, 69041, 69045, and 69051, certificated in any category, where the emergency exit windows have never been removed and reinstalled.

(b) Unsafe Condition

This AD defines the unsafe condition as failure of an emergency window to jettison, which could prevent occupants from evacuating the helicopter during an emergency.

(c) Effective Date

This AD becomes effective October 16, 2019.

(d) Compliance

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

(e) Required Actions

Within 70 hours time-in-service:

(1) Replace the seals and filler wedges on the left hand (LH) and right hand (RH) cockpit door upper windows.

Note 1 to paragraphs (e)(1) and (2) of this AD: Leonardo refers to filler wedges as ''non-metallic channels.''

(2) Replace the seals and filler wedges on the forward LH and RH passenger door windows. For helicopters without passenger sliding window kit part number (P/N) 6F5630F00411, also replace the seals and filler wedges of the aft LH and RH passenger door windows.

(3) For helicopters with a strap P/N A487A003A, replace each strap with emergency exit window handle P/N 8G9500L00151 on the internal side of the window and P/N 8G9500L00251 on the external side of the window.

(4) Remove any decal P/N A180A005E21 from the internal side of the passenger and cockpit windows and replace with decal P/N A180A022E21, using as a reference Figure 1 and Figure 2 of Leonardo Service Bulletin No. 169–032, Revision A, dated September 8, 2017 (SB No. 169–032).

(5) Remove any decal P/N A487A003A from the external side of the passenger and cockpit windows and replace with decals P/N AW003DE005E33B, using as a reference Figure 3 of SB No. 169–032.

(f) Alternative Methods of Compliance (AMOCs)

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

(2) For operations conducted under a 14 CFR part 119 operating certificate or under 14 CFR part 91, subpart K, 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.

(g) Additional Information

The subject of this AD is addressed in European Aviation Safety Agency (EASA) AD No. 2017–0155, dated August 23, 2017. You may view the EASA AD on the internet at *http://www.regulations.gov* in Docket No. FAA–2018–0057.

(h) Subject

Joint Aircraft Service Component (JASC) Code: 5220, Emergency Exits.

(i) Material Incorporated by Reference

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

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

(i) Leonardo Service Bulletin No. 169–032, Revision A, dated September 8, 2017.

(ii) [Reserved]

(3) For service information identified in this AD, contact Leonardo S.p.A. Helicopters, Matteo Ragazzi, Head of Airworthiness, Viale G.Agusta 520, 21017 C.Costa di Samarate (Va) Italy; telephone +39–0331–711756; fax +39–0331–229046; or at *http://www.leonardocompany.com/-/bulletins.*

(4) 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 information on the availability of this material at the FAA, call (817) 222–5110.

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

Issued in Fort Worth, Texas, on September 4, 2019.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2019–19535 Filed 9–10–19; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2019–0641; Product Identifier 2019–SW–020–AD; Amendment 39–19720; AD 2019–16–16]

RIN 2120–AA64

Airworthiness Directives; Airbus Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: The FAA is superseding Airworthiness Directive (AD) 2018–18–12 for Airbus Helicopters (Airbus) Model AS350B, AS350B1, AS350B2, AS350B3, and AS350BA helicopters with a certain part-numbered Pall Aerospace Corporation Inlet Barrier Filter (IBF) element installed. AD 2018–18–12 required revising the Rotorcraft Flight Manual Supplement (RFMS) for your helicopter to prohibit operating a helicopter with an IBF element in wet weather and drying or replacing the IBF element if wet. This AD retains the requirements of AD 2018–18–12 but no longer allows reinstallation of a filter after it has been removed. This AD also expands the applicability, provides an optional terminating action for the RFMS revision for your helicopter, and prohibits installing the affected IBFs on any helicopter. This AD was prompted by further review of the unsafe condition and the determination that additional part-numbered IBF elements are affected by the unsafe condition. The actions of this AD are intended to address an unsafe condition on these products.

DATES: This AD is effective September 26, 2019.

The FAA must receive any comments on this AD by October 28, 2019.

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

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

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–2019–0641; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the regulatory evaluation, any comments received and other information. The street address for Docket Operations is listed above. Comments will be available in the AD docket shortly after receipt.

For service information identified in this final rule, contact Pall Aerospace Corporation, 10540 Ridge Road, Suite 300, Newport Richey, FL 34654; telephone 727–514–6491; email *cam_dipronio@pall.com;* website *www.pall.com/aerospace.* 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: Gary Wechsler, Aerospace Engineer, Atlanta ACO Branch, Compliance and Airworthiness Division, FAA, 1701 Columbia Ave., College Park, GA, 30337, telephone 404–474–5575, email *Gary.Wechsler@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

This AD is a final rule that involves requirements affecting flight safety, and the FAA did not provide you with notice and an opportunity to provide your comments before it becomes effective. However, the FAA invites you to send any written data, views, or arguments about this final rule. Send your comments to an address listed under the **ADDRESSES** section. Include Docket No. FAA–2019–0641; Product Identifier 2019–SW–020–AD, at the beginning of your comments. The FAA specifically invites comments on the overall regulatory, economic, environmental, and energy aspects of this final rule. The FAA will consider all comments received by the closing date and may amend this final rule because of those comments.

The FAA will post all comments the FAA receives, 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 the FAA receives about this final rule.

Discussion

The FAA issued AD 2018–18–12, Amendment 39–19391 (83 FR 45545, September 10, 2018), (''AD 2018–18–12''), for Airbus Model AS350B, AS350B1, AS350B2, AS350B3, and AS350BA helicopters with a Pall Aerospace IBF element part number (P/N) CE01301F2 or CE01301F2B installed. AD 2018–18–12 required, within 30 days, revising the RFMS for your helicopter by inserting Appendix A of the AD into the limitations section. AD 2018–18–12 resulted from a forced landing after an engine flameout. The FAA issued AD 2018–18–12 to prevent ingestion of an excessive amount of water by the engine. This condition could result in engine flame out and failure, leading to loss of helicopter control.

Actions Since AD 2018–18–12 Was Issued

Since the FAA issued AD 2018–18–12, Pall Corporation revised its Service Information Letter (SIL) CE01301F2SINFOL Revision A, dated July 15, 2015 (SIL Revision A), to SIL CE01301F2SINFOL Revision B, dated October 12, 2018 (SIL Revision B) to notify affected owners of FAA AD requirements. Further, a public comment from the European Aviation Safety Agency (EASA), and additional in-service incidents and information from both Pall Aerospace and Transport Canada, have revealed that IBF elements P/N CE01303F2 and CE01303F2B are also affected by the unsafe condition. This AD now expands the applicability to include those part-numbered IBF elements.

The FAA has also determined that reinstallation of a filter after it has been removed may lead to an unsafe condition; therefore reinstallation of a filter after it has been removed is now prohibited. Additionally, the FAA has determined that prohibiting the

installation of IBF element P/N CE01301F2, CE01301F2B, CE01303F2, or CE01303F2B on any helicopter is necessary to prevent the unsafe condition. Finally, the FAA is providing an optional terminating action for the RFMS revision for your helicopter which consists of removing the affected IBF element from service. The FAA is currently considering removing the IBF element as a requirement rather than an option, however, the planned compliance time for that requirement would allow enough time to provide notice and opportunity for prior public comment on the merits of the removal.

Comments to AD 2018–18–12

After AD 2018–18–12 was published, the FAA received comments from two commenters.

Request

Andrew Greene requested the FAA provide field reports and other data used in support of the AD, including any findings from the FAA's testing or analysis.

As described in AD 2018–18–12 and FAA Special Airworthiness Information Bulletin SW–17–30, dated October 13, 2017, the first reported incident pertaining to this unsafe condition involved an Airbus Helicopters Model AS350B3 helicopter fitted with an IBF. Post-incident inspection of the helicopter's turbine engine showed that violent water ingestion damaged six axial compressor blades. Pall Aerospace conducted an internal assessment proving that water accumulation is possible and can be introduced to the engine with a Pall Aerospace IBF. Pall Aerospace also confirmed through laboratory testing that engine flameout or loss of power is possible due to water accumulation in the pleats and water collection downstream of the filter at the intake. These conditions can subsequently lead to violent water ingestion as the collected water is released by an increase in engine power or a nose-down attitude. Other realized associated risks include increased pilot workload and phase of flight risks, particularly during transient phases at nose down attitudes. During investigation of the first incident, two reports of previous incidents were received that involved helicopters equipped with IBFs or induction filter installations. One incident resulted in difficultly starting the helicopter, but once the water was removed from the filter, no further problems occurred. The other incident occurred in-flight during heavy rain conditions resulting in an amber filter light illuminating, indicating a blocked or clogged filter. In this incident, the operator opened the bypass door and returned to base. Further, additional incidents have occurred since AD 2018–18–12 was issued that support that AD action is necessary. An incident was reported with an IBF element P/N CE01303F2 installed on a helicopter that was stored outside and uncovered during a snowfall. The operator could not start the helicopter due to accumulated moisture. Another incident occurred in which a helicopter with an IBF element P/N CE01303F2B also experienced issues with starting the engine. The filter had been removed for routine maintenance and was allowed to dry. After reinstallation, the operator attempted two starts that failed. Once the Pall IBF element was replaced with a filter from a different manufacturer, the engine started successfully.

Mr. Greene also requested a list of the regulations Pall Aerospace was required to address and the method used to demonstrate compliance for each approval of the replacement elements.

Showing compliance to regulations is part of the certification process, which generally involves proprietary information. This comment does not address whether this AD is necessary or the requirements to correct the unsafe condition presented by the affected IBF elements. The FAA did not make any changes based on this comment.

EASA requested AD 2018–18–12 be changed to add Pall Aerospace IBF elements P/Ns CE01303F2 and P/N CE01303F2B to the applicability paragraph. EASA states it is unclear why Pall Aerospace IBF elements P/Ns CE01303F2 and P/N CE01303F2B were omitted in AD 2018–18–12 and that this omission conflicts with SIL Revision A.

The FAA agrees and has included P/Ns CE01303F2 and CE01303F2B in the applicability paragraph of this AD.

Related Service Information

The FAA reviewed SIL Revision B, which recommends covering the engine inlet if the helicopter is outside while not operating and conducting pre-flight inspections to ensure the engine inlet is clear of water. SIL Revision B also notifies all affected operators of FAA AD requirements.

FAA's Determination

The FAA is issuing this AD after evaluating all the relevant information, considering the comments received to AD 2018–18–12, and determining the unsafe condition described previously is likely to exist or develop in other products of these same type designs.

AD Requirements

This AD requires, for Airbus Helicopters Model AS350B, AS350B1, AS350B2, AS350B3, and AS350BA helicopters with an IBF element CE01301F2, CE01301F2B, CE01303F2, or CE01303F2B installed, within 30 days, revising the RFMS for your helicopter by inserting Appendix A of this AD into the limitations section. Alternatively, as an optional termination action to the RFMS revision for your helicopter, this AD allows removing the IBF element from service. This AD also prohibits the installation of an affected IBF element on any helicopter.

Differences Between This AD and the Service Information

The service information allows for removing water and reinstalling the IBF element if there is standing water on the engine inlet. This AD prohibits reinstalling any IBF element after it has been removed.

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.

An unsafe condition exists that requires the immediate adoption of this AD without providing an opportunity for public comments prior to adoption. The FAA has found that the risk to the flying public justifies foregoing notice and comment prior to adoption of this rule because the unsafe condition requires corrective action within 30 days. Accordingly, notice and opportunity for prior public comment are impracticable and contrary to public interest pursuant to 5 U.S.C. 553(b)(3)(B). In addition, for the reasons stated above, 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.

Costs of Compliance

The FAA estimates that this AD affects 81 helicopters of U.S. Registry. Labor costs are estimated at $85 per work-hour. Based on these numbers, the FAA estimates the following costs to comply with this AD.

Revising the RFMS for your helicopter takes about 1 work-hour for an

estimated cost of $85 per helicopter and $6,885 for the U.S. fleet. Removing the IBF element takes about 2 work-hours and parts cost about $3,995 for an estimated cost of $4,165 per helicopter.

Authority for This Rulemaking

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

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

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 part 39 of the Federal Aviation Regulations (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) 2018–18–12, Amendment 39–19391 (83 FR 45545, September 10, 2018) and adding the following new AD:

2019–16–16 Airbus Helicopters: Amendment 39–19720; Docket No. FAA–2019–0641; Product Identifier 2019–SW–020–AD.

(a) Effective Date

This AD is effective September 26, 2019.

(b) Affected ADs

This AD replaces AD 2018–18–12, Amendment 39–19391 (83 FR 45545, September 10, 2018).

(c) Applicability

This AD applies to Airbus Helicopters Model AS350B, AS350B1, AS350B2, AS350B3, and AS350BA helicopters, certificated in any category, with a Pall Aerospace Inlet Barrier Filter (IBF) element part number (P/N) CE01301F2, CE01301F2B, CE01303F2, or CE01303F2B installed.

(d) Subject

Joint Aircraft System Component (JASC) Code: 7160, Engine Air Intake System.

(e) Unsafe Condition

This AD defines the unsafe condition as ingestion of an excessive amount of water by the engine. This condition could result in engine flame out and failure, leading to loss of helicopter control.

(f) Compliance

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

(g) Required Actions

(1) Within 30 days, revise the Rotorcraft Flight Manual Supplement for your helicopter by inserting Appendix A of this AD into the limitations section.

(2) As an optional terminating action to the requirement in paragraph (g)(1) of this AD, remove the affected Pall Aerospace IBF element from service.

(3) After the effective date of this AD, do not install IBF element P/N CE01301F2, CE01301F2B, CE01303F2, or CE01303F2B on any helicopter.

(h) Special Flight Permit

Special flight permits are prohibited.

(i) Alternative Methods of Compliance (AMOCs)

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

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

(j) Related Information

For more information about this AD, contact Gary Wechsler, Aerospace Engineer, Atlanta ACO Branch, Compliance and Airworthiness Division, FAA, 1701 Columbia Ave., College Park, GA 30337, telephone 404–474–5567, email *Gary.Wechsler@faa.gov.*

Appendix A to AD 2019–16–16

Rotorcraft Flight Manual Supplement

(1) Helicopter operation is prohibited if the filter is wet or when visible moisture (rain/snow/ice/water) is present in the inlet or on the filter (inspect filter by hand for wetness). If the filter is wet, remove the filter from service prior to operation.

(2) Helicopter flight is prohibited in visible moisture.

(3) If the helicopter inadvertently enters precipitation (rain/snow/ice/water), open bypass doors (if equipped), avoid sudden and rapid power transients, and land as soon as practical.

(4) Inlet covers must be installed when the rotorcraft is not in flight to prevent moisture from collecting in the inlet or on the filter.

(5) Inspect inlet and filter for visible moisture accumulation prior to flight. If moisture is present, helicopter operation is prohibited.

Issued in Fort Worth, Texas, on August 16, 2019.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2019–18704 Filed 9–10–19; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 117

[Docket ID: DOD–2019–OS–0059]

RIN 0790–AI71

National Industrial Security Program

AGENCY: Office of the Under Secretary of Defense for Intelligence, DoD.

ACTION: Final rule.

SUMMARY: This final rule removes the DoD's regulations on the National Industrial Security Program (NISP) regarding industrial security procedures and practices related to foreign ownership, control, or influence (FOCI) for U.S. Government activities. The interim final rule currently in effect is duplicative and obsolete. The Director of the National Archives and Records Administration's (NARA) Information Security Oversight Office (ISOO) is responsible for implementing and

monitoring Executive Branch implementation of the NISP, and DoD's rule duplicates an amendment to the NARA rule on the same subject.

DATES: This rule is effective on September 11, 2019.

FOR FURTHER INFORMATION CONTACT: Valerie Heil at 703–692–3754.

SUPPLEMENTARY INFORMATION: It has been determined that publication of this rule removal in the CFR for public comment is impracticable, unnecessary, and contrary to public interest since it is based on removing duplicative information. DoD implementation of the NISP is conducted in accordance with Executive Order 12829, ''National Industrial Security Program,'' and the ISOO rule at 32 CFR part 2004 of the same name. Revisions to 32 CFR part 2004 were finalized on May 7, 2018 (83 FR 19950) which govern DoD's NISP and made the content in part 117 redundant. Subpart C of part 117 should now be removed as it is duplicative and less comprehensive than 32 CFR part 2004. The part will be reserved in anticipation of the future need for DoD to issue a companion rule on the subject.

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

List of Subjects in 32 CFR Part 117

Classified information, Control or influence procedures, Facility security clearances, Foreign ownership, Security measures.

PART 117—[REMOVED AND RESERVED]

■ Accordingly, by the authority of 5 U.S.C. 301, 32 CFR part 117 is removed and reserved.

Dated: September 5, 2019.

Shelly E. Finke,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2019–19518 Filed 9–10–19; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 312

[Docket ID: DOD–2019–OS–0073]

RIN 0790–AK58

Office of the Inspector General (OIG) Privacy Program

AGENCY: Office of the Inspector General, DoD.

ACTION: Final rule.

SUMMARY: This final rule removes DoD's regulation concerning the Office of the Inspector General (OIG) Privacy Program. On April 11, 2019, the Department of Defense 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, the part is now unnecessary and may be removed from the CFR.

DATES: This rule is effective on September 11, 2019.

FOR FURTHER INFORMATION CONTACT: Mark Dorgan at 703–699–5680.

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. OIG Program regulation at 32 CFR part 312, last updated on May 5, 2014 (79 FR 25506), is no longer required and can be removed.

It has been determined that publication of this CFR part removal for public comment is impracticable, unnecessary, and contrary to public interest since it is based on the removal of policies and procedures that are either now reflected in another CFR part, 32 CFR part 310, or are publicly available on the Department's website. To the extent that OIG internal guidance concerning the implementation of the Privacy Act within OIG is necessary, it will continue to be published in Inspector General Instruction 5400.11, ''Privacy Act Program,'' available at *https://www.dodig.mil/Portals/48/Documents/Programs/Privacy%20Program/IGDINST540011AIG-AMsigned1-29-101.pdf?ver=2017-04-14-103826-317* (January 29, 2010).

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 is eliminating the need for this separate component Privacy rules and 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 312

Privacy.

PART 312—[REMOVED]

■ Accordingly, by the authority of 5 U.S.C. 301, 32 CFR part 312 is removed.

Dated: September 5, 2019.

Shelly E. Finke,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2019–19615 Filed 9–10–19; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2019–0775]

RIN 1625–AA00

Safety Zone for Hurricane Dorian; Coast Guard Maryland-National Capital Region Captain of the Port Zone

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for all navigable waters within the Coast Guard Maryland-National Capital Region Captain of the Port Zone. The safety zone is needed to protect personnel, vessels, and the marine environment from potential hazards created by the possible landfall of Hurricane Dorian. Entry of vessels or persons into this zone is prohibited unless specifically authorized by the Captain of the Port Maryland-National Capital Region.

DATES: This rule is effective without actual notice from September 11, 2019 until 5 a.m. on September 12, 2019. For the purposes of enforcement, actual notice will be used from 5 a.m. on September 6, 2019, until September 11, 2019.

ADDRESSES: To view documents mentioned in this preamble as being

available in the docket, go to *https://www.regulations.gov,* type USCG–2019–0775 in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rule.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Mr. Ron Houck, Sector Maryland-National Capital Region Waterways Management Division, U.S. Coast Guard; telephone 410–576–2674, email *Ronald.L.Houck@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

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

II. Background Information and Regulatory History

The Coast Guard is issuing this temporary rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because it is impracticable and contrary to the public interest. Immediate action is required by the Coast Guard due to the potential safety hazards vessels in these waterways present to life, property and the environment during a hurricane. We must establish this safety zone by September 6, 2019, to ensure that the rule is in place in advance of Hurricane Dorian.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Delaying the effective date of this rule would be impracticable and contrary to the public interest because immediate action is needed to restrict vessel traffic to protect life, property and the environment and respond to the potential safety hazards associated with the nature and path of Hurricane Dorian.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 46 U.S.C. 70034 (previously 33 U.S.C. 1231). Hurricane Dorian continues to track toward the mid-Atlantic region, with a most probable path inclusive of the Chesapeake Bay, Maryland. The COTP Maryland-National Capital Region has determined that potential hazards associated with the destructive force associated with a hurricane necessitates establishment of a temporary safety zone to protect the safety of life and property on navigable waters starting September 6, 2019, will be a safety concern for anyone within the COTP Maryland-National Capital Region Zone. This rule is needed to protect personnel, vessels, and the marine environment in the navigable waters within the safety zone during the weather event.

IV. Discussion of the Rule

This rule establishes a safety zone from 5 a.m. on September 6, 2019, until 5 a.m. on September 12, 2019, unless sooner terminated by the Captain of the Port Maryland-National Capital Region. The safety zone will cover all navigable waters within the COTP Maryland-National Capital Region Zone, as described in 33 CFR 3.25–15. The duration of the zone is intended to protect personnel, vessels, and the marine environment in these navigable waters due to the expected impact of Hurricane Dorian. Except for vessels already at berth, mooring, or anchor, all vessels underway within this safety zone at the time it is implemented are to depart the zone. No vessel or person will be permitted to enter the safety zone without obtaining permission from the COTP or a designated representative. To seek permission to enter, vessels and persons may contact the COTP or the COTP's representative by telephone number 410–576–2693 or on Marine Band Radio VHF–FM channel 16 (156.8 MHz). Those in the safety zone must comply with all lawful orders or directions given to them by the COTP or the COTP's designated representative.

V. Regulatory Analyses

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

A. Regulatory Planning and Review

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

This regulatory action determination is based on the duration of the safety zone. The effect of this regulation will not be significant due to the limited time that will be regulated (less than a week) and that vessel traffic will be allowed to transit through the zone once the hurricane has passed, when it has been determined safe to do so, and with the permission of the COTP Maryland-National Capital Region. Moreover, the Coast Guard will issue Broadcast Notice to Mariners via VHF–FM marine channel 16 about the zone.

B. Impact on Small Entities

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

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

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

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The

Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247). The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

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

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this rule under Department of Homeland Security Directive 023–01 and Environmental Planning COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves a safety zone that will prohibit entry within the COTP Maryland-National Capital Region Zone for six days, as described in 33 CFR 3.25–15, due to the expected impact of Hurricane Dorian. It is categorically excluded from further review under paragraph L60(c) in Table 3–1 of U.S. Coast Guard Environmental Planning Implementing Procedures 5090.1.

G. Protest Activities

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

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add § 165.T05–0775 to read as follows:

§ 165.T05–0775 Safety Zone for Hurricane DORIAN; Coast Guard Maryland-National Capital Region Captain of the Port Zone.

(a) *Location.* The following area is a safety zone: All navigable waters of the Coast Guard Captain of the Port Maryland-National Capital Region Zone, as described in 33 CFR 3.25–1.

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

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

Designated representative means any Coast Guard commissioned, warrant, or petty officer who has been authorized by the Captain of the Port Maryland-National Capital Region (COTP) to assist in the enforcement of the safety zone.

(c) *Regulations.* (1) Under the general safety zone regulations in subpart C of this part, you may not enter the safety zone described in paragraph (a) of this section unless authorized by the COTP or the COTP's designated representative. All vessels entering the safety zone may be boarded and examined by the Coast Guard under existing regulations, prior to entry, to ensure compliance with the general safety zone regulations.

(2) Except for vessels already at berth, mooring, or anchor, all vessels underway within this safety zone on September 6, 2019, are to depart the zone.

(3) To seek permission to enter, contact the COTP or the COTP's representative by telephone number 410–576–2693 or on Marine Band Radio VHF–FM channel 16 (156.8 MHz). Those in the safety zone must comply with all lawful orders or directions given to them by the COTP or the COTP's designated representative.

(4) The Coast Guard vessels enforcing this section can be contacted on Marine Band Radio VHF–FM channel 16 (156.8 MHz). Upon being hailed by a U.S. Coast Guard vessel, or other Federal, State, or local agency vessel, by siren, radio, flashing light, or other means, the operator of a vessel shall proceed as directed.

(5) The U.S. Coast Guard may be assisted in the patrol and enforcement of the zone by Federal, State, and local agencies.

Dated: September 5, 2019.

Joseph B. Loring,

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

[FR Doc. 2019–19647 Filed 9–10–19; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 51, 60, 61, and 63

[EPA–HQ–OAR–2008–0531; FRL–9999–52–OAR]

Stationary Source Audit Program; Notification of Availability and Request for Comments

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notification of availability, request for comments.

SUMMARY: The Environmental Protection Agency (EPA) is providing notification that one of the two accredited providers

of audit samples for the stationary source audit program has ceased manufacturing samples. The general provisions require that the owner or operator of an affected facility required to conduct performance testing obtain audit samples if the audit samples are ''commercially available'' and have defined ''commercially available'' to mean that two or more independent accredited audit sample providers have blind audit samples available for purchase. Since there are no longer two providers, the requirement to obtain these audit samples is no longer in effect until such time as another independent accredited audit sample provider has audit samples available for purchase. The EPA is providing a 90-day comment period during which interested persons may provide comments on the suspension of the stationary source audit program and the effectiveness of the program prior to its suspension.

DATES: Comments must be received on or before December 10, 2019.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–HQ–OAR–2008–0531, to the *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or withdrawn. The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the Web, Cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *https://www.epa.gov/dockets/commenting-epa-dockets.*

For additional information about the EPA's public docket, visit the EPA Docket Center homepage at *https://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.,* CBI or other information whose 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 Air and Radiation Docket and Information Center, 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 Air Docket is (202) 566–1742.

FOR FURTHER INFORMATION CONTACT: Mr. Ned Shappley, Air Quality Assessment Division, Environmental Protection Agency, Mail code: E143–02, 109 T.W. Alexander Drive, Research Triangle Park, NC 27709; telephone number: (919) 541–7903; email: *shappley.ned@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

On September 13, 2010 (75 FR 55636), EPA promulgated amendments to the General Provisions of parts 51, 60, 61, and 63 to allow accredited audit sample providers to supply stationary source audit samples and to require sources to obtain and use these samples from the accredited providers instead of from EPA, as was the practice prior to the promulgation date.

These amendments included minimum requirements for the audit samples, the accredited audit sample providers (AASP), and the audit sample provider accreditor (ASPA). The AASP are the companies that prepare and distribute the audit samples and the ASPA is a third-party organization that accredits and monitors the performance of the AASP. These organizations were required to work through a Voluntary Consensus Standard Body (VCSB) [1] using the consensus process to develop criteria documents that describe how they will function and meet the EPA regulatory criteria listed in this rule. The AASPs were required to be accredited by an ASPA according to a technical criteria document developed by a VCSB and these technical criteria document had to meet EPA regulations.

These amendments also included language that outlined the responsibilities of the regulated source owner or operator to acquire and use an audit sample for all testing conducted to determine compliance with an air emission limit under the subject parts and specified that the requirement applies only if there are commercially available audit samples for the test method used during the compliance testing. By clarifying the audit sample requirement and expanding audit sample availability through multiple providers, EPA believed that more audits would be conducted for compliance tests and the overall quality of the data used for determining compliance would improve.

[1] The Federal Office of Management and Budget Circular A–119 defines a VCSB as one having the following attributes: (i) Openness; (ii) balance of interest; (iii) due process; (iv) an appeals process; and (v) consensus, which is general agreement, but not necessarily unanimity, and includes a process for attempting to resolve objections by interested parties.

II. Public Comment on the Suspension of the SSAP Program

The EPA suspended the SSAP program effective May 28, 2019, when we were notified by one of the two AASP that they would no longer be supplying audit samples. Since we require that audit samples are ''commercially available'' and have defined ''commercially available'' to mean that two or more independent AASP have blind audit samples available for purchase, EPA was obligated to suspend the program and provide notification on our website (*https://www.epa.gov/emc*). The EPA is seeking comment on whether we should continue the SSAP as currently defined in the General Provisions to 40 CFR parts 51, 60, 61, and 63. EPA is also seeking comment regarding if we should redefine ''commercially available'' as it applies to the number of AASPs which have audit samples available for purchase. The comment period for this action is 90 days from September 11, 2019.

III. Public Comment on the Effectiveness of the SSAP Program

Since the privatization of the EPA SSAP, approximately 20,000 audit samples have been ordered and analyzed with an effective passing rate of 97 percent for all methods in which audit samples are available. EPA is requesting comment on effectiveness of the SSAP and whether it has improved the quality of data produced by performance testing. In addition, EPA is seeking comment on whether EPA should consider revisions to the SSAP program to make it a more effective tool for evaluating quality of a performance test. As indicated previously, the comment period for this action is 90 days from September 11, 2019.

Dated: August 20, 2019.

Richard A. Wayland,

Director, Air Quality Assessment Division.

[FR Doc. 2019–19573 Filed 9–10–19; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R08–OAR–2019–0177; FRL–9999–34–Region 8]

Approval and Promulgation of Implementation Plans; Colorado; Regional Haze 5-Year Progress Report State Implementation Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is finalizing approval of a State Implementation Plan (SIP) revision submitted by the State of Colorado through the Colorado Department of Public Health and Environment (CDPHE) on May 2, 2016. Colorado's May 2, 2016 SIP revision (Progress Report) addresses requirements of the Clean Air Act (CAA or Act) and the EPA's rules that require each state to submit periodic reports describing progress towards reasonable progress goals (RPGs) established for regional haze and a determination of the adequacy of the state's existing SIP addressing regional haze (regional haze plan). The EPA is finalizing approval of Colorado's determination that the State's regional haze plan is adequate to meet these RPGs for the first implementation period through 2018 and requires no substantive revision at this time.

DATES: This rule is effective on October 11, 2019.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–R08–OAR–2019–0177. All documents in the docket are listed on the *http://www.regulations.gov* website. Although listed in the index, some information is not publicly available, *e.g.,* CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available through *http://www.regulations.gov,* or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information.

FOR FURTHER INFORMATION CONTACT: Kate Gregory, Air and Radiation Division, EPA, Region 8, Mailcode 8ARD–IO, 1595 Wynkoop Street, Denver, Colorado, 80202–1129, (303) 312–6175, *gregory.kate@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document ''we,'' ''us,'' and ''our'' means the EPA.

I. Background

States are required to submit a progress report in the form of a SIP revision for the first implementation period that evaluates progress towards the RPGs for each mandatory Class I Federal area [1] (Class I area) within the state and for each Class I area outside the state which may be affected by emissions from within the state (40 CFR 51.308(g)). In addition, the provisions of 40 CFR 51.308(h) require states to submit, at the same time as the 40 CFR 51.308(g) progress report, a determination of the adequacy of the state's existing regional haze plan. The first progress report is due 5 years after submittal of the initial regional haze plan. Colorado submitted the initial regional haze SIP on May 25, 2011 and EPA approved the SIP on December 31, 2012.[2]

On May 2, 2016, Colorado submitted its Progress Report which, among other things, detailed the progress made in the first period toward implementation of the long-term strategy outlined in the State's regional haze plan; the visibility improvement measured at the twelve Class I areas within Colorado and a determination of the adequacy of the State's existing regional haze plan.

In a notice of proposed rulemaking (NPRM) published on July 17, 2019 (84 FR 34083), the EPA proposed to approve Colorado's Progress Report. The details of Colorado's submission and the rationale for the EPA's actions are explained in the NPRM. The EPA did not receive any public comments on the NPRM.

II. Final Action

EPA is finalizing without revisions its proposed approval of Colorado's May 2, 2016 Progress Report as meeting the applicable regional haze requirements set forth in 40 CFR 51.308(g) and (h).

[1] Areas designated as mandatory Class I Federal areas consist of national parks exceeding 6,000 acres, wilderness areas and national memorial parks exceeding 5,000 acres, and all international parks that were in existence on August 7, 1977 (42 U.S.C. 7472(a)). These areas are listed at 40 CFR part 81, subpart D.

[2] 77 FR 76871 (December 31, 2012), codified at 40 CFR 52.320(c)(108)(i)(C) and (c)(124).

III. Statutory and Executive Order Reviews

Under the Clean Air Act, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, the EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. Accordingly, this action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

- Is not a ''significant regulatory action'' subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Is not an Executive Order 13771 (82 FR 9339, February 2, 2017) regulatory action because SIP approvals are exempted under Executive Order 12866;
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and
- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, the SIP is not approved to apply on any Indian reservation land or in any other area where EPA or an

Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications and will not impose substantial direct costs on tribal governments or preempt tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

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

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by November 12, 2019. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Greenhouse gases, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: September 4, 2019.

Gregory Sopkin,

Regional Administrator, Region 8.

40 CFR part 52 is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart G—Colorado

■ 2. Section 52.320(e) is amended in the table by adding the entry ''Regional Haze 5 Year Progress Report'' after the entry for ''State Implementation Plan for Class I Visibility Protection, State of Colorado'' under the heading ''Visibility'' to read as follows:

§ 52.320 Identification of plan.

* * * * *

(e) * * *

Title	State effective date	EPA effective date	Final rule citation/date	Comments
* * * * * * *				
Local Ordinances/Resolutions				
* * * * * * *				
Visibility				
* * * * * * *				
Regional Haze 5 Year Progress Report	11/19/2015	10/11/2019	[Insert **Federal Register** citation], 9/11/2019	
* * * * * * *				

[FR Doc. 2019–19547 Filed 9–10–19; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R08–OAR–2019–0326; FRL–9999–32–Region 8]

Approval and Promulgation of Air Quality Implementation Plans; Montana; Revisions to Administrative Rules of Montana

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is finalizing approval of State Implementation Plan (SIP) revisions submitted by the State of Montana on February 23, 2017. The revisions are to the Administrative Rules of Montana (ARM) open burning and permitting regulations to align the ARM with the current Montana Code Annotated (MCA) procedures for appealing a permit and requesting a hearing. The EPA is taking this action pursuant to the Clean Air Act (CAA).

DATES: This rule is effective on October 11, 2019.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–R08–OAR- EPA–R08–OAR–2019–0326. All documents in the docket are listed on the *http://www.regulations.gov* website. Although listed in the index, some information is not publicly available, *e.g.,* CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available through *http://www.regulations.gov,* or please contact the person identified in the ''For Further Information Contact'' section for additional availability information.

FOR FURTHER INFORMATION CONTACT: Jaslyn Dobrahner, Air and Radiation Division, EPA, Region 8, Mailcode 8ARD–IO, 1595 Wynkoop Street, Denver, Colorado, 80202–1129, (303) 312–6252, *dobrahner.jaslyn@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document ''we,'' ''us,'' and ''our'' means the EPA.

I. Background

The background for this action is discussed in detail in our July 8, 2019 proposal (84 FR 32361). In that document we proposed to approve a SIP revision that the State of Montana

submitted on February 23, 2017, containing amendments to open burning and permitting regulations in the ARM at 17.8.610, *Major Open Burning Source Restrictions;* 17.8.612, *Conditional Air Quality Open Burning Permits;* 17.8.613, *Christmas Tree Waste Open Burning Permits;* 17.8.614, *Commercial Film Production Open Burning Permits;* 17.8.615, *Firefighter Training;* and 17.8.749, *Conditions for Issuance or Denial of Permit.*[1] The amendments: (1) Add references to sections 75–2–211, *Permits for Construction, Installation, Alteration, or Use* and 75–2–213, *Energy Development Project—Hearing and Procedures* of the MCA pertaining to the process for appealing air quality permits, including requesting a hearing; (2) remove duplicative language in the ARM; and (3) and make minor editorial changes. The Montana Board of Environmental Review adopted the amendments on June 3, 2016 (effective July 9, 2016). We did not receive any comments on the proposed rule.

II. Final Action

In this action, the EPA is approving SIP amendments to Administrative Rules of Montana, shown in Table 1, submitted by the State of Montana on February 23, 2017.

TABLE 1—LIST OF MONTANA AMENDMENTS THAT THE EPA IS APPROVING

Amended sections in the February 23, 2017 submittal for approval
17.8.610(3), 17.8.612(10) and (11), 17.8.613(8) and (9), 17.8.614(8) and (9), 17.8.615(6) and (7), 17.8.749(7).

III. Incorporation by Reference

In this document, the EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is finalizing the incorporation by reference of the amendments described in section II. The EPA has made, and will continue to make, these materials generally available through *www.regulations.gov* and at the EPA Region 8 Office (please contact the person identified in the ''For Further Information Contact'' section of this preamble for more information). Therefore, these materials have been approved by the EPA for inclusion in the SIP, have been incorporated by reference by the EPA into that plan, are fully federally enforceable under sections 110 and 113 of the CAA as of the effective date of the final rulemaking of the EPA's approval, and will be incorporated by reference in the next update to the SIP compilation.[2]

IV. Statutory and Executive Order Reviews

Under the Clean Air Act, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, the EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. Accordingly, this action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

- Is not a ''significant regulatory action'' subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Is not an Executive Order 13771 (82 FR 9339, February 2, 2017) regulatory action because SIP approvals are exempted under Executive Order 12866;
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and
- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

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

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

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by November 12, 2019. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

[1] The February 23, 2017, submittal also included revisions to 17.8.1210, *General Requirements for Air Quality Operating Permit Content.* However, the state does not want us to act on 17.8.1210, because it is not part of the Federal SIP. (Memorandum from State of Montana to the EPA (June 26, 2019)).

[2] 62 FR 27968 (May 22, 1997).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Greenhouse gases, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

September 4, 2019.

Gregory Sopkin,

Regional Administrator, Region 8.

40 CFR part 52 is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart BB—Montana

■ 2. In § 52.1370, the table in paragraph (c) is amended:

■ a. By removing the entry for ''17.610'';

■ b. By adding an entry for ''17.8.610'' in numerical order; and

■ c. By revising the entries for ''17.8.612,'' ''17.8.613,'' ''17.8.614,'' ''17.8.615,'' and ''17.8.749''.

The addition and revisions read as follows:

§ 52.1370 Identification of plan.

* * * * *

(c) * * *

State citation	Rule title	State effective date	EPA final rule date	Final rule citation	Comments
*	*	*	*	*	* *
17.8.610	Major Open Burning Source Restrictions.	7/9/2016	9/11/2019	[Insert **Federal Register** citation].	
*	*	*	*	*	* *
17.8.612	Conditional Air Quality Open Burning Permits.	7/9/2016	9/11/2019	[Insert **Federal Register** citation].	
17.8.613	Christmas Tree Waste Open Burning Permits.	7/9/2016	9/11/2019	[Insert **Federal Register** citation].	
17.8.614	Commercial Film Production Open Burning Permits.	7/9/2016	9/11/2019	[Insert **Federal Register** citation].	
17.8.615	Firefighter Training	7/9/2016	9/11/2019	[Insert **Federal Register** citation].	
*	*	*	*	*	* *
17.8.749	Conditions for Issuance or Denial of Permit.	7/9/2016	9/11/2019	[Insert **Federal Register** citation].	(1), (3), (4), (5), (6), and (8) approved with state effective date of 12/27/02. (7) approved with state effective date of 10/17/03 and revised with state effective date of 7/9/2016.
*	*	*	*	*	* *

* * * * *

[FR Doc. 2019–19550 Filed 9–10–19; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R08–OAR–2019–0064; FRL–9999–16–Region 8]

South Dakota; Approval of Revisions to the State Air Pollution Control Rules and to the Permitting Rules for the Prevention of Significant Deterioration

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking final action to approve State Implementation Plan (SIP) and Operating Permit Program revisions submitted by the State of South Dakota on October 23, 2015, related to South Dakota's Air Pollution Control Program. The October 23, 2015 submittal revises certain definitions in the Prevention of Significant Deterioration (PSD) permitting rules and general definition section related to greenhouse gases (GHGs). In this rulemaking, we are also taking final action on portions of the October 23, 2015 submittal, which were not acted on in our previous final rulemaking published on October 13, 2016. The effect of this rulemaking is to ensure that certain definitions in South Dakota's PSD rules are in compliance with the Federal PSD requirements. This action is being taken under the Clean Air Act (CAA).

DATES: This final rule is effective on October 11, 2019.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–R08–OAR–2019–0064. All documents in the docket are listed on the *http://www.regulations.gov* website. Although listed in the index, some information is not publicly available, *e.g.,* confidential business information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available through *http://www.regulations.gov,* or please contact the person identified in the For **FURTHER INFORMATION CONTACT** section for additional availability information.

FOR FURTHER INFORMATION CONTACT: Kevin Leone, Air and Radiation Division, EPA, Region 8, Mailcode 8ARD–QP, 1595 Wynkoop Street, Denver, Colorado 80202–1129, (303) 312–6227, *leone.kevin@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document ''we,'' ''us,'' and ''our'' means the EPA.

I. Background

South Dakota's PSD preconstruction permitting program consists of sections 74–36–09–01 through 74–36–09–03. The State's submittal incorporated by reference as of October 23, 2015, the revisions to remove the GHG Tailoring Rule Step 2 PSD permitting requirements in 40 CFR 52.21(b)(49)(v) from their SIP in 74:36:09:02(7)–(9) (removing 40 CFR 52.21(b)(49)(v) as well as the references to 40 CFR 52.21(b)(49)(v)). These revisions were approved in 81 FR 70626 and published on October 13, 2016 (see docket).

In this action we are taking final action to approve two additional revisions contained in the State's 2015 submittal: South Dakota's revision to the definition of ''subject to regulation'' in 74:36:01:01 (73) [1] and the addition of the new provision in 74:36:09–02(10).[2] In our October 13, 2016 action, we did not act on South Dakota's revisions in 74:36:01:01(73) and 74:36:09(02)(10) for reasons stated in our proposed rulemaking. Those reasons will not be re-stated here; please refer to our proposed rulemaking which was published on June 27, 2019 (84 FR 30686.) We also provided a detailed explanation of the basis for our proposed approval in our June 27, 2019, rulemaking. We invited comment on all aspects of our proposal and provided a 30-day comment period. The comment period ended on July 29, 2019.

II. Response to Comments

We received no comments during the public comment period.

III. Final Action

For the reasons outlined in our proposed rulemaking, the EPA is taking final action to approve the revisions to the definition of ''subject to regulation'' in 74:36:01:01(73) and the addition of the new provision in 74:36:09–02(10) that were submitted by South Dakota on October 23, 2015. Specifically, we are taking final action to approve:

A. Chapter 74:36:01—Definitions

Chapter 74:36:01 defines the terms used throughout Article 74:36—Air Pollution Control Program. South Dakota's October 13, 2015 submittal revises the definition of ''subject to regulation'' by removing its existing reference to the definition of ''subject to regulation'' as defined in 40 CFR 70.2 (July 1, 2012), as revised in publication 75 FR 31607 (June 3, 2010), in accordance with EPA requirements. This definition is being replaced with the first paragraph of the definition of ''subject to regulation'' found in 40 CFR 52.21(b)(49), with the addition of the phrase ''Greenhouse Gases are not subject to regulation unless a PSD preconstruction permit is issued regulating greenhouse gases in accordance with chapter 74:36:09.''

B. Chapter 74:36:09—Prevention of Significant Deterioration (PSD)

Chapter 74:36:09 is South Dakota's PSD preconstruction program for major sources located in areas of the State that attain the Federal national ambient air quality standards (NAAQS). South Dakota is adding new paragraph 74:36:09:02(10), which states: ''For the purposes of this section, 40 CFR 52.21(b)(49)(iv)(b), the term 'also will have an emissions increase of a regulated NSR pollutant' means 'also will have a major modification of a regulated NSR pollutant that is not GHG.' ''

IV. Incorporation by Reference

In this rule, the EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is finalizing the incorporation by reference of the State of South Dakota's revisions to its SIP as described in section III of this preamble. The EPA has made, and will continue to make, these materials generally available through *www.regulations.gov* and at the EPA Region 8 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information). Therefore, these materials have been approved by the EPA for inclusion in the SIP, have been incorporated by reference by the EPA into that plan, are fully federally enforceable under sections 110 and 113 of the CAA as of the effective date of the final rulemaking of the EPA's approval, and will be incorporated by reference in the next update to the SIP compilation.[3]

V. Statutory and Executive Order Reviews

Under the Clean Air Act, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, the EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. Accordingly, this action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

- Is not a ''significant regulatory action'' subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Is not an Executive Order 13771 (82 FR 9339, February 2, 2017) regulatory action because SIP approvals are exempted under Executive Order 12866;
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and
- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

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

The Congressional Review Act, 5 U.S.C. 801 *et seq.,* as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides

[1] The State's proposed rule changes appear in the document titled ''Appendix A, Proposed Amendment to ARSD 74–36–Air Pollution Control Program'', which is in the Docket. Appendix A, p. A–14, PDF p. 431.

[2] Appendix A, p. A–175, PDF p. 330.

[3] 62 FR 27968 (May 22, 1997).

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

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by November 12, 2019. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Volatile Organic Compounds.

Dated: September 4, 2019.

Gregory Sopkin,

Regional Administrator, Region 8.

40 CFR part 52 is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart QQ—South Dakota

■ 2. In § 52.2170, paragraph (c) is amended by revising the table entries for ''74:36:01:01'' and ''74:36:09:02'' to read as follows:

§ 52.2170 Identification of plan.

* * * * *

(c) * * *

Rule No.	Rule title	State effective date	EPA effective date	Final rule citation, date	Comments
*	* *	*	*	* *	*
74:36:01:01	Definitions	10/15/2015	10/11/2019	9/11/2019, [insert **Federal Register** citation].	
*	* *	*	*	* *	*
74:36:09:02	Prevention of Significant Deterioration.	10/15/2015	10/11/2019	9/11/2019, [insert **Federal Register** citation].	
*	* *	*	*	* *	*

* * * * *

[FR Doc. 2019–19571 Filed 9–10–19; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R04–OAR–2018–0598; FRL–9999–55—Region 4]

Air Plan Approval; NC: Revision to I/M Program & Update to Charlotte Maintenance Plan for the 2008 8-Hour Ozone NAAQS

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking final action to approve a State Implementation Plan (SIP) revision submitted by the North Carolina Department of Environmental Quality, Division of Air Quality (DAQ), on July 25, 2018, which revises the model year coverage for vehicles in the 22 counties subject to North Carolina's expanded inspection and maintenance (I/M) program. The SIP revision also includes a demonstration that the requested revision to the vehicle model year coverage will not interfere with attainment or maintenance of any national ambient air quality standards (NAAQS) or with any other applicable requirements of the Clean Air Act (CAA or Act). In addition, North Carolina's July 25, 2018, SIP revision updates the State's maintenance plan and associated motor vehicle emissions budgets (MVEBs) used in transportation conformity for the North Carolina portion of the Charlotte-Rock Hill, NC–SC 2008 8-hour ozone nonattainment area (hereafter also referred to as the ''Area'' or the ''Charlotte Area'') to reflect the change in vehicle model year coverage for the I/M program. EPA has determined that North Carolina's July 25, 2018, SIP revision will not interfere with and is consistent with the applicable provisions of the Clean Air Act (CAA or Act).

DATES: This rule will be effective October 11, 2019.

ADDRESSES: EPA has established a docket for this action under Docket Identification No. EPA–R04–OAR–2018–0598. All documents in the docket are listed on the *www.regulations.gov* website. Although listed in the index, some information is not publicly available, *i.e.,* Confidential Business Information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through *www.regulations.gov* or in hard copy at the Air Regulatory Management Section, Air Planning and Implementation Branch, Air and Radiation Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW, Atlanta, Georgia 30303–8960. EPA requests that if possible, you contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office's official hours of business are Monday

through Friday 8:30 a.m. to 4:30 p.m., excluding Federal holidays.

FOR FURTHER INFORMATION CONTACT: Kelly Sheckler, Air Regulatory Management Section, Air Planning and Implementation Branch, Air and Radiation Division, Region 4, U.S. Environmental Protection Agency, 61 Forsyth Street SW, Atlanta, Georgia 30303–8960. The telephone number is (404) 562–9992. Ms. Sheckler can also be reached via electronic mail at *sheckler.kelly@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

In response to a North Carolina legislative act signed by the Governor on May 4, 2017, which changed the State's I/M requirements for the 22 counties subject to the State's expanded I/M program,[1] DAQ provided a SIP revision through a letter dated July 25, 2018,[2] seeking to have several of these changes incorporated into the North Carolina SIP. Primarily, North Carolina's July 25, 2018, SIP revision makes substantive changes to the applicability section of North Carolina's SIP-approved expanded I/M program found within 15A North Carolina Administrative Code (NCAC) 02D .1000 *Motor Vehicle Emission Control Standard*.[3] Specifically, the July 25, 2018, SIP revision modifies Section .1002 *Applicability,* by changing, for applicability purposes, the vehicle model year coverage for the 22 counties subject to the expanded I/M program from a specific year-based timeframe for coverage (*i.e.,* beginning in 1996) to a rolling 20-year timeframe for coverage.[4] More precisely, the revision being approved changes the applicability of the expanded I/M program to: (i) A vehicle with a model year within 20 years of the current year and older than the three most recent model years; or (ii) a vehicle with a model year within 20 years of the current year and has 70,000 miles or more on its odometer. Previously, the program applied to: (i) A 1996 or later model year vehicle and older than the three most recent model years; or (ii) a 1996 or later model year vehicle and has 70,000 miles or more on its odometer. It is estimated that this change will result in a small increase (less than one percent) in nitrogen oxides (NOx) and volatile organic compound (VOC) emissions. Additionally, the July 25, 2018, SIP revision makes formatting or other minor clarifying changes to several related SIP-approved I/M sections: .1001 *Purpose,* .1003 *Definitions,* and .1005 *On-Board Diagnostic Standards*.[5]

In addition, North Carolina's SIP revision evaluates the impact that the change to the vehicle model year coverage for the 22 counties would have on the State's ability to attain and maintain the NAAQS. The SIP revision contains a technical demonstration with revised emissions calculations showing that the change to Section .1002 for vehicle model year coverage for the expanded I/M program in the 22 counties will not interfere with North Carolina's attainment or maintenance of any NAAQS or with any other applicable requirement of the CAA. Based on this demonstration, EPA is taking final action to find that North Carolina's revised emissions calculations demonstrate that the change to the expanded I/M program for the 22 counties meets the requirements of CAA section 110(l) and will not interfere with State's ability to attain or maintain any NAAQS. In addition, EPA is taking final action to find that North Carolina's July 25, 2018, SIP revision to change the vehicle model year coverage for the 22 counties subject to the expanded I/M program contained in its SIP (which results in a small increase in NOx emissions and consequentially a small decrease in the amount of emissions reduction credits generated and available for use in the State's NO_X emissions budget) will not interfere with the State's obligations under the NOx SIP Call to meet its Statewide NO_X emissions budget. With regard to the related expanded I/M program provisions at Sections .1001, .1002, and .1003, EPA is taking final action to approve the changes to those Sections, which are formatting or clarifying in nature, do not alter the meaning of the Sections, and are thus approvable.

Finally, for 7 of the 22 counties in North Carolina's expanded I/M program, I/M emissions from those counties have been relied on by North Carolina for maintenance of the ozone NAAQS for the Charlotte Area, and the MVEBs with respect to the Area for transportation conformity purposes. Through the July 25, 2018, SIP revision (the subject of this rulemaking), North Carolina provided a maintenance demonstration for the Area that takes into account the small increase in NO_X and VOC emissions estimated to result from the change to the vehicle model year coverage for the expanded I/M program for these counties. EPA is taking final action to approve the updated emissions for the 2008 8-hour ozone maintenance plan for the North Carolina portion of the Charlotte Area because it demonstrates that the projected emissions inventories for 2026 (the final year of the maintenance plan), 10 years beyond the re-designation year, as well as the interim years, are all less than the base year emissions inventory. Further, EPA is approving the updated sub-area MVEBs for the Charlotte Area because EPA has determined that the Area maintains the 2008 8-hour ozone NAAQS with the emissions at the levels of the budgets, and that the budgets meet the adequacy criteria (see 40 CFR 93.118(e)(4)) because they are consistent with maintenance of the 2008 8-hour ozone NAAQS through 2026.[6]

In a notice of proposed rulemaking (NPRM) published on May 20, 2019 (84 FR 22774), EPA proposed approval of the North Carolina July 25, 2018, SIP revision to amend the I/M program for North Carolina, in addition to other associated changes as described above and in the NPRM. The details of North Carolina's submission and the rationale for EPA's actions are explained in the NPRM. EPA received one significant, adverse comment on the proposed

[1] Under provisions of the State legislation, Session Law 2017–10, Senate Bill 131, the changes to North Carolina's I/M requirements for the 22 counties is not effective until the later of the following dates: October 1, 2017, or the first day of a month that is 60 days after the Secretary of the Department of Environmental Quality certifies that EPA has approved the SIP revision. The 22 counties are: Alamance, Buncombe, Cabarrus, Cumberland, Davidson, Durham, Forsyth, Franklin, Gaston, Guilford, Iredell, Johnston, Lee, Lincoln, Mecklenburg, New Hanover, Onslow, Randolph, Rockingham, Rowan, Union and Wake. *See* clarification letter dated August 31, 2018, from North Carolina in the docket for the proposed rulemaking.

[2] EPA received North Carolina's SIP submittal on July 31, 2018.

[3] In the table of North Carolina regulations federally-approved into the SIP at 40 CFR 52.1770(c), 15A NCAC 02D is referred to as ''Subchapter 2D Air Pollution Control Requirements.''

[4] By its terms, Section .1002(d) makes the 22 counties identified in North Carolina General Statute 143–215.107A subject to the I/M program's emission control standards. These same 22 counites are the counties currently subject to North Carolina's SIP-approved I/M program which was expanded from 9 counties to 48 counties in 2002 (and is referred to as the ''expanded'' I/M program). *See* 83 FR 48383 (September 25, 2018) (removing 26 of the 48 counties from North Carolina's SIP-approved expanded I/M program and leaving the 22 counties identified in footnote 1 above as remaining). In addition, changes to Section .1002 also include language making the effective date of the change to the vehicle model year coverage correspond to the effective date set out in North Carolina Session Law 2017–10 referred to in footnote 1 above (*i.e.,* on the first day of the month that is 60 days after EPA approves the change into the SIP).

[5] As noted in the notice of proposed rulemaking, North Carolina did not request EPA to act—and EPA is not acting—on sections .1006 and .1008.

[6] Once the sub-area MVEBs for the North Carolina portion of the Charlotte Area are approved or found adequate (whichever is completed first), they must be used for future conformity determinations.

action during the comment period for this action and offers a response below.

II. Response to Comments

Comment: The Commenter claims EPA must disapprove the changes to North Carolina I/M SIP because the Commenter explains that North Carolina failed to do performance standard modeling as the Commenter asserts is required by EPA's February 2014 guidance document titled ''Performance Standard Modeling for New and Existing Vehicle Inspection and Maintenance (I/M) Programs Using the MOVES Mobile Source Emissions Model'' (hereafter referred to as the February 2014 Guidance Document), available in the docket for this action. In the Commenter's opinion EPA must require states to do performance standard modeling when states revise their I/M programs to ensure the programs meet EPA's baseline requirements contained in 40 CFR part 51.

Response: The February 2014 Guidance Document provides clarification of 40 CFR part 51, subpart S, regarding how to quantify I/M emission reductions for planning purposes using the MOVES generation of mobile source emission factor models. The February 2014 Guidance Document clarifies that maintenance areas do not need to include I/M performance standard modeling as part of an I/M SIP revision. Specifically, the February 2014 Guidance Document includes the following question and response: ''*4.0 Can an I/M Program be Changed Without Doing Performance Standard Modeling? States can change their I/M programs without doing performance standard modeling if the I/M program area in question has been redesignated to attainment for the pollutant(s) that originally triggered the I/M requirement and the I/M program is being continued as part of the area's maintenance plan. In this case, the state must simply demonstrate that the revisions to the I/M program will not interfere with the area's ability to attain or maintain any NAAQS, or with any other applicable CAA requirement.*'' As discussed in the May 20, 2019 (84 FR 22774) NPRM, North Carolina's I/M program for nine counties was required due to nonattainment areas for the 1979 1-hour ozone NAAQS,[7] and North Carolina is currently in attainment statewide for all the ozone NAAQS.[8] As further discussed in the NPRM, the program was expanded to additional counties related to the NO_X SIP Call, however the State was not required to adopt the I/M requirements for the NO_X SIP Call. Therefore, the option to change the I/M program without performance standard modeling under 40 CFR part 51, subpart S, was available to North Carolina if the State could demonstrate continued attainment. North Carolina provided a non-interference section 110(l) demonstration, as well as an update for modeling for the Charlotte Area maintenance plan including MVEBs that demonstrate the Area will continue to maintain the standard for the duration of the plan. In addition, EPA analyzed the effects on the NO_X SIP call and found that the change will not interfere with the State's obligations under the NO_X SIP Call. A detailed analysis of this modeling and demonstration of continued attainment is provided in the May 20, 2019 (84 FR 22774) NPRM.

III. Incorporation by Reference

In this document, EPA is finalizing regulatory text that includes incorporation by reference. In accordance with the requirements of 1 CFR 51.5, EPA is finalizing the incorporation by reference the following air quality rules in Subchapter 2D Air Pollution Control Requirements, Section .1001 *Purpose,* Section .1002 *Applicability,* Section .1003 *Definitions,* and Section .1005 *On-Board Diagnostic Standards,* effective July 1, 2018, which makes changes that are formatting or clarifying in nature and modify the vehicle model year coverage requirements for the 22 counties in North Carolina's expanded I/M program. EPA has made, and will continue to make, these materials generally available through *www.regulations.gov* and/or at the EPA Region 4 office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information). Therefore, these materials have been approved by EPA for inclusion in the State implementation plan, have been incorporated by reference by EPA into that plan, are fully federally enforceable under sections 110 and 113 of the CAA as of the effective date of the final rulemaking of EPA's approval, and will be incorporated by reference in the next update to the SIP compilation.[9]

IV. Final Action

EPA is taking final action to approve North Carolina's July 25, 2018, SIP revision. Specifically, EPA is approving the formatting and clarifying changes to Subchapter 2D, Sections .1001, .1003 and .1005. EPA is also finalizing approval of changes to Section .1002 relating to the vehicle model year coverage for the 22 counties in North Carolina's expanded I/M program (Alamance, Buncombe, Cabarrus, Cumberland, Davidson, Durham, Forsyth, Franklin, Gaston, Guilford, Iredell, Johnston, Lee, Lincoln, Mecklenburg, New Hanover, Onslow, Randolph, Rockingham, Rowan, Union and Wake). Additionally, EPA finds that the changes to the vehicle model year coverage for the 22 counties in North Carolina's expanded I/M program will not interfere with the State's obligations under the NOx SIP Call to meet its Statewide NOx emissions budget and will not interfere with continued attainment or maintenance of any applicable NAAQS or with any other applicable requirement of the CAA, and that North Carolina has satisfied the requirements of section 110(l) of the CAA. Finally, EPA is approving the updated emissions for the 2008 8-hour ozone maintenance plan, including the updated MVEBs, for the Charlotte Area.

V. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. *See* 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, if they meet the criteria of the CAA. These actions merely approve state law as meeting Federal requirements and do

[7] *See* 60 FR 28720 (June 2, 1995).

[8] The Charlotte Area was redesignated to attainment for the 1-hour ozone standard on July 5, 1995 (60 FR 34859); redesignated to attainment for the 1997 8-hour ozone standard on December 2, 2013 (78 FR 72036); and was designated to attainment for the 2008 8-hour ozone standard on July 28, 2015 (80 FR 44873). In addition, on December 26, 2007, EPA approved the Redesignation to attainment of the Raleigh-Durham-Chapel Hill Area (comprised of a portion of Chatham County, and the entire counties of Durham, Franklin, Granville, Johnston, Orange, Person, and Wake) for the 1997 8-hour ozone standard. *See* 72 FR 72948. This approval included approval of a 10-year maintenance plan which demonstrated that the Area would maintain the standard through the year 2017. The Raleigh-Durham-Chapel Hill Area has continued to maintain the 1997 8-hour ozone standard and subsequently was designated as unclassifiable/attainment for the 2008 8-hour ozone standard on May 21, 2012 (77 FR 30088. Further, counties in the Raleigh Area and Greensboro Area were redesignated to attainment for the 1-hour ozone standard on April 18, 1994 (59 FR 18300) and on September 9, 1993 (58 FR 47391), respectively. With regard to the 1997 8-hour ozone standard, the Great Smoky National Park Area was redesignated to attainment on December 7, 2009 (74 FR 63995), and the Rocky Mount Area was redesignated to attainment on November 6, 2006 (71 FR 64891). Recently, on November 6, 2017 (82 FR 54232), EPA designated the entire state of North Carolina attainment/unclassifiable for the 2015 8-hour ozone NAAQS.

[9] *See* 62 FR 27968 (May 22, 1997).

not impose additional requirements beyond those imposed by state law. For that reason, these actions:

- Are not significant regulatory actions subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Are not Executive Order 13771 (82 FR 9339, February 2, 2017) regulatory actions because SIP approvals are exempted under Executive Order 12866;
- Do not impose information collection burdens under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Are certified as not having significant economic impacts on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Do not contain any unfunded mandates or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Do not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Are not economically significant regulatory actions based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Are not significant regulatory actions subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Are not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and
- Do not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

The SIP is not approved to apply on any Indian reservation land or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, these rules do not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), nor will they impose substantial direct costs on tribal governments or preempt tribal law.

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

Under section 307(b)(1) of the CAA, petitions for judicial review of these actions must be filed in the United States Court of Appeals for the appropriate circuit by November 12, 2019. Filing a petition for reconsideration by the Administrator of these final rules does not affect the finality of these actions for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. These actions may not be challenged later in proceedings to enforce their requirements. *See* section 307(b)(2).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur dioxide, Volatile organic compounds.

Dated: August 28, 2019.

Mary S. Walker,

Regional Administrator, Region 4.

40 CFR part 52 is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart II—North Carolina

■ 2. Section 52.1770 is amended:

■ a. In paragraph (c), in Table (1), under ''Subchapter 2D Air Pollution Control'' by revising the heading for ''Section .1000'' and the entries for ''Section .1001'', ''Section 1002'', ''Section .1003'', and ''Section .1005''; and

■ b. In paragraph (e), by adding an entry for ''2008 8-hour Ozone Maintenance Plan for the North Carolina portion of the bi-state Charlotte Area'' at the end of the table.

The revisions read as follows:

§ 52.1770 Identification of plan.

* * * * *

(c) * * *

(1) EPA Approved North Carolina Regulations

State citation	Title/subject	State effective date	EPA approval date	Explanation
Subchapter 2D Air Pollution Control Requirements				
*	*	*	*	*
Section .1000 Motor Vehicle Emission Control Standard				
Section .1001	Purpose	7/1/2018	9/11/2019, [Insert citation of publication].	
Section .1002	Applicability	7/1/2018	9/11/2019, [Insert citation of publication].	
Section .1003	Definitions	7/1/2018	9/11/2019, [Insert citation of publication].	
Section .1005	On-Board Diagnostic Standards	7/1/2018	9/11/2019, [Insert citation of publication].	
*	*	*	*	*

* * * * * (e) * * *

EPA-Approved North Carolina Non-Regulatory Provisions

Provision	State effective date	EPA approval date	**Federal Register** citation	Explanation
*	*	*	*	*
2008 8-hour ozone Maintenance Plan for the North Carolina portion of the bi-state Charlotte Area.	7/25/2018	9/11/2019	[Insert citation of publication].	

[FR Doc. 2019–19574 Filed 9–10–19; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R08–OAR–2019–0180; FRL–9999–15—Region 8]

Approval and Promulgation of Implementation Plans; Utah; Interstate Transport Requirements for Nitrogen Dioxide, Sulfur Dioxide, and Fine Particulate Matter

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving five State Implementation Plan (SIP) submissions from the State of Utah regarding certain interstate transport requirements of the Clean Air Act (CAA or ''Act''). These submissions respond to the EPA's promulgation of the 2010 nitrogen dioxide (NO_2) national ambient air quality standards (NAAQS), the 2010 sulfur dioxide (SO_2) NAAQS, and the 2012 fine particulate matter ($PM_{2.5}$) NAAQS. The submissions address the requirement that each SIP contain adequate provisions prohibiting air emissions that will significantly contribute to nonattainment or interfere with maintenance of these NAAQS in any other state. The EPA is taking this action pursuant to section 110 of the Clean Air Act (CAA).

DATES: This rule is effective on October 11, 2019.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–R08–OAR–2019–0180. All documents in the docket are listed on the *http://www.regulations.gov* website. Although listed in the index, some information is not publicly available, *e.g.,* CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available through *http://www.regulations.gov,* or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information.

FOR FURTHER INFORMATION CONTACT: Adam Clark, Air and Radiation Division, EPA, Region 8, Mailcode 8ARD–IO, 1595 Wynkoop Street, Denver, Colorado, 80202–1129, (303) 312–7104, *clark.adam@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document ''we,'' ''us,'' and ''our'' means the EPA.

I. Background

The background for this action is discussed in detail in our June 20, 2019 proposed rulemaking (84 FR 28776). In that document we proposed to approve the CAA section 110(a)(2)(D)(i)(I) portion of Utah's January 31, 2013, June 2, 2013, December 22, 2015 and two May 8, 2018 infrastructure submissions based on our determination that emissions from Utah will not significantly contribute to nonattainment, or interfere with maintenance, of the 2010 NO_2, 2010 SO_2, and 2012 $PM_{2.5}$ NAAQS in any other state.

We received one anonymous comment letter on our proposal. Our responses to this comment letter are provided below.

II. Response to Comments

Comment: The commenter stated that the EPA should review all sources of SO_2 in Utah located within 50 km of another state's border, rather than focus our analysis on sources in this area emitting greater than 100 tons per year (tpy) of SO_2. The commenter stated that ''the EPA does not appear to support the

100 tons per year cutoff and has no basis to support this arbitrary cutoff.''

Response: The EPA disagrees with the commenter that we did not provide support for our decision to focus our analysis on sources emitting greater than 100 tpy of SO_2. In the proposal, we noted that Utah limited its analysis to sources emitting greater than 100 tpy of SO_2, and stated that ''we agree with Utah's choice to limit its analysis in this way, because in the absence of special factors, for example the presence of a nearby larger source or unusual physical factors, Utah sources emitting less than 100 tpy can appropriately be presumed to not be adversely impacting SO_2 concentrations in downwind states.'' [1] The EPA continues to find this statement accurate.

We also note that the commenter has not provided any additional information regarding Utah sources emitting below 100 tpy, such as the special factors identified in our proposal. While the EPA may at its discretion develop additional information to assess transport issues, the commenter's unsupported speculation does not require us to do so. For these reasons, the EPA finds that our analysis of the Utah sources in the proposal, considered alongside other weight of evidence factors described in that document, support the EPA's conclusion that Utah has satisfied CAA section 110(a)(2)(D)(i)(I) for the 2010 1-hour SO_2 NAAQS.

Comment: The commenter stated that a footnote under Table 5 (84 FR 28780, June 20, 2019) in the proposed rulemaking is confusing. The commenter noted that the footnote states Table 5 does not include sources that are duplicative of those in Table 3, and that this does not make sense because Table 3 lists monitoring locations rather than sources. The commenter asserts that the EPA ''needs to re-propose with the correct information so the public can review and make educated comments.''

Response: The EPA acknowledges that the footnote under Table 5 was meant to indicate that this table did not include sources duplicative of those in Table 4, and that the reference to Table 3 was a typographical error. However, the EPA disagrees that this error might reasonably create any confusion, let alone a level of confusion that justifies re-proposal. In the paragraph preceding Table 5, the proposed rulemaking states ''the EPA also reviewed the location of sources in neighboring states emitting more than 100 tpy of SO_2 and located within 50 km of the Utah border (see Table 5) that were not already addressed in Table 4.'' 84 FR 28780. This statement appears after Table 4 and before Table 5 in the proposal, in a portion of the document where the discussion focuses on sources of SO_2 above 100 tpy within 50 km of the Utah border, all of which are covered in either Table 4 or 5. Table 4 of the proposal is titled ''Utah SO_2 Sources Near Neighboring States,'' and Table 5, which appears on the same page, is titled ''Neighboring State SO_2 Sources Near Utah,'' indicating that any duplicative sources would be duplicative amongst the two tables rather than amongst the sources in Table 5 and the monitoring data presented in Table 3. For all these reasons, the EPA disagrees with the commenter that the typographical error in the footnote following Table 5 requires the Agency to re-propose action or prevented those in the public from making educated comments.

[1] n. 16, 84 FR 28779.

III. Final Action

As discussed in our June 20, 2019 proposed rulemaking (84 FR 28776), and after considering public comment, we have determined that emissions from Utah will not significantly contribute to nonattainment, or interfere with maintenance, of the 2010 NO_2, 2010 SO_2, and 2012 $PM_{2.5}$ NAAQS in any other state. We are therefore approving the January 31, 2013, June 2, 2013, December 22, 2015, and two May 8, 2018 Utah SIP submissions as satisfying the requirements of CAA section 110(a)(2)(D)(i)(I) for these NAAQS. This completes the EPA's obligations under CAA section 110(k)(2) to act on the May 8, 2018 submissions. The EPA has already taken final action on most of the other infrastructure elements addressed in the January 31, 2013, June 2, 2013, and December 22, 2015 submissions (81 FR 50626, August 2, 2016).

IV. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, the EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

- Is not a ''significant regulatory action'' subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Is not an Executive Order 13771 (82 FR 9339, February 2, 2017) regulatory action because SIP approvals are exempted under Executive Order 12866;
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and
- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

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

The Congressional Review Act, 5 U.S.C. 801 *et seq.,* as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. The EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of

Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by November 12, 2019. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides.

Dated: September 4, 2019.

Gregory Sopkin,

Regional Administrator, Region 8.

40 CFR part 52 is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart TT—Utah

■ 2. Section 52.2354 is amended by adding paragraph (d) to reads as follows:

§ 52.2354 Interstate transport.

* * * * *

(d) Addition to the Utah State Implementation Plan regarding the 2010 NO_2, 2010 SO_2, and 2012 $PM_{2.5}$ Standards for Clean Air Act section 110(a)(2)(D)(i)(I) prongs 1 and 2, submitted to EPA on January 31, 2013, June 2, 2013, December 22, 2015, and May 8, 2018.

[FR Doc. 2019–19540 Filed 9–10–19; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 81

[EPA–R08–OAR–2019–0320; FRL–9999–28–Region 8]

Approval and Promulgation of Air Quality Implementation Plans; State of Montana; East Helena Lead Nonattainment Area Maintenance Plan and Redesignation Request

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving the Maintenance Plan, submitted by the State of Montana to the EPA on October 28, 2018, for the East Helena Lead (Pb) nonattainment area (East Helena NAA) and concurrently redesignating the East Helena NAA to attainment of the 1978 Pb National Ambient Air Quality Standard (NAAQS). The EPA is taking this action pursuant to the Clean Air Act (CAA).

DATES: Effective October 11, 2019.

ADDRESSES: The EPA has established a docket for this action under Docket ID Number EPA–R08–OAR–EPA–R08–OAR–2019–0320. All documents in the docket are listed on the http://*www.regulations.gov* website. Although listed in the index, some information is not publicly available, *e.g.,* confidential business information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available through , or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information.

FOR FURTHER INFORMATION CONTACT: James Hou, Air and Radiation Division, U.S. Environmental Protection Agency (EPA), Region 8, Mail Code 8ARD–QP, 1595 Wynkoop Street, Denver, Colorado 80202–1129, (303) 312–6210, *hou.james@epa.gov*.

SUPPLEMENTARY INFORMATION: Throughout this document ''we,'' ''us,'' and ''our'' means the EPA.

I. Background

The East Helena NAA is in southern Lewis and Clark County, and is defined as a rectangle that includes both the community of East Helena and unincorporated portions of southern Lewis and Clark County. On November 6, 1991 (56 FR 56694), the East Helena area was designated as nonattainment for the 1978 Pb NAAQS (1.5 μg/m3). This designation was effective on January 6, 1992 and required the State to submit a CAA, title I, part D Pb nonattainment state implementation plan (SIP) by July 6, 1993. On August 16, 1995, July 2, 1996 and October 20, 1998 the Governor of Montana submitted SIP revisions to meet the part D SIP requirements. The control plan submitted as part of the East Helena Pb attainment plan focused on limiting emissions from the ASARCO lead smelter, which comprised the majority of lead emissions in the NAA, as well as restricting emissions from the American Chemet Copper Furnace. These emission reductions were further assisted through the complete removal of lead in gasoline by 1995.

On April 4, 2001, ASARCO shut down its lead smelter operations, thereby eliminating 99.8 percent of all stationary source Pb emissions in the NAA. The facility's three large smelter stacks were dismantled in August 2009. On April 15, 2007, ASARCO's Title V permit expired, and ASARCO's Montana Air Quality Permit was revoked in September 2013. The former ASARCO site is currently a Superfund site, with institutional controls in the form of land use restrictions and soil removal ordinances in place to prevent exposure to Pb contaminated soils.

On June 18, 2001 (66 FR 32760), the EPA partially approved and partially disapproved the State's part D SIP submittals, which satisfied the CAA's criteria for Pb nonattainment SIPs. In the June 18, 2001 action, the EPA also determined that the NAA had attained the 1978 Pb NAAQS, based on air monitoring data through the calendar year 1999. The monitoring data used to determine attainment of the NAAQS included data while the ASARCO facility was still operating.

The factual and legal background for this action is discussed in detail in our July 17, 2019 (84 FR 34102) proposed approval of the East Helena Pb Maintenance Plan and concurrent redesignation of the East Helena Pb NAA to attainment of the 1978 Pb NAAQS.

II. Response to Comments

The public comment period on the EPA's proposed rule opened on July 17, 2019, the date of its publication in the **Federal Register**, (84 FR 34102), and closed on August 16, 2019. During this time, the EPA received one comment that is not addressed because it falls outside the scope of our proposed action.

III. Final Action

The EPA is approving the East Helena Pb Maintenance Plan and is redesignating the East Helena Pb NAA from nonattainment to attainment of the 1978 Pb NAAQS.

IV. Statutory and Executive Orders Review

Under the Clean Air Act, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, the EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. Accordingly, this action merely approves state law as meeting federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

- Is not a ''significant regulatory action'' subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Is not an Executive Order 13771 (82 FR 9339, February 2, 2017) regulatory action because SIP approvals are exempted under Executive Order 12866;
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and
- Does not provide the EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

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

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

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by November 12, 2019. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects

40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Particulate matter, Reporting and recordkeeping requirements.

40 CFR Part 81

Environmental protection, Air pollution control, National parks, Wilderness areas.

Dated: September 4, 2019.

Gregory Sopkin,

Regional Administrator, EPA Region 8.

40 CFR parts 52 and 81 are amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart BB—Montana

■ 2. Section 52.1370(e), under ''(4) Lewis and Clark County,'' is amended by adding the entry ''East Helena 1978 Lead Maintenance Plan'' after the entry ''Total Suspended Particulate NAAQS—East Helena, East Helena Section of Chapter 5 of SIP, 4–6–79'' to read as follows:

§ 52.1370 Identification of plan.

* * * * *

(e) * * *

Title/subject	State effective date	Notice of final rule date	NFR citation
*	*	*	*
(4) Lewis and Clark County			
*	*	*	*
East Helena 1978 Lead Maintenance Plan.	September 11, 2019		[Insert **Federal Register** citation].

Title/subject	State effective date	Notice of final rule date	NFR citation
*	*	*	* * *

■ 3. Section 52.1375 is revised to read as follows:

§ 52.1375 Control strategy: Lead.

(a) Determination—EPA has determined that the East Helena Lead nonattainment area has attained the lead national ambient air quality standards through calendar year 1999. This determination is based on air quality data currently in the AIRS database (as of the date of our determination, June 18, 2001).

(b) Redesignation to attainment—The EPA has determined that the East Helena lead (Pb) nonattainment area has met the criteria under CAA section 107(d)(3)(E) for redesignation from nonattainment to attainment for the 1978 Pb NAAQS. The EPA is therefore redesignating the East Helena 1978 Pb nonattainment area to attainment.

(c)Maintenance plan approval—The EPA is approving the maintenance plan for the East Helena nonattainment area for the 1978 Pb NAAQS submitted by the State of Montana on October 28, 2018.

PART 81—DESIGNATION OF AREAS FOR AIR QUALITY PLANNING PURPOSES

■ 4. The authority citation for part 81 continues to read as follows:

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

Subpart C—Section 107 Attainment Status Designations

■ 5. In § 81.327, the table entitled ''Montana—1978 Lead NAAQS'' is amended by revising the ''Date'' and Type'' entries under ''Designation'' for ''City of East Helena and vicinity'' to read as follows:

§ 81.327 Montana.

* * * * *

MONTANA—1978 LEAD NAAQS

Designated area	Designation		Classification	
	Date	Type	Date	Type
* *	*	* *	*	*
City of East Helena and vicinity	October 11, 2019	Attainment.		
* *	*	* *	*	*

* * * * *

[FR Doc. 2019–19541 Filed 9–10–19; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 81

[EPA–R08–OAR–2019–0340; FRL–9999–29–Region 8]

Designation of Areas for Air Quality Planning Purposes; Montana; Redesignation Request and Associated Maintenance Plan for East Helena SO_2 Nonattainment Area

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving the State of Montana's request to redesignate the East Helena sulfur dioxide (SO_2) nonattainment area to attainment for the 1971 primary and secondary SO_2 National Ambient Air Quality Standards (NAAQS). The EPA is also approving Montana's maintenance plan which provides for continued attainment of the 1971 primary and secondary SO_2 NAAQS in the East Helena area. The EPA is taking these actions pursuant to section 110 of the Clean Air Act (CAA). This final rulemaking action includes the EPA's determination that the East Helena SO_2 nonattainment area attains the 1971 primary and secondary SO_2 NAAQS. The emissions offset and highway funding sanctions were imposed on the State of Montana for the East Helena SO_2 nonattainment area because the State did not submit a required attainment demonstration for the 1971 secondary SO_2 NAAQS. Because the area is being redesignated for this standard and is no longer obligated to submit an attainment demonstration, the sanctions will no longer apply as of the effective date of this final rule.

DATES: This rule is effective on October 11, 2019.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–R08–OAR–2019–0340. All documents in the docket are listed on the *http://www.regulations.gov* website. Although listed in the index, some information is not publicly available, *e.g.,* CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available through *http://www.regulations.gov,* or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information.

FOR FURTHER INFORMATION CONTACT: Adam Clark (303) 312–7104, *clark.adam@epa.gov,* or Clayton Bean (303) 312–6143, *bean.clayton@epa.gov,* Air and Radiation Division, US EPA, Region 8, Mail-code 8ARD–QP, 1595 Wynkoop Street, Denver, Colorado 80202–1129.

SUPPLEMENTARY INFORMATION: Throughout this document ''we,'' ''us,'' and ''our'' means the EPA.

I. Background

The EPA designated a portion of East Helena, Montana, as nonattainment for the 1971 primary and secondary SO_2 NAAQS on March 3, 1978, based on monitored violations of the SO_2 NAAQS (see 43 FR 8962).

On October 26, 2018, the State of Montana submitted to the EPA a request for redesignation of the East Helena 1971 SO_2 nonattainment area to attainment and a SIP revision containing a maintenance plan for the area.

On July 17, 2019, the EPA published a notice of proposed rulemaking (NPRM) which proposed to approve Montana's October 26, 2018 submittal (see 84 FR 34090). Specifically, the EPA proposed to take the following separate but related actions: (1) Redesignate the East Helena SO_2 nonattainment area to attainment for the primary and secondary 1971 SO_2 NAAQS, based on our determination that the State's request meets the redesignation criteria set forth in section 107(d)(3)(E) of the CAA for these standards; and (2) approve Montana's plan for maintaining these NAAQS in the East Helena area for the first ten years following redesignation to attainment, based on our determination that this maintenance plan meets the requirements of section 175A of the CAA. The details of Montana's submittal and the rationale for the EPA's proposed actions are explained in detail in the NPRM and will not be restated here. The EPA did not receive any public comments on the NPRM.

II. Final Action

The EPA is taking final actions to approve the redesignation request and maintenance plan submitted by the State of Montana on October 26, 2018 for the East Helena 1971 primary and secondary SO_2 NAAQS nonattainment area. Approval of the redesignation request will change the official designation of the East Helena SO_2 nonattainment area to attainment for the 1971 primary and secondary SO_2 NAAQS.

The EPA's redesignation of the East Helena SO_2 nonattainment area to attainment also alleviates the requirement that the State submit an attainment SIP for the 1971 secondary SO_2 NAAQS. Because upon redesignation the State is no longer required to submit the plan requirements that resulted in application of the sanctions, the sanctions will terminate as of the effective date of this action.[1]

[1] Due to Montana not submitting an attainment SIP for the 1971 secondary SO_2 NAAQS, highway sanctions and 2:1 emissions offset sanctions were imposed on January 19, 1996 and July 19, 1995 respectively. For more information please see our July 17, 2019 NPRM at 84 FR 34090.

III. Statutory and Executive Order Reviews

Under the Clean Air Act, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, the EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. Accordingly, this action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

- Is not a ''significant regulatory action'' subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Is not an Executive Order 13771 (82 FR 9339, February 2, 2017) regulatory action because SIP approvals are exempted under Executive Order 12866;
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and
- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

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

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

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by November 12, 2019. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects

40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Greenhouse gases, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

40 CFR Part 81

Environmental protection, Air pollution control, National Parks, Wilderness areas.

Dated: September 4, 2019.

Gregory Sopkin,

Regional Administrator, Region 8.

40 CFR parts 52 and 81 are amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart BB—Montana

■ 2. Section 52.1370(e), under ''(4) Lewis and Clark County,'' is amended by adding the entry ''East Helena 1971 SO_2 Maintenance Plan'' after the entry ''Sulfur Dioxide NAAQS—Plan Summary, Plan Summary, East Helena Sulfur Dioxide (SO_2) Attainment Plan'' to read as follows:

§ 52.1370 Identification of plan.

* * * * *

(e) * * *

Title/subject	State effective date	Notice of final rule date	NFR citation
* * * * * * *			
(4) Lewis and Clark County			
* * * * * * *			
East Helena 1971 SO_2 Maintenance Plan		9/11/2019	[Insert **Federal Register** citation].
* * * * * * *			

■ 3. Section 52.1398 is amended by adding paragraphs (c) and (d) to read as follows:

§ 52.1398 Control strategy: Sulfur dioxide.

* * * * *

(c) *Redesignation to attainment.* The EPA has determined that the East Helena sulfur dioxide (SO_2) nonattainment area has met the criteria under CAA section 107(d)(3)(E) for redesignation from nonattainment to attainment for the 1971 primary and secondary SO_2 NAAQS. The EPA is therefore redesignating the East Helena 1971 SO_2 nonattainment area to attainment.

(d) *Maintenance plan.* The EPA is approving the maintenance plan for the East Helena nonattainment area for the 1971 SO_2 NAAQS submitted by the State of Montana on October 26, 2018.

PART 81—DESIGNATION OF AREAS FOR AIR QUALITY PLANNING PURPOSES

■ 4. The authority citation for part 81 continues to read as follows:

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

Subpart C—Section 107 Attainment Status Designations

■ 5. In § 81.327, the table entitled ''Montana—1971 Sulfur Dioxide NAAQS (Primary and Secondary)'' is amended by revising the entry for ''East Helena Area'' to read as follows:

§ 81.327 Montana.

MONTANA—1971 SULFUR DIOXIDE NAAQS

[Primary and Secondary]

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
* * * * * * *				
East Helena Area				X
* * * * * * *				

* * * * *

[FR Doc. 2019–19576 Filed 9–10–19; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 62

[EPA–R06–OAR–2019–0306; FRL–9998–59–Region 6]

Approval and Promulgation of State Plans for Designated Facilities and Pollutants; New Mexico and Albuquerque-Bernalillo County; Municipal Solid Waste Landfills

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: Pursuant to the Federal Clean Air Act (CAA or the Act), the Environmental Protection Agency (EPA) is approving revisions to the section 111(d) Plan submitted by the New Mexico Environment Department (NMED) on May 25, 2017, to regulate landfill gas and its components, including methane, from existing municipal solid waste (MSW) landfills. The Plan provides for the implementation and enforcement of the Emissions Guidelines (EG) for existing landfills in New Mexico, except Albuquerque-Bernalillo County. We are also approving revisions to the section 111(d) Plan submitted by the New

Mexico Environment Department (NMED) on behalf of the Albuquerque-Bernalillo County Air Quality Control Board on May 24, 2017, to implement and enforce the EG for existing MSW landfills in Albuquerque and Bernalillo County. The EG requires States to develop plans to reduce air emissions from all affected MSW landfills within their jurisdiction.

DATES: This rule is effective on October 11, 2019. The incorporation by reference of certain material listed in the rule is approved by the Director of the Federal Register October 11, 2019.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–R06–OAR–2019–0306. All documents in the docket are listed on the *https://www.regulations.gov* website. Although listed in the index, some information is not publicly available, *e.g.,* Confidential Business Information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through *https://www.regulations.gov* or in hard copy at the EPA Region 6 Office, 1201 Elm Street, Dallas, Texas 75270.

FOR FURTHER INFORMATION CONTACT: Mr. Alan Shar, EPA Region 6 Office, State Planning Implementation Branch, 1201 Elm Street, Dallas, TX 75270, 214–665–6691, *shar.alan@epa.gov.* To inspect the hard copy materials, please schedule an appointment with Alan Shar at 214–665–6691.

SUPPLEMENTARY INFORMATION: Throughout this document ''we,'' ''us,'' and ''our'' means the EPA.

I. Background

The background for this action is discussed in detail in our June 21, 2019 (84 FR 29138) proposal. In that document, we proposed to approve revisions to the section 111(d) Plan submitted by the NMED on May 25, 2017, to regulate landfill gas and its components, including methane, from existing MSW landfills. We also proposed to approve revisions to the section 111(d) Plan for the Albuquerque-Bernalillo County (ABC) Air Quality Control Board submitted on May 24, 2017, to implement and enforce the EG for existing MSW landfills in Albuquerque and Bernalillo County. For more information, see the technical support document [1] prepared in conjunction with the June 21, 2019 proposal.

We received one comment [2] on the proposal during the public comment period that closed on July 22, 2019.

II. Response to Comments

Comment: The commenter supports our proposed approval action. The commenter also urges the EPA to fully comply with the remainder of the terms of the court's order in California et al. v. EPA, 2019 WL 19995769 (N.D. Cal. 2019), with respect to other jurisdictions.

Response: The EPA appreciates the commenter's support. The June 21, 2019 proposal concerned revisions to section 111(d) Plans for the State of New Mexico and Albuquerque-Bernalillo County only. The EPA Region 6 is responsible for rulemaking actions within its jurisdictional area. With this final action, the EPA Region 6 has met its obligations in the court's order referenced by the commenter. Actions on Plans outside of the EPA Region 6's geographical jurisdiction are beyond the scope of this particular rulemaking action.

This concludes our response to the comment received. No changes have been made to the proposal (84 FR 29138, June 21, 2019) as a result of this comment.

III. Final Action

The EPA is finalizing revisions to the CAA section 111(d) Plan submitted by the NMED on May 25, 2017, to regulate landfill gas and its components, including methane, from existing MSW landfills in New Mexico, except for Albuquerque and Bernalillo County. We are also finalizing revisions to the CAA section 111(d) Plan submitted by the NMED on behalf of the Albuquerque-Bernalillo County Air Quality Control Board on May 24, 2017, for existing MSW landfills in Albuquerque and Bernalillo County. Both Plans implement and enforce the EG for existing MSW landfills. See 40 CFR part 60, subpart Cf. The scope of the approval of the section 111(d) Plans is limited to the provisions of 40 CFR parts 60 and 62 for existing MSW landfills, as referenced in the emission guidelines, 40 CFR part 60, subpart Cf.

IV. Incorporation by Reference

In accordance with the requirements of 1 CFR 51.5, we are finalizing regulatory text that includes the incorporation by reference of 20.2.64 NMAC (effective May 31, 2017) and 20.11.71 NMAC (effective May 13, 2017) which are part of the CAA section 111(d) Plans applicable to existing MSW landfills in New Mexico and Albuquerque-Bernalillo County, respectively. The regulatory provisions of 20.2.64 NMAC and 20.11.71 NMAC incorporate by reference the Emissions Guidelines (EG) for existing MSW landfills promulgated by the EPA at 40 CFR part 60, subpart Cf, and establish emission standards and compliance times for the control of methane and other organic compounds from certain MSW landfills that commenced construction, modification, or reconstruction on or before July 17, 2014. The emissions standards and compliance times of the two standards contain the same substantive requirements but apply to MSW landfills in different jurisdictions. The regulatory provisions of 20.2.64 NMAC apply to MSW landfills located in the State of New Mexico, except for MSW landfills located in Albuquerque and Bernalillo County, which are subject to the regulatory provisions of 20.11.71 NMAC. The EPA has made, and will continue to make, 20.2.64 NMAC and 20.11.71 NMAC (as well as the entire New Mexico and Albuquerque-Bernalillo County 111(d) Plans for MSW landfills) generally available electronically through *www.regulations.gov,* Docket No. EPA–R06–OAR–2019–0306 and in hard copy at the EPA Region 6 office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information). This incorporation by reference has been approved by the Office of the Federal Register and the Plans are federally enforceable under the CAA as of the effective date of this final rulemaking.

V. Statutory and Executive Order Reviews

Under the Clean Air Act, the Administrator is required to approve section 111(d) state plan submissions that comply with the provisions of the Act and applicable Federal regulations. 42 U.S.C. 7411(d); 40 CFR part 60, subparts B and Cf; and 40 CFR part 62, subpart A. Thus, in reviewing CAA section 111(d) state plan submissions, the EPA's role is to approve state choices, provided that they meet the criteria of the Act and implementing regulations. Accordingly, this action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

[1] EPA Document ID No. EPA–R06–OAR–2019–0306–0002 available at *www.regulations.gov.*

[2] EPA Document ID No. EPA–R06–OAR–2019–0306–0005 available at *www.regulations.gov.*

• Is not a ''significant regulatory action'' subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);

• Is not an Executive Order 13771 (82 FR 9339, February 2, 2017) regulatory action because this action is not significant under Executive Order 12866;

• Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);

• Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);

• Does not contain any unfunded mandate or significantly or uniquely affect small governments, described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);

• Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);

• Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);

• Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);

• Is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and

• Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, the CAA section 111(d) Plans are not approved to apply in Indian country, as defined at 18 U.S.C. 1151, located in the state. As such, this rule does not have tribal implications, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), and it will not impose substantial direct costs on tribal governments or preempt tribal law.

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

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by November 12, 2019. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 62

Environmental protection, Administrative practice and procedure, Air pollution control, Incorporation by reference, Intergovernmental relations, Methane, Municipal solid waste landfill, Reporting and recordkeeping requirements.

Dated: September 3, 2019.

Kenley McQueen,

Regional Administrator, Region 6.

For the reasons stated in the preamble, the Environmental Protection Agency amends 40 CFR part 62 as follows:

PART 62—[AMENDED]

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

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

Subpart GG—New Mexico

■ 2. Section 62.7855 is revised to read as follows:

§ 62.7855 New Mexico Environment Department.

(a) *Identification of plan.* Section 111(d) plan for municipal solid waste landfills and the associated 20.2.64 NMAC, as submitted on May 25, 2017. The plan includes the regulatory provisions cited in paragraph (d) of this section, which EPA incorporates by reference.

(b) *Identification of sources.* The plan applies to all existing municipal solid waste landfills under the jurisdiction of the New Mexico Environment Department for which construction, reconstruction, or modification was commenced on or before July 17, 2014, and are subject to the requirements of 40 CFR part 60, subpart Cf.

(c) *Effective date.* The effective date of the plan for municipal solid waste landfills is October 11, 2019.

(d) *Incorporation by reference.* (1) The material incorporated by reference in this section was approved by the Director of the Federal Register Office in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies of the material may be inspected or obtained from the EPA Region 6 office, 1201 Elm Street, Suite 500, Dallas, Texas 75270, 214–665–2200 or electronically through *www.regulations.gov,* Docket No. EPA–R6–OAR–2019–0306. Copies may be inspected at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, email *fedreg.legal@nara.gov* or go to: *www.archives.gov/federal-register/cfr/ibr-locations.html.*

(2) State of New Mexico, New Mexico Environment Department, New Mexico Administrative Code, *http://164.64.110.134/nmac/.*

(i) 20.2.64 NMAC, Chapter 20—Environmental Protection, Chapter 2—Air Quality (Statewide), Part 64—Municipal Solid Waste Landfills, New Mexico Administrative Code, effective May 31, 2017.

(ii) [Reserved]

■ 3. Section 62.7856 is revised to read as follows:

§ 62.7856 Albuquerque-Bernalillo County Air Quality Control Board.

(a) *Identification of plan.* Section 111(d) plan for municipal solid waste landfills and the associated 20.11.71 NMAC, as submitted on May 24, 2017. The plan includes the regulatory provisions referenced in paragraph (d) of this section, which EPA incorporates by reference.

(b) *Identification of sources.* The plan applies to all existing municipal solid waste landfills under the jurisdiction of the Albuquerque-Bernalillo County Air Quality Control Board for which construction, reconstruction, or modification was commenced on or before July 17, 2014, and are subject to the requirements of 40 CFR part 60, subpart Cf.

(c) *Effective date.* The effective date of the plan for municipal solid waste landfills is October 11, 2019.

(d) *Incorporation by reference.* (1) The material incorporated by reference in this section was approved by the Director of the Federal Register Office in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies of the material may

be inspected or obtained from the EPA Region 6 office, 1201 Elm Street, Suite 500, Dallas, Texas 75270, 214–665–2200 or electronically through *www.regulations.gov,* Docket No. EPA–R06–OAR–2019–0306. Copies may be inspected at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, email *fedreg.legal@nara.gov* or go to: *www.archives.gov/federal-register/cfr/ibr-locations.html.*

(2) State of New Mexico, Albuquerque-Bernalillo County Air Quality Control Board, New Mexico Administrative Code, *http://164.64.110.134/nmac/.*

(i) 20.11.71 NMAC, Title 20—Environmental Protection, Chapter 11—Albuquerque-Bernalillo-County Air Quality Control Board, Part 71—Municipal Solid Waste Landfills, New Mexico Administrative Code, effective May 13, 2017.

(ii) [Reserved]

[FR Doc. 2019–19499 Filed 9–10–19; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 190905–0022]

RIN 0648–BI68

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagics Resources in the Gulf of Mexico and Atlantic Region; Framework Amendment 6

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

ACTION: Final rule.

SUMMARY: NMFS issues regulations to implement management measures described in Framework Amendment 6 to the Fishery Management Plan (FMP) for Coastal Migratory Pelagics (CMP) of the Gulf of Mexico (Gulf) and Atlantic Region (FMP), as prepared by the South Atlantic Fishery Management Council (Council). This final rule revises the Atlantic migratory group king mackerel commercial trip limits in the Atlantic southern zone during the March through September fishing season. The purpose of this final rule is to support increased fishing activity and economic opportunity while continuing to constrain harvest to the annual catch limit and providing for year-round access for the commercial sector.

DATES: This final rule is effective September 11, 2019.

ADDRESSES: Electronic copies Framework Amendment 6 may be obtained from the Southeast Regional Office website at *https://www.fisheries.noaa.gov/action/framework-amendment-6-atlantic-king-mackerel-commercial-trip-limits.*

FOR FURTHER INFORMATION CONTACT: Karla Gore, NMFS Southeast Regional Office, telephone: 727–551–5753, or email: *karla.gore@noaa.gov.*

SUPPLEMENTARY INFORMATION: The CMP fishery in the Atlantic region is managed under the FMP and includes king mackerel, Spanish mackerel, and the Gulf cobia stock, which ranges from Texas through the east coast of Florida. The Council and the Gulf of Mexico Fishery Management Council (Gulf Council) jointly manage the FMP. The FMP was prepared by both Councils and is implemented by NMFS through regulations at 50 CFR part 622 under authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). The Council and Gulf Council can develop and approve individual framework amendments to the FMP for certain actions that are specific to each region; however, plan amendments must be approved by both Councils.

On March 26, 2019, NMFS published a proposed rule for Framework Amendment 6 and requested public comment (84 FR 11275). The proposed rule and Framework Amendment 6 outline the rationale for the action contained in this final rule. A summary of the management measure described in Framework Amendment 6 and implemented by this final rule is described below.

The Atlantic migratory group of king mackerel (Atlantic king mackerel) is divided into a northern zone and a southern zone. The fishing year for the commercial sector for Atlantic king mackerel in both the northern and southern zones is March 1 through the end of February. The current trip limit system for the Atlantic southern zone (the EEZ from the North Carolina/South Carolina boundary to the Miami-Dade/Monroe County, FL, boundary (25°20'24'' N)) was implemented on May 11, 2017, through Amendment 26 to the FMP (68 FR 17387, April 11, 2017). The Atlantic southern zone has two commercial seasons, March 1 through September 30 (Season 1), and October 1 through the end of February (Season 2), each with its own seasonal quota allocations: 60 percent of the zone's commercial quota is allocated for Season 1 and 40 percent is allocated for Season 2. Any unused quota from Season 1 transfers during the fishing year to Season 2. There is no provision to allow the carryover of any unused quota at the end of Season 2. When the quota for a season is reached or expected to be reached, commercial harvest of king mackerel in the Atlantic southern zone is prohibited for the remainder of the season.

In addition, the southern zone is further divided into two areas with different trip limits. This rule does not revise the current 3,500 lb (1,588 kg) year-round trip limit for Atlantic migratory group king mackerel north of the Flagler/Volusia County, FL, boundary in the southern zone. In the area between the Flagler/Volusia County, FL, boundary (29°25′ N. lat.), and the Miami-Dade/Monroe County, FL, boundary (25°20′24″ N. lat.), the trip limit is 50 fish during March in Season 1. From April 1 through September 30 during Season 1, the trip limit is 75 fish, unless NMFS determines that 75 percent or more of the Atlantic southern zone quota for the first season has been landed, then the trip limit is 50 fish.

Commercial fishermen from Florida's east coast, primarily those from south of Flagler/Volusia County, FL, expressed concern to the Council about the current commercial trip limits for king mackerel in some of the areas in the Atlantic southern zone, especially the Season 1 (March through September) trip limits in the EEZ off Volusia County, FL. Comments from stakeholders indicated that commercial fishermen operating out of Volusia County, FL, travel farther offshore than elsewhere off the east coast of Florida to target king mackerel and often complete multi-day commercial trips. Commercial fishermen who target king mackerel off Volusia County, FL, indicate that the 50-fish commercial trip limit during the month of March makes it challenging to earn enough money to pay for the cost of a trip, potentially causing undue hardship. At their April 2017 meeting, the Council's Mackerel Cobia Advisory Panel recommended that the Council review the commercial trip limits in place for the Atlantic southern zone and consider a different trip limit that would support the concerns of the commercial fishermen operating out of Volusia County, FL, while still allowing year-round access to king mackerel by the commercial sector. The Council then developed, and subsequently approved, Framework Amendment 6 to the FMP. Framework Amendment 6 would revise some of the commercial trip limits for Season 1 (March 1 through September

30) in the southern zone, but would not revise the commercial trip limits for Season 2 (October 1 through the end of February).

Management Measure Contained in This Final Rule

This final rule revises the Atlantic king mackerel commercial trip limits in the southern zone in the EEZ south of the Flagler/Volusia County, FL, boundary during Season 1. The trip limit is increased from 50 to 75 fish for the month of March in the EEZ between the Flagler/Volusia County, FL, boundary and the Volusia/Brevard County, FL, boundary. The trip limit is also increased from 50 to 75 fish for the month of March in the EEZ between the Volusia/Brevard County, FL, boundary and the Miami-Dade/Monroe County, FL boundary. This final rule also increases the trip limit in the EEZ off Volusia County (between Flagler/Volusia County, FL, boundary and the Volusia/Brevard County, FL, boundary) from April 1 through September 30 from 75 fish to 3,500 lb (1,588 kg).

In summary, when this final rule is effective, the commercial trip limits for Atlantic king mackerel throughout the southern zone are described in the following:

North of the Flagler/Volusia County, FL (29°25′ N lat.), boundary (29°25′ N lat.) the limit is 3,500 lb (1,588 kg), year-round.

In the EEZ between the Flagler/Volusia County, FL, boundary (29°25′ N lat.) and the Volusia/Brevard County, FL, boundary (29°25′ N lat.), in the month of March, the trip limit will be 75 fish; from April through September, the trip limit will be 3,500 lb (1,588 kg); from October through January, the limit is 50 fish; and for the month of February the limit is 50 fish, unless NMFS determines that less than 70 percent of the commercial quota for the southern zone's second season has been landed, then the trip limit would be 75 fish.

In the EEZ between the Volusia/Brevard County, FL, boundary (28°47′48″ N lat.) and the Miami-Dade/Monroe County, FL boundary (25°20′24″ N lat.), in the month of March, the trip limit will be 75 fish; from April through September the limit is 75 fish, unless NMFS determines that less than 75 percent of the commercial quota for the southern zone's first season has been landed, then the trip limit is 50 fish; from October through January, the limit is 50 fish; and for the month of February, the limit is 50 fish unless NMFS determines that less than 70 percent of the second season quota has been landed, then the trip limit would be 75 fish.

The revision to the trip limit in the southern zone is expected to provide additional fishing and economic opportunity to king mackerel fishermen in the southern zone and is not expected to negatively impact the Atlantic king mackerel stock.

Comments and Responses

NMFS received seven comments during the public comment period on the proposed rule for Framework Amendment 6. Five of these comments were in support of the actions in the framework amendment. NMFS acknowledges the comments in favor of all or part of the actions in Framework Amendment 6 and the proposed rule, and agrees with the comments that changing the trip limits should have positive economic benefits for the fishermen; those comments are not further addressed below. One comment incorrectly described the trip limit alternatives in the framework amendment and appears to have commented based on that incorrect description. That comment is therefore not responsive to the actions contained in the proposed rule and is not responded to in this final rule. One comment suggested a modification to how the alternatives in Framework Amendment 6 are described. This comment is summarized and responded to below.

Comment 1: Some king mackerel commercial trip limits are described in numbers of fish and others are described in pounds of allowable fish. For consistency, the king mackerel trip limits should be all described by weight instead of numbers of fish.

Response: The Council considered trip limit alternatives in Framework Amendment 6 in a combination of pounds and numbers of fish, in accordance with the advice they received from their advisory panel for this fishery. The Council used the same trip limit measurements they have used to manage this fishery since the 1990s. Currently, the commercial trip limit south of Flagler/Volusia County, Florida, is in numbers of fish, and north of Flagler/Volusia, Florida, the commercial trip limit is in pounds of fish.

Measures Contained in This Final Rule Not in Framework Amendment 6

In addition to the measures described in Framework Amendment 6 to revise the Atlantic southern zone commercial trip limits, this final rule also incorporates a correction to a commercial trip limit boundary position for the Atlantic king mackerel southern zone and updates contact information for the NMFS Office of Law Enforcement specific to Spanish mackerel transfer at sea provision.

In 50 CFR 622.385(a)(1)(ii), the final rule for Amendment 26 incorrectly specified the Miami-Dade/Monroe County, FL, boundary coordinate. That final rule incorrectly used the position for the Flagler/Volusia County, FL, boundary in one instance instead of the Miami-Dade/Monroe County, FL, coordinate. However, since that final rule was promulgated, these boundary descriptions have been updated. These new boundary descriptions are part of the revisions made in this final rule to implement Framework Amendment 6, and the previous boundary descriptions and coordinates are no longer relevant. Thus, the previous error will be superseded by the boundary descriptions and coordinates listed in 50 CFR 622.385(a)(1)(ii) of this final rule for Framework Amendment 6.

Current regulations at 50 CFR 622.377(b)(2)(vi)(C) require that if a commercially permitted Spanish mackerel vessel is allowed to and wants to transfer a portion of a gillnet at sea, they must, in part, contact the NMFS Office of Law Enforcement. The current contact information, as specified in the regulations, requires the owner or operator of both vessels involved in the transfer to contact the NMFS Office of Law Enforcement, Port Orange, FL, office at telephone number: 1–386–492–6686. Subsequent to the publishing of the proposed rule for Framework Amendment 6, the NMFS Southeast Regional Office was notified by the NMFS Office of Law Enforcement that the NMFS Port Orange, FL, office has closed and that the Port Orange telephone number is no longer in service. Consistent with the Spanish mackerel gillnet transfer at sea provisions at 50 CFR 622.377(b)(2)(vi)(C), affected owners and operators should now contact the NMFS Office of Law Enforcement, Southeast Regional Office, St. Petersburg, FL, office at telephone number: 1–727–824–5344. In this final rule and the associated codified text, NMFS updates this contact information. No other changes are being made in this final rule for the Spanish mackerel gillnet transfer provisions.

Classification

The Regional Administrator, Southeast Region, NMFS has determined that this final rule is consistent with the FMP, the Magnuson-Stevens Act, and other applicable law.

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

The Magnuson-Stevens Act provides the statutory basis for this final rule. No duplicative, overlapping, or conflicting Federal rules have been identified. In addition, no new reporting, record-keeping, or other compliance requirements are introduced by this final rule.

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration during the proposed rule stage that this rule would not have a significant adverse economic impact on a substantial number of small entities. The factual basis for this determination was published in the proposed rule and is not repeated here. No significant issues were raised by public comments related to the economic impacts on small entities, and no changes to this final rule were made in response to public comments. However, the final rule incorporates a correction to a commercial trip limit boundary position for the Atlantic king mackerel southern zone, and updates contact information for the NMFS Office of Law Enforcement specific to the Spanish mackerel transfer at sea provision which was not included in the proposed rule.

A current regulation incorrectly uses the same coordinates (29°25′ N lat.) to define the Flagler/Volusia County, FL, boundary, and Miami-Dade/Monroe County, FL, boundary. The assessment of the economic impacts on small entities for the proposed rule did not repeat that error, and the correction does not invalidate the certification. In addition, the updated law enforcement contact information will have no additional impact on small entities. As a result, a final regulatory flexibility analysis was not required and none was prepared.

This final rule responds to the best scientific information available. Pursuant to 5 U.S.C. 553(d)(3), the AA finds good cause to waive the 30-day delay in the date of effectiveness of this final rule because such a delay would be contrary to the public interest. If this final rule were delayed by 30 days, king mackerel fishermen would not be able to fish under the revised, increased, commercial trip limit and realize the full level of economic opportunity this rule provides. Further, the correction to the boundary position for the Atlantic king mackerel southern zone and the update to the contact information for the NMFS Office of Law Enforcement provide accurate and beneficial information to the public, and a delay in their effectiveness would be contrary to the public interest.

In addition, because this measure increases the current Season 1 trip limit, it relieves a restriction, and therefore it also falls within the 5 U.S.C. 553(d)(1) exception to the 30-day delay in the date of effectiveness requirement. The current commercial trip limit is increased as a result of this final rule, and NMFS wants to allow king mackerel fishermen the earliest opportunity to harvest at the new trip limit, as intended by the Council in Framework Amendment 6. Waiving the 30-day delay in the date of effectiveness will allow this final rule to more fully benefit the fishery through increased fishing opportunities as described in Framework Amendment 6 and as intended by the Council.

Accordingly, the 30-day delay in effectiveness of the measures contained in this final rule is waived.

List of Subjects in 50 CFR Part 622

Fisheries, Fishing, King mackerel, South Atlantic, Trip limits.

Dated: September 5, 2019.

Samuel D. Rauch, III,

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

For the reasons set out in the preamble, 50 CFR part 622 is amended as follows:

PART 622—FISHERIES OF THE CARIBBEAN, GULF OF MEXICO, AND SOUTH ATLANTIC

■ 1. The authority citation for part 622 continues to read as follows:

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

■ 2. In § 622.377, revise paragraph (b)(2)(vi)(C) to read as follows:

§ 622.377 Gillnet restrictions.

* * * * *

(b) * * *

(2) * * *

(vi) * * *

(C) Prior to cutting the gillnet and prior to any transfer of Spanish mackerel from one vessel to another, the owner or operator of both vessels must contact NMFS Office for Law Enforcement, St Petersburg, Florida, phone: 1–727–824–5344.

■ 3. In § 622.385, revise paragraphs (a)(1)(ii) introductory text and (a)(1)(ii)(A) and (B) and add paragraph (a)(1)(iii) to read as follows:

§ 622.385 Commercial trip limits.

* * * * *

(a) * * *

(1) * * *

(ii) In the area between 29°25′ N lat., which is a line directly east from the Flagler/Volusia County, FL, boundary, and 28°47′48'' N lat., which is a line directly east from the Volusia/Brevard County, FL, boundary, king mackerel in or from the EEZ may not be possessed on board or landed from a vessel in a day in amounts not to exceed:

(A) From March 1 through March 31—75 fish.

(B) From April 1 through September 30—3,500 lb (1,588 kg).

* * * * *

(iii) In the area between 28°47′48'' N lat., which is a line directly east from the Volusia/Brevard County, FL, boundary, and 25°20′24'' N lat., which is a line directly east from the Miami-Dade/Monroe County, FL, boundary, king mackerel in or from the EEZ may not be possessed on board or landed from a vessel in a day in amounts not to exceed:

(A) From March 1 through March 31—75 fish.

(B) From April 1 through September 30—75 fish, unless NMFS determines that 75 percent or more of the quota specified in § 622.384(b)(2)(ii)(A) has been landed, then, 50 fish.

(C) From October 1 through January 31—50 fish.

(D) From February 1 through the end of February—50 fish, unless NMFS determines that less than 70 percent of the quota specified in § 622.384(b)(2)(ii)(B) has been landed, then, 75 fish.

* * * * *

[FR Doc. 2019–19594 Filed 9–10–19; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 180831813–9170–02]

RIN 0648–XY013

Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 610 in the Gulf of Alaska

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS is prohibiting directed fishing for pollock in Statistical Area 610 in the Gulf of Alaska (GOA). This action is necessary to prevent exceeding the C season allowance of the 2019 total allowable catch of pollock for Statistical Area 610 in the GOA.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), September 8, 2019, through 1200 hrs, A.l.t., October 1, 2019.

FOR FURTHER INFORMATION CONTACT: Josh Keaton, 907–586–7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the GOA exclusive economic zone according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (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 C season allowance of the 2019 total allowable catch (TAC) of pollock in Statistical Area 610 of the GOA is 11,590 metric tons (mt) as established by the final 2019 and 2020 harvest specifications for groundfish in the GOA (84 FR 9416, March 14, 2019). In accordance with § 679.20(a)(5)(iv)(B), the Regional Administrator hereby increases the C seasonal apportionment for Statistical Area 610 by 580 mt to account for the underharvest of the TAC in Statistical Area 610 and Statistical Area 620 in the B season. This increase is in proportion to the estimated pollock biomass and is not greater than 20 percent of the C seasonal apportionment of the TAC in Statistical Area 610. Therefore, the revised C seasonal apportionment of pollock TAC in Statistical Area 610 is 12,170 mt (11,590 mt plus 580 mt).

In accordance with § 679.20(d)(1)(i), the Regional Administrator has determined that the C season allowance of the 2019 TAC of pollock in Statistical Area 610 of the GOA will soon be reached. Therefore, the Regional Administrator is establishing a directed fishing allowance of 12,000 mt and is setting aside the remaining 170 mt as bycatch to support other anticipated groundfish fisheries. 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 pollock in Statistical Area 610 of the GOA.

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 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 directed fishing for pollock in Statistical Area 610 of the GOA. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of September 5, 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: September 6, 2019.

Jennifer M. Wallace,

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

[FR Doc. 2019–19660 Filed 9–6–19; 4:15 pm]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 84, No. 176
Wednesday, September 11, 2019

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

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2019–0668; Product Identifier 2019–NM–108–AD]

RIN 2120–AA64

Airworthiness Directives; Dassault Aviation Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to supersede Airworthiness Directives (ADs) 2016–01–16, 2017–19–03, and 2018–19–05, which apply to Dassault Aviation Model MYSTERE-FALCON 900 airplanes. Those ADs require revising the maintenance or inspection program, as applicable, to incorporate new or more restrictive maintenance requirements and/or airworthiness limitations. Since AD 2018–19–05 was issued, the FAA has determined that new or more restrictive airworthiness limitations are necessary. This proposed AD would require revising the existing maintenance or inspection program, as applicable, to incorporate new or more restrictive airworthiness limitations. 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 28, 2019.

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

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

For service information identified in this NPRM, contact Dassault Falcon Jet Corporation, Teterboro Airport, P.O. Box 2000, South Hackensack, NJ 07606; telephone 201–440–6700; internet *http://www.dassaultfalcon.com.* You may view this referenced service information at the FAA, Transport Standards Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195.

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–2019–0668; 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: Tom Rodriguez, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3226.

SUPPLEMENTARY INFORMATION:

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–2019–0668; Product Identifier 2019–NM–108–AD'' at the beginning of your comments. The FAA specifically invites comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. The FAA will consider all comments received by the closing date and may amend this proposed 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 proposed AD.

Discussion

The FAA issued AD 2018–19–05, Amendment 39–19405 (83 FR 47813, September 21, 2018) (''AD 2018–19–05''), for all Dassault Aviation Model MYSTERE-FALCON 900 airplanes. AD 2018–19–05 requires revising the maintenance or inspection program, as applicable, to incorporate new and more restrictive maintenance requirements and airworthiness limitations. AD 2018–19–05 resulted from a determination that more restrictive maintenance requirements and airworthiness limitations are necessary. The FAA issued AD 2018–19–05 to address reduced structural integrity of the airplane. AD 2018–19–05 specified that accomplishing the actions required by paragraph (g) of that AD would terminate the requirements of AD 2016–01–16, Amendment 39–18376 (81 FR 3320, January 21, 2016) and AD 2017–19–03, Amendment 39–19033 (82 FR 43166, September 14, 2017). AD 2018–19–05 specifies that accomplishing paragraph (g) of that AD would terminate the requirements of paragraph (g)(1) of AD 2010–26–05, Amendment 39–16544 (75 FR 79952, December 21, 2010), for Dassault Aviation Model MYSTERE-FALCON 900 airplanes.

Actions Since AD 2018–19–05 Was Issued

Since AD 2018–19–05 was issued, the FAA has determined that new or more restrictive airworthiness limitations are necessary.

The European Union Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2019–0132, dated June 11, 2019 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for all Dassault Aviation Model MYSTERE-FALCON 900 airplanes. The MCAI states:

> The airworthiness limitations for Mystère-Falcon 900 aeroplanes, which are approved by EASA, are currently defined and published in Dassault Mystère-Falcon 900 [airplane maintenance manual] AMM, Chapter 5–40. These instructions have been identified as mandatory for continued airworthiness.

Failure to accomplish these instructions could result in an unsafe condition [reduced structural integrity of the airplane].

EASA previously issued AD 2018–0027 [which corresponds to FAA AD 2018–19–05], requiring the actions described in Dassault Mystère-Falcon 900 AMM, Chapter 5–40 (DGT113873) at Revision 23.

Since that [EASA] AD was issued, Dassault published the [airworthiness limitations section] ALS, as defined in this [EASA] AD, containing new and/or more restrictive maintenance tasks.

For the reason described above, this [EASA] AD retains the requirements of EASA AD 2018–0027, which is superseded, and requires accomplishment of the actions specified in the ALS, as defined in this [EASA] AD.

You may examine the MCAI in the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2019–0668.

Related Service Information Under 1 CFR Part 51

Dassault Aviation has issued Chapter 5–40, Airworthiness Limitations, Revision 24, dated September 2018, of the Dassault Aviation Falcon 900 Maintenance Manual. This service information describes procedures, maintenance tasks, and airworthiness limitations specified in the Airworthiness Limitations Section (ALS) of the AMM.

This proposed AD would also require Chapter 5–40, Airworthiness Limitations, Revision 23, dated September 2017, of the Dassault Aviation Falcon 900 Maintenance Manual, which the Director of the Federal Register approved for incorporation by reference as of October 26, 2018 (83 FR 47813, September 21, 2018).

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

FAA's Determination

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

Proposed Requirements of This NPRM

This proposed AD would retain all of the requirements of AD 2018–19–05. This proposed AD would also require revising the existing maintenance or inspection program, as applicable, to incorporate new or more restrictive airworthiness limitations.

This proposed AD would require revisions to certain operator maintenance documents to include new actions (*e.g.,* inspections). Compliance with these actions is required by 14 CFR 91.403(c). For airplanes that have been previously modified, altered, or repaired in the areas addressed by this proposed AD, the operator may not be able to accomplish the actions described in the revisions. In this situation, to comply with 14 CFR 91.403(c), the operator must request approval for an alternative method of compliance according to paragraph (l)(1) of this proposed AD.

Costs of Compliance

The FAA estimates that this proposed AD affects 134 airplanes of U.S. registry.

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

The FAA estimates the total cost per operator for the retained actions from AD 2018–19–05 to be $7,650 (90 work-hours × $85 per work-hour).

The FAA has determined that revising the existing maintenance or inspection program takes an average of 90 work-hours per operator, although this number may vary from operator to operator. In the past, the FAA has estimated that this action takes 1 work-hour per airplane. Since operators incorporate maintenance or inspection program changes for their affected fleet(s), the FAA has determined that a per-operator estimate is more accurate than a per-airplane estimate.

The FAA estimates the total cost per operator for the new proposed actions to be $7,650 (90 work-hours × $85 per work-hour).

Authority for This Rulemaking

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

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

For the reasons discussed above, I certify 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:

■ a. Removing airworthiness directive (AD) 2016–01–16, Amendment 39–18376 (81 FR 3320, January 21, 2016); AD 2017–19–03, Amendment 39–19033

(82 FR 43166, September 14, 2017); and 2018–19–05, Amendment 39–19405 (83 FR 47813, September 21, 2018); and

■ b. Adding the following new AD:

Dassault Aviation: Docket No. FAA–2019–0668; Product Identifier 2019–NM–108–AD.

(a) Comments Due Date

We must receive comments by October 28, 2019.

(b) Affected ADs

(1) This AD replaces AD 2016–01–16, Amendment 39–18376 (81 FR 3320, January 21, 2016) (''AD 2016–01–06''); AD 2017–19–03, Amendment 39–19033 (82 FR 43166, September 14, 2017) (''AD 2017–19–03''); and AD 2018–19–05, Amendment 39–19405 (83 FR 47813, September 21, 2018) (''AD 2018–19–05'').

(2) This AD affects AD 2010–26–05, Amendment 39–16544 (75 FR 79952, December 21, 2010) (''AD 2010–26–05'').

(c) Applicability

This AD applies to all Dassault Aviation Model MYSTERE-FALCON 900 airplanes, certificated in any category.

(d) Subject

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

(e) Reason

This AD was prompted by a determination that new or more restrictive airworthiness limitations are necessary. The FAA is issuing this AD to address reduced structural integrity of the airplane.

(f) Compliance

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

(g) Retained Revision With No Changes

This paragraph restates the requirements of paragraph (g) of AD 2018–19–05, with no changes. Within 90 days after October 26, 2018 (the effective date of AD 2018–19–05), revise the maintenance or inspection program, as applicable, to incorporate the information specified in Chapter 5–40, Airworthiness Limitations, Revision 23, dated September 2017, of the Dassault Aviation Falcon 900 Maintenance Manual. The initial compliance times for doing the tasks are at the time specified in Chapter 5–40, Airworthiness Limitations, Revision 23, dated September 2017, of the Dassault Aviation Falcon 900 Maintenance Manual, or within 90 days after October 26, 2018, whichever occurs later. The term ''LDG'' in the ''First Inspection'' column of any table in the service information specified in this paragraph means total airplane landings. The term ''FH'' in the ''First Inspection'' column of any table in the service information specified in this paragraph means total flight hours. The term ''FC'' in the ''First Inspection'' column of any table in the service information specified in this paragraph means total flight cycles. The term ''M'' in the ''First Inspection'' column of any table in the service information specified in this paragraph means months.

(h) Retained No Alternative Actions or Intervals With a New Exception

This paragraph restates the requirements of paragraph (h) of AD 2018–19–05, with a new exception. Except as required by paragraph (i) of this AD, after the existing maintenance or inspection program has been revised as required by paragraph (g) of this AD, no alternative actions (*e.g.,* inspections), or intervals, may be used unless the actions, or intervals, are approved as an alternative method of compliance (AMOC) in accordance with the procedures specified in paragraph (l)(1) of this AD.

(i) New Requirement of This AD: Revision of Maintenance or Inspection Program

Within 90 days after the effective date of this AD, revise the existing maintenance or inspection program, as applicable, to incorporate the information specified in Chapter 5–40, Airworthiness Limitations, Revision 24, dated September 2018, of the Dassault Aviation Falcon 900 Maintenance Manual. The initial compliance times for doing the tasks are at the time specified in Chapter 5–40, Airworthiness Limitations, Revision 24, dated September 2018, of the Dassault Aviation Falcon 900 Maintenance Manual, or within 90 days after the effective date of this AD, whichever occurs later. The term ''LDG'' in the ''First Inspection'' column of any table in the service information specified in this paragraph means total airplane landings. The term ''FH'' in the ''First Inspection'' column of any table in the service information specified in this paragraph means total flight hours. The term ''FC'' in the ''First Inspection'' column of any table in the service information specified in this paragraph means total flight cycles. The term ''M'' in the ''First Inspection'' column of any table in the service information specified in this paragraph means months since the date of issuance of the original airworthiness certificate or the date of issuance of the original export certificate of airworthiness. Doing the revision required by this paragraph terminates the actions required by paragraph (g) of this AD.

(j) No Alternative Actions or Intervals

After the existing maintenance or inspection program has been revised as required by paragraph (i) of this AD, no alternative actions (*e.g.,* inspections) or intervals may be used unless the actions or intervals are approved as an AMOC in accordance with the procedures specified in paragraph (l)(1) of this AD.

(k) Terminating Actions for Certain Actions in AD 2010–26–05

Accomplishing the actions required by paragraph (g) or (i) of this AD terminates the requirements of paragraph (g)(1) of AD 2010–26–05, for Dassault Aviation Model MYSTERE-FALCON 900 airplanes.

(l) Other FAA AD Provisions

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

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

(ii) AMOCs approved previously for AD 2018–19–05 are approved as AMOCs for the corresponding provisions of this AD.

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

(m) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA AD 2019–0132, dated June 11, 2019, for related information. This MCAI may be found in the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2019–0668.

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

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

Issued in Des Moines, Washington, on September 3, 2019.

Michael Kaszycki,

Acting Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2019–19504 Filed 9–10–19; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2019–0598; Airspace Docket No. 19–ASO–16]

RIN 2120–AA66

Proposed Amendment of the Class D and Class E Airspace; Meridian, MS

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to amend the Class D airspace at Joe Williams NOLF, Meridian, MS; Key Field, Meridian, MS; and NAS Meridian/McCain Field, Meridian, MS; the Class E airspace area designated as an extension to Class D airspace at Key Field; and the Class E airspace extending upward from 700 feet above the surface at Key Field, Joe Williams NOLF, and NAS Meridian/McCain Field. The FAA is proposing this action as the result of the decommissioning of the Kewanee VHF omnidirectional range (VOR) navigation aid, which provided navigation information for the instrument procedures at these airports, as part of the VOR Minimum Operational Network (MON) Program. The names and geographic coordinates of NAS Meridian/McCain Field and Joe Williams NOLF, and the geographic coordinates of Key Field would also be updated to coincide with the FAA's aeronautical database. Airspace redesign is necessary for the safety and management of instrument flight rules (IFR) operations at these airports.

DATES: Comments must be received on or before October 28, 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–2019–0598; Airspace Docket No. 19–ASO–16, 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 amend the Class D airspace at Joe Williams NOLF, Meridian, MS; Key Field, Meridian, MS; and NAS Meridian/McCain Field, Meridian, MS; the Class E airspace area designated as an extension to Class D airspace at Key Field; and the Class E airspace extending upward from 700 feet above the surface at Key Field, Joe Williams NOLF, and NAS Meridian/McCain Field to support IFR 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–2019–0598/Airspace Docket No. 19–ASO–16.'' 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:

Amending the Class D airspace at Joe Williams NOLF, Meridian, MS, by updating the geographic coordinates of Joe Williams NOLF to coincide with the FAA's aeronautical database, and would replace the outdated term ''Airport/Facility Directory'' with ''Chart Supplement'';

Amending the Class D airspace to within a 4.5-mile radius (reduced from a 5.3-mile radius) of Key Field, Meridian, MS; updating the city in the airspace legal description to Meridian, MS, (previously Meridian Key Field, MS) to comply with changes to FAA Order 7400.2M, Procedures for Handling Airspace Matters; removing the city listed with the airport in the airspace legal description to comply with changes to FAA Order 7400.2M; updating the geographic coordinates of Key Field to coincide with the FAA's aeronautical database; and would replace the outdated term ''Airport/Facility Directory'' with ''Chart Supplement'';

Amending the Class D airspace to within a 5.3-mile radius (previously a 5.8-mile radius) of NAS Meridian/McCain Field, Meridian, MS; updating the city in the airspace legal description to Meridian, MS, (previously Meridian NAS-McCain Field, MS) to comply with changes to FAA Order 7400.2M; removing the city listed with the airport in the airspace legal description to comply with changes to FAA Order 7400.2M; updating the name and geographic coordinates of NAS Meridian/McCain Field (previously NAS-McCain Field) to coincide with the FAA's aeronautical database; adding an extension 1 mile each side of the 009° bearing from the airport extending from the 5.3-mile radius to 5.5 miles north of the airport; adding an extension 1.5 miles each side of the 189° bearing from the airport extending from the 5.3-mile radius to 6 miles from the airport; adding an extension 1.6 miles each side of the Meridian TACAN 331° radial extending from the 5.3-mile radius to 5.6 miles northwest of the Meridian TACAN; and would replace the outdated term ''Airport/Facility Directory'' with ''Chart Supplement'';

Amending the Class E airspace area designated as an extension to a Class D airspace at Key Field by updating the city in the airspace legal description to Meridian, MS, (previously Meridian/Key Field, MS) to comply with changes to FAA Order 7400.2M; removing the city listed with the airport in the airspace legal description to comply with changes to FAA Order 7400.2M; updating the geographic coordinates of Key Field and the Meridian VORTAC to coincide with the FAA's aeronautical database; adding an extension 1 mile each side of the 009° bearing from the airport extending from the 4.5-mile radius to 4.9-miles north of the airport; adding an extension 1 mile each side of the 044° bearing from the airport extending from the 4.5-mile radius to 4.6 miles northeast of the airport; adding an extension 2.9 miles each side of the Meridian VORTAC 141° radial extending from the 4.5-mile radius to 11 miles southeast of the Meridian VORTAC; adding an extension 1 mile each side of the 189° bearing from the airport extending from the 4.5-mile radius to 4.6 miles south of the airport; adding an extension 1 mile each side of the 224° bearing from the airport extending from the 4.5-mile radius to 4.6 miles southwest of the airport; removing the extension northwest of the VORTAC; and would replace the outdated term ''Airport/Facility Directory'' with ''Chart Supplement'';

And amending the Class E airspace extending upward from 700 feet above the surface to within a 7-mile radius (reduced from an 8-mile radius) of Key Field; adding an extension 1 mile each side of the 009° bearing from Key Field extending from the 7-mile radius to 12.5 miles north of the airport; adding an extension 3.4 miles each side of the 009° bearing from the Key Field: RWY 19–LOC extending from the 7-mile radius of the airport to 11.1 miles north of the Key Field: RWY 19–LOC; adding an extension within 2 miles each side of the 044° bearing from the airport extending from the 7-mile radius of the airport to 11.6 miles northeast of the airport; adding an extension within 3.6 miles each side of the Meridian VORTAC 141° radial extending from the 7-mile radius of the airport to 13.9 miles southeast of the Meridian VORTAC; adding an extension within 1 mile each side of the 189° bearing from the airport extending from the 7-mile radius of the airport to 12.6 miles south of the airport; adding an extension within 3.4 miles each side of the 189° bearing from the Key Field: RWY 01–LOC extending from the 7-mile radius of the airport to 11.2 miles south of the Key Field: RWY 01–LOC; amending the extension northwest of the Meridian VORTAC to within 1.5 miles (reduced from 2.5 miles) each side of the Meridian VORTAC 311° (previously 315°) radial extending from the 7-mile radius of the airport to 14.3 miles (increased from 7 miles) northwest of the Meridian VORTAC; within a 6.7 mile radius (decreased from a 7.4-mile radius) of Joe Williams NOLF, Meridian, MS; within a 7.8-mile radius (decreased from an 8-mile radius) of NAS Meridian/McCain Field; removing the extension ''. . . within 4 miles each side of the 020° bearing from lat. 32°33′28″ N, long, 88°33′33″ W, extending from the 8-mile radius to 20 miles north of Meridian TACAN, and within a 25-mile radius of the Meridian VORTAC, extending clockwise from the 341° radial to the 040° radial, and within 8 miles north and 6 miles south of the Kewanee VORTAC 273° radial, extending from the VORTAC to long. 88°45′00″ W''; adding an extension 6.7 miles either side of a line from Joe William NOLF to NAS Meridian/McCain Field; updating the names of Joe William NOLF (previously Joe Williams OLF), and NAS Meridian/McCain Field (previously NAS-McCain Field) and the geographic coordinates of Key Field, Joe Williams NOLF and NAS Meridian/McCain Field to coincide with the FAA's aeronautical database; and removing the Meridian TACAN and Kewanee VORTAC from the airspace legal description.

This action is the result of an airspace review caused by the decommissioning of the Kewanee VOR, which provided navigation information for the instrument procedures at these airports, as part of the VOR MON Program.

Class D and E airspace designations are published in paragraph 5000, 6004, 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 D and 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 5000 Class D Airspace.

* * * * *

ASO MS D Meridian, MS [Amended]

Joe Williams NOLF, MS (Lat. 32°47′56″ N, long. 88°50′04″ W)

That airspace extending upward from the surface to and including 3,000 feet MSL within a 4.2-mile radius of Joe Williams NOLF. This Class D airspace area is effective during the specific dates and times established by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Chart Supplement.

ASO MS D Meridian, MS [Amended]

Key Field, MS (Lat. 32°19′57″ N, long. 88°45′07″ W)

That airspace extending upward from the surface to and including 2,800 feet MSL within a 4.5-mile radius of Key Field. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Char Supplement.

ASO MS D Meridian, MS [Amended]

NAS Meridian/McCain Field, MS (Lat. 32°33′13″ N, long. 88°33′19″ W)

Meridian TACAN (Lat. 32°34′42″ N, long. 88°32′43″ W)

That airspace extending upward from the surface to and including 2,800 feet MSL within a

5.3-mile radius of NAS Meridian/McCain Field, and within 1 mile each side of the 009° bearing from the airport extending from the 5.3 mile radius to 5.5 miles north of the airport; and within 1.5 miles each side of the 189° bearing from the airport extending from the 5.3-mile radius to 6 miles south of the airport; and within 1.6 miles each side of the Meridian TACAN 331° radial extending from the 5.3-mile radius to 5.6 miles northwest the Meridian TACAN. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Chart Supplement.

Paragraph 6004 Class E Airspace Areas Designated as an Extension to a Class D or Class E Surface Area.

* * * * *

ASO MS E4 Meridian, MS [Amended]

Key Field, MS (Lat. 32°19′57″ N, long. 88°45′07″ W)

Meridian VORTAC (Lat. 32°22′42″ N, long. 88°48′15″ W)

That airspace extending upward from the surface within 1 mile each side of the 009° bearing from Key Field extending from the 4.5-mile radius of Key Field to 4.9 miles north of Key Field, and within 1 mile each side of the 044° bearing from Key Field extending from the 4.5-mile radius of Key Field to 4.6 miles northeast of Key Field, and within 2.9 miles each side of the Meridian VORTAC 141° radial extending from the 4.5-mile radius of Key Field to 11 miles southeast of the Meridian VORTAC, and within 1 mile each side of the 189° bearing from Key Field extending from the 4.5-mile radius of Key Field to 4.6 miles south of Key Field, and within 1 mile each side of the 224° bearing from Key Field extending from the 4.5-mile radius of Key Field to 4.6 miles southwest of Key Field. This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Chart Supplement.

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

* * * * *

ASO MS E5 Meridian, MS [Amended]

Key Field, MS (Lat. 32°19′57″ N, long. 88°45′07″ W)

Key Field: RWY 19–LOC (Lat. 32°18′54″ N, long. 88°45′25″ W)

Meridian VORTAC (Lat. 32°22′42″ N, long. 88°48′15″ W)

Key Field: RWY 01–LOC (Lat. 32°20′52″ N, long. 88°45′02″ W)

Joe Williams NOLF, MS (Lat. 32°47′56″ N, long. 88°50′04″ W)

NAS Meridian/McCain Field, MS (Lat. 32°33′13″ N, long. 88°33′19″ W)

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Key Field, and within 1 mile each side of the 009° bearing from Key Field extending from the 7-mile radius of Key Field to 12.5 miles north of Key Field; and within 3.4 miles each side of the 009° bearing from the Key Field: RWY 19–LOC extending from the 7-mile radius of Key Field to 11.1 miles north of the Key Field: RWY 19–LOC, and within 2 miles each side of the 044° bearing from Key Field extending from the 7-mile radius of Key Field to 11.6 miles northeast of Key Field, and within 3.6 miles each side of the Meridian VORTAC 141° radial extending from the 4.5-mile radius of Key Field to 13.9 miles southeast of the Meridian VORTAC, and within 1 mile each side of the 189° bearing from Key Field extending from the 7-mile radius of Key Field to 12.6 miles south of Key Field, and within 3.4 miles each side of the 189° bearing from the Key Field: RWY 01–LOC extending from the 7-mile radius of Key Field to 11.2 miles south of the Key Field: RWY 01–LOC, and within 1.5 miles each side of the Meridian VORTAC 311° radial extending from the 7-mile radius of Key Field to 14.3 miles northwest of the Meridian VORTAC, and within a 6.7-mile radius of Joe Williams NOLF, and within a 7.8-mile radius of NAS Meridian/McCain Field, and within 6.7 miles each side of a line from Joe Williams NOLF to NAS Meridian/McCain Field.

Issued in Fort Worth, Texas, on September 4, 2019.

Steve Szukala,

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

[FR Doc. 2019–19543 Filed 9–10–19; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 15

[Docket No. FDA–2019–N–3631]

Use of Fecal Microbiota for Transplantation to Treat *Clostridium difficile* Infection Not Responsive to Standard Therapies; Public Hearing; Request for Comments

AGENCY: Food and Drug Administration, HHS.

ACTION: Notification of public hearing; request for comments.

SUMMARY: The Food and Drug Administration (FDA, the Agency, or we) is announcing a public hearing to obtain input on the use of fecal microbiota for transplantation (FMT) to treat *Clostridium difficile* infection not responsive to standard therapies. FDA will consider scientific data and other information from the public hearing as we continue to consider ways to support the development of FMT to treat *C.*

difficile infection not responsive to standard therapies and the impact of the enforcement policy on such development.

DATES: The public hearing will be held on November 4, 2019, from 9 a.m. to 4 p.m. The hearing may be extended or may end early, depending on the level of public participation. Persons seeking to present or speak at the public hearing must register by October 8, 2019. Persons seeking to attend but not present at the public hearing must register by October 22, 2019. Section III of this document provides attendance and registration information. Electronic or written comments will be accepted after the public hearing until January 21, 2020.

ADDRESSES: The public hearing will be held at the FDA White Oak Campus, 10903 New Hampshire Ave., Bldg. 31 Conference Center, the Great Room (Rooms 1503B and 1503C), Silver Spring, MD 20993–0002. Entrance for public hearing 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/about-fda/white-oak-campus-information/public-meetings-fda-white-oak-campus.*

You may submit comments as follows. Please note that late, untimely filed comments will not be considered. Electronic comments must be submitted on or before January 21, 2020. The *https://www.regulations.gov* electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of January 21, 2020. 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–3631 for ''Use of Fecal Microbiota for Transplantation to Treat *Clostridium difficile* Infection Not Responsive to Standard Therapies.'' 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: Shruti Modi, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 7301, Silver Spring, MD 20993–0002, 240–402–7911.

SUPPLEMENTARY INFORMATION:

I. Background and Purpose of the Public Hearing

Fecal microbiota collected from healthy individuals are being investigated for use in the treatment of *C. difficile* infection. Published data suggest that the use of fecal microbiota to restore intestinal flora may be an effective therapy in the management of *C. difficile* infection not responsive to standard therapies. However, the efficacy and safety profiles of this intervention have not yet been fully evaluated in adequate and well-controlled clinical trials.

FMT administered to treat *C. difficile* infection meets the definition of a biological product, as defined in section 351(i) of the Public Health Service (PHS) Act (42 U.S.C. 262(i)), and the definition of a drug within the meaning of section 201(g) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(g)). As a biological product, FMT administered to treat *C. difficile* infection is subject to the licensing requirements set forth in section 351 of the PHS Act. FDA has received public comments from some stakeholders suggesting that FMT might be regulated as a human cell, tissue, and cellular and tissue-based product (HCT/P; see 21 CFR part 1271). FMT is a live biotherapeutic product composed of microorganisms. Microorganisms are not human cells or tissues and do not meet the definition of HCT/P (see 21 CFR 1271.3(d)). The hearing will not

include discussions about these comments.

In the **Federal Register** of July 18, 2013 (78 FR 42965), following a public workshop, held on May 2 and 3, 2013, entitled ''Fecal Microbiota for Transplantation,'' FDA announced the availability of a guidance for industry entitled ''Enforcement Policy Regarding Investigational New Drug Requirements for Use of Fecal Microbiota for Transplantation to Treat *Clostridium difficile* Infection Not Responsive to Standard Therapies'' (July 2013 Guidance) (available at: *https://www.fda.gov/media/86440/download*). The July 2013 Guidance, which is still in effect, informed members of the medical and scientific communities and other interested persons that we intend to exercise enforcement discretion regarding the investigational new drug (IND) requirements for the use of FMT to treat *C. difficile* infection not responding to standard therapies, provided that the treating physician obtains adequate consent from the patient or his or her legally authorized representative for the use of FMT products. The guidance states that consent should include, at a minimum, a statement that the use of FMT products to treat *C. difficile* is investigational and a discussion of its potential risks.

In the **Federal Register** of February 26, 2014 (79 FR 10814), we announced the availability of a draft guidance for industry entitled ''Enforcement Policy Regarding Investigational New Drug Requirements for Use of Fecal Microbiota for Transplantation to Treat *Clostridium difficile* Infection Not Responsive to Standard Therapies'' (March 2014 Draft Guidance). The March 2014 Draft Guidance informed members of the medical and scientific communities and other interested persons that we intended to exercise enforcement discretion regarding the IND requirements for the use of FMT to treat *C. difficile* infection not responding to standard therapies, provided: (1) The licensed healthcare provider treating the patient obtains adequate consent from the patient or his or her legally authorized representative for use of the FMT product; (2) the FMT product is obtained from a donor known to either the patient or the licensed healthcare provider treating the patient; and (3) the stool donor and stool are qualified by screening and testing performed under the direction of the licensed healthcare provider for the purpose of providing the FMT product to treat his or her patient. FDA received many public comments in favor of patient access to FMT to treat *C. difficile,* including access to FMT products from stool banks, but objecting to the provision that the donor be known to the patient or the treating licensed healthcare provider.

After considering the comments on the March 2014 Draft Guidance, in the **Federal Register** of March 1, 2016 (81 FR 10632), FDA announced the availability of a revised draft guidance for industry entitled ''Enforcement Policy Regarding Investigational New Drug Requirements for Use of Fecal Microbiota for Transplantation to Treat *Clostridium difficile* Infection Not Responsive to Standard Therapies'' (March 2016 Draft Guidance) (available at: *https://www.fda.gov/media/96562/download*). The March 2016 Draft Guidance replaced the March 2014 Draft Guidance and proposed to revise our policy with regard to patient access to FMT product. We noted that centralized manufacturing in stool banks presents safety concerns related to the use of FMT from a limited number of donors administered to multiple patients. Therefore, we stated that FDA does not intend to extend enforcement discretion with respect to the IND requirements applicable to stool banks distributing FMT products. We stated that the sponsor's compliance with the IND requirements would help to ensure that the stool donor and stool are appropriately qualified by screening and testing and that centralized processing of FMT adheres to appropriate current good manufacturing conditions. FDA received many public comments on this draft guidance, and we are continuing to evaluate our enforcement policy.

The purpose of this public hearing is to obtain public input on the state of the science regarding FMT to treat *C. difficile* infection not responsive to standard therapies, including the available clinical evidence for safety and effectiveness of FMT for this use and to understand better the impact of FDA's enforcement policy on product development.

II. Issues for Consideration and Request for Data and Information

FDA would like input from stakeholders, including patients, clinicians, research scientists, industry, healthcare providers, and stool banks. We encourage public comments and presentations at the public hearing. If submitting comments, data, and information to the docket, please identify available references for the data and information, as well as the general category area and specific question listed below.

As noted above, fecal microbiota collected from healthy individuals are being investigated for use in the treatment of *C. difficile* infection. Published data suggest that the use of fecal microbiota to restore intestinal flora may be an effective therapy in the management of refractory *C. difficile* infection. However, the efficacy and safety profiles of this intervention have not yet been fully evaluated in controlled clinical trials. To inform FDA's understanding of the current scientific status of FMT, especially as it relates to the use of FMT to treat *C. difficile* infection not responsive to standard therapies, we are interested in obtaining information, including data and studies, from all stakeholders, including patients, clinicians, research scientists, industry, healthcare providers and stool banks on the following topics:

1. Clinical Evidence of Effectiveness

- What is the strength of the evidence for the use of FMT to treat *C. difficile* infection not responsive to standard therapies?
- Please identify any published data from rigorously conducted randomized controlled (placebo or non-FMT standard of care comparator) trials that support the use of FMT for:
  - Prevention of recurrent *C. difficile* infection.
  - Treatment of refractory *C. difficile* infection.

2. Safety Evaluation

- What is the strength of evidence for the safety of FMT in patients with *C. difficile* infection not responsive to standard therapies?
- Has meaningful safety information been collected under FDA's enforcement policy? How can any deficiencies in safety data collection be remedied?
- Are there particular safety issues FDA should consider regarding these products (*e.g.,* donor screening/mixing donations)?

3. Impact of FDA's current Enforcement Policy on FMT Product Development

- What impact has FDA's enforcement policy had on recruitment and ability to conduct clinical trials to assess safety and effectiveness of FMT for *C. difficile* infection not responsive to standard therapies?
  - Can specific examples be cited?
  - How can any negative impacts be remedied?
- How does the existing availability of FMT affect the incentives for, and the feasibility of, FMT drug-development programs?
- The use of FMT is addressed in some treatment guidelines (Infectious

Diseases Society of America and American Gastroenterological Association). What impact has this had on patient recruitment and conduct of clinical trials?

4. Future and Path Forward

- What additional scientific information is needed to determine the safety and effectiveness of FMT for *C. difficile* infection not responsive to standard therapies?
- How generalizable are the existing safety and effectiveness data on use of a specific FMT product for *C. difficile* infection not responsive to standard therapies to other FMT products for which safety and effectiveness data are not available?
- Please comment on how FDA can facilitate patient access, protect patient safety, and include enough flexibility to support innovation for the development and licensure of safe and effective FMT products for *C. difficile* infection not responsive to standard therapies.

III. Participating in the Public Hearing

Registration and Requests to Speak and for Formal Oral Presentations: The FDA Conference Center at the White Oak location is a Federal facility with security procedures and limited seating. Attendance will be free. An agenda for the hearing and any other background materials will be made available on October 25, 2019, at *https://www.fda.gov/vaccines-blood-biologics/news-events-biologics/workshops-meetings-conferences-biologics.* If you need special accommodations because of a disability, please contact Sherri Revell or Loni Warren Henderson at 240–402–8010 at least 7 days before the hearing.

For those interested in speaking at the hearing or presenting at the hearing with a formal oral presentation, please register at *https://www.eventbrite.com/e/use-of-fecal-microbiota-for-transplantation-to-treat-clostridium-difficile-infection-not-responsive-tickets-63906239282* as ''In-person presenter.'' Speaker and presenter registrations are due October 8, 2019.

FDA will try to accommodate all persons who wish to make a formal oral presentation. Formal oral presenters may use an accompanying slide deck. Individuals wishing to present should identify their name, which stakeholder group they represent (*e.g.,* patient, clinician, research scientist, industry, stool bank), and the number of the specific question, or questions, they wish to address. FDA will consider this information when organizing the agenda. Individuals and organizations with common interests should consider consolidating or coordinating their presentations and request time for a joint presentation. Individual organizations are limited to a single presentation slot. FDA will notify registered presenters of their scheduled presentation times on October 21, 2019. The time allotted for each presentation will depend on the number of individuals who wish to speak. If registered presenters are using an accompanying slide deck, those presenters must submit an electronic copy of their presentation (PowerPoint or PDF) to *CBERPublicEvents@fda.hhs.gov* on or before October 28, 2019. Persons registered to present are encouraged to arrive at the hearing room early and check in at the onsite registration table to confirm their designated presentation time. Actual presentation times, however, may vary based on how the hearing progresses in real time.

In-person attendance: For those who would like to attend in-person, but who are not making a formal presentation, please register at *https://www.eventbrite.com/e/use-of-fecal-microbiota-for-transplantation-to-treat-clostridium-difficile-infection-not-responsive-tickets-63906239282* as ''In-person attendee—no participation.'' Seating is limited, and early registration is recommended to allow for broad participation.

Streaming Webcast of the Public Hearing: For those unable to attend in person, FDA will provide a live webcast of the hearing. Please register at *https://www.eventbrite.com/e/use-of-fecal-microbiota-for-transplantation-to-treat-clostridium-difficile-infection-not-responsive-tickets-63906239282* as ''online (webcast only)''.

Media: Please register at *https://www.eventbrite.com/e/use-of-fecal-microbiota-for-transplantation-to-treat-clostridium-difficile-infection-not-responsive-tickets-63906239282* as ''Media'' by October 28, 2019.

Transcripts: Please be advised that as soon as a transcript is available, it will be accessible at *https://www.fda.gov/vaccines-blood-biologics/news-events-biologics/workshops-meetings-conferences-biologics* and *https://www.regulations.gov.* It may be viewed at the Dockets Management Staff (see **ADDRESSES**).

IV. Notification of Hearing Under 21 CFR Part 15

The Commissioner of Food and Drugs is announcing that the public hearing will be held in accordance with part 15 (21 CFR part 15). The hearing will be conducted by a presiding officer, who will be accompanied by FDA senior management officials. Under § 15.30(f) (21 CFR 15.30(f)), the hearing is informal and the rules of evidence do not apply. No participant may interrupt the presentation of another participant. Only the presiding officer and panel members may question any person during or at the conclusion of each presentation. Public hearings under part 15 are subject to FDA's policy and procedures for electronic media coverage of FDA's public administrative proceedings (21 CFR part 10, subpart C).

Under 21 CFR 10.205, representatives of the electronic media may be permitted, subject to certain limitations, to videotape, film, or otherwise record FDA's public administrative proceedings, including presentations by participants. Persons attending FDA's public hearings are advised that the Agency is not responsible for providing access to electrical outlets.

The hearing will be transcribed as stipulated in § 15.30(b) (see section III of this document). To the extent that the conditions for the hearing, as described in this notification, conflict with any provisions set out in part 15, this notification acts as a waiver of those provisions as specified in § 15.30(h).

Dated: September 5, 2019.

Lowell J. Schiller,

Principal Associate Commissioner for Policy.

[FR Doc. 2019–19643 Filed 9–10–19; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R03–OAR–2019–0207; FRL–9999–64–Region 3]

Approval and Promulgation of Air Quality Implementation Plans; District of Columbia; Reasonably Available Control Technology State Implementation Plan for Nitrogen Oxides Under the 2008 Ozone National Ambient Air Quality Standard

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve a state implementation plan (SIP) revision submitted by the District of Columbia. This revision pertains to reasonably available control technology (RACT) requirements for nitrogen oxides (NO_X) under the 2008 8-hour ozone national ambient air quality standard (2008 ozone NAAQS). The District of Columbia's submittal for the NO_X RACT

for the 2008 ozone NAAQS: Amends existing regulatory provisions to add new or more stringent regulations or controls that represent RACT control levels for combustion turbines and associated heat recovery steam generators and duct burners, amends the applicability provisions of these regulations to include all combustion turbines and associated heat recovery steam generators and duct burners, and adds definitions; includes a source specific NO_X RACT determination for four specific emissions units at one major stationary source of NO_X; includes a certification that, for other categories of sources, NO_X RACT controls already approved by EPA into the District of Columbia's SIP for previous ozone NAAQS are based on currently available technically and economically feasible controls and continue to represent NO_X RACT for 2008 8-hour ozone NAAQS implementation purposes; and (4) removes carbon monoxide emissions limits for combustion turbines that no longer exist in the District of Columbia. This action is being taken under the Clean Air Act (CAA).

DATES: Written comments must be received on or before October 11, 2019.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R03–OAR–2019–0207 at *https://www.regulations.gov,* or via email to *spielberger.susan@epa.gov*. For comments submitted at *Regulations.gov,* follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. For either manner of submission, EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be confidential business information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *https://www.epa.gov/dockets/commenting-epa-dockets*.

FOR FURTHER INFORMATION CONTACT: Mr. Christopher Cripps, Planning & Implementation Branch (3AD30), Air & Radiation Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. The telephone number is (215) 814–2179. Mr. Cripps can also be reached via electronic mail at *cripps.christopher@epa.gov*.

SUPPLEMENTARY INFORMATION: On August 29, 2018, and as supplemented on December 19, 2018, the District of Columbia's Department of Energy and Environmental (DOEE) submitted a revision to its SIP that addresses the requirements of NO_X RACT under the 2008 ozone NAAQS (''Reasonably Available Control Technology (RACT) for Oxides of Nitrogen (NO_X) Determination for the 2008 8-Hour Ozone National Ambient Air Quality Standards (NAAQS)—Final'') dated August 29, 2018 with amendments to its NO_X control regulations and an operating permit setting RACT for certain specific emissions units at one major stationary source of NO_X (hereafter 2008 NO_X RACT Submission).[1]

I. Background

A. 1-Hour, 1997, and 2008 Ozone NAAQS

Ground level ozone is not emitted directly into the air but is created by chemical reaction between NO_X and volatile organic compounds (VOCs) in the presence of sunlight. Emissions from industrial facilities, electric utilities, motor vehicle exhaust, gasoline vapors, and chemical solvents are some of the major sources of NO_X and VOC. Breathing ozone can trigger a variety of health problems, particularly for children, the elderly, and people of all ages who have lung diseases such as asthma. Ground level ozone can also have harmful effects on sensitive vegetation and ecosystems.

CAA sections 108 and 109 require EPA to set primary and secondary NAAQS. Primary NAAQS are those that the attainment and maintenance of which, allowing an adequate margin of safety, are requisite to protect the public health. Secondary NAAQS specify a level of air quality the attainment and maintenance of which is requisite to protect the public welfare from any known or anticipated adverse effects associated with the presence of such air pollutant in the ambient air. Section 109(d) of the CAA requires EPA to complete a thorough review of each NAAQS and make revisions to existing NAAQS and promulgate new NAAQS as may be appropriate. Since 1977, EPA has revised the NAAQS for ozone in 1979, 1997, 2008, and 2015. To date, the primary and secondary ozone NAAQS have been set at the same level. See 40 CFR 50.9, 50.10, 50.15, and 50.19 and appendices thereto.

The CAA sets forth a comprehensive regime for implementation of the ozone NAAQS through Federal and state regulation of VOC and NO_X emissions. The requirements for ozone SIPs are found in sections 172 and 182 through 185 of the CAA.

Under the 1-hour ozone NAAQS, promulgated in 1979, the District of Columbia had been designated as nonattainment for ozone prior to November 15, 1990 and was designated as part of the multi-state Washington Area ozone nonattainment area. This area was initially classified as serious and was later reclassified as severe. See 56 FR 56694 (November 6, 1991); 68 FR 5246 (January 24, 2004); and 40 CFR 81.309.

On July 18, 1997, EPA promulgated a revised NAAQS for ground level ozone based on 8-hour average concentrations. 62 FR 38856. The 8-hour averaging period replaced the previous 1-hour averaging period, and the level of the NAAQS was changed from 0.12 parts per million (ppm) to 0.08 ppm (1997 ozone NAAQS). On April 30, 2004, EPA designated the District of Columbia under the 1997 ozone NAAQS as a part of the Washington, DC–MD–VA moderate nonattainment area. See 69 FR 23858 and 40 CFR 81.309.

On March 12, 2008, EPA promulgated the 2008 ozone NAAQS to strengthen the 8-hour ozone standards, by revising its level to 0.075 ppm averaged over an 8-hour. On May 21, 2012, EPA designated, under the 2008 ozone NAAQS, the District of Columbia as a part of the Washington, DC–MD–VA marginal nonattainment area. 77 FR 30088 and 40 CFR 81.309. Subsequently, EPA redesignated the District of Columbia portion of this area to attainment of the 2008 ozone NAAQS. See 84 FR 33855 (July 16, 2019).

On March 6, 2015, EPA announced its revocation of the 1997 ozone NAAQS for all purposes and for all areas in the country, effective on April 6, 2015. EPA has determined that certain nonattainment planning requirements continue to be in effect under the revoked standard for nonattainment

[1] Also, on August 29, 2018 the District of Columbia submitted a separate SIP revision to address all the VOC RACT requirements under the 2008 ozone NAAQS both for VOC sources covered by a CTG and for other major stationary sources of VOC. This VOC RACT SIP revision is the subject of a separate rulemaking action. See 84 FR 33032, July 11, 2019.

areas under the 1997 ozone NAAQS, including RACT. See 80 FR 12264.

B. RACT Requirements for Ozone

The CAA regulates emissions of NO_X and VOC to prevent photochemical reactions that result in ozone formation in areas designated nonattainment for the ozone NAAQS. All nonattainment areas under any NAAQS are subject to the general nonattainment planning requirements of CAA section 172. Section 172(c)(1) of the CAA provides that SIPs for nonattainment areas must include reasonably available control measures (RACM) for demonstrating attainment of all NAAQS, including emissions reductions from existing sources through the adoption of RACT. Further, section 182(b)(2) of the CAA sets forth additional RACT requirements for ozone nonattainment areas classified as moderate or higher.

Section 182(b)(2) of the CAA sets forth requirements regarding RACT for the ozone NAAQS for VOC sources. Section 182(f) requires major stationary sources of NO_X be subject to the same RACT requirements applicable to major stationary sources of VOC. A ''major stationary source'' is defined based on the source's potential to emit (PTE) of NO_X or VOC, and the applicable thresholds for RACT. These thresholds differ based on the classification of the nonattainment area in which the source is located. See sections 182(c)–(f) and 302 of the CAA. Section 302(j) sets a general threshold of 100 tons per year (tpy) which may be lowered under section 182 depending upon an area's nonattainment classification. For example, in a severe ozone nonattainment area, the major stationary source threshold for NO_X is lowered to 25 tpy from 100 tpy.

Section 184(a) of the CAA established the current Ozone Transport Region (OTR) comprised of 12 eastern states, including the District of Columbia. Section 184(b)(2) of the CAA applies the RACT requirements in section 182(b)(2)(C) (relating to RACT on other major stationary sources of VOC and pursuant to CAA section 182(f) to major stationary sources of NO_X) for moderate nonattainment areas to nonattainment areas classified as marginal and to attainment areas located within the OTR. This requirement is referred to as OTR RACT. As noted previously, a ''major stationary source'' is defined based on the source's PTE of NO_X, VOC, or both pollutants, and the applicable thresholds differ based on the classification of the nonattainment area in which the source is located and in some cases being located within the OTR. See sections 182(c)–(f), 184(b) and 302(j) of the CAA. In the case of a marginal or moderate nonattainment area located in the OTR, the major stationary source threshold for NO_X emissions is the same as the OTR threshold of 100 tpy or more PTE.

Since the 1970's, EPA has consistently defined RACT as the lowest emission limit that a particular source is capable of meeting by the application of the control technology that is reasonably available considering technological and economic feasibility. See 44 FR 53762 (September 17, 1979) and 57 FR 55620, 55624 (November 25, 1992). Although EPA historically has recommended source-category-wide presumptive RACT limits and plans to continue that practice, decisions on RACT may be made on a case-by-case basis, that is, on an emissions unit specific basis, considering the technological and economic circumstances of the individual source. See 57 FR 55620, 55624 (November 25, 1992). A presumptive RACT emissions limit is an emissions standard that applies to a category of emissions sources unless the source seeks a case-by-case determination of RACT.

EPA has provided more substantive RACT requirements through implementation rules for each ozone NAAQS as well as through guidance. In 2004 and 2005, EPA promulgated an implementation rule for the implementation of the 1997 ozone NAAQS in two phases (''Phase 1 of the 1997 Ozone Implementation Rule'' and ''Phase 2 of the 1997 Ozone Implementation Rule''). See 69 FR 23951 (April 30, 2004) and 70 FR 71612 (November 29, 2005), respectively. The Phase 2 Ozone Implementation Rule addressed RACT statutory requirements under the 1997 ozone NAAQS. See 70 FR 71652.

On March 6, 2015, EPA issued its final rule for implementing the 2008 ozone NAAQS (''the 2008 Ozone SIP Requirements Rule''). 80 FR 12264. At the same time, EPA revoked the 1997 ozone NAAQS, effective on April 6, 2015. The 2008 Ozone SIP Requirements Rule provided comprehensive requirements to transition from the revoked 1997 ozone NAAQS to the 2008 ozone NAAQS, as codified in 40 CFR part 51, subpart AA, following revocation.

Consistent with previous policy, EPA determined that areas designated nonattainment for both the 1997 and 2008 ozone NAAQS at the time of revocation, must retain implementation of certain nonattainment area requirements (*i.e.,* anti-backsliding requirements) for the 1997 ozone NAAQS as specified under section 182 of the CAA, including RACT. See 40 CFR 51.1100(o). An area remains subject to the anti-backsliding requirements for a revoked NAAQS until EPA determines that the five statutory requirements of CAA section 107(d)(3)(E) are met for a revoked NAAQS.[2] There are no effects on applicable OTR requirements for areas within the OTR, as a result of the revocation of the 1997 ozone NAAQS. Thus, the District of Columbia, as a state within the OTR, remains subject to RACT requirements for both the 1997 ozone NAAQS and the 2008 ozone NAAQS.

In addressing RACT, the 2008 Ozone SIP Requirements Rule continued most of the RACT provisions and policy for RACT requirements under section 182 and 184 of the CAA issued in the Phase 2 of the 1997 Ozone Implementation Rule. In the 2008 Ozone SIP Requirements Rule, EPA required RACT measures to be implemented by January 1, 2017 for areas classified as moderate nonattainment or above and all areas of the OTR. EPA also provided in the 2008 Ozone SIP Requirements Rule that RACT SIPs must contain adopted RACT regulations, certifications that existing provisions continue to meet RACT, and/or negative declarations stating that there are no sources in the nonattainment area covered by a specific Control Technique Guideline (CTG) source category. States must submit appropriate supporting information for their RACT submissions, in accordance with Phase 2 of the 1997 Ozone Implementation Rule. Adequate documentation must support that states have considered control technology that is economically and technologically feasible in determining RACT, based on information that is current at the time of development of the RACT SIP. EPA also recognized that states may conclude in some cases that sources already addressed by RACT determinations for the 1-hour and/or 1997 ozone NAAQS may not need to implement additional controls to meet the 2008 ozone NAAQS RACT requirement. See 80 FR 12278–12279 (March 6, 2015).

C. Applicability of RACT Requirements in the District of Columbia

Since 1990, the District of Columbia implemented numerous RACT controls throughout the District of Columbia to

[2] On February 16, 2018, the United States Court of Appeals for the District of Columbia Circuit (D.C. Cir. Court) issued an opinion on the 2008 Ozone SIP Requirements Rule. *South Coast Air Quality Management District* v. *EPA,* 882 F.3d 1138 (D.C. Cir. 2018) (''*South Coast II*''). The D.C. Cir. Court found certain parts unreasonable and vacated those provisions accordingly.

meet the CAA RACT requirements under the 1-hour and the 1997 ozone standards. The District of Columbia was first subject to NO_X RACT requirements as a serious (later reclassified to severe) ozone nonattainment area under the 1-hour ozone NAAQS and as a moderate nonattainment area under the 1997 ozone NAAQS. The District of Columbia's first NO_X RACT rules were adopted and codified as Section 805 (Section 805) under Title 20 of the District of Columbia Municipal Regulations (20 DCMR), Chapter 8—Asbestos, Sulfur and Nitrogen Oxides, and adopted other supporting provisions in 20 DCMR Chapter 1 (relating to definitions and abbreviations) and in Chapter 5 (relating to source monitoring and reporting). Section 805 was originally effective in 1993 with amendments in 2000 and 2004. See 65 FR 81369 (December 26, 2000); 69 FR 77645 (December 28, 2004); and 69 FR 77647 (December 28, 2004). For the 1997 ozone NAAQS, the District of Columbia revised and promulgated its RACT regulations and demonstrated that it complied with the CAA RACT requirements in a SIP revision (1997 RACT SIP) approved by EPA on June 16, 2009 (74 FR 28447). The District of Columbia has no outstanding ozone RACT requirements for the 1-hour and 1997 ozone NAAQS.

Under the 2008 ozone NAAQS, the District of Columbia is classified as marginal nonattainment and therefore has no RACT requirements due to its designation and classification as an ozone nonattainment area. However, because the District of Columbia is part of the OTR established under section 184 of the CAA, the District of Columbia has obligations under the OTR RACT requirements of CAA sections 184(b) and 182(f).

RACT applies to major stationary sources of NO_X and VOC under each ozone NAAQS or any VOC sources subject to CTG RACT. Because the District of Columbia's NO_X RACT SIP revision is the only subject of this notice of proposed rulemaking, the VOC RACT requirements in the District of Columbia will not be discussed further.

II. Summary of the District of Columbia's SIP Revision

A. Overview

On August 29, 2018 and supplemented on December 19, 2018, DOEE submitted a revision to the District of Columbia's SIP to address all the requirements of NO_X RACT set forth by the CAA under the 2008 ozone NAAQS (the 2008 NO_X RACT Submission). This SIP revision includes amendments to 20 DCMR, Chapter 8, sections 805.1 (Section 805.1, relating to applicability), and 805.4 (Section 805.4, emissions limits for stationary combustion turbines) and to 20 DCMR Chapter 1, Section 199 (Section 199, relating to definitions).

B. Main Components of the SIP Revision

The District of Columbia's 2008 NO_X RACT Submission includes:

1. New regulations for certain stationary combustion turbine-cogeneration (or combined heat and power (CHP) systems) emissions sources that have come on line at four major stationary sources of NO_X in the District of Columbia since the 1997 RACT SIP was developed.[3] The new regulations also set NO_X RACT emissions limits for any additional combustion turbine in the categories regulated beyond those existing in the District of Columbia on the date, December 14, 2018, the new emissions limits in the 2008 NO_X RACT Submission were adopted. These regulatory changes include changes in the applicability provisions of Section 805 and include the addition of new definitions needed by the addition of or revisions to the NO_X emission limits for the recently installed categories of combustion turbines. The former Section 805.4 only set NO_X emissions limits for combustion turbines of over 100 million British Thermal Units per hour (mmBTU per hour) heat input burning fuel oil; the new regulations in the 2008 NO_X RACT Submission for stationary combustion turbines set NO_X limits for turbines over 50 mmBTU per hour burning fuel oil which are as stringent or more stringent than the prior limits. Specifically, these amendments to 20 DCMR, Chapter 8, include changes to applicability in Section 805.1, emissions limits for stationary combustion turbines in Section 805.4, and definitions in Section 199;

2. Source-specific RACT determinations for three flares and one auxiliary boiler that are located at the Blue Plains Advanced Wastewater Treatment Plant (BPAWTP) that are unique to the District of Columbia. The DOEE opted to set the NO_X RACT limits for those sources by adding to the District of Columbia SIP those specific NO_X emission limitations, which the DOEE has determined are NO_X RACT, in an operating permit;

3. For all other sources at major stationary sources of NO_X in the District of Columbia, a certification that the NO_X emissions limits found in Section 805, which were implemented and approved into the District of Columbia's SIP under the 1-hour and the 1997 ozone NAAQS, are still RACT with the exception of: (a) The revised emissions limits for stationary combustion turbines found in Section 805.4; (b) the source-specific RACT determinations at the BPAWTP; and (c) the other new regulatory provisions relating to definitions and source monitoring; and

4. Amendments to the existing Section 805.4 to remove carbon monoxide (CO) emissions limits relating to combustion turbines of over 100 mmBTU per hour heat input burning fuel oil because there are no longer any such emissions units in the District of Columbia.

III. EPA's Evaluation of the District of Columbia's SIP Revision

A. New Emissions Limits for Combustion Turbines and Conforming Amendments

The District of Columbia's NO_X RACT SIP revision contains a final rule amending 20 DCMR, Chapter 8, Section 805.4 to amend the District of Columbia's NO_X emission limits for combustion turbines and for any duct burners or associated heat recovery steam generators. Emissions limits are set for combustion turbines depending upon the peak heat input rating of the combustion turbine and type of fuel burned. The amendments also include the addition of conforming definitions and abbreviations to the applicability provisions of Section 805.1 to clarify that any associated heat recovery steam generators and duct burners were subject to Section 805. Further, the amendments amend Section 199 ''Definitions And Abbreviations'' to add definitions for new terms found in Section 805.4 and to remove CO emissions limits for combustion turbines of over 100 mmBTU per hour heat input burning fuel oil (discussed further in section III. D. of this document).

1. Amendments to Section 805.1 Applicability of Section 805

Section 805.4, prior to the 2008 NO_X RACT Submission, established NO_X RACT standards for combustion turbines with heat input capacities of 100 mmBTU per hour or more. Since the final rulemaking of Section 805 published on April 16, 2004, all

[3] Hereafter, ''combustion turbine'' will mean ''stationary combustion turbine.'' As used in Section 805.4 and defined in 20 DCMR Chapter 1, Section 199, a ''stationary combustion turbine'' means that the combustion turbine is not self-propelled or intended to be propelled while performing its function. It may, however, be mounted on a vehicle for portability.

combustion turbines located in the District of Columbia with heat input capacities of 100 mmBTU per hour or more have been decommissioned. Volume 65, No. 30 of the District of Columbia Register (DCR), page 007876, July 27, 2018. However, several new combustion turbines with heat input capacities less than 100 mmBTU per hour and in some cases associated heat recovery steam generators and duct burners have been installed at major stationary sources of NO_X since that time. The amendments to Section 805.4 in the 2008 NO_X RACT Submission set NO_X emission limits for such smaller units, and the DOEE now seeks to include the amendments into the District of Columbia's SIP.

Sections 805.1(a) and 805.1(a)(2) regarding applicability of Section 805 were amended to specify that Section 805 also applies to any heat recovery steam generators and duct burners associated with combustion turbines which are part of a turbine and to combustion turbines of any size at a major stationary source of NO_X. EPA believes this change is approvable as the amended applicability provisions clearly specify that all combustion turbines and any associated heat recovery steam generators and duct burners at major stationary sources of NO_X are covered by the NO_X emission limits now set by Section 805.4.

2. New Emissions Limits for Combustion Turbines and Associated Heat Recovery Steam Generators and Duct Burners

The DOEE amended Section 805.4 to establish presumptive NO_X RACT emissions limits for combustion turbines with heat input capacities less than 100 mmBTU per hour. The DOEE set NO_X RACT limits for stationary combustion turbines based on a review of emission levels achieved in practice at existing stationary combustion turbines in the District of Columbia, emission limits set by preconstruction permits, the new source performance standards (NSPS) in Title 40 of the Code of Federal Regulations (40 CFR), Part 60, subpart KKKK Standards of Performance for Stationary Combustion Turbines (NSPS subpart KKKK) and upon recommendations in an Ozone Transport Commission (OTC) model rule.[4] The DOEE revised 20 DMCR Section 805.4 to establish these levels achieved in practice, NSPS or permit limits as presumptive NO_X RACT emission limits for the District of Columbia's SIP. Most of the emissions limits are set in parts per million by volume dry basis (ppmvd) corrected to 15 percent excess oxygen (@15% O_2) or (ppmvd @15% O_2).

Section 805.4 specifies that the applicability of its NO_X emissions limits shall be determined therein solely upon the peak heat input rating of the combustion turbine without inclusion of any additional heat input from associated heat recovery steam generators or duct burners when determining the peak heat input to the combustion turbine. Restricting applicability based solely on the combustion turbine's heat input rating is the same as the applicability provisions of the NSPS subpart KKKK. See 40 CFR 60.4305. The applicable emissions limit depends on the date that construction, modification, or reconstruction commenced, and whether duct burners of associated heat recovery steam generators are used.

Under the revised Section 805.4 submitted in the 2008 NO_X RACT Submission the NO_X emission limits for combustion turbines are 25 ppmvd @ 15% O_2 when burning gaseous fuels except for combustion turbines under 10 mmBTU per hour heat input capacity burning only natural gas. For units with heat input ratings of less than or equal to 50 mmBTU per hour, the Section 805.4 limits are 25 ppmvd @15% O_2 when burning gaseous fuels and of 42 ppmvd @15% O_2 when burning liquid fuels; these limits are more stringent than the NSPS subpart KKKK standards when burning natural gas and when burning ''fuels other than natural gas,'' respectively. For units with heat input ratings of greater than 50 mmBTU per hour, the NO_X emission limit is 74 ppmvd @15% O_2 when burning liquid fuels which is the same as that found in NSPS subpart KKKK. When construction, modification, or reconstruction commenced on or after February 18, 2005, this 74 ppmvd limit also applies. For any combustion turbine of greater than 50 mmBTU per hour heat input capacity for which construction, modification, or reconstruction commenced before February 18, 2005, the emission limit is twenty hundredths (0.20) pounds per million BTU heat input (calendar day average) when burning any fuel or combinations if the duct burners are in use.

The NO_X emission limits in Section 805.4 before adoption of the limits in the 2008 NO_X RACT submission were 75 ppmvd @15% O_2 and applied to oil-fired, combustion turbines with a heat input over 100 mmBTU per hour. The amended Section 805.4 sets a NO_X emission limit of 74 ppmvd @15% O_2 for stationary combustion turbines of greater than 50 mmBTU per hour heat input capacity when burning liquid fuels. Oil would constitute a liquid fuel under the new definition (discussed in the next section of this document) found in Section 199. Therefore, the amended Section 805.4 sets a limit which is slightly more stringent for oil-fired stationary combustion turbines of greater than 100 mmBTU per hour heat input capacity than what existed before adoption of the 2008 NO_X RACT Submission. EPA finds that revising Section 805.4 with the regulatory changes of the 2008 NO_X RACT Submission strengthens the SIP with respect to oil-fired stationary combustion turbines of greater than 100 mmBTU per hour heat input capacity.

When burning a mixture of fuels, the gaseous fuels limit applies if the percentage of heat input from gaseous fuels is greater than or equal to 50 percent; if the heat input from liquid fuels is greater than 50 percent, the liquid fuel limit applies. This provision is analogous to the NSPS subpart KKKK provisions for mixed fuel firing (40 CFR 60.4325) except when Section 805.4 specifies ''gaseous fuels'' and ''liquid fuels'' the NSPS specifies ''natural gas'' and ''fuels other than natural gas,'' respectively.

The District of Columbia has one facility with combustion turbines that can burn ''digestor gas'' which is made by treating sewage. Under the NSPS subpart KKKK such a unit would have to comply with the NSPS limits for ''fuels other than natural gas'' when burning ''digestor gas.'' Under the revised Section 805.4 a combustion turbine burning ''digestor gas'' must meet the same NO_X limits for combustion turbines burning natural gas or any other gaseous fuel due to the definition adopted for ''gaseous fuel.''

3. Definitions Added to Section 199

The amended regulations also add definitions to Section 199 ''Definitions and Abbreviations'' for ''duct burner,'' ''gaseous fuel,'' ''heat recovery steam generating unit,'' ''liquid fuel,'' ''natural gas'' and ''combustion turbine.'' See Section 199.1. EPA believes that these definitions are necessary to define what exact sources are subject to Section 805.4 and when specific limits apply by fuel type.

With two exceptions, the definitions added to Section 199.1 are the same as those found in the NSPS subpart KKKK (40 CFR 60.4420). The two exceptions are the definitions for ''gaseous fuel''

[4] The OTC recommendations are found in a ''model rule'' available on-line at *https://otcair.org/upload/Documents/Model%20Rules/OTC%20Model%20Rule%20-%20HEDD%20Turbines%20Final.pdf* (last accessed and downloaded March 27, 2019).

and ''liquid fuel.'' The NSPS subpart KKKK needs to define ''natural gas'' because the NSPS subpart KKKK distinguishes NO_X emissions limits for stationary combustion turbines burning only natural gas from units burning ''fuels other than natural gas.'' Section 199.1 defines ''gaseous fuel'' with the criterion of a fuel that is in ''a gaseous state at standard atmospheric temperature and pressure under ordinary conditions.'' This definition includes fuels that under the NSPS Subpart KKKK would be a fuel other than natural gas and subject to higher limits than those applicable to units burning natural gas. Under the Section 199.1 amendment, ''natural gas'' is a subset of ''gaseous fuel.'' Section 199.1 defines ''liquid fuel'' as ''any fuel that maintains a liquid state at standard atmospheric temperature and pressure.'' The net effect of these differences in definitions is that Section 805.4 sets more stringent limits than NSPS subpart KKKK for some fuels other than natural gas. The amended regulations in the 2008 NO_X RACT Submission also add to Section 199.2 the abbreviation ''ppmvd'' to mean ''Parts Per Million by Volume Dry Basis.''

4. Applicable Affected Source Threshold

EPA only requires that when implementing a revised ozone NAAQS, a state must review and update NO_X RACT only for those stationary sources of NO_X that are ''major threshold'' with an area's classification under the revised ozone NAAQS. Because the District of Columbia has been designated as a marginal nonattainment area in the OTR the RACT obligation for the 2008 ozone NAAQS applies only to major stationary sources of 100 tpy PTE or more of NO_X. The District of Columbia's emissions limitations for stationary combustion turbines in the 2008 NO_X RACT Submission apply to combustion turbines at stationary sources with a PTE of 25 tpy or more of NO_X because the District of Columbia retains the 25 tpy PTE applicability threshold found in Section 805.1 required under the District of Columbia's severe classification under the 1-hour NAAQS. In the preamble to the proposed rule for the amendments to Section 805, the District of Columbia provided notice that then proposed (now final) combustion turbine emissions limits would apply to any combustion turbines located at a stationary source with the PTE of 25 tpy or more of NO_X. Volume 65, No. 30, of the District of Columbia Register, Page 007877, July 27, 2018. This makes the 2008 NO_X RACT Submission more stringent than that required for the 2008 ozone NAAQS.

5. Other Provisions

Section 805.4 sets a maintenance standard for combustion turbines with a heat input rating less than or equal to 10 mmBTU per hour and fired exclusively on natural gas. Section 805.4 also has a requirement that any combustion turbine subject to Section 805 shall always be maintained and operated in a manner consistent with good air pollution control practices for minimizing emissions, including during startup, shutdown, and malfunction.

Additionally, Section 805.4 prohibits any combustion turbine fired on coal or a synthetic fuel derived from coal and requires any combustion turbine designed to be fired on any solid fuel other than coal or a synthetic fuel derived from any other solid than coal to have a case-by-case RACT determined pursuant to Section 805.7 (already in the SIP) for approval by EPA as a revision to the District of Columbia's SIP.

6. EPA Analysis

The DOEE NO_X RACT regulation is based on current technologies for combustion turbines, without the addition of add-on controls such as selective catalytic reduction (SCR). DOEE's review was based on a review of emission levels achieved in practice by the existing sources within the District of Columbia and by sources subject to the NSPS subpart KKKK or by sources subject to a lowest achievable emission rate (LAER) determination limits set by a preconstruction permit.[5] The District of Columbia's limits were set based upon the comparability to those established for new units according to the NSPS Subpart KKKK or permits for units with heat input ratings exceeding 50 mmBTU per hour. For units with heat input ratings less than or equal to 50 mmBTU per hour, the DOEE set limits more stringent than the NSPS Subpart KKKK standards based upon 2010 recommendations made by the OTC.

The DOEE evaluated technically feasible add-on controls, such as SCR, as RACT for this source category but determined that heavy investment in additional end-of-pipe controls to this level is not economically feasible or cost effective with respect to the 2008 ozone NAAQS. The Department estimated a cost per ton of NO_X reductions of $13,794 for small turbines (in the 5-megawatt range) currently found in the District of Columbia.

EPA finds that the RACT determination provided by the District of Columbia is reasonable and appropriately considered technically and economically feasible controls while setting lowest achievable limits to adequately meet RACT under the 2008 8-hour ozone NAAQS for these categories of combustion turbines. EPA finds that the District of Columbia has set presumptive RACT emissions limits for stationary combustion turbines for existing major stationary sources of NO_X in the District of Columbia. EPA finds that revising Section 805.4 with the regulatory changes of the 2008 NO_X RACT Submission strengthens the SIP with respect to oil-fired stationary combustion turbines of greater than 100 mm BTU per hour heat input capacity and can be approved.

B. District of Columbia Water Blue Plains Advanced Wastewater Treatment Plant Source Specific NO_X RACT

The DOEE issued a permit to District of Columbia Water and Sewer Authority (DC Water) to construct and operate new biosolids handling facilities located at the BPAWTP. The equipment to be installed and operated included: (1) A main process train that includes four thermal hydrolysis process trains (for thermally hydrolyzed sludge digestion) and two emergency flares rated at 126 mmBTU per hour heat input for each firing digestor gas, and (2) a CHP system that includes three stationary combustion turbines each with a duct burner, one auxiliary boiler of 62.52 mmBTU per hour heat input, and one ''siloxane destruction flare'' rated at 6.14 mmBTU per hour. The two emergency flares of the main process train and the auxiliary boiler and the siloxane destruction flare in the CHP system emit NO_X and are subject to the NO_X RACT source specific determination requirements

For the CHP system and the two emergency flares of the main process train, DOEE issued the BPAWTP a permit to operate on April 20, 2018 (April 20, 2018 operating permit) pursuant to 20 DCMR Section 200.2. The equipment covered by the April 20, 2018 operating permit covered the combustion turbines and associated duct burners plus the auxiliary boiler

[5] CAA section 171 defines LAER as the most stringent rate of emissions based on the following: (1) The most stringent emissions limitation which is contained in the implementation plan of any State for such class or category of stationary source, unless the owner or operator of the proposed stationary source demonstrates that such limitations are not achievable; or (2) The most stringent emissions limitation which is achieved in practice by such class or category of stationary sources. In no event shall the application of the term permit a proposed new or modified stationary source to emit any pollutant in excess of the amount allowable under an applicable NSPS.

and flares that burn digester gas.[6] The NO_X emission limits for the permitted equipment were established through a non-attainment new source review process in 2011/2012 and the installed emission controls were determined to be LAER at that time. Prior to issuing the final April 20, 2018 operating permit, the DOEE conducted a review of the emissions limits and determined that these combustion turbines, heat recovery steam generators with duct burners (covered under the amended Section 805.4), and an auxiliary boiler are still among the best performing units in EPA's RACT/BACT/LAER Clearinghouse for broadly similar applications and are therefore at least as stringent as RACT.[7]

Part of the review of the April 20, 2018 operating permit included a reevaluation of the NO_X limits for the digester gas-fired auxiliary boiler and the three flares at the facility based upon actual performance. The DOEE concluded that, due to higher concentrations of ammonia in the digester gas compared to that resulting from other sewage digester systems, the three flares and the boiler would each inherently emit more NO_X than the typical flares and auxiliary boilers fired with digestor gas. The DOEE concluded that this is due to the difference in digestion processes. The BPAWTP uses a different digestion technology—thermally hydrolyzed sludge digestion—which is the first of its kind in the United States. As such, even though the BPAWTP uses a flare used in other digester gas applications, the NO_X levels exiting the flare are higher due to the increased fuel-bound nitrogen. Based upon this 2018 review of the performance of the auxiliary boiler and the three flares, the DOEE concluded that the NO_X emission limits and associated control technologies in the April 20, 2018 permit for the digester gas-fired auxiliary boiler and the three flares at the facility meet or exceed RACT requirements because these limits were based upon the DOEE's LAER, which by definition cannot be less stringent than RACT and often results in more stringent control than RACT.

With the 2008 NO_X RACT Submission, the DOEE submitted a redacted version of the April 20, 2018 operating permit, which includes only those provisions related to the NO_X RACT determination. A copy of the redacted April 20, 2018 operating permit is in the docket for this proposed action. The emissions limits, testing or reporting requirements for other pollutants such as particulate matter, sulfur dioxide, carbon monoxide have been redacted so as not to be submitted for inclusion in the SIP. The following Table 1 provides a summary of the NO_X emission limits.

TABLE 1—NO_X LIMITS FOR BPAWTP AUXILIARY BOILER AND FLARES

	Auxiliary boiler (AB)	Siloxane destruction flare (SF)	Emergency flares (each)
Heat Input capacity—mmBTU per hour	62.52 on DG 61.79 on NG	6.14 on DG	126 on DG.
NO_X limit (pounds NO_X/mmBTU)	0.034 on DG 0.032 on NG	0.06 on DG	0.101 on DG.
Mass limit NO_X pounds per hour	2.11 on any percentage of DG	0.37	12.72.

"DG" means digestor gas; "NG" means natural gas.

EPA finds that the RACT determination provided by the District of Columbia is reasonable and appropriately considered technically and economically feasible controls while setting lowest achievable limits to adequately meet RACT on a source specific basis under the 2008 8-hour ozone NAAQS for these emissions units. EPA finds that source specific limits are appropriate because the source category, related to municipal wastewater treatment, is unique within the District of Columbia. These limits were set on technology consistent with LAER which essentially reflects the lowest rate in any SIP or achieved in practice and are based upon the actual performance of the emissions units.

C. Certification of Other Provisions in Section 805

Prior to the amendments submitted with the 2008 NO_X RACT Submission, Section 805 contained the District of Columbia's NO_X RACT controls as amended in 2004 for implementation and approval into the District of Columbia SIP under the 1-hour and the 1997 ozone NAAQS. The District of Columbia's 2008 NO_X RACT Submission includes a certification that the controls of the 2004 version of Section 805 are still RACT except for those sources for which the District of Columbia submitted new NO_X RACT emissions limits in the 2008 NO_X RACT Submission. These sources are: (1) The new limits for combustion turbines at several major NO_X sources (see section III. A. in this document); and (2) the digester gas equipment at one major NO_X source (see section III. B. in this document regarding the BPAWTP).

Section 805 was originally adopted in 1993 and amended in 2000 and 2004. The District of Columbia's NO_X RACT emissions limits are specified by source groups. Table 2 lists the rulemaking history of District of Columbia's previously adopted NO_X RACT controls, and Table 2 lists the source groups covered by Section 805. In the 2008 RACT Submission, the District of Columbia is certifying that with certain exceptions (the amendments to Section 805.4 and the unit specific limits at the BPAWTP), Section 805 continues to represent the lowest emission limits based on currently available and economically feasible control technology for the source categories and, therefore, meets the RACT requirements for the 2008 ozone NAAQS for major NO_X stationary sources as required by CAA sections 184(b)(2) and 182(f).

[6] NO_X RACT for the three 46.3 mmBTU per hour combustion turbines and heat recovery steam generators each equipped with a 21 mmBTU per hour heat input duct burner is set under the revised Section 805.4.

[7] BACT stands for best available control technology and is a requirement for certain preconstruction permits under CAA Title I, Part C (prevention of significant deterioration).

TABLE 2—DISTRICT OF COLUMBIA'S NO_X RACT CONTROLS—RULEMAKING HISTORY OF SIP APPROVED PROVISIONS

Regulation 20 DCMR	Submittal	State effective date	**Federal Register** date	**Federal Register** notice
805	Original 1-hour ozone submittal	Nov. 19, 1993 and Dec. 8, 2000.	Dec. 26, 2000	65 FR 81369.
805	Minor clarifications	April 16, 2004	Dec. 28, 2004	69 FR 77645.
805 and 199.1	Set applicability threshold to 25 tpy NO_X—severe nonattainment area under 1-hour NAAQS.	April 16, 2004	Dec. 28, 2004	69 FR 77647.
805	Certify as RACT under 1997 ozone NAAQS	September 22, 2008	June 16, 2009	74 FR 28447.

TABLE 3—DISTRICT OF COLUMBIA'S NO_X RACT CONTROLS—RULEMAKING HISTORY OF SIP APPROVED PROVISIONS BY SOURCE CATEGORY

Regulation 20 DCMR	Title of regulation	State effective date [#]	Federal effective date [#]	**Federal Register** notice [#]
805.1	Fuel-burning equipment with an input capacity of 100 mmBTU per hour or greater.	April 16, 2004	Dec. 28, 2004	69 FR 77645.
805.5 & 805.8	Fuel-burning equipment with an input capacity equal to or greater than 20 mmBTU per hour, but less than 50 mmBTU per hour.	April 16, 2004	Dec. 28, 2004	69 FR 77645.
805.1 & 805.8	Fuel-burning equipment with an input capacity equal to or greater than 50 but less than mmBTU per hour.	April 16, 2004	Dec. 28, 2004	69 FR 77645.
805.4	Combustion turbines	Nov. 27, 2018	See Sections D.1. above and D.4. below [##].	See Sections D.1. above and D.4. below [##].
805.1	Asphalt concrete plant with a PTE 25 tpy or greater.	April 16, 2004	Dec. 28, 2004	69 FR 77645.
805.1	All other fuel burning equipment with a PTE of 25 tpy of NO_X or greater.	April 16, 2004	Dec. 28, 2004	69 FR 77645.
805.1	Stationary internal combustion engines	April 16, 2004	Dec. 28, 2004	69 FR 77645.

[#] Most recent revision or amendment.
[##] The revisions to Section 805.4 discussed in sections D.1. above and D.4. below completely revise Section 805.4. EPA action of these revisions is the subject of this action.

Section 805 (as amended) provides presumptive NO_X limits for major stationary sources of NO_X but also provides for a case-by-case RACT determination process. The DOEE evaluated their stationary source inventory and current controls against RACT emission limits of other States. The DOEE compared the SIPs of other similarly-situated States in the Eastern United States (Virginia, Maryland, North Carolina, Delaware, New Jersey, New York, Connecticut, and Massachusetts) to the District of Columbia's current emissions limits and found that DOEE's Section 805 limits were in the same range. Based upon such considerations, the DOEE concluded that, when combined with the amendments to Section 805 and the source specific NO_X RACT determination for the BPAWTP, that no further controls were needed to meet RACT.

In combination with the amendments to Sections 199 and 805 regarding certain combustion turbines and related equipment (evaluated in sections III.A of this document) and with the source-specific NO_X RACT determinations for the flares and auxiliary boiler at BPAWTP (evaluated in sections III.B of this document), EPA proposes to find that the previously adopted RACT controls continue to represent NO_X RACT for the 2008 ozone NAAQS required under sections 184(b)(2) and 182(f).

D. Removal of Prior Emissions Limits for Combustion Turbines Over 100 mmBTU per Hour

The District of Columbia's amendment to Section 805.4 removes emission limits of 75 ppmvd NO_X, corrected to 15% excess oxygen for oil-fired, combustion turbines with a heat input over 100 mmBTU per hour from the SIP in the former Section 805.4(a); the former Section 805.4 also restricted CO emissions not to exceed 50 ppmvd @15% O_2 at any operating condition, for a one (1) hour average.

Regarding NO_X emissions, the revised Section 805.4 sets a lower emissions limit for stationary combustion turbines of this size. The revised Section 805.4(a) sets a lower NO_X limit of 74 @15% O_2 for any combustion turbine with heat input rating greater than 50 mmBTU per hour burning any combination of liquid fuels.

The revised rule also removes the exemption for low utilization turbines—those operated for less than 500 hours per year. Thus, the NO_X limits set in Section 805.4 apply. If any combustion turbines over 100 mmBTU per hour are installed in the District of Columbia in the future such that the PTE increase is over 25 tpy NO_X, the District of Columbia SIP major source permitting program requires an emissions rate of LAER and offsetting NO_X emissions at a ratio of 1.3:1. See 20 DCMR Chapter 2, Section 204 (Permit Requirements for Sources Affecting Non-attainment Areas), which is approved into the SIP at 40 CFR 52.470(c).

For CO emissions, there are no longer any units over 100 mmBTU per hour heat input in the District of Columbia. Therefore, this change will not result in relaxing an existing emissions limitation applicable to any existing emissions unit at a major stationary source. Furthermore, the CO levels in the

Washington-Arlington-Alexandria, DC–VA–MD area are well below the CO NAAQS of 40 CFR 50.8. The maximum value recorded at any ambient air quality monitor in the Washington-Arlington-Alexandria, DC–VA–MD core based statistical area is only 27 percent (2.6 ppm CO) of the 9.5 ppm (8-hour average) NAAQS and less than 8 percent of the 35 ppm (1-hour average) NAAQS.

For CO, any new stationary combustion turbine or turbines added in the future that are by themselves a major stationary source of CO or would constitute a significant net emissions increase at an existing major stationary source of CO (or nitrogen dioxide) would be required to obtain a prevention of significant deterioration (PSD) permit under 40 CFR 52.499 and 52.21. The PSD permit would require best available control technology.

EPA finds that removal of the CO limits will not hinder or impede attainment or maintenance of the CO NAAQS in the District of Columbia. As far as the ozone or nitrogen dioxide NAAQS, EPA concludes that the replacement of the former 75 ppmvd NO_X limits with the 74 ppmvd limits applicable to liquid fuel fired stationary combustion turbines will be as protective of these NAAQS.

E. Summary

EPA finds that the District of Columbia's 2008 NO_X RACT Submission is reasonable and demonstrates that the District has adopted air pollution control strategies that represent RACT for the purposes of compliance with the 2008 8-hour ozone standard for all major stationary sources of NO_X in the District in accordance with the Phase 2 Ozone Implementation Rule, the 2008 Ozone SIP Requirements Rule, and the latest available information. EPA finds that the District of Columbia's SIP implements RACT with respect to all existing major stationary sources of NO_X.

EPA also finds that the proposed revisions to previously SIP approved RACT requirements will result in equivalent or additional reductions in NO_X emissions and should not interfere with any applicable requirement or reasonable further progress with the NAAQS or interfere with other applicable CAA requirements in section 110(l) of the CAA.

IV. Proposed Action

EPA is proposing to approve the District of Columbia's 2008 RACT Submission on the basis that the District of Columbia has met the NO_X RACT requirements under the 2008 8-hour ozone NAAQS per CAA sections 182(f) and 184(b)(2) for the reasons explained in this notice. EPA is proposing to approve source specific NO_X RACT determinations for the BPAWTP and the amendments to sections 199.1, 199.2, 805.1 and 805.4 of 20 DCMR discussed in sections III. A. III. D. and V. A. of this document.

The District of Columbia's SIP revision is based on: (1) Certification that for certain categories of sources, previously adopted RACT controls in the District of Columbia's SIP that were approved by EPA under the 1-hour ozone NAAQS and 1997 ozone NAAQS continue to be technically and economically feasible controls, and continue to represent RACT for the 2008 ozone NAAQS implementation purposes; (2) the adoption of new or more stringent regulations or controls into the District of Columbia's SIP that represent presumptive RACT control levels for certain categories of sources; and (3) source specific emissions limits set for flares and an auxiliary boiler serving the BPAWTP. EPA is proposing to remove, in accordance with section 110 of the CAA, provisions setting carbon monoxide emission limits for a category of stationary combustion turbines. EPA is soliciting public comments on the issues discussed in this document. These comments will be considered before taking final action.

V. Incorporation by Reference

In this document, EPA is proposing to include in a final EPA rule regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, EPA is proposing for certain categories of NO_X emissions at major stationary sources of NO_X emissions to incorporate by reference both regulations adopted by the District of Columbia and a source-specific RACT determinations under the 2008 8-hour ozone NAAQS found within a preconstruction permit. The amendments to and revision of 20 DCMR Chapters 1 and 8 are specified in Section V. A. of this document; the source specific information is provided in Section V. B of this document.

EPA has made, and will continue to make, these materials generally available through *https://www.regulations.gov* and at the EPA Region III Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

A. Amendments to 20 District of Columbia Municipal Regulations (20 DCMR)

1. Specifically, EPA is proposing to incorporate by reference into 40 CFR 52.470(c): Amendments to 20 District of Columbia Municipal Regulations, Chapter 1, sections 199.1 and 199.2. These amendments include adding definitions in Section 199.1 for ''Duct burner,'' ''Gaseous fuel,'' Heat recovery steam generator,'' ''Liquid fuel,'' ''Natural gas,'' and ''Stationary combustion turbine,'' and include an amendment to Section 199.2 to define the abbreviation ''ppmvd.''

2. Amendments to 20 District of Columbia Municipal Regulations, Chapter 8, sections 805.1 and 805.4 adopted by the District of Columbia on November 14, 2018 and effective December 14, 2018 as published in Volume 65, Number 51 of the District of Columbia Register on December 14, 2018. These amendments would include:

(1) Revising sections 805.1(a) and Section 805.1(a)(1);

(2) Revising Section 805.1(a)(1) to remove NO_X emissions limits for stationary combustion turbines which have an energy input capacity of one hundred million (100,000,000) BTU and adding NO_X emissions limitations for any stationary combustion turbine which commenced construction, modification, or reconstruction after February 18, 2005 and has a heat input rating greater than fifty million (50,000,000) BTU per hour;

3. Revising Section 805.1(a)(2) to remove CO emissions limits for stationary combustion turbines which have an energy input capacity of one hundred million (100,000,000) BTU per hour and adding NO_X emissions limitations for any stationary combustion turbine which commenced construction, modification, or reconstruction on or before February 18, 2005 and has a heat input rating greater than fifty million (50,000,000) BTU per hour;

4. Adding a new Section 805.1(a)(3) to set NO_X emission limitations for any stationary combustion turbines with a heat input rating less than or equal to fifty million (50,000,000) BTU per hour;

5. Adding a new Section 805.1(a)(4) to set NO_X emission limitations for certain stationary combustion turbines with a heat input rating less than or equal to ten million (10,000,000) BTU per hour;

6. Adding new sections 805.1(a)(5)–(7) to add new restrictions on stationary combustion turbines;

7. Amending Section 805.4(b) to replace requirements for stationary combustion turbines with an energy input capacity of one hundred million (100,000,000) BTU per hour or greater which is operated for less than five hundred (500) hours per year with testing and continuous monitoring

requirements for any person required to comply with Section 805.4.

These regulatory changes to Section 805.4 and Section 199 were adopted on November 27, 2018 and effective on the date of publication, December 14, 2018, in the District of Columbia Register (Vol. 65, Number 51, page 013499, December 14, 2018).

B. Source Specific Provisions for the BPAWTP

Specifically, EPA is proposing to incorporate by reference into 40 CFR 52.470(d) certain portions of Permit (No. 6372–C2/O) to Construct and Operate New Biosolids Handling Facilities issued to District of Columbia Water and Sewer Authority as redacted by the District of Columbia:

1. The first paragraph citing the pertinent permitting regulations and listing (redacted) the following significant components: One (1) Auxiliary Boiler (AB) rated at 62.52 mmBTU per hour (HHV) heat input, firing DG, One (1) Siloxane Destruction Flare (SF) rated at 6.14 MMBTU per hour heal input, firing DG; and Two (2) Emergency Flares rated at 126 mmBTU per hour heat input each, firing DG.

2. The NO_X emissions limits listed in the table found in permit condition ''j.'' for the Auxiliary Boiler (AB), Siloxane Destruction Flare (SF) and Two (2) Emergency Flares. The hourly NO_X emission limits for the Auxiliary Boiler (AB), Siloxane Destruction Flare (SF) and Two (2) Emergency Flares listed in Table 2 (as redacted) found under Condition III.

3. Conditions III.b.1.A.; III.b.3. A. and B.; III.b.3. C.i., iii and iv.; III.b.3.D.; III.b.3.E. except that relating to carbon monoxide/CO; III.b.3.F. except ''and CO''; III.b.3.G, iv. and v. except the provision ''Failure to demonstrate compliance through the testing may result in enforcement action.''; III.b.4.A.; III.b.4.B. iv. and v.; III.b.5. as redacted to strike ''in addition to complying with Condition II(f)''; III.d., III.d.1.A; III.d.2.D; III.d.3.A. only the portion ''Within 60 days of initial startup and once every five years thereafter, the Permittee shall conduct a Department-approved compliance source test at multiple loads of EF–l, EF–2, and SF in accordance with 40 CFR 60.8 or a similar protocol acceptable to the Department, to demonstrate compliance with the emissions limitations contained in Condition III(d)(1) of this permit;'' III.d.3.B as redacted to exclude ''though additional testing may be required at other times pursuant to Condition II(d)(2)''; III.d.3.C. (i), (iii) and (iv); III.d.3.D.; III.d.3.H.(iv); III.d.3.H.(v) except ''Failure to demonstrate compliance through the test may result in enforcement action.''; III.d.4.A. except ''including records of visual inspections,''; III.d.4.B. (ii) except ''and CO''; III.d.4.B. (iv); and, III.d.5.A. as redacted to exclude ''in addition to complying with Condition II(f)''.

4. This permit was issued April 20, 2018.

VI. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the CAA and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this proposed action:

- Is not a ''significant regulatory action'' subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Is not an Executive Order 13771 (82 FR 9339, February 2, 2017) regulatory action because SIP approvals are exempted under Executive Order 12866.
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and
- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, this proposed rule, regarding the NO_X RACT SIP for the District of Columbia under the 2008 ozone NAAQS, does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country located in the state, and EPA notes that it will not impose substantial direct costs on tribal governments or preempt tribal law.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements.

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

Dated: August 29, 2019.

Cosmo Servidio,

Regional Administrator, Region III.

[FR Doc. 2019–19669 Filed 9–10–19; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 721

[EPA–HQ–OPPT–2019–0495; FRL–9999–27]

RIN 2070–AB27

Significant New Use Rules on Certain Chemical Substances (19–5.B)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing significant new use rules (SNURs) under the Toxic Substances Control Act (TSCA) for 6 chemical substances which are the subject of premanufacture notices (PMNs). This action would require persons to notify EPA at least 90 days before commencing manufacture (defined by statute to include import) or processing of any of these 6 chemical substances for an activity that is designated as a significant new use by this proposed rule. This action would further require that persons not commence manufacture or processing for the significant new use until they have submitted a Significant New Use Notice, and EPA has conducted a review of the notice, made an appropriate determination on the notice under TSCA 5(a)(3), and has taken any risk

management actions as are required as a result of that determination.

DATES: Comments must be received on or before October 11, 2019.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA–HQ–OPPT–2019–0495, by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.
- *Mail:* Document Control Office (7407M), Office of Pollution Prevention and Toxics (OPPT), Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001.
- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *http://www.epa.gov/dockets/contacts.html.*

Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at *http://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT:

For technical information contact: Kenneth Moss, Chemical Control Division (7405M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; telephone number: (202) 564–9232; email address: *moss.kenneth@epa.gov.*

For general information contact: The TSCA-Hotline, ABVI-Goodwill, 422 South Clinton Ave. Rochester, NY 14620; telephone number: (202) 554–1404; email address: *TSCA-Hotline@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you manufacture (including import), process, or use the chemical substances contained in this proposed rule. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

- Manufacturers (including importers) or processors of one or more subject chemical substances (NAICS codes 325 and 324110), *e.g.,* chemical manufacturing and petroleum refineries.

This action may also affect certain entities through pre-existing import certification and export notification rules under TSCA. Chemical importers are subject to the TSCA section 13 (15 U.S.C. 2612) import certification requirements promulgated at 19 CFR 12.118 through 12.127 and 19 CFR 127.28. Chemical importers must certify that the shipment of the chemical substance complies with all applicable rules and orders under TSCA. Importers of chemicals subject to these proposed SNURs would need to certify their compliance with the SNUR requirements should these proposed rules be finalized. The EPA policy in support of import certification appears at 40 CFR part 707, subpart B. In addition, pursuant to 40 CFR 721.20, any persons who export or intend to export a chemical substance that is the subject of this proposed rule on or after October 11, 2019 are subject to the export notification provisions of TSCA section 12(b) (15 U.S.C. 2611(b)) and must comply with the export notification requirements in 40 CFR part 707, subpart D.

B. What should I consider as I prepare my comments for EPA?

1. *Submitting CBI.* Do not submit CBI to EPA through *regulations.gov* or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD–ROM that you mail to EPA, mark the outside of the disk or CD–ROM as CBI and then identify electronically within the disk or CD–ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When preparing and submitting your comments, see the commenting tips at *http://www.epa.gov/dockets/comments.html.*

II. Background

A. What action is the Agency taking?

EPA is proposing these SNURs under TSCA section 5(a)(2) for 6 chemical substances which were the subjects of PMNs P–17–324, P–18–109, P–18–276, P–18–358, P–18–384, and P–19–24. These proposed SNURs would require persons who intend to manufacture or process any of these chemical substances for an activity that is designated as a significant new use to notify EPA at least 90 days before commencing that activity.

The record for the proposed SNURs on these chemicals was established as docket EPA–HQ–OPPT–2019–0495. That record includes information considered by the Agency in developing these proposed SNURs.

B. What is the Agency's authority for taking this action?

TSCA section 5(a)(2) (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 through rulemaking that a use of a chemical substance is a significant new use, TSCA section 5(a)(1)(B)(i) (15 U.S.C. 2604(a)(1)(B)(i)) requires persons to submit a significant new use notice (SNUN) to EPA at least 90 days before they manufacture or process the chemical substance for that use. TSCA prohibits such manufacturing or processing from commencing until EPA has conducted a review of the SNUN, made an appropriate determination on the SNUN, and taken such actions as are required in association with that determination (15 U.S.C. 2604(a)(1)(B)(ii)). 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. As described in Unit V., the general SNUR provisions are found at 40 CFR part 721, subpart A.

C. Applicability of General Provisions

General provisions for SNURs appear in 40 CFR part 721, subpart A. These provisions describe persons subject to the rule, recordkeeping requirements, exemptions to reporting requirements, and applicability of the rule to uses occurring before the effective date of the rule. Provisions relating to user fees appear at 40 CFR part 700. Pursuant to § 721.1(c), persons subject to these SNURs must comply with the same SNUN requirements and EPA regulatory procedures as submitters of PMNs under TSCA section 5(a)(1)(A) (15 U.S.C. 2604(a)(1)(A)). In particular, these requirements include the information submission requirements of TSCA sections 5(b) and 5(d)(1) (15 U.S.C. 2604(b) and 2604(d)(1)), the exemptions authorized by TSCA sections 5(h)(1), 5(h)(2), 5(h)(3), and 5(h)(5) and the regulations at 40 CFR part 720. Once

EPA receives a SNUN, EPA must either determine that the 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. 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

TSCA section 5(a)(2) 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, and potential human exposures and environmental releases that may be associated with the conditions of use of the substances, in the context of the four bulleted TSCA section 5(a)(2) factors listed in this unit. During its review of these chemicals, EPA identified certain conditions of use that are not intended by the submitters, but reasonably foreseen to occur. EPA is proposing to designate those reasonably foreseen conditions of use as significant new uses.

IV. Substances Subject to This Proposed Rule

EPA is proposing significant new use and recordkeeping requirements for 6 chemical substances in 40 CFR part 721, subpart E. In this unit, EPA provides the following information for each chemical substance:

- PMN number.
- Chemical name (generic name, if the specific name is claimed as CBI).
- Chemical Abstracts Service (CAS) Registry number (if assigned for non-confidential chemical identities).
- Basis for the SNUR.
- Information identified by EPA that would help characterize the potential health and/or environmental effects of the chemical substances if a manufacturer or processor is considering submitting a SNUN for a significant new use designated by the SNUR.

This information may include testing not required to be conducted but which would help characterize the potential health and/or environmental effects of the PMN substance. Any recommendation for information identified by EPA was made based on EPA's consideration of available screening-level data, if any, as well as other available information on appropriate testing for the chemical substance. Further, any such testing identified by EPA that includes testing on vertebrates was made after consideration of available toxicity information, computational toxicology and bioinformatics, and high-throughput screening methods and their prediction models. EPA also recognizes that whether testing/further information is needed will depend on the specific exposure and use scenario in the SNUN. EPA encourages all SNUN submitters to contact EPA to discuss any potential future testing. See Unit VII. for more information.

- CFR citation assigned in the regulatory text section of these proposed rules.

The regulatory text section of these proposed rules specifies the activities designated as significant new uses. Certain new uses, including production volume limits and other uses designated in the proposed rules, may be claimed as CBI.

The chemical substances that are the subject of these proposed SNURs are undergoing premanufacture review. In addition to those conditions of use intended by the submitter, EPA has identified certain other reasonably foreseen conditions of use. EPA has preliminarily determined that the chemicals under their intended conditions of use are not likely to present an unreasonable risk. However, EPA has not assessed risks associated with the reasonably foreseen conditions of use for these chemicals. EPA is proposing to designate these reasonably foreseen and other potential conditions of use as significant new uses. As a result, those conditions of use are no longer reasonably foreseen to occur without first going through a separate, subsequent EPA review and determination process associated with a SNUN.

The substances subject to these proposed rules are as follows:

PMN Number: P–17–324

Chemical name: 2,4-Hexadien-1-ol, 1-acetate, (2E,4E)-

CAS number: 57006–69–6.

Basis for action: The PMN states that the use of the substance will be as a chemical intermediate. Based on the physical/chemical properties of the PMN substance and Structure Activity Relationships (SAR) analysis of test data on analogous substances, EPA has identified concerns for skin sensitization, specific target organ toxicity, skin and eye irritation, neurotoxicity, and aquatic toxicity if the chemical substance is used in ways other than as intended by the PMN submitter. Other conditions of use of the PMN substance that EPA intends to assess before they occur include the following:

1. Use other than as a chemical intermediate; and

2. Release of the PMN substance from manufacturing, processing, or use into the waters of the United States resulting in surface water concentrations that exceed 5 ppb.

The proposed SNUR would designate as a ''significant new use'' these conditions of use.

Potentially useful information: EPA has determined that certain information may be potentially useful to characterize the health and environmental effects of the PMN substance if a manufacturer or processor is considering submitting a SNUN for a significant new use that would be designated by this proposed SNUR. EPA has determined that the results of specific target organ toxicity, skin and eye irritation, skin sensitization, and aquatic toxicity testing would help characterize the potential health and environmental effects of the PMN substance.

CFR citation: 40 CFR 721.11375.

PMN Number: P–18–109

Chemical name: 2-alkenoic acid, 2-alkyl-, alkyl ester, polymer with 2-(dialkylamino)alkyl 2-alkyl-2-alkenoate, alkyl 2-alkyl-2-alkenoate and a-(2-alkyl-1-oxo-2-alken-1-yl)-o-alkoxypoly(oxy-1,2-alkanediyl), [(1-alkoxy-2-alkyl-1-alken-1-yl)oxy]trialkylsilane-initiated (generic).

CAS number: Not available.

Basis for action: The PMN states that the generic (non-confidential) use of the substance will be as an additive, open, non-dispersive use. Based on the physical/chemical properties of the PMN substance and SAR analysis of test

data on analogous substances, EPA has identified concerns for lung toxicity and aquatic toxicity if the chemical substance is used in ways other than as intended by the PMN submitter. Other conditions of use of the PMN substance that EPA intends to assess before they occur include the following:

1. No manufacturing, processing, or use of the PMN substance in a manner that results in inhalation exposures; and

2. Release of the PMN substance from manufacturing, processing, or use into the waters of the United States resulting in surface water concentrations that exceed 14 ppb.

The proposed SNUR would designate as a ''significant new use'' these conditions of use.

Potentially useful information: EPA has determined that certain information may be potentially useful to characterize the health and environmental effects of the PMN substance if a manufacturer or processor is considering submitting a SNUN for a significant new use that would be designated by this proposed SNUR. EPA has determined that the results of specific target organ toxicity, pulmonary effects and aquatic toxicity testing would help characterize the potential health and environmental effects of the PMN substance.

CFR citation: 40 CFR 721.11376.

PMN Number: P–18–276

Chemical name: Benzenesulfonamide, N-[2-[[(phenylamino)carbony]]amino] pheny]]-.

CAS number: 215917–77–4.

Basis for action: The PMN states that the use of the substance will be as a developer for thermal paper. Based on the physical/chemical properties of the PMN substance and SAR analysis of test data on analogous substances, EPA has identified concerns for systemic toxicity and immunotoxicity if the chemical substance is used in ways other than as intended by the PMN submitter. Other conditions of use of the PMN substance that EPA intends to assess before they occur include the following:

- Use other than as a developer for thermal paper.

The proposed SNUR would designate as a ''significant new use'' this condition of use.

Potentially useful information: EPA has determined that certain information may be potentially useful to characterize the health effects of the PMN substance if a manufacturer or processor is considering submitting a SNUN for a significant new use that would be designated by this proposed SNUR. EPA has determined that the results of specific target organ toxicity testing would help characterize the potential health effects of the PMN substance.

CFR citation: 40 CFR 721.11377.

PMN Number: P–18–358

Chemical name: 1H-Imidazole-1-propanenitrile,2-ethyl-ar-methyl-.

CAS number: 568591–00–4.

Basis for action: The PMN states that the use of the substance will be as a curing agent (a) within carbon fiber reinforced plastics prepreg and (b) in industrial adhesives for electronics, both to expedite the harding process during the final thermosetting operation. Based on the physical/chemical properties of the PMN substance, test data on the PMN substance, and SAR analysis of test data on analogous substances, EPA has identified concerns for eye irritation, and liver, thyroid, and developmental toxicity if the chemical substance is used in ways other than as intended by the PMN submitter. Other conditions of use of the PMN substance that EPA intends to assess before they occur include the following:

1. Use of the PMN substance for other than the uses described in the PMN; and

2. Use involving an application method that generates a vapor, mist or aerosol.

The proposed SNUR would designate as a ''significant new use'' these conditions of use.

Potentially useful information: EPA has determined that certain information may be potentially useful to characterize the health effects of the PMN substance if a manufacturer or processor is considering submitting a SNUN for a significant new use that would be designated by this proposed SNUR. EPA has determined that the results of eye irritation, developmental toxicity and specific target organ toxicity testing would help characterize the potential health effects of the PMN substance.

CFR citation: 40 CFR 721.11378.

PMN Number: P–18–384

Chemical name: Lithium, isotope of mass 6.

CAS number: 14258–72–1.

Basis for action: The PMN states that the use of the substance will be as a starting material for manufacture of 6-Lithium chloride scintillation crystals for use in radiation detection. Based on the physical/chemical properties of the PMN substance and SAR analysis of test data on analogous substances, EPA has identified concerns for corrosion and acute handling hazard, neurotoxicity, kidney, developmental and thyroid toxicity, and aquatic toxicity if the chemical substance is used in ways other than as intended by the PMN submitter. Other conditions of use of the PMN substance that EPA intends to assess before they occur include the following:

1. Use other than as a starting material for manufacture of 6-Lithium chloride scintillation crystals for use in radiation detection; and

2. Release of the PMN substance from manufacturing, processing, or use into the waters of the United States resulting in surface water concentrations that exceed 8.5 ppb.

The proposed SNUR would designate as a ''significant new use'' this condition of use.

Potentially useful information: EPA has determined that certain information about workplace exposure to and aquatic toxicity of the PMN substance may be potentially useful if a manufacturer or processor is considering submitting a SNUN for a significant new use that would be designated by this proposed SNUR. EPA has determined that the results of workplace air monitoring and aquatic toxicity testing would help characterize the potential health and environmental effects of the PMN substance.

CFR citation: 40 CFR 721.11379.

PMN Number: P–19–24

Chemical name: Silsesquioxanes, 3-(dimethyloctadecylammonio)propyl Me Pr, polymers with silicic acid (H4SiO4) tetra-Et ester, (2-hydroxyethoxy)- and methoxy-terminated, chlorides.

CAS number: 2231249–14–0.

Basis for action: The PMN states that the use of the substance will be as an asphalt additive or asphalt emulsion additive. Based on the physical/chemical properties of the PMN substance and SAR analysis of test data on analogous substances, EPA has identified concerns for skin and eye irritation, kidney toxicity, lung toxicity, and aquatic toxicity if the chemical substance is used in ways other than as intended by the PMN submitter. Other conditions of use of the PMN substance that EPA intends to assess before they occur include the following:

1. Use other than as an asphalt additive or asphalt emulsion additive;

2. Use as an asphalt additive in a manner that results in inhalation exposure to respirable particles or droplets containing the PMN substance; and

3. Release of the PMN substance from manufacturing, processing, or use into the waters of the United States resulting in surface water concentrations that exceed 8 ppb.

The proposed SNUR would designate as a ''significant new use'' this condition of use.

Potentially useful information: EPA has determined that certain information may be potentially useful to characterize the health and environmental effects of the PMN substance if a manufacturer or processor is considering submitting a SNUN for a significant new use that would be designated by this proposed SNUR. EPA has determined that the results of irritation, specific target organ toxicity, pulmonary effects, and aquatic toxicity testing would help characterize the potential health and environmental effects of the PMN substance.

CFR citation: 40 CFR 721.11380.

V. Rationale and Objectives of the Proposed Rule

A. Rationale

During review of the PMNs submitted for the chemical substances that are the subject of these proposed SNURs and as further discussed in Unit IV, EPA identified certain other reasonably foreseen conditions of use, in addition to those conditions of use intended by the submitter. EPA has preliminarily determined that the chemical under the intended conditions of use is not likely to present an unreasonable risk. However, EPA has not assessed risks associated with the reasonably foreseen conditions of use. EPA is proposing to designate these conditions of use as significant new uses to ensure that they are no longer reasonably foreseen to occur without first going through a separate, subsequent EPA review and determination process associated with a SNUN.

B. Objectives

EPA is proposing SNURs for 6 specific chemical substances which are undergoing premanufacture review because the Agency wants to achieve the following objectives with regard to the significant new uses that would be designated in this proposed rule:

- EPA would have an opportunity to review and evaluate data submitted in a SNUN before the notice submitter begins manufacturing or processing a listed chemical substance for the described significant new use.
- EPA would be obligated to make a determination under TSCA section 5(a)(3) regarding the use described in the SNUN, under the conditions of use. The Agency will either determine under TSCA section 5(a)(3)(C) that the significant new use is not likely to present an unreasonable risk, including an unreasonable risk to a potentially exposed or susceptible subpopulation identified as relevant by the Administrator under the conditions of use, or make a determination under TSCA section 5(a)(3)(A) or (B) and take the required regulatory action associated with the determination, before manufacture or processing for the significant new use of the chemical substance can occur.
- EPA would be able to complete its review and determination on each of the PMN substances, while deferring analysis on the significant new uses proposed in these rules unless and until the Agency receives a SNUN.

Issuance of a proposed SNUR for a chemical substance does not signify that the chemical substance is listed on the TSCA Inventory. Guidance on how to determine if a chemical substance is on the TSCA Inventory is available on the internet at *https://www.epa.gov/tsca-inventory.*

VI. Applicability of the Proposed Rules to Uses Occurring Before the Effective Date of the Final Rule

To establish a significant new use, EPA must determine that the use is not ongoing. The chemical substances subject to this proposed rule were undergoing premanufacture review at the time of signature of this proposed rule and were not on the TSCA Inventory. In cases where EPA has not received a notice of commencement (NOC) and the chemical substance has not been added to the TSCA Inventory, no person may commence such activities without first submitting a PMN. Therefore, for the chemical substances subject to these proposed SNURs, EPA concludes that the proposed significant new uses are not ongoing.

EPA designates September 4, 2019 (the date of web posting) as the cutoff date for determining whether the new use is ongoing. The objective of EPA's approach is to ensure that a person cannot defeat a SNUR by initiating a significant new use before the effective date of the final rule.

Persons who begin commercial manufacture or processing of the chemical substances for a significant new use identified on or after that date would have to cease any such activity upon the effective date of the final rule. To resume their activities, these persons would have to first comply with all applicable SNUR notification requirements and EPA would have to take action under TSCA section 5 allowing manufacture or processing to proceed. In developing this proposed rule, EPA has recognized that, given EPA's general practice of posting proposed rules on its website a week or more in advance of **Federal Register** publication, this objective could be thwarted even before **Federal Register** publication of the proposed rule.

VII. Development and Submission of Information

EPA recognizes that TSCA section 5 does not require development of any particular new information (*e.g.,* generating test data) before submission of a SNUN. There is an exception: If a person is required to submit information for a chemical substance pursuant to a rule, order or consent agreement under TSCA section 4 (15 U.S.C. 2603), then TSCA section 5(b)(1)(A) (15 U.S.C. 2604(b)(1)(A)) requires such information to be submitted to EPA at the time of submission of the SNUN.

In the absence of a rule, order, or consent agreement under TSCA section 4 covering the chemical substance, persons are required only to submit information in their possession or control and to describe any other information known to or reasonably ascertainable by them (see 40 CFR 720.50). However, upon review of PMNs and SNUNs, the Agency has the authority to require appropriate testing. Unit IV. lists potentially useful information for all SNURs listed here. Descriptions are provided for informational purposes. The potentially useful information identified in Unit IV. will be useful to EPA's evaluation in the event that someone submits a SNUN for the significant new use. Companies who are considering submitting a SNUN are encouraged, but not required, to develop the information on the substance, which may assist with EPA's analysis of the SNUN.

EPA strongly encourages persons, before performing any testing, to consult with the Agency pertaining to protocol selection. Furthermore, pursuant to TSCA section 4(h), which pertains to reduction of testing in vertebrate animals, EPA encourages consultation with the Agency on the use of alternative test methods and strategies (also called New Approach Methodologies, or NAMs), if available, to generate the recommended test data. EPA encourages dialog with Agency representatives to help determine how best the submitter can meet both the data needs and the objective of TSCA section 4(h).

The potentially useful information described in Unit IV. may not be the only means of providing information to evaluate the chemical substance associated with the significant new uses. However, submitting a SNUN without any test data may increase the likelihood that EPA will take action under TSCA section 5(e) or 5(f). EPA recommends that potential SNUN

submitters contact EPA early enough so that they will be able to conduct the appropriate tests.

SNUN submitters should be aware that EPA will be better able to evaluate SNUNs which provide detailed information on the following:

- Human exposure and environmental release that may result from the significant new use of the chemical substances.

VIII. SNUN Submissions

According to 40 CFR 721.1(c), persons submitting a SNUN must comply with the same notification requirements and EPA regulatory procedures as persons submitting a PMN, including submission of test data on health and environmental effects as described in 40 CFR 720.50. SNUNs must be submitted on EPA Form No. 7710–25, generated using e-PMN software, and submitted to the Agency in accordance with the procedures set forth in 40 CFR 720.40 and 721.25. E–PMN software is available electronically at *https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca.*

IX. Economic Analysis

EPA has evaluated the potential costs of establishing SNUN requirements for potential manufacturers and processors of the chemical substances subject to this proposed rule. EPA's complete economic analysis is available in the docket under docket ID number EPA–HQ–OPPT–2019–0263.

X. Statutory and Executive Order Reviews

Additional information about these statutes and Executive Orders can be found at *https://www.epa.gov/laws-regulations-and-executive-orders.*

A. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulations and Regulatory Review

This proposed rule would establish SNURs for 6 new chemical substances that were the subject of PMNs. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011).

B. Paperwork Reduction Act (PRA)

According to the PRA, 44 U.S.C. 3501 *et seq.,* an Agency may not conduct or sponsor, and a person is not required to respond to a collection of information that requires OMB approval under PRA, unless it has been approved by OMB and displays a currently valid OMB control number. The OMB control numbers for EPA's regulations in title 40 of the CFR, after appearing in the **Federal Register**, are listed in 40 CFR part 9, and included on the related collection instrument or form, if applicable.

The information collection requirements related to this action have already been approved by OMB pursuant to PRA under OMB control number 2070–0012 (EPA ICR No. 574). This action does not impose any burden requiring additional OMB approval. If an entity were to submit a SNUN to the Agency, the annual burden is estimated to average between 30 and 170 hours per response. This burden estimate includes the time needed to review instructions, search existing data sources, gather and maintain the data needed, and complete, review, and submit the required SNUN.

Send any comments about the accuracy of the burden estimate, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques, to the Director, Regulatory 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 RFA section 605(b) (5 U.S.C. 601 *et seq.*), the Agency hereby certifies that promulgation of this proposed SNUR would not have a significant adverse economic impact on a substantial number of small entities. The requirement to submit a SNUN applies to any person (including small or large entities) who intends to engage in any activity described in the final rule as a ''significant new use.'' Because these uses are ''new,'' based on all information currently available to EPA, it appears that no small or large entities presently engage in such activities. A SNUR requires that any person who intends to engage in such activity in the future must first notify EPA by submitting a SNUN. Although some small entities may decide to pursue a significant new use in the future, EPA cannot presently determine how many, if any, there may be. However, EPA's experience to date is that, in response to the promulgation of SNURs covering over 1,000 chemicals, the Agency receives only a small number of notices per year. For example, the number of SNUNs received was seven in Federal fiscal year (FY) 2013, 13 in FY2014, six in FY2015, 12 in FY2016, 13 in FY2017, and 11 in FY2018, only a fraction of these were from small businesses. In addition, the Agency currently offers relief to qualifying small businesses by reducing the SNUN submission fee from $16,000 to $2,800. This lower fee reduces the total reporting and recordkeeping of cost of submitting a SNUN to about $10,116 for qualifying small firms. Therefore, the potential economic impacts of complying with this proposed SNUR are not expected to be significant or adversely impact a substantial number of small entities. In a SNUR that published in the **Federal Register** of June 2, 1997 (62 FR 29684) (FRL–5597–1), the Agency presented its general determination that final SNURs are not expected to have a significant economic impact on a substantial number of small entities, which was provided to the Chief Counsel for Advocacy of the Small Business Administration.

D. Unfunded Mandates Reform Act (UMRA)

Based on EPA's experience with proposing and finalizing SNURs, State, local, and Tribal governments have not been impacted by these rulemakings, and EPA does not have any reasons to believe that any State, local, or Tribal government will be impacted by this proposed rule. As such, EPA has determined that this proposed rule does not impose any enforceable duty, contain any unfunded mandate, or otherwise have any effect on small governments subject to the requirements of UMRA sections 202, 203, 204, or 205 (2 U.S.C. 1531–1538 *et seq.*).

E. Executive Order 13132: Federalism

This action would not have a substantial direct effect on States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999).

F. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

This proposed rule would not have Tribal implications because it is not expected to have substantial direct effects on Indian Tribes. This proposed rule would not significantly nor uniquely affect the communities of Indian Tribal governments, nor does it involve or impose any requirements that affect Indian Tribes. Accordingly, the requirements of Executive Order 13175

(65 FR 67249, November 9, 2000), do not apply to this proposed rule.

G. Executive Order 13045: Protection of Children From Environmental Health and Safety Risks

This action is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because this is not an economically significant regulatory action as defined by Executive Order 12866, and this action does not address environmental health or safety risks disproportionately affecting children.

H. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use

This proposed rule is not subject to Executive Order 13211 (66 FR 28355, May 22, 2001), because this action is not expected to affect energy supply, distribution, or use and because this action is not a significant regulatory action under Executive Order 12866.

I. National Technology Transfer and Advancement Act (NTTAA)

In addition, since this action does not involve any technical standards, NTTAA section 12(d), 15 U.S.C. 272 note, does not apply to this action.

J. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations

This action does not entail special considerations of environmental justice related issues as delineated by Executive Order 12898 (59 FR 7629, February 16, 1994).

List of Subjects in 40 CFR Part 721

Environmental protection, Chemicals, Hazardous substances, Reporting and recordkeeping requirements.

Dated: August 30, 2019.

Tala Henry,

Deputy Director, Office of Pollution Prevention and Toxics.

Therefore, it is proposed that 40 CFR part 721 be amended as follows:

PART 721—[AMENDED]

■ 1. The authority citation for part 721 continues to read as follows:

Authority: 15 U.S.C. 2604, 2607, and 2625(c).

■ 2. Add §§ 721.11375 through 721.11380 to subpart E to read as follows:

Subpart E—Significant New Uses for Specific Chemical Substances

Sec.

721.11375 2,4 Hexadien-1-ol, 1-acetate, (2E,4E).
721.11376 2-Alkenoic acid, 2-alkyl-, alkyl ester, polymer with 2-(dialkylamino)alkyl 2-alkyl-2-alkenoate, alkyl 2-alkyl-2-alkenoate and a-(2-alkyl-1-oxo-2-alken-1-yl)-o-alkoxypoly(oxy-1,2-alkanediyl), [(1-alkoxy-2-alkyl-1-alken-1-yl)oxy]trialkylsilane-initiated (generic).
721.11377 Benzenesulfonamide, N-[2-[[(phenylamino)carbonyl]amino] phenyl]-.
721.11378 1H-Imidazole-1-propanenitrile, 2-ethyl-ar-methyl-.
721.11379 Lithium, isotope of mass 6.
721.11380 Silsesquioxanes, 3-(dimethyloctadecylammonio)propyl Me Pr, polymers with silicic acid (H4SiO4) tetra-Et ester, (2-hydroxyethoxy)- and methoxy-terminated, chlorides.

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Subpart E—Significant New Uses for Specific Chemical Substances

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§ 721.11375 2,4-Hexadien-1-ol, 1-acetate, (2E,4E)-.

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified as 2,4-hexadien-1-ol, 1-acetate, (2E,4E)- (P–17–324, CASRN 57006–69–6) 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) *Industrial, Commercial, and consumer activities.* Requirements as specified in § 721.80(g).

(ii) *Release to water.* Requirements as specified in § 721.90 (a)(4), (b)(4), and (c)(4) where N = 5.

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (c), and (i) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

§ 721.11376 2-Alkenoic acid, 2-alkyl-, alkyl ester, polymer with 2-(dialkylamino)alkyl 2-alkyl-2-alkenoate, alkyl 2-alkyl-2-alkenoate and a-(2-alkyl-1-oxo-2-alken-1-yl)-o-alkoxypoly(oxy-1,2-alkanediyl), [(1-alkoxy-2-alkyl-1-alken-1-yl)oxy]trialkylsilane-initiated (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance generically identified as 2-alkenoic acid, 2-alkyl-, alkyl ester, polymer with 2-(dialkylamino)alkyl 2-alkyl-2-alkenoate, alkyl 2-alkyl-2-alkenoate and a-(2-alkyl-1-oxo-2-alken-1-yl)-o-alkoxypoly(oxy-1,2-alkanediyl), [(1-alkoxy-2-alkyl-1-alken-1-yl)oxy]trialkylsilane-initiated (PMN P–18–109) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Industrial, Commercial, and consumer activities.* It is a significant new use to manufacture, process, or use the chemical substance in a manner that results in inhalation exposure.

(ii) *Release to water.* Requirements as specified in § 721.90 (a)(4), (b)(4), and (c)(4) where N = 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 (c), and (i) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

§ 721.11377 Benzenesulfonamide, N-[2-[[(phenylamino)carbonyl]amino]phenyl]-.

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified as benzenesulfonamide, N-[2-[[(phenylamino)carbonyl]amino]phenyl]- (P–18–276, CASRN 215917–77–4) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Industrial, Commercial, and consumer activities.* It is a significant new use to use the chemical substance for other than as a developer for thermal paper.

(ii) [Reserved].

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (c), and (i) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

§ 721.11378 1H-Imidazole-1-propanenitrile,2-ethyl-ar-methyl-.

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified as 1H-imidazole-1-propanenitrile,2-ethyl-

ar-methyl- (P–18–358, CASRN 568591–00–4) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Industrial, Commercial, and consumer activities.* Requirements as specified in § 721.80 (y)(1). It is a significant new use to use the chemical substance for other than as a curing agent within carbon fiber reinforced plastics prepreg or a curing agent in industrial adhesives for electronics.

(ii) [Reserved].

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (c), and (i) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

§ 721.11379 Lithium, isotope of mass 6.

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified as lithium, isotope of mass 6 (P–18–384, CASRN 14258–72–1) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Industrial, Commercial, and consumer activities.* It is a significant new use to use the chemical substance for other than as a starting material for manufacture of 6-Lithium chloride scintillation crystals for use in radiation detection, including the engineering controls described in the PMN.

(ii) *Release to water.* Requirements as specified in § 721.90 (a)(4), (b)(4), and (c)(4) where N = 8.5.

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (c), and (i) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

§ 721.11380 Silsesquioxanes, 3-(dimethyloctadecylammonio)propyl Me Pr, polymers with silicic acid (H4SiO4) tetra-Et ester, (2-hydroxyethoxy)- and methoxy-terminated, chlorides.

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified as silsesquioxanes, 3-(dimethyloctadecylammonio)propyl Me Pr, polymers with silicic acid (H4SiO4) tetra-Et ester, (2-hydroxyethoxy)- and methoxy-terminated, chlorides. (P–19–24, CASRN 2231249–14–0) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Industrial, Commercial, and consumer activities.* It is a significant new use to use the substance for other than as an asphalt additive or asphalt emulsion additive. It is a significant new use to use the chemical substance as an asphalt additive in a manner that results in inhalation exposure to respirable particles or droplets containing the chemical substance.

(ii) *Release to water.* Requirements as specified in § 721.90 (a)(4), (b)(4), and (c)(4) where N = 8.

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (c), and (i) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

[FR Doc. 2019–19579 Filed 9–10–19; 8:45 am]

BILLING CODE 6560–50–P

Notices

Federal Register
Vol. 84, No. 176
Wednesday, September 11, 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.

BROADCASTING BOARD OF GOVERNORS

Sunshine Act Meeting

DATE AND TIME: Wednesday, September 11, 2019; 9:00 a.m.—5:00 p.m. EDT.

PLACE: U.S. Agency for Global Media, Cohen Building, Room 3321, 330 Independence Ave, SW, Washington, DC 20237.

SUBJECT: Notice of closed meeting of the Broadcasting Board of Governors.

SUMMARY: The U.S. Agency for Global Media's (USAGM) Board of Governors (Board) may conduct a special meeting closed to the public at any given time during the periods of time and location listed above to consider a personnel matter. This meeting is closed to the public pursuant to 5 U.S.C. 552b(c)(6) in order to protect the privacy interests of personnel involved in the actions under consideration. The Board also determined that shorter than usual notice for a meeting was required by official agency business and delayed availability of required information. In accordance with the Government in the Sunshine Act and BBG policies, any such meeting will be recorded and a transcript of the proceedings, subject to the redaction of information protected by 5 U.S.C. 552b(c)(6), will be made available to the public. The publicly-releasable transcript will be available for download at *www.usagm.gov* within 21 days of the date of the meeting.

Information regarding member votes to close the meeting and expected attendees can also be found on the Agency's public website.

CONTACT PERSON FOR MORE INFORMATION: Persons interested in obtaining more information should contact Oanh Tran at (202) 203–4545.

Oanh Tran,

Executive Director.

[FR Doc. 2019–19817 Filed 9–9–19; 4:15 pm]

BILLING CODE 8610–01–P

CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

Sunshine Act Meeting

TIME AND DATE: September 17, 2019, 11:00 a.m. EDT.

PLACE: U.S. Chemical Safety and Hazard Investigation Board, 1750 Pennsylvania Ave. NW, Suite 910, Washington, DC 20006.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED: The Chemical Safety and Hazard Investigation Board (CSB) will convene a public meeting on Tuesday, September 17, 2019, at 11:00 a.m. EDT in Washington, DC, at the CSB offices located at 1750 Pennsylvania Avenue NW, Suite 910. The Board will address the following matters:

- Open investigations, including a staff presentation on the ongoing investigation into the April 2, 2019, fire and explosion at the KMCO facility in Crosby, Texas;
- The status of audits from the Office of the Inspector General;
- Financial and organizational updates;
- Vote on Notation Item 2019–56, (amendment of Order 001 to provide additional notice of public meetings), if calendared;
- Vote on calendared notation item 2019–51, proposed status change to Recommendation to the Occupational Safety and Health Administration (OSHA) (2005–4–I–TX–R8);
- Vote on notation item or motion on proposed amendment of Board Order 047, *Accident Victim and Family Communication Program,* to address publication of names of the deceased in CSB Investigation Reports; and
- Vote on motion to amend the previously issued DuPont LaPorte and Pryor Trust Investigation Reports to add the names of individuals who died as a result of each incident.

Additional Information

The meeting is free and open to the public. If you require a translator or interpreter, please notify the individual listed below as the ''Contact Person for Further Information,'' at least three business days prior to the meeting.

A conference call line will be provided for those who cannot attend in person. Please use the following dial-in number to join the conference:

Dial-In: 1 (888) 424–8151 Audience U.S. Toll Free, 1 (847) 585–4422 Audience U.S. Toll.

Passcode: 6088 155#.

The CSB is an independent federal agency charged with investigating incidents and hazards that result, or may result, in the catastrophic release of extremely hazardous substances. The agency's Board Members are appointed by the President and confirmed by the Senate. CSB investigations look into all aspects of chemical accidents and hazards, including physical causes, such as equipment failure, as well as inadequacies in regulations, industry standards, and safety management systems.

Public Comment

The time provided for public statements will depend upon the number of people who wish to speak. Speakers should assume that their presentations will be limited to three minutes or less; commenters, however, may submit written statements for the record.

Contact Person for Further Information

Hillary Cohen, Communications Manager, at *public@csb.gov* or (202) 446–8094. Further information about this public meeting can be found on the CSB website at: *www.csb.gov*.

Authority: 5 U.S.C. 552b.

Dated: September 4, 2019.

Ray Porfiri,

Deputy General Counsel, Chemical Safety and Hazard Investigation Board.

[FR Doc. 2019–19450 Filed 9–9–19; 4:15 pm]

BILLING CODE 6350–01–P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Utah 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 briefing of the Utah Advisory Committee (Committee) to the Commission will be held from 9:00 a.m.–5:00 p.m. (Mountain Time)

Thursday, October 3, 2019. The purpose of the briefing is to receive testimony from diverse stakeholders regarding the gender wage gap in Utah. The Committee will examine the factors that may cause or contribute to the gender wage gap; the impact of the wage gap on individuals on the basis of sex and race; and the impact of federal and state level enforcement efforts aimed to address pay inequity.

DATES: The briefing will be held on Thursday, October 3, 2019 from 9:00 a.m.–5:00 p.m. MT.

ADDRESSES: University of Utah, S.J. Quinney College of Law, Law Room 6613 and 6619 (6th Level) 383 South University Street, Salt Lake City, Utah 84112.

FOR FURTHER INFORMATION CONTACT: Ana Victoria Fortes (DFO) at *afortes@usccr.gov* or (213) 894–3437.

SUPPLEMENTARY INFORMATION: 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/FACAPublicViewCommitteeDetails?id=a10t0000001gzltAAA.* Please click on the ''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
II. Panel Presentations
III. AM Open Comment Session
IV. Panel Presentations
V. PM Open Comment Session
VI. Adjournment

Dated: September 5, 2019.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2019–19586 Filed 9–10–19; 8:45 am]

BILLING CODE 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 a briefing of the Wyoming Advisory Committee (Committee) to the Commission will be held from 9:00 a.m.–5:00 p.m. (Mountain Time) Friday, November 1, 2019. The purpose of the briefing is to receive testimony from diverse stakeholders regarding civil rights concerns related to hate crimes in Wyoming. The Committee will consider the sufficiency of current equal protection laws in Wyoming, estimating the prevalence of alleged hate crime by using available data and testimonies, the prevalence of hate groups (if any) in the state, and challenges or barriers which may prevent law enforcement from addressing alleged hate crimes. The Committee will also consider best practices and recommendations for addressing related equal protection concerns.

DATES: The briefing will be held on Friday, November 1, 2019 from 9:00 a.m.–5:00 p.m. MT.

ADDRESSES: Casper College, Strausner Hall, Room 217, 125 College Drive, Casper, WY 82601.

FOR FURTHER INFORMATION CONTACT: Ana Victoria Fortes (DFO) at *afortes@usccr.gov* or (213) 894–3437.

SUPPLEMENTARY INFORMATION: 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/FACAPublicViewCommitteeDetails?id=a10t0000001gzliAAA.*

Please click on the ''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
II. Panel Presentations
III. AM Open Comment Session
IV. Panel Presentations
V. PM Open Comment Session
VI. Adjournment

Dated: September 5, 2019.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2019–19587 Filed 9–10–19; 8:45 am]

BILLING CODE 6335–01–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 briefing of the California Advisory Committee (Committee) to the Commission will be held from 9:00 a.m.–5:00 p.m. (Pacific Time) Wednesday, October 16, 2019. The purpose of the briefing is to receive testimony from diverse stakeholders regarding federal immigration enforcement impacting California children. The Committee will examine the impact of ICE enforcement practices on access to public education for California K–12 students; access to equal protection under the law for individuals based on their perceived national origin; and the extent to which due process is afforded to K–12 students and their families.

DATES: The briefing will be held on Wednesday, October 16, 2019 from 9:00 a.m.–5:00 p.m. PT.

ADDRESSES: Los Angeles Public Library, Mark Taper Auditorium, 630 West Fifth Street, Los Angeles, CA 90071.

FOR FURTHER INFORMATION CONTACT: Ana Victoria Fortes (DFO) at *afortes@usccr.gov* or (213) 894–3437.

SUPPLEMENTARY INFORMATION: 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/FACAPublicViewCommitteeDetails?id=a10t0000001gzkUAAQ.*

Please click on the ''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

II. Panel Presentations

III. AM Open Comment Session

IV. Panel Presentations

V. PM Open Comment Session

VI. Adjournment

Dated: September 5, 2019.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2019–19585 Filed 9–10–19; 8:45 am]

BILLING CODE 6335–01–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–557–816]

Certain Steel Nails From Malaysia: Preliminary Results and Partial Rescission of Antidumping Duty Administrative Review; 2017–2018

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) preliminarily determines that certain steel nails from Malaysia are being sold in the United States at less than normal value during the period of review. The period of review is July 1, 2017 through June 30, 2018. Interested parties are invited to comment on these preliminary results.

DATES: Applicable September 11, 2019.

FOR FURTHER INFORMATION CONTACT: Edythe Artman or Preston Cox, AD/CVD Operations, Office VI, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–3931 or (202) 482–5041, respectively.

SUPPLEMENTARY INFORMATION:

Background

These preliminary results of review are made in accordance with section 751 of the Tariff Act of 1930, as amended (the Act). On September 10, 2018, Commerce published the notice of initiation for the administrative review.[1] Commerce exercised its discretion to toll all deadlines affected by the partial federal government closure from December 22, 2018 through the resumption of operations on January 29, 2019, moving the deadline to May 13, 2019.[2] On May 9, 2019, we extended the time limit for completion of the preliminary results of the review to no later than August 27, 2019.[3] For a complete description of the events that followed the initiation of the review, *see* the Preliminary Decision Memorandum.[4]

A list of topics included in the Preliminary Decision Memorandum is included as Appendix II to this notice. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov* and to all parties in the Central Records Unit, located in room B8094 of the main Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn/.* The signed and the electronic versions of the Preliminary Decision Memorandum are identical in content.

Scope of the Order

The products covered by the scope of the order are certain steel nails from Malaysia. For a complete description of the scope, *see* Appendix I of this notice.

Partial Rescission of Administrative Review

In the *Initiation Notice,* we initiated a review of nine companies.[5] Subsequently, the petitioner, Mid Continent Steel & Wire, Inc., withdrew its request for review of five of these companies. No other parties had requested a review of these companies. Thus, in response to the petitioner's timely filed withdrawal request and pursuant to 19 CFR 351.213(d)(1), we are rescinding the administrative review of the following companies: Astrotech Steels Private Limited, Caribbean International Co. Ltd., Chia Pao Metal Co., Ltd., Jinhai Hardware Co. Ltd., and Tag Fasteners Sdn. Bhd.

Methodology

Commerce is conducting this review in accordance with section 751(a)(1)(B) of the Act. For a full description of the methodology underlying the

[1] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 83 FR 45596 (September 10, 2018) (*Initiation Notice*).

[2] *See* Memorandum to the Record from Gary Taverman, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance, ''Deadlines Affected by the Partial Shutdown of the Federal Government,'' dated January 28, 2019. All deadlines in this segment of the proceeding have been extended by 40 days.

[3] *See* Memorandum, ''Certain Steel Nails from Malaysia: Extension of Deadline for Preliminary Results of Antidumping Duty Administrative Review; 2017–2018,'' dated May 9, 2019.

[4] *See* Memorandum, ''Decision Memorandum for Preliminary Results and Partial Rescission of Antidumping Duty Administrative Review: Certain Steel Nails from Malaysia; 2017–2018,'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

[5] These nine companies included Inmax Sdn. Bhd. and Inmax Industries Sdn. Bhd. (collectively, Inmax) and Region International Co. Ltd. and Region System Sdn. Bhd. (collectively, Region). Commerce has preliminarily determined to collapse the Inmax companies and treat them as a single entity for purposes of this review. Likewise, it has preliminarily determined to collapse the Region companies and treat them as a single entity. For a discussion of the collapsing criteria, *see* the company-specific analysis memorandum, dated concurrently with this notice.

preliminary results, *see* the Preliminary Decision Memorandum.

Preliminary Results of Review

We preliminarily determine that, for the period July 1, 2017 through June 30, 2018, the following weighted-average dumping margins exist:

Producer/exporter	Weighted-average dumping margin (percent)
Inmax Sdn. Bhd. and Inmax Industries Sdn. Bhd	0.00
Region International Co. Ltd. and Region System Sdn. Bhd.	3.47

Disclosure and Public Comment

Commerce will disclose to parties to the proceeding any calculations performed in connection with these preliminary results of review within five days after the date of publication of this notice.[6] Interested parties may submit case briefs no later than seven days after the date on which the last verification report is issued in this administrative review.[7] Rebuttal briefs, limited to issues raised in the case briefs, may be filed no later than five days after the deadline for filing case briefs.[8] Parties who submit case or rebuttal briefs in this proceeding are encouraged to submit with each argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.[9] Case and rebuttal briefs should be filed using ACCESS.[10]

Interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Enforcement and Compliance within 30 days of the date of publication of this notice.[11] Requests should contain: (1) The party's name, address and telephone number; (2) the number of participants; and (3) a list of issues parties intend to discuss. Issues raised in the hearing will be limited to those raised in the respective case and rebuttal briefs. If a request for a hearing is made, Commerce intends to hold the hearing at the U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230, at a date and time to be determined.[12] Parties should confirm by telephone the date, time, and location of the hearing two days before the scheduled date.

Unless extended, Commerce intends to issue the final results of this administrative review, which will include the results of our analysis of all issues raised in the case briefs, within 120 days of publication of these preliminary results in the **Federal Register**, pursuant to section 751(a)(3)(A) of the Act.

Assessment Rates

Upon completion of the administrative review, Commerce shall determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries covered by this review.[13] The final results of this review shall be the basis for the assessment of antidumping duties on entries of merchandise covered by the final results of this review and for future deposits of estimated duties, where applicable.[14] We intend to issue instructions to CBP 15 days after the publication date of the final results of this review.

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the final results of this administrative review for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(2)(C) of the Act: (1) The cash deposit rate for Inmax and Region listed above will be equal to the weighted-average dumping margin established in the final results of this administrative review; (2) for previously reviewed or investigated companies not listed above, the cash deposit rate will continue to be the company-specific rate published for the most recently completed segment of this proceeding in which they were reviewed; (3) if the exporter is not a firm covered in this review, a prior review, or in the investigation but the producer is, the cash deposit rate will be the rate established for the most recently completed segment of this proceeding for the producer of the merchandise; and (4) the cash deposit rate for all other producers or exporters will continue to be the all-others rate of 2.66 percent. These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice also serves as a reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

Notification to Interested Parties

We are issuing and publishing this notice in accordance with sections 751(a)(1) and 777(i)(1) of the Act and sections 19 CFR 351.213(h)(1) and 351.221(b)(4).

Dated: September 5, 2019.

Jeffrey I. Kessler,

Assistant Secretary for Enforcement and Compliance.

Appendix I

Scope of the Order

The merchandise covered by the antidumping duty order is certain steel nails having a nominal shaft length not exceeding 12 inches.[15] Certain steel nails include, but are not limited to, nails made from round wire and nails that are cut from flat-rolled steel. Certain steel nails may be of one piece construction or constructed of two or more pieces. Certain steel nails may be produced from any type of steel, and may have any type of surface finish, head type, shank, point type and shaft diameter. Finishes include, but are not limited to, coating in vinyl, zinc (galvanized, including but not limited to electroplating or hot dipping one or more times), phosphate, cement, and paint. Certain steel nails may have one or more surface finishes. Head styles include, but are not limited to, flat, projection, cupped, oval, brad, headless, double, countersunk, and sinker. Shank styles include, but are not limited to, smooth, barbed, screw threaded, ring shank and fluted. Screw-threaded nails subject to this proceeding are driven using direct force and not by turning the nail using a tool that engages with the head. Point styles include, but are not limited to, diamond, needle, chisel and blunt or no point. Certain steel nails may be sold in bulk, or they may be collated in any manner using any material.

Excluded from the scope of this order are certain steel nails packaged in combination with one or more non-subject articles, if the total number of nails of all types, in aggregate regardless of size, is less than 25. If packaged in combination with one or more non-subject articles, certain steel nails remain subject merchandise if the total number of nails of all types, in aggregate regardless of size, is equal to or greater than 25, unless otherwise

[6] *See* 19 CFR 351.224(b).

[7] *See* 19 CFR 351.309(c)(1)(ii).

[8] *See* 19 CFR 351.309(d)(1).

[9] *See* 19 CFR 351.309(c)(2) and (d)(2).

[10] *See* 19 CFR 351.303.

[11] *See* 19 CFR 351.310(c).

[12] *See* 19 CFR 351.310(d).

[13] *See* 19 CFR 351.212(b).

[14] *See* section 751(a)(2)(C) of the Act.

[15] The shaft length of certain steel nails with flat heads or parallel shoulders under the head shall be measured from under the head or shoulder to the tip of the point. The shaft length of all other certain steel nails shall be measured overall.

excluded based on the other exclusions below.

Also excluded from the scope are certain steel nails with a nominal shaft length of one inch or less that are (a) a component of an unassembled article, (b) the total number of nails is sixty (60) or less, and (c) the imported unassembled article falls into one of the following eight groupings: (1) Builders; joinery and carpentry of wood that are classifiable as windows, French-windows and their frames; (2) builders; joinery and carpentry of wood that are classifiable as doors and their frames and thresholds; (3) swivel seats with variable height adjustment; (4) seats that are convertible into beds (with the exception of those classifiable as garden seats or camping equipment); (5) seats of cane, osier, bamboo or similar materials; (6) other seats with wooden frames (with the exception of seats of a kind used for aircraft or motor vehicles); (7) furniture (other than seats) of wood (with the exception of (i) medical, surgical, dental or veterinary furniture; and (ii) barbers; chairs and similar chairs, having rotating as well as both reclining and elevating movements); or (8) furniture (other than seats) of materials other than wood, metal, or plastics (*e.g.,* furniture of cane, osier, bamboo or similar materials). The aforementioned imported unassembled articles are currently classified under the following Harmonized Tariff Schedule of the United States (HTSUS) subheadings: 4418.10, 4418.20, 9401.30, 9401.40, 9401.51, 9401.59, 9401.61, 9401.69, 9403.30, 9403.40, 9403.50, 9403.60, 9403.81 or 9403.89.

Also excluded from the scope of this order are steel nails that meet the specifications of Type I, Style 20 nails as identified in Tables 29 through 33 of ASTM Standard F1667 (2013 revision).

Also excluded from the scope of this order are nails suitable for use in powder-actuated hand tools, whether or not threaded, which are currently classified under HTSUS subheadings 7317.00.20.00 and 7317.00.30.00.

Also excluded from the scope of this order are nails having a case hardness greater than or equal to 50 on the Rockwell Hardness C scale (HRC), a carbon content greater than or equal to 0.5 percent, a round head, a secondary reduced-diameter raised head section, a centered shank, and a smooth symmetrical point, suitable for use in gas-actuated hand tools.

Also excluded from the scope of this order are corrugated nails. A corrugated nail is made up of a small strip of corrugated steel with sharp points on one side.

Also excluded from the scope of this order are thumb tacks, which are currently classified under HTSUS subheading 7317.00.10.00.

Certain steel nails subject to this order are currently classified under HTSUS subheadings 7317.00.55.02, 7317.00.55.03, 7317.00.55.05, 7317.00.55.07, 7317.00.55.08, 7317.00.55.11, 7317.00.55.18, 7317.00.55.19, 7317.00.55.20, 7317.00.55.30, 7317.00.55.40, 7317.00.55.50, 7317.00.55.60, 7317.00.55.70, 7317.00.55.80, 7317.00.55.90, 7317.00.65.30, 7317.00.65.60 and 7317.00.75.00. Certain steel nails subject to this order also may be classified under HTSUS subheadings 7907.00.60.00, 7806.00.80.00, 7318.29.00.00, 8206.00.00.00 or other HTSUS subheadings.

While the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of this order is dispositive.

Appendix II

List of Topics Discussed in the Preliminary Decision Memorandum

1. Summary
2. Background
3. Scope of the Order
4. Partial Rescission of Administrative Review
5. Discussion of the Methodology
6. Currency Conversion
7. Recommendation

[FR Doc. 2019–19655 Filed 9–10–19; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

Advisory Committee on Earthquake Hazards Reduction Meeting

AGENCY: National Institute of Standards and Technology, Department of Commerce.

ACTION: Notice of open meeting.

SUMMARY: National Institute of Standards and Technology (NIST)'s Advisory Committee on Earthquake Hazards Reduction (ACEHR or Committee) will hold an open meeting via webinar on September 23, 2019, from 3:00 p.m. to 5:00 p.m. Eastern Time.

DATES: The ACEHR will meet via webinar on Monday, September 23, 2019, from 3:00 p.m. to 5:00 p.m. Eastern Time.

ADDRESSES: The meeting will be held via webinar. Please note participation instructions under the **SUPPLEMENTARY INFORMATION** section of this notice.

FOR FURTHER INFORMATION CONTACT: Tina Faecke, Management and Program Analyst, National Earthquake Hazards Reduction Program (NEHRP), Engineering Laboratory, NIST, 100 Bureau Drive, Mail Stop 8604, Gaithersburg, Maryland 20899–8604. Ms. Faecke's email address is *tina.faecke@nist.gov* and her phone number is (301) 975–5911.

SUPPLEMENTARY INFORMATION:

Authority: Section 103 of the NEHRP Reauthorization Act of 2004 (Pub. L. 108–360), 42 U.S.C. 7704, and the Federal Advisory Committee Act, as amended, 5 U.S.C. App. The Committee is composed of 11 members, appointed by the Director of NIST, who were selected for their established records of distinguished service in their professional community, their knowledge of issues affecting NEHRP, and to reflect the wide diversity of technical disciplines, competencies, and communities involved in earthquake hazards reduction. In addition, the Chairperson of the U.S. Geological Survey Scientific Earthquake Studies Advisory Committee serves as an ex-officio member of the Committee.

Pursuant to the Federal Advisory Committee Act, as amended, 5 U.S.C. App., notice is hereby given that the ACEHR will meet via webinar on Monday, September 23, 2019, from 3:00 p.m. to 5:00 p.m. Eastern Time. The meeting will be open to the public. The primary purpose of this meeting is for the Committee to finalize their 2019 biennial Report on the Effectiveness of the NEHRP. The agenda may change to accommodate Committee business. The final agenda and any meeting materials will be posted on the NEHRP website at *http://nehrp.gov/.*

Individuals and representatives of organizations who would like to offer comments and suggestions related to the Committee's business are invited to request a place on the agenda. Approximately fifteen minutes will be reserved from 4:45 p.m. to 5:00 p.m. Eastern Time for public comments and speaking times will be assigned on a first-come, first-serve basis. The amount of time per speaker will be determined by the number of requests received but is likely to be about three minutes each. Questions from the public will not be considered during this period. All those wishing to speak must submit their request by email to the attention of Tina Faecke, *tina.faecke@nist.gov* by 5:00 p.m. Eastern Time, Thursday, September 19, 2019. Speakers who wish to expand upon their oral statements, those who had wished to speak but could not be accommodated on the agenda, and those who were unable to participate are invited to submit written statements to ACEHR, National Institute of Standards and Technology, Mail Stop 8604, 100 Bureau Drive, Gaithersburg, MD 20899, via fax at (301) 975–4032, or electronically by email to *tina.faecke@nist.gov.*

All participants in the meeting are required to pre-register. Anyone wishing to participate must register by 5:00 p.m. Eastern Time, Thursday, September 19, 2019. Please submit your first and last name, email address, and phone number to Tina Faecke at *tina.faecke@nist.gov* or (301) 975–5911. After pre-registering, participants will be provided with

detailed instructions on how to join the webinar.

Kevin A. Kimball,

Chief of Staff.

[FR Doc. 2019–19638 Filed 9–10–19; 8:45 am]

BILLING CODE 3510–13–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Notice of Partial Delegation of Authority to the Under Secretary of Commerce for Oceans and Atmosphere and Administrator of the National Oceanic and Atmospheric Administration to Implement Section 113 of the Consolidated Appropriations Act, 2017, Regarding the Research, Exploration and Salvage of RMS Titanic; Correction

AGENCY: National Oceanic and Atmospheric Administration, Department of Commerce.

ACTION: Notice of delegation of authority; correction.

SUMMARY: NOAA published a document in the **Federal Register** of August 5, 2019, concerning a delegation of authority for Section 113 of the Consolidated Appropriations Act, 2017. The notice contained an incorrect phone number.

SUPPLEMENTARY INFORMATION:

Correction

In the **Federal Register** of August 5, 2019, in FR Doc. 2019–16635, on page 38012, in the second column, correct the **FOR FURTHER INFORMATION CONTACT** caption to read:

FOR FURTHER INFORMATION CONTACT: David Alberg, Superintendent of the Monitor National Marine Sanctuary, at (757) 591–7326, *David.Alberg@noaa.gov.*

John Armor,

Director, Office of National Marine Sanctuaries, NOAA.

[FR Doc. 2019–19577 Filed 9–10–19; 8:45 am]

BILLING CODE 3510–NK–P

DEPARTMENT OF COMMERCE

National Telecommunications and Information Administration

Commerce Spectrum Management Advisory Committee Meeting

AGENCY: National Telecommunications and Information Administration, U.S. Department of Commerce.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a public meeting of the Commerce Spectrum Management Advisory Committee (Committee). The Committee provides advice to the Assistant Secretary of Commerce for Communications and Information and the National Telecommunications and Information Administration (NTIA) on spectrum management policy matters.

DATES: The meeting will be held October 1, 2019, from 1:00 p.m. to 4:00 p.m., Eastern Daylight Time (EDT).

ADDRESSES: The meeting will be held at Morgan, Lewis & Bockius, LLP, 1111 Pennsylvania Avenue NW, Suite 201, Washington, DC 20004. Public comments may be mailed to Commerce Spectrum Management Advisory Committee, National Telecommunications and Information Administration, 1401 Constitution Avenue NW, Room 4600, Washington, DC 20230 or emailed to *dreed@ntia.gov.*

FOR FURTHER INFORMATION CONTACT: David J. Reed, Designated Federal Officer, at (202) 482–5955 or *dreed@ntia.gov;* and/or visit NTIA's website at *http://www.ntia.gov/category/csmac.*

SUPPLEMENTARY INFORMATION:

Background: The Committee provides advice to the Assistant Secretary of Commerce for Communications and Information on needed reforms to domestic spectrum policies and management in order to: License or authorize the use of radio frequencies in a way that maximizes public benefits, keep wireless networks as open to innovation as possible, and make wireless services available to all Americans. *See* Charter at *https://www.ntia.gov/files/ntia/publications/csmac_signed_charter_9–30–17.pdf.*

This Committee is subject to the Federal Advisory Committee Act (FACA), 5 U.S.C. App. 2, and is consistent with the National Telecommunications and Information Administration Act, 47 U.S.C. 904(b). The Committee functions solely as an advisory body in compliance with the FACA. For more information about the Committee visit: *http://www.ntia.gov/category/csmac.*

Matters to Be Considered: The Committee provides advice to the Assistant Secretary to assist in developing and maintaining spectrum management policies that enable the United States to maintain or strengthen its global leadership in the introduction of communications technology, services, and innovation; thus expanding the economy, adding jobs, and increasing international trade, while at the same time providing for the expansion of existing technologies and supporting the country's homeland security, national defense, and other critical government missions. NTIA will post a detailed agenda on its website, *http://www.ntia.gov/category/csmac,* prior to the meeting. To the extent that the meeting time and agenda permit, any member of the public may address the Committee regarding the agenda items. *See Open Meeting and Public Participation Policy,* available at *http://www.ntia.gov/category/csmac.*

Time and Date: The meeting will be held on October 1, 2019, from 1:00 p.m. to 4:00 p.m. EDT. The meeting time and the agenda topics are subject to change. The meeting will be available via two-way audio link. Please refer to NTIA's website, *http://www.ntia.gov/category/csmac,* for the most up-to-date meeting agenda and access information.

Place: The meeting will be held at Morgan, Lewis & Bockius, LLP, 1111 Pennsylvania Avenue NW, Suite 201, Washington, DC 20004. The meeting will be open to the public and members of the press on a first-come, first-served basis as space is limited. The public meeting is physically accessible to people with disabilities. Individuals requiring accommodations, such as sign language interpretation or other auxiliary aids, are asked to notify Mr. Reed at (202) 482–5955 or *dreed@ntia.gov* at least ten (10) business days prior to the meeting.

Status: Interested parties are invited to attend and to submit written comments to the Committee at any time before or after the meeting. Parties wishing to submit comments for consideration by the Committee in advance of a meeting may send them via electronic mail to *dreed@ntia.gov* in Microsoft Word and/or PDF file formats. Alternatively, comments may be submitted via postal mail to Commerce Spectrum Management Advisory Committee, National Telecommunications and Information Administration, 1401 Constitution Avenue NW, Room 4600, Washington, DC 20230. It would be helpful if paper submissions also include a compact disc (CD) that contains the comments in one or both of the file formats specified above. CDs should be labeled with the name and organizational affiliation of the filer. Comments must be received five (5) business days before the scheduled meeting date in order to provide sufficient time for review. Comments received after this date will be distributed to the Committee, but may not be reviewed prior to the meeting.

Records: NTIA maintains records of all Committee proceedings. Committee records are available for public inspection at NTIA's Washington, DC office at the address above. Documents including the Committee's charter, member list, agendas, minutes, and reports are available on NTIA's website at *http://www.ntia.gov/category/csmac.*

Dated: September 6, 2019.

Kathy D. Smith,

Chief Counsel, National Telecommunications and Information Administration.

[FR Doc. 2019–19653 Filed 9–10–19; 8:45 am]

BILLING CODE 3510–60–P

COMMODITY FUTURES TRADING COMMISSION

Sunshine Act Meetings

TIME AND DATE: 10:00 a.m., Monday, September 16, 2019.

PLACE: CFTC Headquarters, Lobby-Level Hearing Room, Three Lafayette Centre, 1155 21st Street NW, Washington, DC.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commodity Futures Trading Commission (''Commission'' or ''CFTC'') will hold this meeting to consider the following matters:

- Final Rule on Revisions to Prohibitions and Restrictions on Proprietary Trading and Certain Interests in, and Relationships With, Hedge Funds and Private Equity Funds (Volcker Rule);
- Final Rule on Position Limits and Position Accountability for Security Futures Products; and
- Final Rule on Public Rulemaking Procedures (Part 13 Amendments).

The agenda for this meeting will be available to the public and posted on the Commission's website at *https://www.cftc.gov.* In the event that the time, date, or place of this meeting changes, an announcement of the change, along with the new time, date, or place of the meeting, will be posted on the Commission's website.

CONTACT PERSON FOR MORE INFORMATION: Christopher Kirkpatrick, Secretary of the Commission, 202–418–5964.

Authority: 5 U.S.C. 552b.

Dated: September 6, 2019.

Christopher Kirkpatrick,

Secretary of the Commission.

[FR Doc. 2019–19714 Filed 9–9–19; 11:15 am]

BILLING CODE 6351–01–P

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Application Package for National Service Trust AmeriCorps Voucher and Payment Request Form/National Service Trust AmeriCorps—Manual Payment Request Form; Proposed Information Collection; Comment Request

AGENCY: Corporation for National and Community Service (CNCS).

ACTION: Notice.

SUMMARY: The Corporation for National and Community Service (CNCS) has submitted a public information collection request (ICR) entitled National Service Trust AmeriCorps Voucher and Payment Request Form/National Service Trust AmeriCorps—Manual Payment Request Form for review and approval in accordance with the Paperwork Reduction Act.

DATES: Comments may be submitted, identified by the title of the information collection activity, by October 11, 2019.

ADDRESSES: Direct written comments and/or suggestions regarding the items contained in this Notice to the Attention: CNCS Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street NW, Washington, DC 20503 or by fax to (202) 395–5806. Provide written comments within 30 days of Notice publication.

FOR FURTHER INFORMATION CONTACT: Copies of this ICR, with applicable supporting documentation, may be obtained by calling the Corporation for National and Community Service, Nahid Jarrett, at 202–606–6753 or email to *njarrett@cns.gov.*

SUPPLEMENTARY INFORMATION: The OMB is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of CNCS, 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;
- Propose ways to enhance the quality, utility, and clarity of the information to be collected; and
- Propose ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments

A 60-day Notice requesting public comment was published in the **Federal Register** on June 18, 2019 at Vol. 84, No. 117 FR 28284. This comment period ended August 19, 2019. No public comments were received from this Notice.

Title of Collection: National Service Trust AmeriCorps Voucher and Payment Request Form/National Service Trust AmeriCorps—Manual Payment Request Form.

OMB Control Number: 3045–0014.

Type of Review: Renewal.

Respondents/Affected Public: Individuals using a Segal AmeriCorps Education Award, authorized school officials and qualified student loan holders.

Total Estimated Number of Annual Responses: 162,000.

Total Estimated Number of Annual Burden Hours: 13,500.

Cost to the Government: 23,000.

Abstract: The *National Service Trust AmeriCorps Voucher and Payment Form/National Service Trust AmeriCorps—Manual Payment Request Form* is used to make payments to repay qualified student loans and to pay for the cost of attending eligible post-secondary educational institutions and approved School-to-Work programs. Prior to making the payments, CNCS will review information from the forms and compare it to information taken from the AmeriCorps members' education award account(s) to ensure that the payments meet the requirements of the law. This information collection is not required to be considered for obtaining grant funding support. CNCS seeks to renew the current information collection. The information collection will otherwise be used in the same manner as the existing application. CNCS also seeks to continue using the current application until the revised application is approved by OMB. The current application expired on August 31, 2019.

Dated: September 3, 2019.

Jerry Prentice,

Director of the National Service Trust.

[FR Doc. 2019–19625 Filed 9–10–19; 8:45 am]

BILLING CODE 6050–28–P

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; National Service Trust Americorps Forbearance Request for National Service Form; Proposed Information Collection; Comment Request

AGENCY: Corporation for National and Community Service (CNCS).

ACTION: Notice of Information Collection; request for comment.

SUMMARY: The Corporation for National and Community Service (CNCS) has submitted a public information collection request (ICR) entitled National Service Trust Americorps Forbearance Request for National Service Form for review and approval in accordance with the Paperwork Reduction Act.

DATES: Comments may be submitted, identified by the title of the information collection activity, by October 11, 2019.

ADDRESSES: Direct written comments and/or suggestions regarding the items contained in this Notice to the Attention: CNCS Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street NW, Washington, DC 20503 or by fax to (202) 395–5806. Provide written comments within 30 days of Notice publication.

FOR FURTHER INFORMATION CONTACT: Copies of this ICR, with applicable supporting documentation, may be obtained by calling the Corporation for National and Community Service, Nahid Jarrett, at 202–606–6753 or email to *njarrett@cns.gov.*

SUPPLEMENTARY INFORMATION: The OMB is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of CNCS, 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;
- Propose ways to enhance the quality, utility, and clarity of the information to be collected; and
- Propose ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments

A 60-day Notice requesting public comment was published in the **Federal Register** on June 11, 2019 at Vol. 84, No. 112 FR 27095. This comment period ended August 12, 2019. No public comments were received from this Notice.

Title of Collection: National Service Trust Americorps Forbearance Request for National Service Form.

OMB Control Number: 0345–0030.

Type of Review: Renewal.

Respondents/Affected Public: AmeriCorps members and alumni that wish to request forbearance on qualified student loans and qualified loan servicers.

Total Estimated Number of Annual Responses: 11,000.

Total Estimated Number of Annual Burden Hours: 1,833.

Cost to the Government: 6,500.

Abstract: CNCS Forbearance Request for National Service Form certifies that AmeriCorps members are eligible for forbearance based on their enrollment in a national service position. AmeriCorps members use the form to request forbearance from their loan servicer. CNCS seeks to renew the current information collection. The information collection will otherwise be used in the same manner as the existing application. CNCS also seeks to continue using the current application until the revised application is approved by OMB. The current application expired on August 31, 2019.

Dated: September 3, 2019.

Jerry Prentice,

Director of the National Service Trust.

[FR Doc. 2019–19622 Filed 9–10–19; 8:45 am]

BILLING CODE 6050–28–P

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; National Service Trust AmeriCorps Interest Payment Form/AmeriCorps—Manual Interest Payment Request Form; Proposed Information Collection; Comment Request

AGENCY: Corporation for National and Community Service.

ACTION: Notice.

SUMMARY: The Corporation for National and Community Service (CNCS) has submitted a public information collection request (ICR) entitled National Service Trust AmeriCorps Interest Payment Form/AmeriCorps—Manual Interest Payment Request Form for review and approval in accordance with the Paperwork Reduction Act.

DATES: Comments may be submitted, identified by the title of the information collection activity, by October 11, 2019.

ADDRESSES: Direct written comments and/or suggestions regarding the items contained in this Notice to the Attention: CNCS Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street NW, Washington, DC 20503 or by fax to (202) 395–5806. Provide written comments within 30 days of Notice publication.

FOR FURTHER INFORMATION CONTACT: Copies of this ICR, with applicable supporting documentation, may be obtained by calling the Corporation for National and Community Service, Nahid Jarrett, at 202–606–6753 or email to *njarrett@cns.gov.*

SUPPLEMENTARY INFORMATION: The OMB is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of CNCS, 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;
- Propose ways to enhance the quality, utility, and clarity of the information to be collected; and
- Propose ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments

A 60-day Notice requesting public comment was published in the **Federal Register** on June 11, 2019 at Vol. 84, No. 112 FR 27095. This comment period ended August 12, 2019. No public comments were received from this Notice.

Title of Collection: National Service Trust AmeriCorps Interest Payment.

Form/AmeriCorps—Manual Interest Payment Request Form.

OMB Control Number: 0345–0014.

Type of Review: Renewal.

Respondents/Affected Public: AmeriCorps Members/Alum that have

completed a term of national service who seek to have the interest that has accrued on their qualified student loans during their service term repaid and qualified loan servicers.

Total Estimated Number of Annual Responses: 13,200.

Total Estimated Number of Annual Burden Hours: 1,100.

Cost to the Government: 2,300.

Abstract: After an AmeriCorps member completes a period of national and community service, the individual receives an education award that can be used to pay against qualified student loans or pay for current post-secondary educational expenses. AmeriCorps members use the *AmeriCorps Interest Payment Form/AmeriCorps—Manual Interest Payment Request Form* to request a payment of accrued interest on qualified student loans and to authorize the release of loan information to the National Service Trust; schools and lenders verify eligibility for the payments; and both parties verify certain legal requirements. CNCS seeks to renew the current information collection request. The information collection will otherwise be used in the same manner as the existing application. CNCS also seeks to continue using the current application until the revised application is approved by OMB. The current application is due to expire on August 31, 2019.

Dated: September 3, 2019.

Jerry Prentice,

Director of the National Service Trust.

[FR Doc. 2019–19623 Filed 9–10–19; 8:45 am]

BILLING CODE 6050–28–P

DEPARTMENT OF DEFENSE

Department of the Army

[Docket ID: USA–2019–HQ–0026]

Proposed Collection; Comment Request

AGENCY: U.S. Army Corps of Engineers, DoD.

ACTION: Information collection notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995,* the U.S. Army Corps of Engineers, 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 November 12, 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 U.S. Army Corps of Engineers, Directorate of Civil Works, Office of Planning and Policy, ATTN: Douglas Gorecki, 441 G Street, Washington, DC 20314, or call 202–761–5450.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: U.S. Army Corps of Engineers, Instrument(s) for Navigation Improvement Survey(s), Generic Collection OMB Control Number 0710–0018.

Needs and Uses: The primary purpose of the collections to be conducted under this clearance is to provide data which will be used in conjunction with other information to derive numerical values of shipper's, waterway carrier's and commercial fisher's behavior and estimates of transportation cost savings resulting from changes to the navigation infrastructure. In general, all collections under this generic clearance will be designed based upon accepted statistical practices and sampling methodologies, will gather consistent and valid data that are representative of the target population(s), address non-response bias issues, and achieve response rates needed to obtain statistically useful results.

Affected Public: Individuals or households, Business or other for-profit, Not-for-profit institutions, Farms, State, Local or Tribal Government.

Annual Burden Hours: 500.

Number of Respondents: 1500.

Responses per Respondent: 1.

Annual Responses: 1500.

Average Burden per Response: 20 Minutes.

Frequency: On Occasion.

Dated: September 6, 2019.

Aaron T. Siegel,

Alternate OSD Federal Register, Liaison Officer, Department of Defense.

[FR Doc. 2019–19649 Filed 9–10–19; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID DoD–2019–OS–0070]

Submission for OMB Review; Comment Request

AGENCY: USTRANSCOM, 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 October 11, 2019.

ADDRESSES: Comments and recommendations on the proposed information collection should be emailed to Ms. Jasmeet Seehra, DoD Desk Officer, at *oira_submission@omb.eop.gov.* Please identify the proposed information collection by DoD Desk Officer, Docket ID number, and title of the information collection.

FOR FURTHER INFORMATION CONTACT: Angela James, 571–372–7574, or *whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil.*

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: SDDC Transportation Financial Management System (TFMS) Access Request; SDDC Form 417; OMB Control Number 0704–XXXX.

Type of Request: Extension.

Number of Respondents: 984.

Responses per Respondent: 1.

Annual Responses: 984.

Average Burden Per Response: 10 minutes.

Annual Burden Hours: 164.

Needs and Uses: The information collection requirement is necessary to establish Human Resource (HR) accounts within the Transportation Financial Management System (TFMS) for the Military Surface Deployment and Distribution Command (SDDC). The HR account is linked to the supplier module for payment of entitlements (Defense Travel System (DTS)). The information is also linked to the Defense Civilian Pay system (DCPS) for payment of civilian personnel for entitlements. The information is also used to establish and control user accounts in TFMS.

Affected Public: Individuals or Households.

Frequency: On occasion.

Respondent's Obligation: Voluntary.

OMB Desk Officer: Ms. Jasmeet Seehra.

You may also submit comments and recommendations, identified by Docket ID number and title, by the following method:

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

Instructions: All submissions received must include the agency name, Docket ID number, and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

DOD Clearance Officer: Ms. Angela James.

Requests for copies of the information collection proposal should be sent to Ms. James at *whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil.*

Dated: September 6, 2019.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2019–19644 Filed 9–10–19; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Advisory Committee on Investigation, Prosecution, and Defense of Sexual Assault in the Armed Forces; Notice of Federal Advisory Committee Meeting

AGENCY: General Counsel of the Department of Defense, Department of Defense (DoD).

ACTION: Notice of rescheduling of Federal Advisory Committee meeting.

SUMMARY: The DoD is publishing this notice to announce that the following Federal Advisory Committee meeting of the Defense Advisory Committee on Investigation, Prosecution, and Defense of Sexual Assault in the Armed Forces (DAC–IPAD) has been rescheduled.

DATES: This meeting was originally scheduled for Thursday, September 12, 2019. It has been rescheduled for Saturday, September 14, 2019. The meeting is open to the public Saturday, September 14, 2019 from 11:00 a.m. to 12:00 p.m.

ADDRESSES: The address for the public meeting is One Liberty Center, 875 N Randolph Street, Suite 150, Arlington, VA 22203. The Committee members will participate by teleconference.

FOR FURTHER INFORMATION CONTACT: Dwight Sullivan, 703–695–1055 (Voice), *dwight.h.sullivan.civ@mail.mil* (Email). Mailing address is DAC–IPAD, One Liberty Center, 875 N Randolph Street, Suite 150, Arlington, Virginia 22203. Website: *http://dacipad.whs.mil/.* The most up-to-date changes to the meeting agenda can be found on the website.

SUPPLEMENTARY INFORMATION: The meeting notice for the September 12, 2019 meeting of the DAC–IPAD published in the **Federal Register** on Friday, August 30, 2019 (84 FR 45742–45743). The DAC–IPAD could not get a quorum for the meeting that was scheduled on September 12, 2019. The DAC–IPAD was able to get a quorum for Saturday, September 14, 2019. This meeting notice is being published to announce that the meeting of the DAC–IPAD has been rescheduled to September 14, 2019.

Due to circumstances beyond the control of the Department of Defense and the Designated Federal Officer, the Defense Advisory Committee on Investigation, Prosecution, and Defense of Sexual Assault in the Armed Forces was unable to provide public notification required by 41 CFR 102–3.150(a) concerning the rescheduling of its September 12, 2019 meeting to September 14, 2019 of the Defense Advisory Committee on Investigation, Prosecution, and Defense of Sexual Assault in the Armed Forces. 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) of 1972 (5 U.S.C., Appendix, as amended), the Government in the Sunshine Act of 1976 (5 U.S.C. 552b, as amended), and 41 CFR 102–3.140 and 102–3.150.

Purpose of the Meeting: In section 546 of the National Defense Authorization Act for Fiscal Year 2015 (Pub. L. 113–291), as modified by section 537 of the National Defense Authorization Act for Fiscal Year 2016 (Pub. L. 114–92), Congress tasked the DAC–IPAD to advise the Secretary of Defense on the investigation, prosecution, and defense of allegations of rape, forcible sodomy, sexual assault, and other sexual misconduct involving members of the Armed Forces. This will be the fourteenth public meeting held by the DAC–IPAD. For this meeting the Committee will meet by teleconference to conduct final deliberations on and vote on whether to approve a letter from the Committee Chair to the Secretary of Defense containing DAC–IPAD's analysis of and recommendations regarding the DoD's 2019 sexual assault-related collateral misconduct report and future report requirements.

Agenda: 11:05 a.m.–11:55 a.m. Committee Deliberations on the Draft DAC–IPAD Analysis of and Recommendations Regarding the Department of Defense's 2019 Sexual Assault-Related Collateral Misconduct Report and Future Report Requirements; 11:55 a.m.–12:00 p.m. Public Comment; 12:00 p.m. Public Meeting Adjourns.

Meeting Accessibility: Pursuant to 5 U.S.C. 552b and 41 CFR 102–3.140 through 102–3.165, and subject to the availability of space, this meeting is open to the public. Members of the public may listen to the teleconference via speakerphone in the DAC–IPAD office conference room. Seating is limited and is on a first-come basis. Visitors are required to sign in at the One Liberty Center security desk and must leave government-issued photo identification on file and wear a visitor badge while in the building. Department of Defense Common Access Card (CAC) holders who do not have authorized access to One Liberty Center must provide an alternate form of government-issued photo identification to leave on file with security while in the building. All visitors must pass through a metal detection security screening. Individuals requiring special accommodations to access the public meeting should contact the DAC–IPAD at *whs.pentagon.em.mbx.dacipad@mail.mil* at least five (5) business days prior to the meeting so that appropriate arrangements can be made. In the event the Office of Personnel Management closes the government due to inclement weather or for any other reason, please

consult the website for any changes to the public meeting date or time.

Written Statements: Pursuant to 41 CFR 102–3.140 and section 10(a)(3) of the Federal Advisory Committee Act of 1972, the public or interested organizations may submit written comments to the Committee about its mission and topics pertaining to this public session. Written comments must be received by the DAC–IPAD at least five (5) business days prior to the meeting date so that they may be made available to the Committee members for their consideration prior to the meeting. Written comments should be submitted via email to the DAC–IPAD at *whs.pentagon.em.mbx.dacipad@mail.mil* in the following formats: Adobe Acrobat or Microsoft Word. Please note that since the DAC–IPAD operates under the provisions of the Federal Advisory Committee Act, as amended, all written comments will be treated as public documents and will be made available for public inspection. Oral statements from the public will be permitted, though the number and length of such oral statements may be limited based on the time available and the number of such requests. Oral presentations by members of the public will be permitted from 11:55 a.m. to 12:00 p.m. on September 14, 2019.

Dated: September 6, 2019.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2019–19676 Filed 9–10–19; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF ENERGY

Establishment of the National Quantum Initiative Advisory Committee

AGENCY: Office of Science, Department of Energy.

ACTION: Notice; solicitation of nominations.

SUMMARY: The U.S. Department of Energy (DOE) or (the Department) announces the establishment of the National Quantum Initiative Advisory Committee (Committee), pursuant to, the National Quantum Initiative Act, and in accordance with the Federal Advisory Committee Act (FACA), as delegated to the Department by the President under Executive Order 13885. The Committee will provide advice and recommendations to the President, Secretary of Energy, and the National Science and Technology Council's Subcommittee on Quantum Information Science (SCQIS) on the National Quantum Initiative (NQI). This advice will include assessments of trends and developments in quantum information science and technology (QIST), implementation and management of the NQI, whether NQI activities are helping to maintain United States leadership in QIST, whether program revisions are necessary, what opportunities exist for international collaboration and open standards, and whether national security and economic considerations are adequately addressed by the NQI. The Secretary of Energy is requesting nominations for membership to the Committee. The Secretary of Energy, with input from the Director of the Office of Science and Technology Policy or the Director's designee (as co-chair of the Committee), will consider nominations received in response to this notice.

DATES: All nominations for members must be received by midnight Eastern Time on October 4, 2019.

ADDRESSES: Submit nominations electronically by email to *NQIAC@science.doe.gov.*

FOR FURTHER INFORMATION CONTACT: *NQIAC@science.doe.gov* or Corey Stambaugh at email: *Corey.A.Stambaugh@ostp.eop.gov* or phone: (202) 456–3606.

SUPPLEMENTARY INFORMATION:

I. The National Quantum Initiative Advisory Committee

Quantum information science (QIS) has the opportunity to revolutionize our scientific knowledge, improve our industrial base, and provide substantial economic and national security benefits. Many recognize that QIS technologies will likely underpin almost every aspect of technology two decades from now, as can be seen by the strong increase in industrial investment from both established firms and a host of new startups.

This base science and technology matters. Think to the impact of atomic clocks, an early quantum technology, on enabling the Global Positioning System and modern telecommunications. We are witnessing a second information technology (IT) revolution with quantum devices enabling previously undreamt of possibilities. Fundamentally, new technologies of this nature can come to underpin significant aspects of the national economic and defense ecosystem.

The National Quantum Initiative Act calls for the establishment of a whole-of-Government approach to QIST research and development—the NQI. This effort will leverage the leadership position of the United States in this area to expand our global edge in the face of increasing international and multinational pressure. This notice announces the establishment, as required by Statute, of the Committee to advise the President and the SCQIS on the direction and implementation of the NQI. One of the Committee's activities will be to provide biennial reports on the NQI to ensure that recommendations for improvements and changes are developed and promulgated on a regular basis, enabling research on the cutting edge of scientific discovery, the next generation workforce, the next generation industry, international collaboration, and economic and national security.

Unless otherwise extended, the Committee will terminate December 21, 2030, 11 years after the date of the NQIA signing, according to the exception to section 14 of the FACA in the NQIA. The Department of Energy shall provide the Committee with funding and administrative support as may be necessary for the performance of the Committee's functions.

II. Description of Committee Member Duties

The Committee will advise the President, the Secretary of Energy (Secretary), and the SCQIS in their efforts to maintain United States leadership in QIS.

Members must be able to actively participate in the tasks of the Committee including, but not limited to regularly attending and participating in meetings, reviewing materials, and participating in conference calls, working groups, and formal subcommittees. The Committee may advise the SCQIS in any of its efforts, so the Secretary will consider nominees who can best support, in an advisory capacity, any of the following functions:

- Devising a national strategy for maintaining leadership in QIS, including enabling new scientific discovers, empowering quantum-related industry, utilizing existing and new infrastructure, enabling international collaborations, and providing for improved economic and national security;
- Fostering close coordination, cooperation, and information exchange within the Federal government and between the government and non-Federal stakeholders as related to issues concerning the NQI;
- Examining and providing feedback on the technical and administrative aspects of the NQI;
- Developing biennial reports on findings that can provide the basis for future action, revision, or improvements

of the United States efforts in quantum information science and related technologies;

- Developing plans for working with companies, universities, non-profits, and other educational institutions that demonstrate excellence in building and employing the quantum-smart workforce; and
- Examining how the Federal government can work with non-Federal stakeholders to support the implementation of the National Quantum Initiative Act.

III. Structure of Advisory Committee

The Committee will be made up of two co-chairs—the Director of the Office of Science and Technology Policy or the Director's designee (the Director) and one Committee member designated by the Secretary and up to 21 additional members. The Secretary will, in consultation with the Director, appoint members and they will serve at the pleasure of the Secretary. Potential nominees will represent a cross-section of QIS-related sectors, including but not limited to the private sector, non-profits, Federal laboratories, educational institutions, and other federal government agencies. The nominees will be prominent in their fields, recognized for their professional and other relevant achievements, and from diverse backgrounds.

As necessary, the Committee may establish, with the consent of or at the direction of the SCQIS, such subcommittees or ad hoc groups, including technical advisory groups, as it considers necessary for the performance of its functions. All subcommittees and other groups must report back to the full Committee; members and subcommittees must not provide advice or work products directly to any Federal agency or official not on the Committee.

Appointed Committee members will serve for a term of up to two years. Members serve at the pleasure of the Secretary. Members shall be eligible for reappointment. When vacancies occur, the Secretary will, in consultation with the Director, identify for appointment nominees who can address the Committee's needs per the National Quantum Initiative Act.

IV. Compensation for Members of the Advisory Committee

Members of the Committee shall serve without any compensation for their work on the Committee. Members of the Committee, while engaged in the work of the Committee, will, upon request, be reimbursed for travel expenses, including per diem in lieu of subsistence, to the extent permitted by law for persons serving intermittently in government service (5 U.S.C. 5701–5707), consistent with the availability of funds.

V. Solicitation of Nominations

The Secretary will, in consultation with the Director, consider nominations of all qualified individuals to ensure that the Committee includes the areas of experience noted above. Individuals may nominate themselves or other individuals, and professional associations and organizations may nominate one or more qualified persons for membership on the Committee. Nominations shall state that the nominee is willing to serve as a member and carry out the duties of the Committee.

A nomination package should include the following information for each nominee: (1) A letter of nomination stating the name, affiliation, and contact information for the nominee, the basis for the nomination (*i.e.,* what specific attributes recommend him/her for service in this capacity), and the nominee's field(s) of experience; (2) a biographical sketch of the nominee and a copy of his/her curriculum vitae; and (3) the name, return address, email address, and daytime telephone number at which the nominator can be contacted.

Nominations are open to all individuals without regard to race, color, religion, sex, national origin, age, mental or physical handicap, marital status, or sexual orientation. The Secretary and the Director also encourage geographic diversity in the composition of the Committee. All nomination information should be provided in a single, complete package by midnight Eastern Time on October 4, 2019. Interested applicants should send their nomination package to *NQIAC@science.doe.gov*.

Signed in Washington, DC, on September 5, 2019.

Chris Fall,

Director, Office of Science, Department of Energy.

[FR Doc. 2019–19640 Filed 9–10–19; 8:45 am]

BILLING CODE 6450–01–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: RP19–1540–000.
Applicants: LA Storage, LLC.
Description: § 4(d) Rate Filing: Filing of Negotiated Rate, Conforming IW Agreement (Increased Capacity 9/1–9/30) to be effective 9/1/2019.
Filed Date: 9/4/19.
Accession Number: 20190904–5042.
Comments Due: 5 p.m. ET 9/16/19.

Docket Numbers: RP19–1541–000.
Applicants: Transcontinental Gas Pipe Line Company, LLC.
Description: § 4(d) Rate Filing: DPEs—Rivervale South to Market Project to be effective 10/5/2019.
Filed Date: 9/4/19.
Accession Number: 20190904–5047.
Comments Due: 5 p.m. ET 9/16/19.

Docket Numbers: RP19–1542–000.
Applicants: Paiute Pipeline Company.
Description: § 4(d) Rate Filing: Removal of Non-conforming TSA F50 to be effective 9/1/2019.
Filed Date: 9/5/19.
Accession Number: 20190905–5000.
Comments Due: 5 p.m. ET 9/17/19.

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: September 5, 2019.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2019–19602 Filed 9–10–19; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. AD19–15–000]

Supplemental Notice of Technical Conference: Managing Transmission Line Ratings

As announced in the Notice of Technical Conference issued in this

proceeding on June 28, 2019, the Federal Energy Regulatory Commission (Commission) will convene a staff-led technical conference in the above-referenced proceeding on Tuesday, September 10, 2019 from approximately 8:45 a.m. to 5:00 p.m., and Wednesday, September 11, 2019 from approximately 8:45 a.m. to 1:00 p.m. Eastern time. The conference will be held in Hearing Room 1 at Commission headquarters, 888 First Street NE, Washington, DC 20426. Commissioners may attend and participate. The purpose of this conference is to discuss issues related to transmission line ratings, with a focus on dynamic and ambient-adjusted line ratings. In particular, this conference will explore what transmission line rating methodologies and related practices might constitute best practices, and what, if any, Commission action in these areas might be appropriate. There will be an opportunity to provide comments after the conference. A notice establishing a date when comments are due will be published after the conference.

The agenda and a list of participants for this conference are attached. The conference will be open for the public to attend in person, or to attend remotely via a webcast. Those who plan to attend the conference in person are encouraged to complete the registration form located at *http://www.ferc.gov/whats-new/registration/09-10-19-form.asp.* There is no registration deadline for in person attendees, but we strongly encourage attendees who are not citizens of the United States to register for the conference as soon as possible, in order to avoid any delay associated with being processed by FERC security. Those who plan to attend the conference remotely via webcast must register by 5:00 p.m. EST on September 3, 2019. The webcast may not be available to those who do not register.

Information on the technical conference (including a link to the webcast) will be posted on the Calendar of Events on the Commission's website, *http://www.ferc.gov.* The conference will be transcribed. Transcripts will be available for a fee from Ace Reporting (202–347–3700).

Commission conferences are accessible under section 508 of the Rehabilitation Act of 1973. For accessibility accommodations, please send an email to *accessibility@ferc.gov* or call toll free 1–866–208–3372 (voice) or 202–502–8659 (TTY), or send a fax to 202–208–2106 with the required accommodations.

For more information about this technical conference, please contact:

Sarah McKinley (Logistical Information), Office of External Affairs, (202) 502–8004, *Sarah.Mckinley@ferc.gov.*

Dillon Kolkmann (Technical Information), Office of Energy Policy and Innovation, (202) 502–8650, *Dillon.Kolkmann@ferc.gov.*

Dated: September 4, 2019.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2019–19626 Filed 9–10–19; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER19–1229–001.

Applicants: Midcontinent Independent System Operator Inc., GridLiance Heartland LLC.

Description: Tariff Amendment: 2019–09–05_Deficiency response to add GridLiance to Ameren-PPI JPZ Agreement to be effective 12/31/9998.

Filed Date: 9/5/19.

Accession Number: 20190905–5063.

Comments Due: 5 p.m. ET 9/26/19.

Docket Numbers: ER19–1231–001.

Applicants: Midcontinent Independent System Operator Inc., GridLiance Heartland LLC.

Description: Tariff Amendment: 2019–09–05_Deficiency response to GridLiance Schedules 7, 8, and 9 filing to be effective 12/31/9998.

Filed Date: 9/5/19.

Accession Number: 20190905–5065.

Comments Due: 5 p.m. ET 9/26/19.

Docket Numbers: ER19–2753–000.

Applicants: Cedar River Transmission, LLC.

Description: Baseline eTariff Filing: Cedar River Transmission, LLC SFA with NextEra Energy Duane Arnold, LLC to be effective 11/4/2019.

Filed Date: 9/4/19.

Accession Number: 20190904–5133.

Comments Due: 5 p.m. ET 9/25/19.

Docket Numbers: ER19–2754–000.

Applicants: Public Service Company of Colorado.

Description: § 205(d) Rate Filing: PSCo-WAPA NITS–325–0.2.0—Agrmt to be effective 9/3/2019.

Filed Date: 9/5/19.

Accession Number: 20190905–5006.

Comments Due: 5 p.m. ET 9/26/19.

Docket Numbers: ER19–2755–000.

Applicants: Rochester Gas and Electric Corporation, Power Authority of the State of New York, New York Independent System Operator, Inc.

Description: § 205(d) Rate Filing: Section 205 NYPA–RGE LGIA No. 2433 for RARP to be effective 8/12/2019.

Filed Date: 9/5/19.

Accession Number: 20190905–5042.

Comments Due: 5 p.m. ET 9/26/19.

Docket Numbers: ER19–2756–000.

Applicants: Midcontinent Independent System Operator, Inc.

Description: § 205(d) Rate Filing: 2019–09–05_SA 3083 Lake Benton-NSP 1st Rev GIA (J790) to be effective 8/22/2019.

Filed Date: 9/5/19.

Accession Number: 20190905–5076.

Comments Due: 5 p.m. ET 9/26/19.

Take notice that the Commission received the following electric securities filings:

Docket Numbers: ES19–50–000.

Applicants: Old Dominion Electric Cooperative, Inc.

Description: Application under Section 204 of the Federal Power Act for Authorization to Issue Securities, et al. of Old Dominion Electric Cooperative.

Filed Date: 9/4/19.

Accession Number: 20190904–5161.

Comments Due: 5 p.m. ET 9/25/19.

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: September 5, 2019.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2019–19607 Filed 9–10–19; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OAR–2015–0072; FRL–9998–63–OAR]

Release of a Draft Document Related to the Review of the National Ambient Air Quality Standards for Particulate Matter

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability.

SUMMARY: On or about September 4, 2019, the Environmental Protection Agency (EPA) will make available for public comment a draft document titled, *Policy Assessment for Review of the National Ambient Air Quality Standards for Particulate Matter, External Review Draft* (Draft PA). This draft document was prepared as part of the current review of the National Ambient Air Quality Standards (NAAQS) for Particulate Matter (PM). When final, the PA is intended to ''bridge the gap'' between the currently available scientific information and the judgments required of the Administrator in determining whether to retain or revise the existing NAAQS for PM.

DATES: Comments should be received on or before November 12, 2019.

ADDRESSES: Submit your comments, identified by docket ID number EPA–HQ–OAR–2015–0072, by any of the following methods:

- *Federal eRulemaking Portal: https://www.regulations.gov* (our preferred method). Follow the online instructions for submitting comments.
- *Email: a-and-r-Docket@epa.gov.* Include the Docket ID No. EPA–HQ–OAR–2015–0072 in the subject line of the message.
- *Fax:* (202) 566–9744. Include the Docket ID No. EPA–HQ–OAR–2015–0072 in the subject line of the message.
- *Mail:* U.S. Environmental Protection Agency, EPA Docket Center, Office of Air and Radiation Docket, Mail Code 28221T, 1200 Pennsylvania Avenue NW, Washington, DC 20460.
- *Hand Delivery/Courier:* EPA Docket Center, WJC West Building, Room 3334, 1301 Constitution Avenue NW, Washington, DC 20004. The Docket Center's hours of operations are 8:30 a.m.–4:30 p.m., Monday–Friday (except Federal Holidays).

Instructions: All submissions received must include the Docket ID No. for this notice. Comments received may be posted without change to *https://www.regulations.gov,* including any personal information provided. For detailed instructions on sending comments, see the **SUPPLEMENTARY INFORMATION** section of this document. The draft PA will be available primarily via the internet at *https://www.epa.gov/naaqs/particulate-matter-pm-air-quality-standards.*

FOR FURTHER INFORMATION CONTACT: Dr. Scott Jenkins, Office of Air Quality Planning and Standards (Mail Code C504–06), U.S. Environmental Protection Agency, Research Triangle Park, NC 27711; telephone number: 919–541–1167; fax number: 919–541–5315; email: *jenkins.scott@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

Written Comments

Submit your comments, identified by Docket ID No. EPA–HQ–OAR–2015–0072, at *https://www.regulations.gov* (our preferred method), or the other methods identified in the **ADDRESSES** section. Once submitted, comments cannot be edited or removed from the docket. The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written submission. The written submission is considered the official submission and should include discussion of all points you wish to make. The EPA will generally not consider submissions or submission content located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *https://www.epa.gov/dockets/commenting-epa-dockets.*

II. Information About the Document

Two sections of the Clean Air Act (CAA) govern the establishment and revision of the NAAQS. Section 108 (42 U.S.C. 7408) directs the Administrator to identify and list certain air pollutants and then to issue air quality criteria for those pollutants. The Administrator is to list those air pollutants that in his ''judgment, cause or contribute to air pollution which may reasonably be anticipated to endanger public health or welfare''; ''the presence of which in the ambient air results from numerous or diverse mobile or stationary sources''; and ''for which . . . [the Administrator] plans to issue air quality criteria . . .'' (42 U.S.C. 7408(a)(1)(A)–(C)). Air quality criteria are intended to ''accurately reflect the latest scientific knowledge useful in indicating the kind and extent of all identifiable effects on public health or welfare which may be expected from the presence of [a] pollutant in the ambient air . . .'' (42 U.S.C. 7408(a)(2)). Under section 109 (42 U.S.C. 7409), the EPA establishes primary (health-based) and secondary (welfare-based) NAAQS for pollutants for which air quality criteria are issued. Section 109(d) requires periodic review and, if appropriate, revision of existing air quality criteria. The revised air quality criteria reflect advances in scientific knowledge on the effects of the pollutant on public health or welfare. The EPA is also required to periodically review and revise the NAAQS, if appropriate, based on the revised criteria. Section 109(d)(2) requires that an independent scientific review committee ''shall complete a review of the criteria . . . and the national primary and secondary ambient air quality standards . . . and shall recommend to the Administrator any new . . . standards and revisions of the existing criteria and standards as may be appropriate . . . .'' Since the early 1980s, this independent review function has been performed by the Clean Air Scientific Advisory Committee (CASAC).

Presently, the EPA is reviewing the air quality criteria and NAAQS for PM. The EPA's overall plan for this review is presented in the *Integrated Review Plan for the National Ambient Air Quality Standards for Particulate Matter* (IRP).[1] A draft of the *Integrated Science Assessment for Particulate Matter* (ISA)[2] was reviewed by the CASAC at a public meeting in December 2018 (83 FR 55529, November 6, 2018) and discussed on a public teleconference in March 2019 (84 FR 8523, March 8, 2019). The draft PA announced today draws from the scientific evidence assessed in the draft ISA, together with the results of air quality and other quantitative analyses, as available. When final, the PA is intended to ''bridge the gap'' between the scientific and technical information available in the review and the judgments required of the Administrator in determining whether to retain or revise the existing PM NAAQS. The draft PA will be available on or about September 4, 2019,

[1] The IRP (EPA–452/R–16–005, December 2016) is available at *https://www.epa.gov/naaqs/particulate-matter-pm-standards-planning-documents-current-review.*

[2] The draft ISA for PM (EPA/600/R–18/179, October 2018) is available at *http://cfint.rtpnc.epa.gov/ncea/prod/recordisplay.cfm?deid=341593.*

on the EPA's website at *https://www.epa.gov/naaqs/particulate-matter-pm-air-quality-standards.*

The EPA is soliciting advice and recommendations from the CASAC by means of a review of the draft PA at an upcoming public meeting. Information about this public meeting, including the dates and location, will be published as a separate notice in the **Federal Register**. Following the CASAC meeting, the EPA will consider comments received from the CASAC and the public in preparing revisions to the draft PA.

The documents briefly described above do not represent, and should not be construed to represent, any final EPA policy, viewpoint, or determination. The EPA will consider any public comments submitted in response to this notice when revising the draft PA.

Dated: September 3, 2019.

Panagiotis Tsirigotis,

Director, Office of Air Quality Planning and Standards.

[FR Doc. 2019–19627 Filed 9–10–19; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9999–48–Region 6]

Underground Injection Control Program; Hazardous Waste Injection Restrictions; Petition for Exemption Reissuance—Class I Hazardous Waste Injection; TM Deer Park Services (TMDPS) Limited Partnership Deer Park, Texas Facility

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of a final decision on a UIC no migration petition reissuance.

SUMMARY: Notice is hereby given that a reissuance of an exemption to the Land Disposal Restrictions, under the 1984 Hazardous and Solid Waste Amendments to the Resource Conservation and Recovery Act, has been granted to TMDPS for three Class I hazardous waste injection wells located at their Deer Park, Texas facility. The company has adequately demonstrated to the satisfaction of the Environmental Protection Agency (EPA) by the petition reissuance application and supporting documentation that, to a reasonable degree of certainty, there will be no migration of hazardous constituents from the injection zone for as long as the waste remains hazardous. This final decision allows the underground injection by TMDPS of the specific restricted hazardous wastes identified in this exemption reissuance request, into Class I hazardous waste injection wells WDW–169, WDW–249 and WDW–422 until December 31, 2030, unless the EPA moves to terminate this exemption. Additional conditions included in this final decision may be reviewed by contacting the EPA Region 6 Ground Water/UIC Section. A public notice was issued June 19, 2019, and the public comment period closed on August 12, 2019, and no comments were received. This decision constitutes final Agency action and there is no Administrative appeal.

DATES: This action took effect on August 15, 2019.

ADDRESSES: Copies of the petition reissuance and all pertinent information relating thereto are on file at the following location: Environmental Protection Agency, Region 6, Water Division, Safe Drinking Water Branch (6WDD), 1201 Elm Street, Suite 500, Dallas, Texas 75270–2102.

FOR FURTHER INFORMATION CONTACT: Philip Dellinger, Chief, Ground Water/UIC Section, EPA—Region 6, telephone (214) 665–8324.

Dated: August 15, 2019.

Charles W. Maguire,

Director, Water Division.

[FR Doc. 2019–19408 Filed 9–10–19; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9998–97–OA]

Children's Health Protection Advisory Committee (CHPAC); Notice of Charter Renewal

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Charter Renewal.

Notice is hereby given that the Environmental Protection Agency (EPA) has determined that, in accordance with the provisions of the Federal Advisory Committee Act (FACA), 5 U.S.C. App. 2, the Children's Health Protection Advisory Committee (CHPAC) is in the public interest and is necessary in connection with the performance of EPA's duties. Accordingly, CHPAC will be renewed for an additional two-year period. The purpose of CHPAC is to provide advice and recommendations to the Administrator of EPA on issues associated with development of regulations, guidance and policies to address children's health risks. Inquiries may be directed to Nica Louie, Designated Federal Officer, CHPAC, U.S. EPA, OCHP, MC 1107A, 1200 Pennsylvania Avenue NW, Washington, DC 20460, Email: *louie.nica@epa.gov,* Telephone 202–564–7633.

Dated: August 21, 2019.

Michael P. Firestone,

Acting Director, Office of Children's Health Protection.

[FR Doc. 2019–19659 Filed 9–10–19; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OGC–2019–0519; FRL 9999–62–OGC]

Proposed Settlement Agreement, Challenge to Clean Air Act

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed settlement agreement; request for public comment.

SUMMARY: In accordance with section 113(g) of the Clean Air Act, as amended (''CAA'' or the ''Act''), notice is hereby given of a proposed settlement agreement to resolve petitions for review filed by United States Steel Corporation (''U.S Steel'') with respect to U.S. Steel's Minntac taconite facility, involving several actions taken by EPA with regard to nitrogen oxide (NO_X) emission limits for Minntac. On November 29, 2013, June 13, 2016, and February 1, 2018, U.S. Steel filed petitions in the United States Court of Appeals for the Eighth Circuit challenging EPA's 2013 Regional Haze (RH) Federal Implementation Plan (FIP) for Minnesota and Michigan; 2013 RH State Implementation Plan (SIP) partial disapprovals for Michigan and Minnesota; 2016 revised RH FIP for Michigan and Minnesota; and EPA's denial of U.S. Steel's petitions for reconsideration of the 2013 FIP, 2013 SIP partial disapprovals, and 2016 revised FIP. The Settlement Agreement would resolve U.S. Steel's challenges to these actions, with respect to Minntac. Under the proposed settlement agreement, the parties agree to take certain specified actions.

DATES: Written comments on the proposed settlement agreement must be received by October 11, 2019.

ADDRESSES: Submit your comments, identified by Docket ID number EPA–HQ–OGC–2019–0519, online at *www.regulations.gov* (EPA's preferred method). For comments submitted at *www.regulations.gov,* follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *www.regulations.gov.* The EPA may

publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.* on the web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *https://www.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Stacey Simone Garfinkle, Air and Radiation Law Office (2344A), Office of General Counsel, U.S. Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone: (202) 564–3103; email address: *garfinkle.stacey@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Additional Information About the Proposed Settlement Agreement

The proposed Settlement Agreement would resolve U.S. Steel's challenges, with respect to Minntac, to the following actions: 2013 RH FIP Rule, 78 FR 8,706 (February 6, 2013); 2013 RH SIP partial disapprovals for Michigan and Minnesota, 78 FR 59,825 (September 30, 2013); 2016 revised RH FIP for Michigan and Minnesota, 81 FR 21,672 (April 12, 2016); and EPA's denial of U.S. Steel's petitions for reconsideration of the 2013 FIP, 2013 SIP partial disapprovals, and 2016 revised FIP, 82 FR 57,125 (December 4, 2017). *See United States Steel Corporation* v. *EPA,* Case Nos. 13–3595 (8th Cir. filed November 29, 2013), 16–2668 (8th Cir. filed June 13, 2016), and 18–1249 (8th Cir. filed February 1, 2018).

The proposed Settlement Agreement would require EPA to propose a combined facility-wide NO_X emission limit of 1.6 lbs NO_X/MMBtu, based on a 30-day rolling average, for Minntac Lines 3 through 7. This limit would apply regardless of the fuel used. Under the terms of the proposed Settlement Agreement, EPA agrees to propose amendments to 40 CFR part 52 that, if finalized, would require U.S. Steel to begin complying with the new facility-wide limit for Minntac beginning with the 30-day period between September 1, 2019 and September 30, 2019, at the latest. The facility-wide NO_X emission limit would replace the individual NO_X emission limits currently required for each of Minntac's five lines pursuant to the 2013 RH FIP Rule. The proposed Settlement Agreement also provides that nothing in the terms of the proposed Settlement Agreement shall be construed to limit or modify the discretion accorded EPA by the Clean Air Act or by general principles of administrative law. See the proposed Settlement Agreement for specific details.

For a period of thirty (30) days following the date of publication of this action, the Agency will accept written comments relating to the proposed Settlement Agreement from persons who are not named as parties or intervenors to the litigation in question. EPA may withdraw or withhold consent to the proposed Settlement Agreement if the comments disclose facts or considerations that indicate that such consent is inappropriate, improper, inadequate, or inconsistent with the requirements of the Act.

II. Additional Information About Commenting on the Proposed Settlement Agreement

A. How can I get a copy of the settlement agreement?

The official public docket for this action (identified by Docket ID No. EPA–HQ–OGC–2019–0519) contains a copy of the proposed settlement agreement. The official public docket is available for public viewing at the Office of Environmental Information (OEI) Docket in the EPA Docket Center, EPA West, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The EPA Docket Center 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 OEI Docket is (202) 566–1752.

An electronic version of the public docket is available through *www.regulations.gov.* You may use *www.regulations.gov* to submit or view public comments, access the index listing of the contents of the official public docket, and access those documents in the public docket that are available electronically. Once in the system, key in the appropriate docket identification number then select ''search.''

It is important to note that EPA's policy is that public comments, whether submitted electronically or in paper, will be made available for public viewing online at *www.regulations.gov* without change, unless the comment contains copyrighted material, CBI, or other information whose disclosure is restricted by statute. Information claimed as CBI and other information whose disclosure is restricted by statute is not included in the official public docket or in the electronic public docket. EPA's policy is that copyrighted material, including copyrighted material contained in a public comment, will not be placed in EPA's electronic public docket but will be available only in printed, paper form in the official public docket. Although not all docket materials may be available electronically, you may still access any of the publicly available docket materials through the EPA Docket Center.

B. How and to whom do I submit comments?

You may submit comments as provided in the **ADDRESSES** section. Please ensure that your comments are submitted within the specified comment period. Comments received after the close of the comment period will be marked ''late.'' EPA is not required to consider late comments.

If you submit an electronic comment, EPA recommends that you include your name, mailing address, and an email address or other contact information in the body of your comment and with any disk or CD ROM you submit. This ensures that you can be identified as the submitter of the comment and allows EPA to contact you in case EPA cannot read your comment due to technical difficulties or needs further information on the substance of your comment. Any identifying or contact information provided in the body of a comment will be included as part of the comment that is placed in the official public docket, and made available in EPA's electronic public docket. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment.

Use of the *www.regulations.gov* website to submit comments to EPA electronically is EPA's preferred method for receiving comments. The electronic public docket system is an ''anonymous access'' system, which means EPA will not know your identity, email address, or other contact information unless you provide it in the body of your comment. In contrast to EPA's electronic public docket, EPA's electronic mail (email)

system is not an ''anonymous access'' system. If you send an email comment directly to the Docket without going through *www.regulations.gov,* your email address is automatically captured and included as part of the comment that is placed in the official public docket, and made available in EPA's electronic public docket.

Dated: September 4, 2019.

Gautam Srinivasan,

Acting Associate General Counsel.

[FR Doc. 2019–19668 Filed 9–10–19; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2019–0274; FRL–9998–73]

Pesticide Experimental Use Permit; Receipt of Application; Comment Request (93167–EUP–E)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces EPA's receipt of an application from Oxitec, Ltd. requesting an experimental use permit (EUP) for the OX5034 *Aedes aegypti* mosquitoes expressing tetracycline Trans-Activator Variant (tTAV–OX5034) protein (identified by number 93167–EUP–E). The Agency has determined that the permit may be of regional and national significance. Therefore, because of the potential significance, EPA is seeking comments on this application.

DATES: Comments must be received on or before October 11, 2019.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA–HQ–OPP–2019–0274, by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.
- *Mail:* OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001.
- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *http://www.epa.gov/dockets/contacts.html.*

Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at *http://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: Robert McNally, Biopesticides and Pollution Prevention Division (7511P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; main telephone number: (703) 305–7090; email address: *BPPDFRNotices@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

This action is directed to the public in general. Although this action may be of particular interest to those persons who conduct or sponsor research on pesticides, the Agency has not attempted to describe all the specific entities that may be affected by this action.

B. What should I consider as I prepare my comments for EPA?

1. *Submitting CBI.* Do not submit this information to EPA through *regulations.gov* or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD–ROM that you mail to EPA, mark the outside of the disk or CD–ROM as CBI and then identify electronically within the disk or CD–ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When preparing and submitting your comments, see the commenting tips at *http://www.epa.gov/dockets/comments.html.*

3. *Environmental justice.* EPA seeks to achieve environmental justice, the fair treatment and meaningful involvement of any group, including minority and/or low income populations, in the development, implementation, and enforcement of environmental laws, regulations, and policies. To help address potential environmental justice issues, the Agency seeks information on any groups or segments of the population who, as a result of their location, cultural practices, or other factors, may have atypical or disproportionately high and adverse human health impacts or environmental effects from exposure to the pesticide(s) discussed in this document, compared to the general population.

II. What action is the agency taking?

Under section 5 of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), 7 U.S.C. 136c, EPA can allow manufacturers to field test pesticides under development. Manufacturers are required to obtain an EUP before testing new pesticides or new uses of pesticides if they conduct experimental field tests on 10 acres or more of land or one acre or more of water.

Pursuant to 40 CFR 172.11(a), the Agency has determined that the following EUP application may be of regional and national significance, and therefore is seeking public comment on the EUP application:

Submitter: Oxitec, Ltd., (93167–EUP–E).

Pesticide Chemical: OX5034 *Aedes aegypti* mosquitoes expressing tetracycline Trans-Activator Variant (tTAV–OX5034) protein.

Summary of Request: Oxitec Ltd. is proposing to test OX5034 *Aedes aegypti* mosquitoes expressing tTAV–OX5034 protein in the states of Florida and Texas on up to 6600 total acres at a maximum rate of 0.000056 g active ingredient (tTAV–OX5034), equivalent to 20,000 male OX5034 mosquitoes, per acre per week. The proposed experiments are to evaluate the efficacy of OX5034 mosquitoes as a tool for suppression of wild *Aedes aegypti* mosquito populations. Female offspring of the OX5034 mosquitoes in the environment are expected to die before they mature into adults and therefore exposure to biting female mosquitoes is not anticipated.

Following the review of the application and any comments and data received in response to this solicitation, EPA will decide whether to issue or deny the EUP request, and if issued, the conditions under which it is to be conducted. Any issuance of an EUP will be announced in the **Federal Register**.

Authority: 7 U.S.C. 136 *et seq.*

Dated: September 5, 2019.

Alexandra Dapolito Dunn,

Assistant Administrator, Office of Chemical Safety and Pollution Prevention.

[FR Doc. 2019–19665 Filed 9–10–19; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2019–0045; FRL–9998–16]

Pesticide Product Registration; Receipt of Applications for New Uses (July 2019)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has received applications to register new uses for pesticide products containing currently registered active ingredients. Pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), EPA is hereby providing notice of receipt and opportunity to comment on these applications.

DATES: Comments must be received on or before October 11, 2019.

ADDRESSES: Submit your comments, identified by the docket identification (ID) number and the File Symbol of the EPA registration number of interest as shown in the body of this document, by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.
- *Mail:* OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001.
- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *https://www.epa.gov/dockets/where-send-comments-epa-dockets.*

Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at *https://www.epa.gov/dockets/about-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Michael Goodis, Registration Division (7505P), main telephone number: (703) 305–7090, email address: *RDFRNotices@epa.gov.* The mailing address for each contact person is: Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001. As part of the mailing address, include the contact person's name, division, and mail code. The division to contact is listed at the end of each application summary.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).

B. What should I consider as I prepare my comments for EPA?

1. *Submitting CBI.* Do not submit this information to EPA through *regulations.gov* or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD–ROM that you mail to EPA, mark the outside of the disk or CD–ROM as CBI and then identify electronically within the disk or CD–ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When preparing and submitting your comments, see the commenting tips at *https://www.epa.gov/dockets/commenting-epa-dockets.*

II. Registration Applications

EPA has received applications to register new uses for pesticide products containing currently registered active ingredients. Pursuant to the provisions of FIFRA section 3(c)(4) (7 U.S.C. 136a(c)(4)), EPA is hereby providing notice of receipt and opportunity to comment on these applications. Notice of receipt of these applications does not imply a decision by the Agency on these applications.

A. New Uses

1. *EPA Registration Numbers:* 66330–39 and 66330–38. *Docket ID number:* EPA–HQ–OPP–2019–0387. *Applicant:* IR–4 Project Headquarters, Rutgers, The State University of New Jersey, 500 College Road East, Suite 201W, Princeton, NJ 08540. *Active ingredient:* Acequinocyl. *Product type:* Insecticide. *Proposed use:* New tolerances on bushberry subgroup 13–07B. *Contact:* RD.

2. *EPA File Symbols:* 71512–GO; 71512–UN. *Docket ID number:* EPA–HQ–OPP–2019–0458. *Applicant:* ISK Biosciences Corporation, 7470 Auburn Rd, Suite A, Concord, OH 44077. *Active ingredient:* Cyclaniliprole. *Product type:* Insecticide. *Proposed use:* Non-food, outdoor, residential uses. *Contact:* RD.

3. *EPA Registration number:* 71512–27. *Docket ID number:* EPA–HQ–OPP–2019–0458. *Applicant:* ISK Biosciences Corporation, 7470 Auburn Rd, Suite A, Concord, OH 44077. *Active ingredient:* Cyclaniliprole. *Product type:* Insecticide. *Proposed use:* Non-food, outdoor, residential uses. *Contact:* RD.

Authority: 7 U.S.C. 136 *et seq.*

Dated: August 8, 2019.

Delores Barber,

Director, Information Technology and Resources Management Division, Office of Pesticide Programs.

[FR Doc. 2019–19663 Filed 9–10–19; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPA–2007–0584; FRL–9999–51–OLEM]

Proposed Information Collection Request; Comment Request; Oil Pollution Prevention; Spill Prevention, Control, and Countermeasure (SPCC) Plans

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency is planning to submit an information collection request (ICR), ''Spill Prevention, Control, and Countermeasure (SPCC) Plans'' (EPA ICR No. 0328.18, OMB Control No. 2050–0021) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. Before doing so, EPA is soliciting public comments on specific aspects of the proposed information collection as described below. This is a proposed extension of the ICR, which is currently approved through May 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 November 12, 2019.

ADDRESSES: Submit your comments, referencing Docket ID No. EPA–HQ–OPA–2007–0584, referencing the Docket ID numbers provided for each item in the text, online using *www.regulations.gov* (our preferred method), or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460.

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: Wendy Hoffman, Regulations Implementation Division, Office of Emergency Management, Mail Code 5104A, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: 202–564–8794; fax number: (202) 564–2625; email address: *hoffman.wendy@epa.gov.*

SUPPLEMENTARY INFORMATION: Supporting documents which explain in detail the information that the EPA will be collecting are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov* or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit *http://www.epa.gov/dockets.*

Pursuant to section 3506(c)(2)(A) of the PRA, EPA is soliciting comments and information to enable it to: (i) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility; (ii) evaluate the accuracy of the Agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (iii) enhance the quality, utility, and clarity of the information to be collected; and (iv) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses. EPA will consider the comments received and amend the ICR as appropriate. The final ICR package will then be submitted to OMB for review and approval. At that time, EPA will issue another **Federal Register** notice to announce the submission of the ICR to OMB and the opportunity to submit additional comments to OMB.

Abstract: The authority for EPA's oil pollution prevention requirements is derived from section 311(j)(1)(C) of the Clean Water Act, as amended by the Oil Pollution Act of 1990. EPA's regulation is codified at 40 CFR part 112. An SPCC Plan will help an owner or operator identify the necessary procedures, equipment, and resources to prevent an oil spill and to respond to an oil spill in a timely manner. If implemented effectively, the SPCC Plan is expected to prevent oil spills and reduce the impact and severity of oil spills. Although the owner or operator is the primary data user, EPA may also require the owner or operator to submit data to the Agency in certain situations to ensure facilities comply with the SPCC regulation and to help allocate response resources. State and local governments may use the data, which are not generally available elsewhere and can assist local emergency preparedness planning efforts. EPA does not require an owner or operator to submit their SPCC Plan but may request the SPCC Plan during a facility inspection or an oil spill incident for review. The SPCC regulation requires the owner or operator to maintain a complete copy of the Plan at the facility if the facility is normally attended at least four hours per day or at the nearest field office if the facility is not so attended. The rule also requires that the Plan be available to the Regional Administrator for on-site review during normal working hours (40 CFR 112.3(e)).

SPCC Plan Preparation. Under section 112.3(a) or (b), the owner or operator of an onshore or offshore facility subject to this section must prepare in writing and implement an SPCC Plan in accordance with section 112.7 and any other applicable sections in the regulation. Section 112.7 requires that the Plan be prepared in accordance with good engineering practices. The section also requires that the Plan have the full approval of management at a level of authority to commit the necessary resources to fully implement the Plan. Specific provisions in this section, among others, require the owner or operator to predict the direction, rate of flow, and total quantity of oil which could be discharged from the facility as result of each type of major equipment failure (section112.7(b)); provide for appropriate containment and/or diversionary structures or equipment to prevent a discharge (section112.7(c)); provide for Professional Engineer (PE) certification or a qualified facility certification (section112.7(d)); and conduct inspections and tests and maintain records (section112.7(e)).

Plan Certification. Under section 112.3(d), a SPCC Plan must be reviewed and certified by a licensed PE for it to be effective to satisfy the requirements except as provided by 40 CFR 112.6, Qualified Facilities Plan Requirements. Under section 112.6, the owner or operator of a qualified facility may self-certify the Plan if the facility meets the eligibility criteria in section 112.3(g).

SPCC Plan Maintenance. Under section 112.5, the owner or operator must complete a review and evaluation of the SPCC Plan at least once every five years. As a result of this review and evaluation, the owner or operator must amend the Plan within six months of the review to include more effective prevention and control technology if the technology has been field-proven at the time of the review and will significantly reduce the likelihood of a discharge of oil.

Recordkeeping. Under section 112.7(e), an owner or operator must conduct inspections and tests and maintain records. The inspections and tests must be conducted in accordance with written procedures the facility or the certifying engineer developed for the facility. The written procedures and a record of the inspections and tests must be signed by the appropriate supervisor or inspector and kept with the SPCC Plan for a period of three years. Records of inspections and tests may be kept under usual and customary business practices.

Form Numbers: None.

Respondents/affected entities: Entities potentially affected by this action are the owners or operators of facilities that are required to have a Spill Prevention, Control, and Countermeasure (SPCC) Plan under the Oil Pollution Prevention regulation (40 CFR part 112). The applicability, definitions, and general requirements for all facilities and all types of oil are located in section 112.1 of the regulations and apply to any owner or operator of a non-transportation-related onshore or offshore facility engaged in drilling, producing, gathering, storing, processing, refining, transferring, distributing, using or consuming oil and oil products, which due to its location, could reasonably be expected to discharge oil into navigable waters or adjoining shorelines in quantities that may be harmful. (See 40 CFR 112.1(a) through (d) for further information

about the applicability of the oil pollution prevention regulations.)

Entities potentially affected by this action are in the following industries: Oil and gas extraction, farms, electric utilities, petroleum refining and related industries, chemical manufacturing, food manufacturing, manufacturing facilities using and storing animal fats and vegetable oils, metal manufacturing, real estate rental and leasing, retail and wholesale trade, transportation, petroleum bulk stations and terminals, fuel oil dealers, hospitals and other health care, accommodation and food services, gasoline stations, finance and insurance, mining, warehousing and storage, pipelines, and government and military installations, among others.

Respondent's obligation to respond: Mandatory, pursuant to 40 CFR 112.3(e).

Estimated number of respondents: 541,000 (total). This figure will be updated as needed during the 60-day OMB review period.

Frequency of response: Facilities must prepare and implement an SPCC Plan before beginning operations and review, evaluate and update the SPCC Plan every five years. In the event of certain discharges of oil into navigable waters, a facility owner or operator must submit certain information to the Regional Administrator within 60 days.

Total estimated burden: 6.2 million hours (per year). This figure will be updated as needed during the 60-day OMB review period. Burden is defined at 5 CFR 1320.03(b).

Total estimated cost: $797 million (per year), includes $184 million annualized capital or operation & maintenance costs. These figures will be updated with most recent available wage rates from BLS and to account for any changes in O&M costs, burden and number of respondents.

Changes in Estimates: The above burden estimates are based on the current approved ICR, OMB Control No. 0328.17. In the final notice for the renewal ICR, EPA will publish revised burden estimates based on updates to respondent data and unit costs. Any change in burden will be described and explained in this section when the updated ICR Supporting Statement is completed during the 60-day OMB review period. In this notice, the Agency is requesting comments on the burden and costs estimated in the current ICR. The Agency is also requesting comments on the ICR's characterizations, assumptions, data gaps, etc. that can help the Agency develop more refined and accurate burden estimates.

Dated: August 27, 2019.

Reggie Cheatham,

Director, Office of Emergency Management.

[FR Doc. 2019–19671 Filed 9–10–19; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9996–51–OA]

Children's Health Protection Advisory Committee

AGENCY: Environmental Protection Agency (EPA).

ACTION: Request for Nominations to the Children's Health Protection Advisory Committee.

SUMMARY: The U.S. Environmental Protection Agency (EPA) invites nominations from a range of qualified candidates for consideration for appointment to its Children's Health Protection Advisory Committee (CHPAC). The EPA anticipates filling vacancies by January 1, 2020. The EPA may also use sources in addition to this **Federal Register** Notice to solicit nominees.

DATES: Submit nominations by October 11, 2019 by email to *EPA_CHPAC@icfi.com* or mail to Nica Louie, Designated Federal Officer, Office of Children's Health Protection, U.S. Environmental Protection Agency, Mail Code 1107T, 1301 Constitution Avenue NW, Washington, DC, 20460.

FOR FURTHER INFORMATION CONTACT: Nica Louie, Designated Federal Officer, U.S. EPA; telephone (202) 564–7633 or *Louie.nica@epa.gov.*

SUPPLEMENTARY INFORMATION:

Background: The Children's Health Protection Advisory Committee is chartered under the Federal Advisory Committee Act (FACA), Public Law 92–463. EPA established this Committee in 1997 to provide independent advice to the EPA Administrator on a broad range of environmental issues affecting children's health.

The EPA Administrator appoints members for three-year terms with a cap on service at six years. The Committee meets 2–3 times annually and the average workload is approximately 10 to 15 hours per month. EPA provides reimbursement for travel and other incidental expenses associated with official government business, but members must be able to cover expenses prior to reimbursement.

The CHPAC is looking for representatives from industry; tribal, state, county and local government; school systems; academia; health care providers (including pediatricians, obstetric professionals, occupational medicine practitioners and community nurses); and non-governmental organizations.

The types of experience necessary includes children's environmental health and development; epidemiology and toxicology; role of environmental chemicals in childhood diseases such as asthma, obesity and ADHD; prenatal environmental exposures and adverse health outcomes; specific environmental exposures to chemicals such as lead, mercury and other heavy metals that adversely impact children's health; tribal children's environmental health; children's environmental health disparities; research; air quality (indoor and outdoor); water quality; EPA regulation development; risk assessment; exposure assessment; science policy; public health information tracking; and outreach and risk communication.

—The background and experience that would contribute to the diversity of perspectives on the committee (*e.g.,* geographic, economic, social, cultural, racial, ethnicity, educational, and other considerations).

—Ability to volunteer time to attend meetings 2–3 times a year in Washington DC, participate in teleconference meetings, develop recommendations to the Administrator, and prepare reports and advice letters.

Nominations must include:

- Brief statement describing the nominee's interest in serving on the CHPAC.
- Short biography (no more than one page) describing the professional and educational qualifications, including a list of relevant activities, and any current or previous service on federal advisory committees.
- Statement about the perspective the nominee brings to the committee.
- Current contact information for the nominee, including name, organization (and position within that organization), business address, email address, and telephone number.
- Candidates may self-nominate; one letter of support is welcome.

Dated: July 2, 2019.

Nica Louie,

Designated Federal Officer.

[FR Doc. 2019–19658 Filed 9–10–19; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than September 25, 2019.

A. Federal Reserve Bank of San Francisco (Gerald C. Tsai, Director, Applications and Enforcement) 101 Market Street, San Francisco, California 94105–1579:

1. *The Rahman Family Trust Dated: August 7, 1997, Yahia Abdul Rahman and Magda Abdul Rahman, Trustees, Altadena, California;* to retain voting shares of Greater Pacific Bancshares, and thereby indirectly retain shares of Bank of Whittier, National Association, both of Whittier, California.

Board of Governors of the Federal Reserve System, September 5, 2019.

Yao-Chin Chao,

Assistant Secretary of the Board.

[FR Doc. 2019–19582 Filed 9–10–19; 8:45 am]

BILLING CODE P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The applications will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than October 7, 2019.

A. Federal Reserve Bank of Kansas City (Dennis Denney, Assistant Vice President) 1 Memorial Drive, Kansas City, Missouri 64198–0001:

1. *Cowboy Bancshares, LLC, Enid, Oklahoma;* to become a bank holding company through the acquisition of 100 percent of the voting shares of Bank of Kremlin, Kremlin, Oklahoma.

Board of Governors of the Federal Reserve System, September 5, 2019.

Yao-Chin Chao,

Assistant Secretary of the Board.

[FR Doc. 2019–19583 Filed 9–10–19; 8:45 am]

BILLING CODE P

FEDERAL TRADE COMMISSION

Agency Information Collection Activities; Proposed Collection; Comment Request

AGENCY: Federal Trade Commission (FTC or Commission).

ACTION: Notice.

SUMMARY: The FTC plans to ask the Office of Management and Budget (OMB) to extend for an additional three years the current Paperwork Reduction Act (PRA) clearance for information collection requirements contained in the Antitrust Improvements Act Rules (''HSR Rules'') and corresponding Notification and Report Form for Certain Mergers and Acquisitions (''Notification and Report Form''). The current clearance expires on December 31, 2019.

DATES: Comments must be received on or before November 12, 2019.

ADDRESSES: Interested parties may file a comment online or on paper by following the instructions in the Request for Comments part of the **SUPPLEMENTARY INFORMATION** section below. Write ''HSR Rules PRA Comment: FTC File No. P072108'' 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 J), 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 J), Washington, DC 20024.

FOR FURTHER INFORMATION CONTACT: Robert L. Jones, Assistant Director, Premerger Notification Office, Bureau of Competition, Federal Trade Commission, Room CC–5301, 600 Pennsylvania Avenue NW, Washington, DC 20580, or by telephone to (202) 326–2740.

SUPPLEMENTARY INFORMATION: Under the PRA, 44 U.S.C. 3501–3521, federal agencies must obtain approval from OMB for each collection of information they conduct or sponsor. ''Collection of information'' means agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. 44 U.S.C. 3502(3); 5 CFR 1320.3(c). As required by section 3506(c)(2)(A) of the PRA, the FTC is providing this opportunity for public comment before requesting that OMB extend the existing PRA clearance for the HSR Rules and Notification and Report Form, 16 CFR parts 801–803 (OMB Control Number 3084–0005).

Section 7A of the Clayton Act (''Act''), 15 U.S.C. 18a, as amended by the Hart-Scott-Rodino Antitrust Improvements Act of 1976, Public Law 94–435, 90 Stat. 1390, requires all persons contemplating certain mergers or acquisitions to file notification with the Commission and the Assistant Attorney General and to wait a designated period of time before consummating such transactions. Congress empowered the Commission, with the concurrence of the Assistant Attorney General, to require ''that the notification . . . be in such form and contain such documentary material and information . . . as is necessary and appropriate'' to enable the agencies ''to determine whether such acquisitions may, if consummated, violate the antitrust laws.'' 15 U.S.C. 18a(d). Congress similarly granted rulemaking authority to, *inter alia,* ''prescribe such other rules as may be necessary and appropriate to carry out the purposes of this section.'' *Id.*

Pursuant to that section, the Commission, with the concurrence of the Assistant Attorney General, developed the HSR Rules and the corresponding Notification and Report Form. The following discussion presents the FTC's PRA burden analysis regarding completion of the Notification and Report Form. Under the HSR Rules, two types of filings are made: Non-index and index. ''Index'' filings pertain to banking transactions which Clayton Act Sections 7A(c)(6) and (c)(8) exempt from the requirements of the premerger notification program because they are subject to the approval of other agencies, but only if copies of the information submitted to these other agencies are also submitted to the FTC. Non-exempt transactions which are filed in accordance with HSR Rules are referred to as ''non-index'' filings.

Burden Statement

The following burden estimates are primarily based on FTC data concerning the number of HSR filings and staff's informal consultations with leading HSR counsel for outside parties.

Estimated Total Annual Hours

In fiscal year 2018, there were 4,188 non-index filings. Based on an average annual increase in filings of 5.3% in fiscal years 2016–2018, FTC staff projects a total of 4,410 non-index filings in fiscal year 2019. For fiscal years 2020–2022, the time-period for which PRA clearance will be requested from OMB, the FTC projects an average of 4,894 non-index filings per year, assuming a 5.3% increase each year. For index filings, staff bases its estimate on a rough average of five filings per year over that same interval (fiscal years 2016–2018) to project a total of five index filings for fiscal year 2019, as well as for fiscal years 2020–2022. Retaining prior assumptions, FTC staff estimates that non-index filings require, on average, approximately 37 hours per filing and that index filings require an average of two hours per filing.[1]

On rare occasions, a transaction for which the HSR filing is automatically withdrawn during the merger review process (due to the parties' Securities and Exchange Commission filing indicating that the transaction has been terminated) could be subsequently restarted. Based on experience to date, this would occur approximately once every fifteen years, *i.e.,* a historical frequency of 0.067 transactions per year. FTC staff believes that this new filing would require the same work and diligence as any new non-index filing. Assuming, then, an average of 37 hours for one transaction, when applied to a historical frequency of 0.067, this amounts to an annual average of three hours, rounded up, for a withdrawn transaction later restarted.

Thus, the total estimated hours burden is 181,091 hours [(4,894 non-index filings × 37 hours/each) + (three index filings × two hours/each) + (one withdrawn transaction later restarted × three hours))].

Estimated Total Annual Labor Cost

Using the burden hours (181,091) estimated above and applying an estimated average of $460/hour for executive and/or attorney compensation, staff estimates that the total labor cost associated with the HSR Rules and the Notification and Report Form is approximately $83,301,860.

Estimated Total Annual Non-Labor Cost

The applicable requirements impose minimal start-up costs, as businesses subject to the HSR Rules generally have or obtain necessary equipment for other business purposes. Staff believes that the above requirements necessitate ongoing, regular training so that covered entities stay current and have a clear understanding of federal mandates, but such training would be subsumed within the ordinary training that employees receive.

Request for Comments

Pursuant to Section 3506(c)(2)(A) of the PRA, the FTC invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond. All comments must be received on or before November 12, 2019.

You can file a comment online or on paper. For the FTC to consider your comment, we must receive it on or before November 12, 2019. Write ''HSR Rules PRA Comment: FTC File No. P072108'' on your comment. 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, or to send them to the Commission by courier or overnight service. To make sure that the Commission considers your online comment, you must file it through the *https://www.regulations.gov* website by following the instructions on the web-based form. Your comment—including your name and your state—will be placed on the public record of this proceeding, including the *https://www.regulations.gov* website. As a matter of discretion, the Commission tries to remove individuals' home contact information from comments before placing them on *www.regulations.gov.*

If you file your comment on paper, write ''HSR Rules PRA Comment: FTC File No. P072108'' 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 J), 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 J), 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 FTC website at *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,

[1] Index filings are incorporated into the FTC's currently cleared burden estimates, but the task of filing a copy of information provided to another agency requires significantly less time than ''non-index'' filings created for filing in compliance with the HSR rules.

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.[2] 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 publicly at *www.regulations.gov,* we cannot redact or remove your comment 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.

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 November 12, 2019. You can find more information, including routine uses permitted by the Privacy Act, in the Commission's privacy policy, at *https://www.ftc.gov/site-information/privacy-policy.*

Heather Hippsley,

Deputy General Counsel.

[FR Doc. 2019–19646 Filed 9–10–19; 8:45 am]

BILLING CODE 6750–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Healthcare Research and Quality

Patient Safety Organizations: Voluntary Relinquishment for Healthcare Quality Support, LLC (P0050); Premier Patient Safety Organization (P0054); QA STATS LLC (P0140); Securus Medica, LLC (P0053); Vascular Study Group Patient Safety Organization, LLC (P0080); and Washington State Patient Safety Organization (P0060)

AGENCY: Agency for Healthcare Research and Quality (AHRQ), Department of Health and Human Services (HHS).

ACTION: Notice of delisting.

SUMMARY: The Patient Safety and Quality Improvement Final Rule (Patient Safety Rule) authorizes AHRQ, on behalf of the Secretary of HHS, to list as a patient safety organization (PSO) an entity that attests that it meets the statutory and regulatory requirements for listing. A PSO can be ''delisted'' by the Secretary if it is found to no longer meet the requirements of the Patient Safety and Quality Improvement Act of 2005 (Patient Safety Act) and Patient Safety Rule, when a PSO chooses to voluntarily relinquish its status as a PSO for any reason, or when a PSO's listing expires. AHRQ accepted a notification of proposed voluntary relinquishment from Healthcare Quality Support, LLC (P0050); Premier Patient Safety Organization (P0054); QA STATS LLC (P0140); Securus Medica, LLC (P0053); Vascular Study Group Patient Safety Organization, LLC (P0080); and Washington State Patient Safety Organization PSO (P0060), of their PSO status and delisted the PSOs accordingly, but did not previously publish notices of their delisting in the **Federal Register**.

DATES: The delistings were effective at 12:00 Midnight ET (2400) on

- February 9, 2011—Healthcare Quality Support, LLC (P0050)
- February 9, 2011—Premier Patient Safety Organization (P0054)
- January 7, 2015—QA STATS LLC (P0140)
- March 2, 2011—Securus Medica, LLC (P0053)
- February 15, 2011—Vascular Study Group Patient Safety Organization, LLC (P0080)
- March 2, 2011—Washington State Patient Safety Organization PSO (P0060)

ADDRESSES: The directories for both listed and delisted PSOs are ongoing and reviewed weekly by AHRQ. Both directories can be accessed electronically at the following HHS website: *http://www.pso.ahrq.gov/listed.*

FOR FURTHER INFORMATION CONTACT: Cathryn Bach, Center for Quality Improvement and Patient Safety, AHRQ, 5600 Fishers Lane, MS 06N100B, Rockville, MD 20857; Telephone (toll free): (866) 403–3697; Telephone (local): (301) 427–1111; TTY (toll free): (866) 438–7231; TTY (local): (301) 427–1130; Email: *pso@ahrq.hhs.gov.*

SUPPLEMENTARY INFORMATION:

Background

The Patient Safety Act, 42 U.S.C. 299b–21 to 299b–26, and the related Patient Safety Rule, 42 CFR part 3, published in the **Federal Register** on November 21, 2008, 73 FR 70732–70814, establish a framework by which individuals and entities that meet the definition of provider in the Patient Safety Rule may voluntarily report information to PSOs listed by AHRQ, on a privileged and confidential basis, for the aggregation and analysis of patient safety events.

The Patient Safety Act authorizes the listing of PSOs, which are entities or component organizations whose mission and primary activity are to conduct activities to improve patient safety and the quality of health care delivery.

HHS issued the Patient Safety Rule to implement the Patient Safety Act. AHRQ administers the provisions of the Patient Safety Act and Patient Safety Rule relating to the listing and operation of PSOs. The Patient Safety Rule authorizes AHRQ to list as a PSO an entity that attests that it meets the statutory and regulatory requirements for listing. A PSO can be ''delisted'' if it is found to no longer meet the requirements of the Patient Safety Act and Patient Safety Rule, when a PSO chooses to voluntarily relinquish its status as a PSO for any reason, or when a PSO's listing expires. Section 3.108(d) of the Patient Safety Rule requires AHRQ to provide public notice when it removes an organization from the list of PSOs.

AHRQ accepted requests to voluntarily relinquish their PSO status from Healthcare Quality Support, LLC (P0050); Premier Patient Safety Organization (P0054), a component entity of the Premier Incorporated; QA STATS LLC (P0140); Securus Medica, LLC (P0053); Vascular Study Group Patient Safety Organization, LLC (P0080), a component entity of the M2S, Inc.; and Washington State Patient Safety Organization PSO (P0060), a component entity of the Washington State Hospital Association. Accordingly, Healthcare Quality Support, LLC (P0050—February 9, 2011), Premier Patient Safety Organization (P0054—February 9, 2011), QA STATS LLC (P0140—January 7, 2015), Securus Medica, LLC (P0053—March 2, 2011), Vascular Study Group Patient Safety Organization, LLC (P0080—February 15, 2011) and Washington State Patient Safety Organization (P0060—March 2, 2011) PSOs, were delisted effective at 12:00 Midnight ET (2400) on the dates noted above. Notices of these delistings were not previously published in the **Federal Register**.

Healthcare Quality Support, LLC (P0050), Premier Patient Safety Organization (P0054), QA STATS LLC (P0140), Securus Medica, LLC (P0053), Vascular Study Group Patient Safety Organization, LLC (P0080) and Washington State Patient Safety Organization (P0060) had patient safety work product (PSWP) in their possession. The PSOs were required to meet the requirements of section

[2] *See* FTC Rule 4.9(c).

3.108(c)(2)(i) of the Patient Safety Rule regarding notification to providers that have reported to the PSO and of section 3.108(c)(2)(ii) regarding disposition of PSWP consistent with section 3.108(b)(3). According to section 3.108(b)(3) of the Patient Safety Rule, the PSO had 90 days from the effective date of delisting and revocation to complete the disposition of PSWP that was currently in the PSOs' possession.

More information on PSOs can be obtained through AHRQ's PSO website at *http://www.pso.ahrq.gov.*

Virginia L. Mackay-Smith,

Associate Director.

[FR Doc. 2019–19581 Filed 9–10–19; 8:45 am]

BILLING CODE 4160–90–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Healthcare Research and Quality

Common Formats for Patient Safety Data Collection

AGENCY: Agency for Healthcare Research and Quality (AHRQ), Department of Health and Human Services (HHS).

ACTION: Notice of availability—new common formats.

SUMMARY: As authorized by the Secretary of HHS, AHRQ coordinates the development of sets of common definitions and reporting formats (Common Formats or formats) for reporting on health care quality and patient safety. The purpose of this notice is to announce the availability of the Common Formats for Nursing Home Version 1.0

DATES: Ongoing public input.

ADDRESSES: The *Common Formats for Nursing Home Version 1.0* can be accessed electronically at the following website: *https://www.psoppc.org/psoppc_web/publicpages/commonFormatsOverview.*

FOR FURTHER INFORMATION CONTACT: Dr. Hamid Jalal, Center for Quality Improvement and Patient Safety, AHRQ, 5600 Fishers Lane, Rockville, MD 20857; Telephone (toll free): (866) 403–3697; Telephone (local): (301) 427–1111; TTY (toll free): (866) 438–7231; TTY (local): (301) 427–1130; Email: *pso@ahrq.hhs.gov.*

SUPPLEMENTARY INFORMATION:

Background on Common Formats Development

The Patient Safety and Quality Improvement Act of 2005, 42 U.S.C. 299b–21 to 299b–26, (Patient Safety Act) and the related Patient Safety and Quality Improvement Final Rule, 42 CFR part 3 (Patient Safety Rule), published in the **Federal Register** on November 21, 2008, 73 FR 70731–70814, provide for the formation of Patient Safety Organizations (PSOs), which collect, and analyze confidential and privileged information regarding the quality and safety of health care delivery. The collection of patient safety work product allows the aggregation of data that help to identify and address underlying causal factors of patient safety and quality issues.

Aggregation of these data enables PSOs and others to identify and address underlying causal factors of patient safety and quality issues. The Patient Safety Act provides for the development of standardized reporting formats using common language and definitions to ensure that health care quality and patient safety data collected by PSOs and other entities are comparable. The Common Formats facilitate aggregation of comparable data at local, PSO, regional and national levels. In addition, the formats are intended to enhance the reporting of information that is standardized both clinically and electronically.

AHRQ has developed Common Formats for three settings of care—acute care hospitals, nursing homes, and community pharmacies—for use by health care providers and PSOs. AHRQ-listed PSOs are required to collect patient safety work product in a standardized manner to the extent practical and appropriate; this is a requirement the PSO can meet by collecting such information using Common Formats. Additionally, providers and other organizations not working with an AHRQ-listed PSO can use the Common Formats in their work to improve quality and safety; however, they cannot benefit from the federal confidentiality and privilege protections of the Patient Safety Act.

Since February 2005, AHRQ has convened the Federal Patient Safety Work Group (PSWG) to assist AHRQ in developing and maintaining the Common Formats. The PSWG includes major health agencies within HHS as well as the Departments of Defense and Veterans Affairs. The PSWG helps assure the consistency of definitions/formats with those of relevant government agencies. In addition, AHRQ has solicited comments from the private and public sectors regarding proposed versions of the Common Formats through a contract, since 2008, with the National Quality Forum (NQF), which is a non-profit organization focused on health care quality. After receiving comments, the NQF solicits review of the formats by its Common Formats Expert Panel. Subsequently, NQF provides this input to AHRQ who then uses it to refine the Common Formats.

The *Common Formats Nursing Home Version 1.0* include five modules: Generic, falls, medication, pressure injury and device. AHRQ developed other elements of the Common Formats for Event Reporting—Nursing Homes including aggregate reports, data elements and algorithims, and technical specifications. All elements of the Common Formats for Event Reporting—Nursing Home will be posted at the PSOPPC website: *https://www.psoppc.org/psoppc_web.*

AHRQ is specifically interested in receiving feedback in order to guide the improvement of the formats. Information on how to comment on the *Common Formats for Nursing Home Version 1.0* is available at: *http://www.qualityforum.org/Project_Pages/Common_Formats_for_Patient_Safety_Data.aspx.*

Additional information about the Common Formats can be obtained through AHRQ's PSO website: *https://pso.ahrq.gov/.*

Virginia L. Mackay-Smith,

Associate Director .

[FR Doc. 2019–19598 Filed 9–10–19; 8:45 am]

BILLING CODE 4160–90–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Toxic Substances and Disease Registry

[30Day–19–0041]

Agency Forms Undergoing Paperwork Reduction Act Review

In accordance with the Paperwork Reduction Act of 1995, the Agency for Toxic Substances and Disease Registry (ATSDR) has submitted the information collection request titled ''National Amyotrophic Lateral Sclerosis (ALS) Registry'' to the Office of Management and Budget (OMB) for review and approval. ATSDR previously published a ''Proposed Data Collection Submitted for Public Comment and Recommendations'' notice on May 24, 2019 to obtain comments from the public and affected agencies. ATSDR did not receive comments related to the previous notice. This notice serves to allow an additional 30 days for public and affected agency comments.

ATSDR will accept all comments for this proposed information collection

project. The Office of Management and Budget is particularly interested in comments that:

(a) 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;

(b) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(c) Enhance the quality, utility, and clarity of the information to be collected;

(d) Minimize the burden of the collection of information on those who are to respond, including, through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses; and

(e) Assess information collection costs.

To request additional information on the proposed project or to obtain a copy of the information collection plan and instruments, call (404) 639–7570 or send an email to *omb@cdc.gov.* Direct written comments and/or suggestions regarding the items contained in this notice to the Attention: CDC Desk Officer, Office of Management and Budget, 725 17th Street NW, Washington, DC 20503 or by fax to (202) 395–5806. Provide written comments within 30 days of notice publication.

Proposed Project

National Amyotrophic Lateral Sclerosis (ALS) Registry—(OMB Control No. 0923–0041, Exp. 11/30/2019)—Revision—Agency for Toxic Substances and Disease Registry (ATSDR).

Background and Brief Description

The Agency for Toxic Substances and Disease Registry (ATSDR) is requesting a three-year Paperwork Reduction Act (PRA) clearance for a revision information collection request (ICR) entitled ''The National Amyotrophic Lateral Sclerosis (ALS) Registry.'' (OMB Control No. 0923–0041, Expiration Date 11/30/2019). The current request is a revision designed to strengthen the usefulness of the National ALS Registry for researchers. The changes to the ICR include:

(1) Addition of an organized sports participation survey to capture history and current participation in physical activities. This additional survey will take approximately five minutes to complete and will add an additional 63 total burden hours for respondents;

(2) Two additional questions to capture race and ethnicity upon registration with other basic demographic information will be added to ALS Case Registration Form prior to Persons with ALS (PALS) completing more detailed surveys.

On October 10, 2008, President Bush signed S.1382: ALS Registry Act which amended the Public Health Service Act to provide for the establishment of an Amyotrophic Lateral Sclerosis (ALS) Registry. The activities described are part of the ongoing effort to maintain the National ALS Registry.

First approved in 2010 for self-registration, the primary goal of the surveillance system/registry remains to obtain reliable information on the incidence and prevalence of ALS and to better describe the demographic characteristics (age, race, sex, and geographic location) of persons with ALS. Those interested in participating in the National ALS Registry must answer a series of validation questions and if determined to be eligible, they can register.

The secondary goal of the surveillance system/registry is to collect additional information on potential risk factors for ALS, including, but not limited to, family history of ALS, smoking history, military service, residential history, lifetime occupational exposure, home pesticide use, hobbies, participation in sports, hormonal and reproductive history (women only), caffeine use, trauma, health insurance, open-ended supplemental questions, and clinical signs and symptoms. After registration, participants complete as many as 17 voluntary survey modules, each taking up to five minutes. In addition, in Year 1, a disease progression survey for new registrants is completed at zero, three, and six months. In Year 2 and Year 3, the disease progression survey is repeated at the yearly anniversary, and at six months. For burden estimation, the number of disease progression survey responses per year has been rounded up to three times.

A biorepository component was added in 2016 to increase the value of the National ALS Registry to researchers. As part of registration the participant can request additional information about the biorepository and provide additional contact information. A geographically representative sample is selected to provide specimens. There are two types of specimen collections, in-home and postmortem. The in-home collection includes blood, urine, and saliva. The postmortem collection includes the brain, spinal cord, cerebral spinal fluid (CSF), bone, muscle, and skin.

In addition to fulfilling the two-part Congressional mandate, the Registry is designed to be a tool for ALS researchers. Now that the Registry has matured, ATSDR has made data and specimens available to approved researchers and has added a respondent type. Researchers can request access to specimens, data, or both collected by the National ALS Registry for their research projects. ATSDR will review applications for scientific validity and human subjects' protection and make data/specimens available to approved researchers. ATSDR is collaborating with ALS service organizations to conduct outreach activities through their local chapters and districts as well as on a national level. They provide ATSDR with information on their outreach efforts in support of the Registry on a monthly basis.

There are no costs to the respondents other than their time. Participation in this proposed information collection is completely voluntary. The total number of burden hours requested is 1,946 hours.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)
Person with ALS	ALS Case Validation Questions	1,670	1	2/60
	ALS Case Registration Form	1,500	1	10/60
	Voluntary Survey Modules	750	1	85/60
	Disease Progression Survey *	750	3	5/60
	ALS Biorepository Specimen Processing Form and In-Home Collection.	325	1	30/60

ESTIMATED ANNUALIZED BURDEN HOURS—Continued

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)
	ALS Biorepository Saliva Collection	350	1	10/60
Researchers	ALS Registry Research Application Form	36	1	30/60
	Annual Update	24	1	15/60
ALS Service Organization	Chapter/District Outreach Reporting Form	135	12	5/60
	National Office Outreach Reporting Form	2	12	20/60

Jeffrey M. Zirger,

Lead, Information Collection Review Office, Office of Scientific Integrity, Office of Science, Centers for Disease Control and Prevention.

[FR Doc. 2019–19632 Filed 9–10–19; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day–19–19AUK]

Agency Forms Undergoing Paperwork Reduction Act Review

In accordance with the Paperwork Reduction Act of 1995, the Centers for Disease Control and Prevention (CDC) has submitted the information collection request titled *Promoting Adolescent Health through School-Based HIV Prevention,* National Center for HIV/AIDS, Viral Hepatitis, STD, and TB to the Office of Management and Budget (OMB) for review and approval. CDC previously published a ''Proposed Data Collection Submitted for Public Comment and Recommendations'' notice on Wednesday, June 5, 2019 to obtain comments from the public and affected agencies. CDC received 2 comments related to the previous notice. This notice serves to allow an additional 30 days for public and affected agency comments.

CDC will accept all comments for this proposed information collection project. The Office of Management and Budget is particularly interested in comments that:

(a) 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;

(b) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(c) Enhance the quality, utility, and clarity of the information to be collected;

(d) Minimize the burden of the collection of information on those who are to respond, including, through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses; and

(e) Assess information collection costs.

To request additional information on the proposed project or to obtain a copy of the information collection plan and instruments, call (404) 639–7570 or send an email to *omb@cdc.gov.* Direct written comments and/or suggestions regarding the items contained in this notice to the Attention: CDC Desk Officer, Office of Management and Budget, 725 17th Street NW, Washington, DC 20503 or by fax to (202) 395–5806. Provide written comments within 30 days of notice publication.

Proposed Project

Promoting Adolescent Health through School-Based HIV Prevention—New—National Center for HIV/AIDS, Viral Hepatitis, STD, and TB Prevention (NCHHSTP), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

Many young people engage in sexual behaviors that place them at risk for HIV infection, other sexually transmitted diseases (STD), and pregnancy. According to the 2017 Youth Risk Behavior Survey (YRBS), 39.5% of high school students in the United States had ever had sexual intercourse and 28.7% were currently sexually active. Among currently sexually active students, 46.2% did not use a condom, and 13.8% did not use any method to prevent pregnancy the last time they had sexual intercourse. While the proportion of high school students who are sexually active has steadily declined, half of the 20 million new STDs reported each year are among young people between the ages of 15 and 24. Young people aged 13–24 account for 21% of all new HIV diagnoses in the United States, with most occurring among 20–24 year olds.

Establishing healthy behaviors during childhood and adolescence is easier and more effective than trying to change unhealthy behaviors during adulthood. One venue that offers valuable opportunities for improving adolescent health is at school. Schools have direct contact with over 50 million students for at least six hours a day over 13 key years of their social, physical, and intellectual development. In addition, schools often have staff with knowledge of critical health risk and protective behaviors and have pre-existing infrastructure that can support a varied set of healthful interventions. This makes schools well-positioned to help reduce adolescents' risk for HIV infection and other STD through sexual health education (SHE), access to sexual health services (SHS), and safe and supportive environments (SSE).

Since 1987, the Division of Adolescent and School Health (DASH) in the National Center for HIV/AIDS, Viral Hepatitis, STD, and TB Prevention of the Centers for Disease Control and Prevention (CDC), has worked to support for HIV prevention efforts in the nation's schools. CDC requests OMB approval to collect data over a three-year period from funded agencies under award PS18–1807: Promoting Adolescent Health through School-Based HIV Prevention. Funded agencies are local education agencies (LEAs), also known as school districts. The fundamental purposes of PS18–1807 are to build and strengthen the capacity of LEAs and their priority schools to effectively contribute to the reduction of HIV infection and other STD among adolescents; the reduction of disparities in HIV infection and other STD experienced by specific adolescent sub-population. Priority schools are middle and high schools within the funded LEAs in which youth are at risk for HIV infection and other STDs. This funding supports a multi-component, multilevel effort to support youth reaching

adulthood in the healthiest possible way.

CDC will use a web-based system to collect data on the approaches that LEAs are using to meet their goals. Approaches include helping LEAs and priority schools deliver sexual health education emphasizing HIV and other STD prevention; increasing adolescent access to key sexual health services; and establishing safe and supportive environments for students and staff. To track LEA progress and evaluate the effectiveness of program activities, CDC will be collecting data using a mix of process and outcome measures. Process measures to be completed by all LEAs will assess the extent to which planned program activities have been implemented and lead to feasible and sustainable programmatic outcomes. Process measures include items on school health policy and practice assessment and training and technical assistance received from non-governmental partner organizations. Outcome measures, which will be completed by local education agencies, assess whether funded activities at each site are leading to intended outcomes including public health impact of systemic change in schools. These measures drove the development of questionnaires that have been tailored to each of the LEAs' strategies (*i.e.,* SHE, SHS, SSE).

Respondents are 25 LEAs that have been funded under PS18–1807. Local education agencies will complete the questionnaires semi-annually using the Program Evaluation and Reporting System (PERS), an electronic web-based interface specifically designed for this data collection. Each LEA will receive a unique log-in to the system and technical assistance to ensure they can use the system easily. The dates when data are requested reflect the Office of Financial Resources (OFR) deadlines to provide timely feedback to LEAs and CDC staff for accountability and optimal use of funds. CDC anticipates that semi-annual information collection will begin in February 2020 and will describe activities conducted during the period August 2019–July 2022. The estimated burden per response is approximately 2–26 hours. This estimate includes time for local education agencies to gather information at the district and school-levels. Annualizing this collection over three years results in an estimated annualized burden of 1,750 hours per year and 5,250 for three years across all funded local education agencies.

LEAs are required to allocate at least 6% of their NOFO award on evaluation ranging from $15,000 to $21,000. Grantees may use these discretionary funds for collection of process and outcome measures, including time to gather and enter data into the online and evaluation reporting system. There is no cost to the respondents other than their time. The total annual burden hours are 1,750.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)
LEA	Funded District Questionnaire	25	2	2
	Priority School Questionnaire	25	2	26
	District Assistance Questionnaire	25	2	7

Jeffrey M. Zirger,

Lead, Information Collection Review Office, Office of Scientific Integrity, Office of Science, Centers for Disease Control and Prevention.

[FR Doc. 2019–19631 Filed 9–10–19; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30-Day–19–1202]

Agency Forms Undergoing Paperwork Reduction Act Review

In accordance with the Paperwork Reduction Act of 1995, the Centers for Disease Control and Prevention (CDC) has submitted the information collection request titled Survey of Engineered Nanomaterial Occupational Safety and Health Practices to the Office of Management and Budget (OMB) for review and approval. CDC previously published a ''Proposed Data Collection Submitted for Public Comment and Recommendations'' notice on April 23, 2019, to obtain comments from the public and affected agencies. CDC did not receive comments related to the previous notice. This notice serves to allow an additional 30 days for public and affected agency comments.

CDC will accept all comments for this proposed information collection project. The Office of Management and Budget is particularly interested in comments that:

(a) 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;

(b) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(c) Enhance the quality, utility, and clarity of the information to be collected;

(d) Minimize the burden of the collection of information on those who are to respond, including, through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses; and

(e) Assess information collection costs.

To request additional information on the proposed project or to obtain a copy of the information collection plan and instruments, call (404) 639–7570 or send an email to *omb@cdc.gov.* Direct written comments and/or suggestions regarding the items contained in this notice to the Attention: CDC Desk Officer, Office of Management and Budget, 725 17th Street NW, Washington, DC 20503 or by fax to (202) 395–5806. Provide written comments within 30 days of notice publication.

Proposed Project

Survey of Engineered Nanomaterial Occupational Safety and Health Practices (OMB Control No. 0920–1202, Exp. 10/31/2019)—Revision—National Institute for Occupational Safety and Health (NIOSH), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

As mandated in the Occupational Safety and Health Act of 1970 (Pub. L. 91–596), the mission of the National

Institute for Occupational Safety and Health (NIOSH) is to conduct research and investigations on work-related disease and injury and to disseminate information for preventing identified workplace hazards (Sections 20(a)(1) and (d)). This dual responsibility recognizes the need to translate research into workplace application if it is to impact worker safety and well-being. The goal of this project is to assess the relevance and impact of NIOSH's contribution to guidelines and risk mitigation practices for safe handling of engineered nanomaterials in the workplace. The intended use of this data is to inform NIOSH's research agenda to enhance its relevance and impact on worker safety and health in the context of engineered nanomaterials.

The research under this project will survey companies who manufacture, distribute, fabricate, formulate, use or provide services related to engineered nanomaterials. The analysis will describe the survey sample, response rates, and types of company by industry and size. Further analysis will focus on identifying the types of engineered nanomaterials being used in industry and the types of occupational safety and health practices being implemented. The analysis will be used to develop a final report which evaluates the influence of NIOSH products, services, and outputs on industry occupational safety and health practices.

Under this project, the following activities and data collections will be conducted:

(1) Company Pre-calls. Sampled companies will be contacted to identify the person who will complete the survey and to ascertain whether or not the company handles engineered nanomaterials.

(2) Survey. A web-based questionnaire, with a mail option, will be administered to companies. The purpose of the survey is to learn directly from companies about their use of NIOSH materials and their occupational safety and health practices concerning engineered nanomaterials.

A sample of 600 companies will be compiled from lists of industry associations, research reports, marketing databases, and web-based searches. Of the 600 selected companies we anticipate that 500 will complete the survey. The company pre-call is expected to require five minutes to complete. The survey is expected to require 20 minutes to complete; including the time it may take respondents to look-up and retrieve needed information. The estimated annualized burden hours for the respondents' time to participate in this information collection is 108 hours. There are no costs to the responders other than their time.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Avg. burden per response (in hrs.)
Receptionist	Pre-call	300	1	5/60
Occupational health and safety specialists	Survey	100	1	20/60
Industrial Production Managers	Survey	75	1	20/60
Natural Sciences Managers	Survey	75	1	20/60

Jeffrey M. Zirger,

Lead, Information Collection Review Office, Office of Scientific Integrity, Office of Science, Centers for Disease Control and Prevention.

[FR Doc. 2019–19633 Filed 9–10–19; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifiers CMS–10261, CMS–10556, CMS–R–305, CMS–10328 and CMS–10079]

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 October 11, 2019.

ADDRESSES: When commenting on the proposed information collections, please reference the document identifier or OMB control number. To be assured consideration, comments and recommendations must be received by the OMB desk officer via one of the following transmissions: OMB, Office of Information and Regulatory Affairs, Attention: CMS Desk Officer, Fax Number: (202) 395–5806 *OR* Email: *OIRA_submission@omb.eop.gov*.

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, you may make your request using one of following:

1. Access CMS' website address at website address at *https://www.cms.gov/Regulations-and-Guidance/Legislation/PaperworkReductionActof1995/PRA-Listing.html*.

1. Email your request, including your address, phone number, OMB number, and CMS document identifier, to *Paperwork@cms.hhs.gov*.

2. Call the Reports Clearance Office at (410) 786–1326.

FOR FURTHER INFORMATION CONTACT: William Parham at (410) 786–4669.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term ''collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public

submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires federal agencies to publish a 30-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice that summarizes the following proposed collection(s) of information for public comment:

1. *Type of Information Collection Request:* Revision with change of a previously approved collection; *Title of Information Collection:* Part C Medicare Advantage Reporting Requirements and Supporting Regulations in 42 CFR 422.516(a); *Use:* Section 1852(m) of the Social Security Act (the Act) and CMS regulations at 42 CFR 422.135 allow Medicare Advantage (MA) plans the ability to provide ''additional telehealth benefits'' to enrollees starting in plan year 2020 and treat them as basic benefits. MA additional telehealth benefits are limited to services for which benefits are available under Medicare Part B but which are not payable under section 1834(m) of the Act. In addition, MA additional telehealth benefits are services that been identified by the MA plan for the applicable year as clinically appropriate to furnish through electronic information and telecommunications technology (or ''electronic exchange'') when the physician (as defined in section 1861(r) of the Act) or practitioner (as defined in section 1842(b)(18)(C) of the Act) providing the service is not in the same location as the enrollee. Per § 422.135(d), MA plans may only furnish MA additional telehealth benefits using contracted providers.

The changes for the 2020 Reporting Requirements will require plans to report Telehealth benefits. The data collected in this measure will provide CMS with a better understanding of the number of organizations utilizing Telehealth per contract and to also capture those specialties used for both in-person and Telehealth. This data will allow CMS to improve its policy and process surrounding Telehealth. In addition, the specialist and facility data we are collecting aligns with some of the provider and facility specialty types that organizations are required to include in their networks and to submit on their HSD tables in the Network Management Module in Health Plan Management System. *Form Number:* CMS–10261 (OMB control number 0938–1054); *Frequency:* Occasionally; *Affected Public:* State, Local, and Tribal Governments; *Number of Respondents:* 594; *Total Annual Responses:* 4,752; *Total Annual Hours:* 187,926. (For policy questions regarding this collection contact Mark Smith at 410–786–8015.)

2. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Medical Necessity and Contract Amendments Under Mental Health Parity; *Use:* Upon request, regulated entities must provide a medical necessity disclosure. Receiving this information will enable potential and current enrollees to make more educated decisions given the choices available to them through their plans and may result in better treatment of their mental health or substance use disorder (MH/SUD) conditions. States use the information collected and reported as part of its contracting process with managed care entities, as well as its compliance oversight role. In states where a Medicaid Managed Care Organization (MCO) is responsible for providing the full scope of medical/surgical and MH/SUD services to beneficiaries, the state will review the parity analysis provided by the MCO to confirm that the MCO benefits are in compliance. CMS uses the information collected and reported in an oversight role of State Medicaid managed care programs. *Form Number:* CMS–10556 (OMB control number: 0938–1280); *Frequency:* Once and occasionally; *Affected Public:* Individuals and households, the Private sector, and State, Local, or Tribal Governments; *Number of Respondents:* 47,468,596; *Total Annual Responses:* 285,444; *Total Annual Hours:* 48,057. (For policy questions regarding this collection contact Juliet Kuhn at 410–786–2480.)

3. *Type of Information Collection Request:* Revision of a currently approved collection; *Title of Information Collection:* External Quality Review (EQR) of Medicaid Managed Care Organizations (MCOs) and Supporting Regulations; *Use:* State agencies must provide to the external quality review organization (EQRO) information obtained through methods consistent with the protocols specified by CMS. This information is used by the EQRO to determine the quality of care furnished by an MCO. Since the EQR results are made available to the general public, this allows Medicaid/CHIP enrollees and potential enrollees to make informed choices regarding the selection of their providers. It also allows advocacy organizations, researchers, and other interested parties access to information on the quality of care provided to Medicaid beneficiaries enrolled in Medicaid/CHIP MCOs. States use the information during their oversight of these organizations. *Form Number:* CMS–R–305 (OMB control number 0938–0786); *Frequency:* Yearly; *Affected Public:* State, Local, or Tribal Governments; *Number of Respondents:* 629; *Total Annual Responses:* 4,869; *Total Annual Hours:* 426,492. (For policy questions regarding this collection contact Jennifer Sheer at 410–786–1769.)

4. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Medicare Self-Referral Disclosure Protocol; *Use:* Section 6409 of the ACA requires the Secretary to establish a voluntary self-disclosure process that allows providers of services and suppliers to self-disclose actual or potential violations of section 1877 of the Act. In addition, section 6409(b) of the ACA gives the Secretary authority to reduce the amounts due and owing for the violations. To determine the nature and extent of the noncompliance and the appropriate amount by which an overpayment may be reduced, the Secretary must collect relevant information regarding the arrangements and financial relationships at issue from disclosing parties. The Secretary may also collect supporting documentation, such as contracts, leases, communications, invoices, or other documents bearing on the actual or potential violation(s). Most of the information and documentation required for submission to CMS in accordance with the SRDP is information that health care providers of services and suppliers keep as part of customary and usual business practices. *Form Number:* CMS–10328 (OMB control number: 0938–1106); *Frequency:* Yearly; *Affected Public:* Private Sector (business or other for-profits, not-for-profit institutions); *Number of Respondents:* 100; *Total Annual Responses:* 100; *Total Annual Hours:* 5,000. (For policy questions regarding this collection contact Matthew Edgar at 410–786–0698.)

5. Type of Information Collection Request: Extension of a currently approved collection; *Title of Information Collection:* Hospital Wage Index Occupational Mix Survey; *Use:* Section 304(c) of Public Law 106–554 mandates an occupational mix adjustment to the wage index, requiring the collection of data every 3 years on the occupational mix of employees for each short-term, acute care hospital participating in the Medicare program. The proposed data collection that is

included in this submission complies with this statutory requirement. The purpose of the occupational mix adjustment is to control for the effect of hospitals' employment choices on the wage index. For example, hospitals may choose to employ different combinations of registered nurses, licensed practical nurses, nursing aides, and medical assistants for the purpose of providing nursing care to their patients. The varying labor costs associated with these choices reflect hospital management decisions rather than geographic differences in the costs of labor. *Form Number:* CMS–10079 (OMB control number: 0938–0907); *Frequency:* Yearly; *Affected Public:* Business or Other for-Profits, Not-for-Profit Institutions; *Number of Respondents:* 3,300; *Total Annual Responses:* 3,300; *Total Annual Hours:* 1,584,000. (For policy questions regarding this collection contact Tehila Lipschutz at 410–786–1344.)

Dated: September 6, 2019.

William N. Parham, III,

Director, Paperwork Reduction Staff, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2019–19677 Filed 9–10–19; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Proposed Information Collection Activity; Tribal Child Support Enforcement Direct Funding Request: (OMB #0970–0218)

AGENCY: Office of Child Support Enforcement; Administration for Children and Families; HHS

ACTION: Request for Public Comment.

SUMMARY: The Office of Child Support Enforcement (OCSE), Administration for Children and Families (ACF) is requesting a 3-year extension of the Tribal IV–D plan (OMB #0970–0218, expiration 3/21/2020). There are no changes requested to this form.

DATES: *Comments due within 60 days of publication.* In compliance with the requirements of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Administration for Children and Families is soliciting public comment on the specific aspects of the information collection described above.

ADDRESSES: Copies of the proposed collection of information can be obtained and comments may be forwarded 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 final rule within 45 CFR part 309, published in the **Federal Register** on March 30, 2004, contains a regulatory reporting requirement that, in order to receive funding for a Tribal IV–D program a Tribe or Tribal organization must submit a plan describing how the Tribe or Tribal organization meets or plans to meet the objectives of section 455(f) of the Social Security Act, including establishing paternity; establishing, modifying, and enforcing support orders; and locating noncustodial parents. The plan is required for all Tribes requesting funding; however, once a Tribe has met the requirements to operate a comprehensive program, a new plan is not required annually unless a Tribe makes changes to its title IV–D program. If a Tribe or Tribal organization intends to make any substantial or material changes, a Tribal IV–D plan amendment must be submitted for approval. Tribes and Tribal organizations must have an approved plan and submit any required plan amendments in order to receive funding to operate a Tribal IV–D program. This paperwork collection activity is set to expire in March 2020.

Respondents: Tribes and Tribal Organizations.

ANNUAL BURDEN ESTIMATES

Instrument	Total number of respondents	Number of responses per respondent	Average burden hours per response	Annual burden hours
45 CFR 309-Plan	60	1	120	7,200
45 CFR 309-New Plan	2	1	480	960

Estimated Total Annual Burden Hours: 8,160.

Comments: The Department specifically requests comments on (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

Authority: 45 CFR 309.

Mary B. Jones,

ACF/OPRE Certifying Officer.

[FR Doc. 2019–19580 Filed 9–10–19; 8:45 am]

BILLING CODE 4184–41–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket Nos. FDA–2018–E–0298; FDA–2018–E–0299; FDA–2018–E–0301; and FDA–2018–E–0321]

Determination of Regulatory Review Period for Purposes of Patent Extension; Edwards Pericardial Aortic Bioprosthesis

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or the Agency) has

determined the regulatory review period for EDWARDS PERICARDIAL AORTIC BIOPROSTHESIS (Models 11000A and 11500A) and is publishing this notice of that determination as required by law. FDA has made the determination because of the submission of applications to the Director of the U.S. Patent and Trademark Office (USPTO), Department of Commerce, for the extension of a patent which claims that medical device.

DATES: Anyone with knowledge that any of the dates as published (in the **SUPPLEMENTARY INFORMATION** section) are incorrect may submit either electronic or written comments and ask for a redetermination by November 12, 2019. Furthermore, any interested person may petition FDA for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period by March 9, 2020. See ''Petitions'' in the **SUPPLEMENTARY INFORMATION** section for more information.

ADDRESSES: You may submit comments as follows. Please note that late, untimely filed comments will not be considered. Electronic comments must be submitted on or before November 12, 2019. The *https://www.regulations.gov* electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of November 12, 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–2018–E–0298; FDA–2018–E–0299; FDA–2018–E–0301; and FDA–2018–E–0321 for ''Determination of Regulatory Review Period for Purposes of Patent Extension; EDWARDS PERICARDIAL AORTIC BIOPROSTHESIS.'' 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: Beverly Friedman, Office of Regulatory Policy, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 6250, Silver Spring, MD 20993, 301–796–3600.

SUPPLEMENTARY INFORMATION:

I. Background

The Drug Price Competition and Patent Term Restoration Act of 1984 (Pub. L. 98–417) and the Generic Animal Drug and Patent Term Restoration Act (Pub. L. 100–670) generally provide that a patent may be extended for a period of up to 5 years so long as the patented item (human drug product, animal drug product, medical device, food additive, or color additive) was subject to regulatory review by FDA before the item was marketed. Under these acts, a product's regulatory review period forms the basis for determining the amount of extension an applicant may receive.

A regulatory review period consists of two periods of time: A testing phase and an approval phase. For medical devices, the testing phase begins with a clinical investigation of the device and runs until the approval phase begins. The approval phase starts with the initial submission of an application to market the device and continues until permission to market the device is granted. Although only a portion of a regulatory review period may count toward the actual amount of extension that the Director of USPTO may award (half the testing phase must be subtracted as well as any time that may have occurred before the patent was issued), FDA's determination of the length of a regulatory review period for a medical device will include all of the testing phase and approval phase as specified in 35 U.S.C. 156(g)(3)(B).

FDA has approved for marketing the medical device EDWARDS PERICARDIAL AORTIC BIOPROSTHESIS. EDWARDS PERICARDIAL AORTIC

BIOPROSTHESIS MODEL 11000A and MODEL 11500A are indicated for the replacement of native or prosthetic aortic heart valves. Subsequent to this approval, the USPTO received patent term restoration applications for EDWARDS PERICARDIAL AORTIC BIOPROSTHESIS MODEL 11000A and MODEL 11500A (U.S. Patent Nos. 7,972,376; 8,007,992; 8,357,387; and 9,029,418) from Edwards Lifesciences Corporation, and the USPTO requested FDA's assistance in determining the patents' eligibility for patent term restoration. In a letter dated April 5, 2018, FDA advised the USPTO that this medical device had undergone a regulatory review period and that the approval of EDWARDS PERICARDIAL AORTIC BIOPROSTHESIS represented the first permitted commercial marketing or use of the product. Thereafter, the USPTO requested that FDA determine the product's regulatory review period.

II. Determination of Regulatory Review Period

FDA has determined that the applicable regulatory review period for EDWARDS PERICARDIAL AORTIC BIOPROSTHESIS is 1,858 days. Of this time, 1,491 days occurred during the testing phase of the regulatory review period, while 367 days occurred during the approval phase. These periods of time were derived from the following dates:

1. *The date an exemption for this device, under section 520(g) of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. 360j(g)), became effective:* May 30, 2012. FDA has verified the applicant's claim that the date the investigational device exemption (IDE) for human tests to begin, as required under section 520(g) of the FD&C Act, became effective May 30, 2012.

2. *The date an application was initially submitted with respect to the device under section 515 of the FD&C Act (21 U.S.C. 360e):* June 28, 2016. FDA has verified the applicant's claim that the premarket approval application (PMA) for EDWARDS PERICARDIAL AORTIC BIOPROSTHESIS (PMA P150048) was initially submitted June 28, 2016.

3. *The date the application was approved:* June 29, 2017. FDA has verified the applicant's claim that PMA P150048 was approved on June 29, 2017.

This determination of the regulatory review period establishes the maximum potential length of a patent extension. However, the USPTO applies several statutory limitations in its calculations of the actual period for patent extension. In its applications for patent extension, this applicant seeks 572 days, 992 days, or 1,111 days of patent term extension.

III. Petitions

Anyone with knowledge that any of the dates as published are incorrect may submit either electronic or written comments and, under 21 CFR 60.24, ask for a redetermination (see **DATES**). Furthermore, as specified in § 60.30 (21 CFR 60.30), any interested person may petition FDA for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period. To meet its burden, the petition must comply with all the requirements of § 60.30, including but not limited to: must be timely (see **DATES**), must be filed in accordance with § 10.20, must contain sufficient facts to merit an FDA investigation, and must certify that a true and complete copy of the petition has been served upon the patent applicant. (See H. Rept. 857, part 1, 98th Cong., 2d sess., pp. 41–42, 1984.) Petitions should be in the format specified in 21 CFR 10.30.

Submit petitions electronically to *https://www.regulations.gov* at Docket No. FDA–2013–S–0610. Submit written petitions (two copies are required) to the Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

Dated: September 4, 2019.

Lowell J. Schiller,

Principal Associate Commissioner for Policy.

[FR Doc. 2019–19600 Filed 9–10–19; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Environmental Health Sciences; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Environmental Health Sciences Special Emphasis Panel: Exploratory Research on RNA Modifications Environment and Disease (FRAMED).

Date: September 16, 2019.

Time: 8:00 a.m. to 2:30 p.m.

Agenda: To review and evaluate grant applications.

Place: DoubleTree by Hilton Hotel, Raleigh-Durham Airport, 4810 Page Creek Lane, Durham, NC 27703.

Contact Person: Leroy Worth, Ph.D., Scientific Review Officer, Scientific Review Branch, Division of Extramural Research and Training, National Institute of Environmental Health Sciences, P.O. Box 12233, MD EC–30/Room 3171, Research Triangle Park, NC 27709, 919/541–0670, *worth@niehs.nih.gov*.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: National Institute of Environmental Health Sciences Special Emphasis Panel: Investigator-Initiated Functional RNA Modifications Environment and Disease (FRAMED).

Date: September 16–17, 2019.

Time: 3:00 p.m. to 2:00 p.m.

Agenda: To review and evaluate grant applications.

Place: DoubleTree by Hilton Hotel, Raleigh-Durham Airport, 4810 Page Creek Lane, Durham, NC 27703.

Contact Person: Leroy Worth, Ph.D., Scientific Review Officer, Scientific Review Branch, Division of Extramural Research and Training, National Institute of Environmental Health Sciences, P.O. Box 12233, MD EC–30/Room 3171, Research Triangle Park, NC 27709, 919/541–0670, *worth@niehs.nih.gov*.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.115, Biometry and Risk Estimation—Health Risks from Environmental Exposures; 93.142, NIEHS Hazardous Waste Worker Health and Safety Training; 93.143, NIEHS Superfund Hazardous Substances—Basic Research and Education; 93.894, Resources and Manpower Development in the Environmental Health Sciences; 93.113, Biological Response to Environmental Health Hazards; 93.114, Applied Toxicological Research and Testing, National Institutes of Health, HHS)

Dated: September 5, 2019.

Tyeshia M. Roberson,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–19606 Filed 9–10–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Neurological Disorders and Stroke; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Neurological Disorders and Stroke Special Emphasis; Panel BRAIN Initiative Exploratory Team BCP U01 Review.

Date: September 20, 2019.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Canopy by Hilton, 940 Rose Avenue, North Bethesda, MD 20852

Contact Person: LI JIA, Ph.D. Scientific Review Officer, Scientific Review Branch, Division of Extramural Research, NINDS/NIH, NSC, 6001 Executive Blvd., Suite 3208, MSC 9529 Bethesda, MD 20892, 301.496.9223, *Jiali@Ninds.Nih.Gov.*

Name of Committee: National Institute of Neurological Disorders and Stroke Special Emphasis; Panel Institutional Predoctoral Training Program in the Neurosciences (T32).

Date: October 7, 2019.

Time: 8:00 a.m. to 5:30 p.m.

Agenda: To review and evaluate grant applications.

Place: Canopy by Hilton, 940 Rose Avenue, North Bethesda, MD 20852.

Contact Person: Delany Torres, Ph.D., Scientific Review Officer, Scientific Review Branch, Division of Extramural Activities, NINDS, Neuroscience Center Building (NSC), 6001 Executive Blvd., Suite 3208 Bethesda, MD 20892, *delany.torressalazar@nih.gov.*

Name of Committee: National Institute of Neurological Disorders and Stroke Special Emphasis; Panel BRAIN Initiative U24 Review.

Date: October 9, 2019.

Time: 9:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center Building (NSC), 6001 Executive Boulevard Rockville, MD 20852, (Virtual Meeting).

Contact Person: Jimok Kim, Ph.D., Scientific Review Officer, Scientific Review Branch, Division of Extramural Activities, NINDS, NIH, NCS, 6001 Executive Blvd., Suite 3226, MSC 9529, Bethesda 20892, 301–496–9223, *jimok.kim@nih.gov.*

Name of Committee: National Institute of Neurological Disorders and Stroke Initial Review; Group Neurological Sciences and Disorders B.

Date: October 24–25, 2019.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Residence Inn Pentagon City, 550 Army Navy Drive, Arlington, VA 22202.

Contact Person: Joel A Saydoff, Scientific Review Officer, Scientific Review Branch, Division of Extramural Activities, NINDS/NIH, NSC, 6001 Executive Blvd., Room 3205, MSC 9529, Bethesda, MD 20892, (301)–496–9223 *joel.saydoff@nih.gov.*

Name of Committee: National Institute of Neurological Disorders and Stroke Special Emphasis; Panel BRAIN K99 to promote Diversity.

Date: October 25, 2019.

Time: 11:00 a.m. to 5:30 p.m.

Agenda: To review and evaluate grant applications.

Place: SRB Office, 6001 Executive Boulevard, Bethesda, MD, (Virtual Meeting).

Contact Person: Delany Torres, Ph.D., Scientific Review Officer, Scientific Review Branch, Division of Extramural Activities, NINDS, Neuroscience Center Building (NSC), 6001 Executive Blvd., Suite 3208, Bethesda, MD 20892, *delany.torressalazar@nih.gov.*

Name of Committee: National Institute of Neurological Disorders and Stroke Special Emphasis; Panel NINDS & Translational T32.

Date: November 4–5, 2019.

Time: 8:30 a.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Canopy by Hilton, 940 Rose Avenue, North Bethesda, MD 20852.

Contact Person: Deanna Lynn Adkins, Ph.D. Scientific Review Officer, Scientific Review Branch, NSC Building, Bethesda, MD 20892, 301–496–9223, *deanna.adkins@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.853, Clinical Research Related to Neurological Disorders; 93.854, Biological Basis Research in the Neurosciences, National Institutes of Health, HHS)

Dated: September 5, 2019.

Sylvia L. Neal,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–19614 Filed 9–10–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and/or contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications and/or contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel; PAR–16–413, NIAID Investigator Initiated Program Project Applications (P01).

Date: September 27, 2019.

Time: 11:00 a.m. to 2:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 5601 Fishers Lane Rockville, MD 20892, (Telephone Conference Call).

Contact Person: Mario Cerritelli, Ph.D., Scientific Review Officer, Scientific Review Program, DEA/NIAID/NIH/DHHS, 5601 Fishers Lane, MSC–9823 Rockville, MD 20852, 240–669–5199, *cerritem@mail.nih.gov.*

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel; Feasibility of Novel Diagnostics for TB in Endemic Countries (FEND for TB) (U01 Clinical Trial Not Allowed).

Date: October 7, 2019.

Time: 11:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 5601 Fishers Lane, Rockville, MD 20892, (Telephone Conference Call).

Contact Person: Lynn Rust, Ph.D. Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, Room 3G42A, National Institutes of Health/NIAID, 5601 Fishers Lane, MSC 9823, Bethesda, MD 20892–9823, (240) 669–5069, *lrust@niaid.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: September 5, 2019.

Sylvia L. Neal,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–19604 Filed 9–10–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Metabolic Reprogramming to Improve Immunotherapy.

Date: October 7, 2019.

Time: 9:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Contact Person: Malaya Chatterjee, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6192, MSC 7804, Bethesda, MD 20892, (301) 806–2515, *chatterm@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Skeletal Biology Structure and Regeneration.

Date: October 7, 2019.

Time: 1:00 p.m. to 2:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Baltimore Marriott Waterfront, 700 Aliceanna Street, Baltimore, MD 21202.

Contact Person: Rajiv Kumar, Ph.D., IRG Chief, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4216, MSC 7802, Bethesda, MD 20892, 301–435–1212, *kumarra@csr.nih.gov*.

Name of Committee: Population Sciences and Epidemiology Integrated Review Group; Behavioral Genetics and Epidemiology Study Section.

Date: October 8–9, 2019.

Time: 8:00 a.m. to 12:00 p.m.

Agenda: To review and evaluate grant applications.

Place: The Dupont Hotel, 1500 New Hampshire Avenue NW, Washington, DC 20036.

Contact Person: Gianina Ramona Dumitrescu, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4193–C, Bethesda, MD 28092, 301–827–0696, *dumitrescurg@csr.nih.gov*.

Name of Committee: Cell Biology Integrated Review Group; Intercellular Interactions Study Section.

Date: October 10–11, 2019.

Time: 8:00 a.m. to 12:00 p.m.

Agenda: To review and evaluate grant applications.

Place: The Warwick Allerton Hotel, 701 North Michigan Avenue, Chicago, IL 60611.

Contact Person: Thomas Y. Cho, Ph.D., Scientific Review Officer, Center for Scientific Review, 6701 Rockledge Drive, Bethesda, MD 20892, 301–402–4179, *thomas.cho@nih.gov*.

Name of Committee: Vascular and Hematology Integrated Review Group; Hypertension and Microcirculation Study Section.

Date: October 10, 2019.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Embassy Suites at the Chevy Chase Pavilion, 4300 Military Road NW, Washington, DC 20015.

Contact Person: Bukhtiar H. Shah, DVM, Ph.D., Scientific Review Officer, Vascular and Hematology, IRG, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4120, MSC 7802, Bethesda, MD 20892, (301) 806–7314, *shahb@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Special Topics: Vision Imaging, Bioengineering and Low Vision Technology Development.

Date: October 10–11, 2019.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: The Darcy Hotel, 1515 Rhode Island Ave., Washington, DC 20005.

Contact Person: Susan Gillmor, Ph.D., Scientific Review Officer, National Institutes of Health, Center for Scientific Review, 6701 Rockledge Drive, Bethesda, MD 20892, 240–762–3076, *susan.gillmor@nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; RFA–HD–20–005: Pediatric Rehabilitation (R01).

Date: October 11, 2019.

Time: 9:00 a.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Baltimore Marriott Waterfront, 700 Aliceanna Street, Baltimore, MD 21202.

Contact Person: Maria Nurminskaya, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4220, Bethesda, MD 20892 (301) 435–1222, *nurminskayam@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Training in Veterinary and Comparative Medicine.

Date: October 11, 2019.

Time: 11:00 a.m. to 2:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Raj K. Krishnaraju, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6190, Bethesda, MD 20892, 301–435–1047, *kkrishna@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Molecular and Cellular Endocrinology.

Date: October 11, 2019.

Time: 1:00 p.m. to 2:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Renaissance Mayflower Hotel, 1127 Connecticut Avenue NW, Washington, DC 20036.

Contact Person: Elaine Sierra-Rivera, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6182, MSC 7892, Bethesda, MD 20892, 301 435–2514, *riverase@csr.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: September 5, 2019.

Tyeshia M. Roberson,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–19601 Filed 9–10–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Integrative, Functional and Cognitive Neuroscience Integrated Review Group; Mechanisms of Sensory, Perceptual, and Cognitive Processes Study Section.

Date: October 2–3, 2019.

Time: 8:00 a.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Melrose Hotel, 2430 Pennsylvania Ave. NW, Washington, DC 20037.

Contact Person: Kirk Thompson, Ph.D., Scientific Review Officer, Center for

Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5184, MSC 7844, Bethesda, MD 20892, 301–435–1242, *kgt@mail.nih.gov.*

Name of Committee: Risk, Prevention and Health Behavior Integrated Review Group; Behavioral Medicine, Interventions and Outcomes Study Section.

Date: October 3–4, 2019.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Ritz-Carlton Hotel at Pentagon City, 1250 South Hayes Street, Arlington, VA 22202.

Contact Person: Lee S. Mann, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3224, MSC 7808, Bethesda, MD 20892, 301–435–0677, *mannl@csr.nih.gov.*

Name of Committee: Biobehavioral and Behavioral Processes Integrated Review Group; Child Psychopathology and Developmental Disabilities Study Section.

Date: October 3–4, 2019.

Time: 8:00 a.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Canopy by Hilton, 940 Rose Avenue, North Bethesda, MD 20852.

Contact Person: Katherine Colona Morasch, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3170, Bethesda, MD 20892, *moraschkc@csr.nih.gov.*

Name of Committee: Biological Chemistry and Macromolecular Biophysics Integrated Review Group; Macromolecular Structure and Function—A Study Section.

Date: October 3–4, 2019.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Capitol Skyline Hotel, 10 I Street SW, Washington, DC 20024.

Contact Person: David R. Jollie, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4166, MSC 7806, Bethesda, MD 20892, (301) 408–9072, *jollieda@csr.nih.gov.*

Name of Committee: Biological Chemistry and Macromolecular Biophysics Integrated Review Group; Synthetic and Biological Chemistry—A Study Section.

Date: October 3–4, 2019.

Time: 8:00 a.m. to 1:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Doubletree Hotel Bethesda (Formerly Holiday Inn Select), 8120 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Anita Szajek, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4187, Bethesda, MD 20892, 301–827–6276, *anita.szajek@nih.gov.*

Name of Committee: Digestive, Kidney and Urological Systems Integrated Review Group; Kidney Molecular Biology and Genitourinary Organ Development.

Date: October 3, 2019.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Ganesan Ramesh, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2182, MSC 7818, Bethesda, MD 20892, 301–827–5467, *ganesan.ramesh@nih.gov.*

Name of Committee: Immunology Integrated Review Group; Cellular and Molecular Immunology—A Study Section.

Date: October 3–4, 2019.

Time: 8:30 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Residence Inn Bethesda, 7335 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: David B. Winter, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4204, MSC 7812, Bethesda, MD 20892, 301–435–1152, *dwinter@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: September 5, 2019.

Sylvia L. Neal,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–19603 Filed 9–10–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the National Cancer Institute Council of Research Advocates, September 9, 2019 at 9:00 a.m. to 4:00 p.m., National Institutes of Health, Building 40, Room 1201/1203, 40 Convent Drive, Bethesda, MD 20892 which was published in the **Federal Register** on July 29, 2019, 84 FR 37657.

This meeting notice is amended to change the meeting start time. The meeting will be held on September 9, 2019 at 9:30 a.m. at the National Institutes of Health, Building 40, Room 1201/1203, 40 Convent Drive, Bethesda, MD 20892. The meeting is open to the public.

Dated: September 5, 2019.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–19613 Filed 9–10–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Genomics, Computational Biology and Technology.

Date: October 9, 2019.

Time: 1:00 p.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Ritz-Carlton Hotel at Pentagon City, 1250 South Hayes Street, Arlington, VA 22202.

Contact Person: Elena Smirnova, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5187, MSC 7840, Bethesda, MD 20892, 301–357–9112, *smirnove@csr.nih.gov.*

Name of Committee: Genes, Genomes, and Genetics Integrated Review Group; Prokaryotic Cell and Molecular Biology Study Section.

Date: October 10, 2019.

Time: 8:00 a.m. to 8:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Bahia Resort Hotel, 998 West Mission Bay Drive, San Diego, CA 92109.

Contact Person: Luis Dettin, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2208, Bethesda, MD 20892, 301–451–1327, *dettinle@csr.nih.gov.*

Name of Committee: Population Sciences and Epidemiology Integrated Review Group; Kidney, Nutrition, Obesity and Diabetes Study Section.

Date: October 10–11, 2019.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Washington Marriott Georgetown, 1221 22nd Street NW, Washington, DC 20037.

Contact Person: Fungai Chanetsa, MPH, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3135, MSC 7770, Bethesda, MD 20892, 301–408–9436, *fungai.chanetsa@nih.hhs.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Fellowships: Behavioral Neuroscience.

Date: October 10–11, 2019.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: The Ritz Carlton, 1150 22nd Street NW, Washington, DC 20037.

Contact Person: Mei Qin, MD, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5213, Bethesda, MD 20892, 301–875–2215, *qinmei@csr.nih.gov.*

Name of Committee: Emerging Technologies and Training Neurosciences Integrated Review Group; Molecular Neurogenetics Study Section.

Date: October 10–11, 2019.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Westin Georgetown, 2350 M Street NW, Washington, DC 20037.

Contact Person: Mary G. Schueler, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5214, MSC 7846, Bethesda, MD 20892, 301–915–6301, *marygs@csr.nih.gov.*

Name of Committee: Population Sciences and Epidemiology Integrated Review Group; Social Sciences and Population Studies B Study Section.

Date: October 10, 2019.

Time: 8:30 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Residence Inn Alexandria Old Town/Duke Street, 1456 Duke Street, Alexandria, VA 22314.

Contact Person: Kate Fothergill, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive Room 3142, Bethesda, MD 20892, 301–435–2309, *fothergillke@mail.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR Panel: Academic-Industrial Partnerships for Translation of Medical Technologies.

Date: October 11, 2019.

Time: 8:00 a.m. to 8:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Guo Feng Xu, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5122, MSC 7854, Bethesda, MD 20892, 301–237–9870, *xuguofen@csr.nih.gov.*

Name of Committee: Vascular and Hematology Integrated Review Group; Molecular and Cellular Hematology Study Section.

Date: October 15–16, 2019.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Warwick Allerton Hotel, 701 N Michigan Avenue, Chicago, IL 60611.

Contact Person: Luis Espinoza, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6183, MSC 7804, Bethesda, MD 20892, 301–495–1213, *espinozala@mail.nih.gov.*

Name of Committee: Digestive, Kidney and Urological Systems Integrated Review Group; Pathobiology of Kidney Disease Study Section.

Date: October 15–16, 2019.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Residence Inn Bethesda, 7335 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Atul Sahai, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2188, MSC 7818, Bethesda, MD 20892, 301–435–1198, *sahaia@csr.nih.gov.*

Name of Committee: Brain Disorders and Clinical Neuroscience Integrated Review Group; Chronic Dysfunction and Integrative Neurodegeneration Study Section.

Date: October 15–16, 2019.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Courtyard by Marriott, 5520 Wisconsin Avenue, Chevy Chase, MD 20815.

Contact Person: Pat Manos, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5200, MSC 7846, Bethesda, MD 20892, (301) 408–9866, *manospa@csr.nih.gov.*

Name of Committee: Cell Biology Integrated Review Group; Development—2 Study Section.

Date: October 15–16, 2019.

Time: 8:00 a.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Embassy Suites at the Chevy Chase Pavilion, 4300 Military Road NW, Washington, DC 20015.

Contact Person: Rass M. Shayiq, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2182, MSC 7818, Bethesda, MD 20892, (301) 435–2359, *shayiqr@csr.nih.gov.*

Name of Committee: Infectious Diseases and Microbiology Integrated Review Group; Vector Biology Study Section.

Date: October 15–16, 2019.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Residence Inn Bethesda, 7335 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Liangbiao Zheng, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3214, MSC 7808, Bethesda, MD 20892, 301–402–5671, *zhengli@csr.nih.gov.*

Name of Committee: Cell Biology Integrated Review Group; Molecular and Integrative Signal Transduction Study Section.

Date: October 15, 2019.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Doubletree Hotel Bethesda (Formerly Holiday Inn Select), 8120 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Charles Selden, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive Room 5187 MSC 7840, Bethesda, MD 20892, 301–451–3388, *seldens@mail.nih.gov.*

Name of Committee: Integrative, Functional and Cognitive Neuroscience Integrated Review Group; Chemosensory Systems Study Section.

Date: October 15, 2019.

Time: 10:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: John Bishop, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5182, MSC 7844, Bethesda, MD 20892, (301) 408–9664, *bishopj@csr.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: September 5, 2019.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–19605 Filed 9–10–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Submission for OMB Review; 30-Day Comment Request; Assurance (Interinstitutional, Foreign, and Domestic) and Annual Report. Office of the Director (OD)

AGENCY: National Institutes of Health, HHS.

ACTION: Notice.

SUMMARY: In compliance with the requirement of the Paperwork Reduction Act of 1995, the Office of Laboratory Animal Welfare (OLAW) in the Office of Extramural Research has submitted to the Office of Management and Budget (OMB) a request for review and approval of the information collection listed below.

DATES: Comments regarding this information collection are best assured of having their full effect if received within 30 days of the date of this publication.

ADDRESSES: Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the: Office of Management and Budget, Office of Regulatory Affairs, *OIRA_submission@omb.eop.gov* or by fax to 202–395–6974, Attention: Desk Officer for NIH.

FOR FURTHER INFORMATION CONTACT: To submit comments in writing or request more information on the proposed collection, contact: Eileen M. Morgan, Director, Division of Assurances, Office of Laboratory Animal Welfare, NIH, call (301) 594–2289 or email your request to *olawdocs@mail.nih.gov.* Formal requests for information collection forms must be requested via email to *olawdocs@mail.nih.gov.*

SUPPLEMENTARY INFORMATION: This proposed information collection was previously published in the **Federal Register** on June 17, 2019, Vol. 84, No. 116 page 28065 (84 FR 28065) and allowed 60 days for public comment. No public comments were received. The purpose of this notice is to allow an additional 30 days for public comment.

The Office of the Director (OD), National Institutes of Health, may not conduct or sponsor, and the respondent is not required to respond to, an information collection that has been extended, revised, or implemented on or after October 1, 1995, unless it displays a currently valid OMB control number.

In compliance with Section 3507(a)(1)(D) of the Paperwork Reduction Act of 1995, the National Institutes of Health (NIH) has submitted to the Office of Management and Budget (OMB) a request for review and approval of the information collection listed below.

Proposed Collection Title: Assurance (Interinstitutional, Foreign, and Domestic) and Annual Report, OMB #0925–NEW, Office of the Director (OD), National Institutes of Health (NIH).

Need and Use of Information Collection: The Office of Laboratory Welfare (OLAW) is responsible for the implementation, general administration, and interpretation of the Public Health Service (PHS) Policy on Humane Care and Use of Laboratory Animals (Policy) as codified in 42 CFR 52.8. The PHS Policy implements the Health Research Extension Act (HREA) of 1985 (Pub. L. 99–158 as codified in 42 U.S.C. 289d). The PHS Policy requires entities that conduct research involving vertebrate animals using PHS funds to have an Institutional Animal Care and Use Committee (IACUC), provide assurance that requirements of the Policy are met, and submit an annual report. An institution's animal care and use program is described in the Animal Welfare Assurance (Assurance) document and sets forth institutional compliance with PHS Policy. The purpose of the Assurance (Interinstitutional, Foreign, and Domestic) and Annual Report is to provide OLAW with documentation to satisfy the requirements of the HREA, illustrate institutional adherence to PHS Policy, and enable OLAW to carry out its mission to ensure the humane care and use of animals in PHS-supported research, testing, and training, thereby contributing to the quality of PHS-supported activities.

OMB approval is requested for 3 years. The total estimated annualized burden hours are 8,140.

ESTIMATED ANNUALIZED BURDEN HOURS

Document	Type of respondents	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Annual burden hours
Interinstitutional Assurance	Foreign	40	1	30/60	20
Interinstitutional Assurance	Domestic	660	1	30/60	330
Foreign Assurance	Renewal and New	60	1	1	60
Domestic Assurance	Renewal	220	1	26	5,720
Domestic Assurance	New	20	1	30	600
Annual Report	All Domestic	940	1	90/60	1,410
Total		1,940			8,140

Dated: September 5, 2019.

Lawrence A. Tabak,

Principal Deputy Director, National Institutes of Health.

[FR Doc. 2019–19652 Filed 9–10–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2019–0702]

Proposed Termination of U.S. Coast Guard Medium Frequency (MF) Broadcast of Navigational Telex (NAVTEX) and Shift to Satellite

ACTION: Notice and request for comments.

SUMMARY: The U.S. Coast Guard may cease broadcasting Navigational Telex (NAVTEX) over Medium Frequency (MF) after first ensuring the information contained in NAVTEX broadcasts is available via International Maritime Organization (IMO) recognized satellite services. This notice requests public comment on the possibility of terminating the MF NAVTEX broadcast.

DATES: Comments must be submitted to the online docket via *http://www.regulations.gov*, on or before November 12, 2019.

ADDRESSES: You may submit comments identified by docket number USCG–2019- 0702 using the Federal eRulemaking Portal at *http://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: For information about this document, please call or email Derrick Croinex, Chief, Spectrum Management and Telecommunications, U.S. Coast Guard (Commandant CG–672); telephone: 202–475–3551; email: *derrick.j.croinex@uscg.mil.*

SUPPLEMENTARY INFORMATION:

Abbreviations

GMDSS Global Maritime Distress and Safety System
IMO International Maritime Organization
MF Medium Frequency
NAVTEX Navigational Telex

Public Participation and Request for Comments

We encourage you to submit comments (or related material) on the possible termination of the U.S. Coast Guard's broadcast of MF NAVTEX. We will consider all submissions received before the comment period closes. If you submit a comment, please include the docket number for this notice, 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. Documents mentioned in this notice, and all public comments, are 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.

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, you may review a Privacy Act notice regarding the Federal Docket Management System in the March 24, 2005, issue of the **Federal Register** (70 FR 15086).

Discussion

Navigation Telex (NAVTEX) is an international automated service for radio broadcast delivery of navigational and meteorological warnings and forecasts, as well as urgent maritime safety information. NAVTEX provides a low-cost, automated means of receiving this information aboard ships at sea out to approximately 100 nautical miles off shore. NAVTEX is part of the Global Maritime Distress and Safety System (GMDSS) which has been incorporated into the Safety of Life at Sea (SOLAS) treaty to which the U.S. is a party. The U.S. Coast Guard operates this system nationwide. For more information on MF NAVTEX in the U.S., please see the USCG Navigation Center website at https://www.navcen.uscg.gov/?pageName=NAVTEX.

The U.S. Coast Guard is proposing to cease operating MF NAVTEX and, instead making this information available via IMO recognized satellite services in waters under U.S. responsibility. The current MF NAVTEX equipment is in dire need of replacement. The equipment is antiquated and essential replacement parts are difficult to find and expensive, placing overall operation of MF NATEX at risk. Any approved GMDSS satellite terminal will be able to receive this information. We would like comments on this proposal to make the NAVTEX information available over satellite.

We believe the transition from terrestrial broadcast to satellite will provide for more reliable delivery of NAVTEX information and allow better, more cost-effective products in the future. We also believe this change will have a low impact on the maritime public as satellite receivers have become more prevalent onboard vessels. However, we would like your comments on how you would be affected if we did provide the NAVTEX information via satellite, particularly if you use MF NAVTEX and do not currently have a GMDSS satellite terminal onboard your vessel. We would also like your comments on what types of Maritime Safety Information products you would like to see added in the future if we did provide the NAVTEX information via satellite.

Before terminating the broadcast, we will consider comments from the public. After considering any comments received, the Coast Guard will issue a notice in the **Federal Register** indicating how the matter will be resolved.

This notice is issued under the authority of 14 U.S.C. 93(a)(16) and 5 U.S.C. 552(a).

Dated: September 5, 2019.

Derrick J. Croinex,

Chief, Spectrum Management and Telecommunication.

[FR Doc. 2019–19675 Filed 9–10–19; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Transatlantic Aviation Industry Roundtable Committee (TAIR); Committee Establishment

AGENCY: Department of Homeland Security.

ACTION: Committee management; notice of committee establishment.

SUMMARY: The Secretary of Homeland Security (DHS Secretary) is establishing an advisory committee to address the security of the aviation sector and the furtherance of increased resiliency of the global aviation security environment. The Transatlantic Aviation Industry Roundtable (TAIR) will serve as a forum in which the Department of Homeland Security (DHS); the U.K. Home Office; private sector companies; and stakeholders in the aviation sector will engage and collaborate on matters and issues affecting transatlantic aviation security. The Secretary has determined the TAIR Committee will be exempt from the provisions of the Federal Advisory Committee Act (FACA).

Name of Committee: Transatlantic Aviation Industry Roundtable (TAIR).

FOR FURTHER INFORMATION CONTACT: Matt Hayden, Deputy Assistant Secretary, Private Sector Office, at (202) 282–8216.

SUPPLEMENTARY INFORMATION:

I. Background

The DHS Secretary, in consultation with the Secretary of State for the Home Office of the United Kingdom of Great Britain and Northern Ireland (Home Secretary), is establishing the TAIR to serve as a forum in which DHS; the U.K. Home Office; private sector companies; and stakeholders in the aviation sector discuss opportunities for enhanced coordination and furtherance of increased resiliency of the transatlantic aviation security environment.

Some of the issues to be reviewed by the TAIR will require access to, and discussion of, non-public classified information and other non-public law enforcement sensitive information. These matters include discussions on the current threat environment and potential enhancements to security technologies policy interventions, processes and procedures in aviation and overseas security development.

In recognition of the classified material utilized in TAIR activities and discussions, the DHS Secretary hereby exempts the TAIR from Public Law 92–463 (The Federal Advisory Committee Act, or ''FACA''), 5 U.S.C. App).

II. Identifying Solutions

The Department recognizes the importance of FACA. FACA, when applicable, generally requires advisory committees to meet in open session and make publicly available associated written materials. It also requires a 15-day notice before any meeting may be closed to public attendance.

These requirements prevent the Department from convening on short notice a committee to discuss the sensitive and classified information surrounding the review of transatlantic aviation security threats in an appropriate setting. FACA contains a number of exceptions to its general disclosure rules, but the applicability of

those exceptions are not sufficient to address the proper handling of classified material and the protection of classified information in this unique context. The information that will be discussed and reviewed by this committee will be deliberative in nature and will involve law enforcement sensitive, sensitive security and or classified national security information that, if discussed in public, would result in the unauthorized disclosure of information that could reasonably be expected to result in threats to national security. The release of this information would enable criminals and enemies to use that information to circumvent the law and could reasonably be expected to endanger the life or physical safety of individuals. Furthermore, some of the participants of the TAIR subgroups will be intelligence community (IC) personnel who cannot publicly disclose their identities or IC affiliations. Making the TAIR open to the public presents a significant security concern for revealing the identity and capabilities of the IC personnel.

Section 871 of the Homeland Security Act provides the Secretary of Homeland Security with the authority to establish advisory committees and exempt them from the FACA—6 U.S.C. 451(a). This authority allows the Department to freely and completely review, in a closed environment, the current threat environment in aviation, to discuss potential vulnerabilities, and to provide the Department with information and recommendations that could not otherwise be discussed in an open environment.

III. Exercise of Section 871 Authority To Establish the TAIR

The Department respects the principles of open government and has judiciously exercised the authority Congress provided in Section 871. Given that the use of this authority will allow the Department to fully and completely review the issues and make recommendations surrounding transatlantic aviation security as described above, the Department is invoking that authority in the creation of the TAIR.

Collaboration among the TAIR committee members must involve many activities to include: Planning, coordination, protective security implementation, operational activities related to protective service security measures, as well as vulnerabilities, protective measures, best practices, and lessons learned. An effective committee must be able to have ongoing, immediate, and multi-directional communication and coordination under highly exigent circumstances. In furtherance of DHS' mission to protect the homeland, the public interest requires the establishment of the TAIR under the authority of 6 U.S.C. 451. Members of the TAIR will engage and collaborate on matters and issues affecting transatlantic aviation security including global security improvement, information sharing, insider threat and cybersecurity and may provide policy advice and recommendations on such matters. The TAIR will interact with government officials from the U.S. and the U.K. and representatives from the private sector companies and stakeholders in the aviation sector. The TAIR has no authority to establish Federal policy or otherwise undertake inherently governmental functions. Exemption from the FACA (Pub. L. 92–463): In recognition of the highlysensitive, and often confidential or classified nature of the subject matter involved in the activities of the TAIR, under the authority of section 871 of the Homeland Security Act of 2002 (6 U.S.C. 451), the TAIR is hereby deemed exempt from the requirements of Public Law 92–463 (5 U.S.C. App.).

Membership: The TAIR is composed of members who are appointed by and serve at the pleasure of the DHS Secretary and the Home Secretary, as appropriate. Term length will be determined by the TAIR co-chairs. Members will minimally consist of government officials from the United States and the United Kingdom, and private sector transatlantic aviation industry representatives in order to leverage each other's subject matter expertise. Non-governmental members (or representative members) who serve on the TAIR or subgroups are appointed to express the viewpoint of non-governmental entities, recognizable groups, or stakeholders that have interests in the transatlantic aviation security subject matter. They will not serve as Special Government Employees (SGE), as defined in Title 18, United States Code, section 202(a).

TAIR may meet as whole or in any combination of subgroups that is most conducive to the effective conduct of its activities.

Duration: The TAIR is expected to continue operating until such time as the DHS Secretary or the Home Secretary decide to terminate TAIR. TAIR may continue beyond the initial two years from the date of its establishment whenever the DHS Secretary determines in writing to extend the TAIR, consistent with section 871(b) of *The Homeland Security Act of 2002,* 6. U.S.C. 451(b).

Dated: August 21, 2019.

Kevin K. McAleenan,

Acting Secretary.

Appendix A: Membership of the Transatlantic Aviation Industry Roundtable

TAIR Principal Members

- U.S.:
  - DHS Secretary
  - DHS Under Secretary for Strategy, Policy, and Plans (PLCY)
  - Administrator, DHS Transportation Security Administration (TSA)
  - Commissioner, DHS Customs and Border Protection (CBP)
- U.K.:
  - Home Secretary
  - Transport Secretary
  - Director General
  - Under Secretary
- Private Sector:
  - CEOs transatlantic airlines
  - CEOs major international hub airports
  - CEOs air cargo carriers
  - Presidents or Executive Directors of Aviation Industry Associations

TAIR Steering Group

- U.S.:
  - DHS Headquarters
    - Office of Threat Prevention and Security Policy
    - Office of International Affairs
    - Private Sector Office, Office of Partnership and Engagement
    - Office of Intelligence and Analysis
  - DHS Components
    - Transportation Security Administration
    - U.S. Customs and Border Protection
    - Cybersecurity and Infrastructure Security Agency
- U.K.:
  - Home Office (HO):
    - Office for Security and Counter Terrorism (OSCT)
    - Aviation Security (HO)
  - Department for Transport (DfT):
    - Aviation Security
    - International Policy
  - Joint Terrorism Analysis Centre (JTAC): Thematic Analysis
- Private Sector:
  - Security Directors and representatives of transatlantic airlines
  - Security Directors and representatives of major international hub airports
  - Security Directors and representatives air cargo carriers
  - Representatives of Aviation Industry Associations

[FR Doc. 2019–19127 Filed 9–10–19; 8:45 am]

BILLING CODE 4410–10–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLWO310000.19X.L13140000.PP0000; OMB Control Number 1004–0207]

Agency Information Collection Activities; Oil and Gas Facility Site Security

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the Bureau of Land Management (BLM) is proposing to renew an information collection with revisions.

DATES: Interested persons are invited to submit comments on or before November 12, 2019.

ADDRESSES: Send your comments on this information collection request (ICR) by mail to Jean Sonneman. U.S. Department of the Interior, Bureau of Land Management, 1849 C Street NW, Room 2134LM, Washington, DC 20240; or by email to *jsonneman@blm.gov.* Please reference OMB Control Number 1004–0207 in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact Michael Wade by email at *mwade@blm.gov,* or by telephone at 303–239–3737.

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act of 1995, the BLM provides the general public and other Federal agencies with an opportunity to comment on new, proposed, revised, and continuing collections of information. This helps to assess the impact of the BLM's information collection requirements and minimize the public's reporting burden. It also helps the public understand the BLM's information collection requirements and provides the requested data in the desired format.

The BLM is soliciting comments on the proposed ICR that is described below. The BLM is especially interested in public comment addressing the following issues: (1) Is the collection necessary to the proper functions of the BLM; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the BLM enhance the quality, utility, and clarity of the information to be collected; and (5) how might the BLM minimize the burden of this collection on the respondents, including through the use of information technology.

Comments that you submit in response to this notice are a matter of public record. The BLM will include or summarize each comment in our request to OMB to approve this ICR. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask in your comment to the BLM to withhold your personal identifying information from public review, the BLM cannot guarantee that it will be able to do so.

The following information pertains to this request:

Abstract: This control number pertains to site security for Federal and Indian (except Osage Tribe) oil and gas leases. In this ICR, the BLM requests the removal of several activities involving the use of BLM Form 3160–5 (Sundry Notices and Reports on Wells). At the BLM's request, OMB authorized transfer of those activities from control number 1004–0207 to control number 1004–0137 (Onshore Oil and Gas Operations and Production).

Title of Collection: Oil and Gas Facility Site Security.

OMB Control Number: 1004–0207.

Form Number: None.

Type of Review: Revision of a currently approved collection.

Respondents/Affected Public: Lessees, operators, purchasers, transporters, and any other person directly involved in producing, transporting, purchasing, selling, or measuring oil or gas through the point of royalty measurement or the point of first sale, whichever is later.

Total Estimated Number of Annual Respondents: 5,000.

Total Estimated Number of Annual Responses: 94,305.

Estimated Completion Time per Response: Varies from 0.25 to 10 hours per response.

Total Estimated Number of Annual Burden Hours: 70,300.

Respondent's Obligation: Required to Obtain or Retain a Benefit.

Frequency of Collection: On occasion.

Total Estimated Annual Nonhour Burden Cost: None.

An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Jean Sonneman,

Information Collection Clearance Officer, Bureau of Land Management. Information Collection Clearance Officer.

[FR Doc. 2019–19637 Filed 9–10–19; 8:45 am]

BILLING CODE 4310–84–P

DEPARTMENT OF JUSTICE

Notice of Extension of Public Comment Period for Consent Decree Under the Comprehensive Environmental Response, Compensation, and Liability Act

On July 23, 2019, the Department of Justice lodged a proposed Consent Decree with the United States District Court for the Northern District of Alabama in the lawsuit entitled *United States of America* v. *MRC Holdings, Inc. (''MRC''),* Civil Action No. 2:19–cv–01153–CLM. At the request of members of the public, DOJ is extending the public comment period for an additional 30 days.

This case relates to alleged releases of hazardous substances, including PCBs, at the Anniston, Alabama PCB Hazardous Waste Site located in and around Anniston, Alabama. The Consent Decree requires MRC to undertake injunctive measures to remediate specific parcels of property identified in the Consent Decree where hazardous substances are located. More specifically, the Consent Decree requires the Defendant to perform a remedial design and remedial action at those properties in accordance with a Record of Decision issued by the Environmental Protection Agency (''EPA'') and Statement of Work attached to the Consent Decree as Appendix A. In addition, MRC is required under the Consent Decree to reimburse EPA for both past and future response costs.

Notice of the lodging of the decree was originally published in the **Federal Register** on July 31, 2019. *See* 84 FR 147, pages 37336–37 (July 31, 2019). The publication of the original notice opened a thirty (30) day period for public comment on the Decree. The publication of the present notice extends the period for public comment on the Decree to September 30, 2019.

All comments must be submitted no later than September 30, 2019. Comments may be submitted either by email or by mail and should refer to *United States of America* v. *MRC Holdings, Inc.,* and the D.J. Ref. No. 90–11–2–07135/15:

To submit comments:	Send them to:
By email	pubcomment-ees.enrd@usdoj.gov.
By mail	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

During the public comment period, the Consent Decree may be examined and downloaded at this Justice Department website: *http://www.usdoj.gov/enrd/Consent_Decrees.html.* We will provide a paper copy of the Consent Decree upon written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree Library, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

Please enclose a check or money order for $10.50 (25 cents per page reproduction cost) payable to the United States Treasury for the Consent Decree and $15.00 for the Consent Decree and Exhibits thereto.

Henry S. Friedman,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2019–19588 Filed 9–10–19; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF JUSTICE

Office of Justice Programs

[OJP (BJA) Docket No. 1767]

Meeting of the Public Safety Officer Medal of Valor Review Board

AGENCY: Office of Justice Programs (OJP), Bureau of Justice Assistance (BJA), Justice.

ACTION: Notice of meeting.

SUMMARY: This is an announcement of a meeting of the Public Safety Officer Medal of Valor Review Board, primarily intended to consider nominations for the 2018–2019 Medal of Valor, and to make a limited number of recommendations for submission to the U.S. Attorney General. Additional issues of importance to the Board may also be discussed. The meeting/conference call date and time is listed below.

DATES: September 23, 2019, 10:00 a.m. to 12:30 p.m. EDT.

ADDRESSES: The public may hear the proceedings of this meeting/conference call at the Office of Justice Programs, 810 7th Street NW, Washington, DC 20531.

FOR FURTHER INFORMATION CONTACT: Gregory Joy, Policy Advisor, Bureau of Justice Assistance, Office of Justice Programs, 810 7th Street NW, Washington, DC 20531, by telephone at (202) 514–1369, toll free (866) 859–2687, or by email at *Gregory.joy@usdoj.gov.*

SUPPLEMENTARY INFORMATION: The Public Safety Officer Medal of Valor Review Board carries out those advisory functions specified in 42 U.S.C. 15202. Pursuant to 42 U.S.C. 15201, the President of the United States is authorized to award the Public Safety Officer Medal of Valor, the highest national award for valor by a public safety officer.

This meeting/conference call is open to the public at the offices of BJA. For security purposes, members of the public who wish to participate must register at least seven (7) days in advance of the meeting/conference call by contacting Mr. Joy. All interested participants will be required to meet at the Bureau of Justice Assistance, Office of Justice Programs; 810 7th Street NW, Washington, DC 20531, and will be required to sign in at the front desk. *Note:* Photo identification will be required for admission. Additional identification documents may be required.

Access to the meeting/conference call will not be allowed without prior registration. Anyone requiring special accommodations should contact Mr. Joy at least seven (7) days in advance of the meeting. Please submit any comments or written statements for consideration by the Review Board in writing at least seven (7) days in advance of the meeting date.

Gregory Joy,

Policy Advisor/Designated Federal Officer, Bureau of Justice Assistance.

[FR Doc. 2019–19616 Filed 9–10–19; 8:45 am]

BILLING CODE 4410–18–P

DEPARTMENT OF LABOR

Mine Safety and Health Administration

[OMB Control No. 1219–0025]

Proposed Extension of Information Collection; Application for a Permit To Fire More Than 20 Boreholes and/or for the Use of Nonpermissible Blasting Units, Explosives, and Shot-Firing Units; Posting Notices of Misfires

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Request for public comments.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed collections of information in accordance with the Paperwork Reduction Act of 1995. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Mine Safety and Health Administration (MSHA) is soliciting comments on the information collection for Application for a Permit to Fire More than 20 Boreholes and/or for the use of Nonpermissible Blasting Units, Explosives, and Shot-firing Units; Posting Notices of Misfires.

DATES: All comments must be received on or before November 12, 2019.

ADDRESSES: Comments concerning the information collection requirements of this notice may be sent by any of the methods listed below.

- *Federal E-Rulemaking Portal: http://www.regulations.gov.* Follow the on-line instructions for submitting comments for docket number MSHA–2019–0035.
- *Regular Mail:* Send comments to USDOL–MSHA, Office of Standards, Regulations, and Variances, 201 12th Street South, Suite 4E401, Arlington, VA 22202–5452.
- *Hand Delivery:* USDOL-Mine Safety and Health Administration, 201 12th Street South, Suite 4E401, Arlington, VA 22202–5452. Sign in at the receptionist's desk on the 4th floor via the East elevator.

FOR FURTHER INFORMATION CONTACT: Sheila McConnell, Director, Office of Standards, Regulations, and Variances, MSHA, at *MSHA.information.collections@dol.gov* (email); (202) 693–9440 (voice); or (202) 693–9441 (facsimile).

SUPPLEMENTARY INFORMATION:

I. Background

Section 103(h) of the Federal Mine Safety and Health Act of 1977 (Mine Act), 30 U.S.C. 813(h), authorizes MSHA to collect information necessary to carry out its duty in protecting the safety and health of miners. Further, section 101(a) of the Mine Act, 30 U.S.C. 811, authorizes the Secretary of Labor (Secretary) to develop, promulgate, and revise as may be appropriate, improved mandatory health or safety standards for

the protection of life and prevention of injuries in coal and metal and nonmetal mines.

Under Section 313 of the Federal Mine Safety and Health Act of 1977 (Mine Act), 30 U.S.C. 873, any explosives used in underground coal mines must be permissible. The Mine Act also provides that, under safeguards prescribed by the Secretary, a mine operator may permit the firing of more than 20 shots and the use of nonpermissible explosives in sinking shafts and slopes from the surface in rock. Title 30 CFR 75.1321 outlines the procedures by which a permit may be issued for the firing of more than 20 boreholes and/or the use of nonpermissible shot-firing units in underground coal mines. In those instances in which there is a misfire of explosives, section 75.1327 requires that a qualified person post each accessible entrance to the affected area with a warning to prohibit entry. Section 77.1909–1 outlines the procedures by which a coal mine operator may apply for a permit to use nonpermissible explosives and/or shot-firing units in the blasting of rock while sinking shafts or slopes for underground coal mines.

II. Desired Focus of Comments

MSHA is soliciting comments concerning the proposed information collection related to Application for a Permit to Fire More than 20 Boreholes and/or for the use of Nonpermissible Blasting Units, Explosives, and Shot-firing Units; Posting Notices of Misfires. MSHA is particularly interested in comments that:

- Evaluate whether the collection of information is necessary for the proper performance of the functions of the Agency, including whether the information has practical utility;
- Evaluate the accuracy of MSHA's estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;
- Suggest methods to 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.

The information collection request will be available on *http://www.regulations.gov.* MSHA cautions the commenter against providing any information in the submission that should not be publicly disclosed. Full comments, including personal information provided, will be made available on *www.regulations.gov* and *www.reginfo.gov.*

The public may also examine publicly available documents at USDOL–Mine Safety and Health Administration, 201 12th South, Suite 4E401, Arlington, VA 22202–5452. Sign in at the receptionist's desk on the 4th Floor via the East elevator.

Questions about the information collection requirements may be directed to the person listed in the **FOR FURTHER INFORMATION** section of this notice.

III. Current Actions

This request for collection of information contains provisions for Application for a Permit to Fire More than 20 Boreholes and/or for the use of Nonpermissible Blasting Units, Explosives, and Shot-firing Units; Posting Notices of Misfires. MSHA has updated the data with respect to the number of respondents, responses, burden hours, and burden costs supporting this information collection request.

Type of Review: Extension, without change, of a currently approved collection.

Agency: Mine Safety and Health Administration.

OMB Number: 1219–0025.

Affected Public: Business or other for-profit.

Number of Respondents: 17.

Frequency: On occasion.

Number of Responses: 32.

Annual Burden Hours: 31 hours.

Annual Respondent or Recordkeeper Cost: $115.

Comments submitted in response to this notice will be summarized and included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Sheila McConnell,

Certifying Officer.

[FR Doc. 2019–19618 Filed 9–10–19; 8:45 am]

BILLING CODE 4510–43–P

NATIONAL CAPITAL PLANNING COMMISSION

Notice of Public Comment Period and Public Meeting on the Transportation Element of the Comprehensive Plan for the National Capital

AGENCY: National Capital Planning Commission.

ACTION: Notice of 60-Day public comment period and public meeting.

SUMMARY: The National Capital Planning Commission (NCPC) has released a draft of the Transportation Element of the Comprehensive Plan for the National Capital: Federal Elements for public review. The element establishes policies to support a regional multimodal transportation system that promotes responsible land use and development and contributes to a high quality of life for residents, workers, and visitors. The draft Transportation Element is available online for review at *https://www.ncpc.gov/initiatives/transportation.*

DATES: The public comment period closes November 12, 2019.

ADDRESSES: Written public comments on the draft may be submitted by either method:

1. *U.S. mail, courier, or hand deliver:* Transportation Element Public Comment, National Capital Planning Commission, 401 9th Street NW, Suite 500N, Washington, DC 20004.

2. *Electronically: https://www.ncpc.gov/initiatives/transportation.*

FOR FURTHER INFORMATION CONTACT: Jennifer Hirsch at (202) 482–7239 or *info@ncpc.gov.*

SUPPLEMENTARY INFORMATION:

Public Meeting: NCPC will host an open house event for the public to learn more about the Element. The open house will be on October 7, 2019 from 6:00 p.m. to 7:30 p.m. The meeting will be held at NCPC, 401 9th Street NW, Suite 500N, Washington, DC 20004

Authority: 40 U.S.C. 8721(e)(2).

Dated: September 6, 2019.

Anne R. Schuyler,

General Counsel.

[FR Doc. 2019–19628 Filed 9–10–19; 8:45 am]

BILLING CODE 7502–02–P

NATIONAL CAPITAL PLANNING COMMISSION

Notice of Public Comment Period and Public Meeting on the Revisions to the Submission Guidelines

AGENCY: National Capital Planning Commission.

ACTION: Notice of 60-Day public comment period and public meeting.

SUMMARY: The National Capital Planning Commission (NCPC) has released revisions to the Submission Guidelines to update aspects of submission requirements related to transportation planning. Federal and non-federal agency applicants whose development proposals and plan are subject to

statutory mandated Commission plan and project review must submit their proposals to the Commission following a process laid out in the Submission Guidelines. The proposed revisions to the Submission Guidelines support the draft Transportation Element of the Comprehensive Plan for the National Capital: Federal Elements which NCPC also released for public comment. The revisions to the Submission Guidelines are available online for review at *https://www.ncpc.gov/initiatives/transportation.*

DATES AND TIME: The public comment period closes November 12, 2019.

ADDRESSES: Written public comments on the draft may be submitted by either method:

1. *U.S. mail, courier, or hand deliver:* Transportation Element Public Comment, National Capital Planning Commission, 401 9th Street NW, Suite 500N, Washington, DC 20004.

2. *Electronically: https://www.ncpc.gov/initiatives/transportation.*

FOR FURTHER INFORMATION CONTACT: Jennifer Hirsch at (202) 482–7239 or *info@ncpc.gov.*

SUPPLEMENTARY INFORMATION:

Public Meeting: NCPC will host an open house event for the public to learn more about the revisions to the Submission Guidelines, as well as the draft Transportation Element of the Comprehensive Plan for the National Capital. The open house will be on October 7, 2019 from 6:00 p.m. to 7:30 p.m.. The meeting will be held at NCPC 401 9th Street NW, Suite 500N, Washington, DC 20004.

Authority: 40 U.S.C. 8721(e)(2).

Dated: September 6, 2019.

Anne R. Schuyler,

General Counsel.

[FR Doc. 2019–19629 Filed 9–10–19; 8:45 am]

BILLING CODE 7502–02–P

EXECUTIVE OFFICE OF THE PRESIDENT

Office of National Drug Control Policy

Designation of Eleven Areas as High Intensity Drug Trafficking Areas

AGENCY: Office of National Drug Control Policy (ONDCP).

ACTION: Notice of HIDTA Designations.

SUMMARY: The Director of the Office of National Drug Control Policy designated 13 additional areas as High Intensity Drug Trafficking Areas (HIDTA) pursuant to 21 U.S.C. 1706(b)(1). The new areas are (1) Anderson County in Tennessee, Boyd County in Kentucky, and Fayette County in West Virginia as part of the Appalachia HIDTA; (2) Floyd County in Georgia as part of the Atlanta/Carolinas HIDTA; (3) Allen County in Indiana as part of the Indiana HIDTA (4) Gloucester County in New Jersey and Bucks County in Pennsylvania as part of the Liberty Mid-Atlantic HIDTA; (5) Oswego County in New York as part of the New York/New Jersey HIDTA; (6) Olmsted and St. Louis Counties in Minnesota as part of the North Central HIDTA (7) Josephine County in Oregon as part of the Oregon/Idaho HIDTA and (8) Worcester County in Maryland and Warren County in Virginia as part of the Washington/Baltimore HIDTA. The Director of ONDCP also removed six areas as HIDTAs pursuant to 21 U.S.C. 1706(c), effective September 10, 2019. The six areas removed from HIDTA designation are (1) Breathitt and McCreary Counties in Kentucky and Macon and Unicoi Counties in Tennessee as part of the Appalachia HIDTA; (2) Marion County in Missouri as part of the Midwest HIDTA; and (3) the Confederated Tribe of Warm Springs Reservation in Oregon as part of the Oregon-Idaho HIDTA. The Executive Boards of each of these HIDTAs requested removal of these areas from designation after assessing the threat and determining that these areas no longer met the statutory criteria necessary for designation as HIDTA counties. ONDCP evaluated and accepted the request.

FOR FURTHER INFORMATION CONTACT: Questions regarding this notice should be directed to Shannon Kelly, National HIDTA Program Director, Office of National Drug Control Policy, Executive Office of the President, Washington, DC 20503; (202) 395–5872.

Dated: September 6, 2019.

Michael J. Passante,

Acting General Counsel.

[FR Doc. 2019–19661 Filed 9–10–19; 8:45 am]

BILLING CODE 3280–F5–P

NATIONAL TRANSPORTATION SAFETY BOARD

Sunshine Act Meeting

TIME AND DATE: 9:30 a.m., Tuesday, September 24, 2019.

PLACE: NTSB Conference Center, 429 L'Enfant Plaza SW, Washington, DC 20594.

STATUS: The one item is open to the public.

MATTERS TO BE CONSIDERED:

59529 Pipeline Accident Report—*Overpressurization of Natural Gas Distribution System, Explosions, and Fires, in Merrimack Valley, Massachusetts, September 13, 2018.*

NEWS MEDIA CONTACT: Telephone: (202) 314–6100.

The press and public may enter the NTSB Conference Center one hour prior to the meeting for set up and seating.

Individuals requesting specific accommodations should contact Rochelle McCallister at (202) 314–6305 or by email at *Rochelle.McCallister@ntsb.gov* by Wednesday, September 18, 2019.

The public may view the meeting via a live or archived webcast by accessing a link under ''News & Events'' on the NTSB home page at *www.ntsb.gov.*

Schedule updates, including weather-related cancellations, are also available at *www.ntsb.gov.*

FOR MORE INFORMATION CONTACT: Candi Bing at (202) 314–6403 or by email at *bingc@ntsb.gov.*

FOR MEDIA INFORMATION CONTACT: Keith Holloway by email at *hollowk@ntsb.gov* or at (202) 314–6100.

Authority: 5 U.S.C. 552b.

Dated: Monday, September 9, 2019.

LaSean R. McCray,

Assistant Federal Register Liaison Officer.

[FR Doc. 2019–19773 Filed 9–9–19; 4:15 pm]

BILLING CODE 7533–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2019–0001]

Sunshine Act Meetings

TIME AND DATE: Weeks of September 9, 16, 23, 30, October 7, 14, 2019.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public and Closed.

MATTERS TO BE CONSIDERED:

Week of September 9, 2019

Monday, September 9, 2019

10:00 a.m. NRC All Employees Meeting (Public Meeting), Marriott Bethesda North Hotel, 5701 Marinelli Road, Rockville, MD 20852.

Tuesday, September 10, 2019

10:00 a.m. Briefing on NRC International Activities (Closed—Ex. 1 & 9)

Week of September 16, 2019—Tentative

There are no meetings scheduled for the week of September 16, 2019.

Week of September 23, 2019—Tentative

There are no meetings scheduled for the week of September 23, 2019.

Week of September 30, 2019—Tentative

There are no meetings scheduled for the week of September 30, 2019.

Week of October 7, 2019—Tentative

There are no meetings scheduled for the week of October 7, 2019.

Week of October 14, 2019—Tentative

There are no meetings scheduled for the week of October 14, 2019.

CONTACT PERSON FOR MORE INFORMATION: For more information or to verify the status of meetings, contact Denise McGovern at 301–415–0681 or via email at *Denise.McGovern@nrc.gov*. The schedule for Commission meetings is subject to change on short notice.

The NRC Commission Meeting Schedule can be found on the internet at: *http://www.nrc.gov/public-involve/public-meetings/schedule.html*.

The NRC provides reasonable accommodation to individuals with disabilities where appropriate. If you need a reasonable accommodation to participate in these public meetings or need this meeting notice or the transcript or other information from the public meetings in another format (*e.g.,* braille, large print), please notify Kimberly Meyer-Chambers, NRC Disability Program Manager, at 301–287–0739, by videophone at 240–428–3217, or by email at *Kimberly.Meyer-Chambers@nrc.gov*. Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

Members of the public may request to receive this information electronically. If you would like to be added to the distribution, please contact the Nuclear Regulatory Commission, Office of the Secretary, Washington, DC 20555 (301–415–1969), or by email at *Tyesha.Bush@nrc.gov*.

The NRC is holding the meetings under the authority of the Government in the Sunshine Act, 5 U.S.C. 552b.

Dated at Rockville, Maryland, this 6th day of September, 2019.

For the Nuclear Regulatory Commission.

Denise L. McGovern

Policy Coordinator, Office of the Secretary.

[FR Doc. 2019–19698 Filed 9–9–19; 11:15 am]

BILLING CODE 7590–01–P

POSTAL REGULATORY COMMISSION

[Docket Nos. MC2019–191 and CP2019–214; MC2019–192 and CP2019–215; MC2019–193 and CP2019–216; MC2019–194 and CP2019–217; MC2019–195 and CP2019–218]

New Postal Products

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing for the Commission's consideration concerning negotiated service agreements. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* September 13, 2019.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov*. Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

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I. Introduction
II. Docketed Proceeding(s)

I. Introduction

The Commission gives notice that the Postal Service filed request(s) for the Commission to consider matters related to negotiated service agreement(s). The request(s) may propose the addition or removal of a negotiated service agreement from the market dominant or the competitive product list, or the modification of an existing product currently appearing on the market dominant or the competitive product list.

Section II identifies the docket number(s) associated with each Postal Service request, the title of each Postal Service request, the request's acceptance date, and the authority cited by the Postal Service for each request. For each request, the Commission appoints an officer of the Commission to represent the interests of the general public in the proceeding, pursuant to 39 U.S.C. 505 (Public Representative). Section II also establishes comment deadline(s) pertaining to each request.

The public portions of the Postal Service's request(s) can be accessed via the Commission's website (*http://www.prc.gov*). Non-public portions of the Postal Service's request(s), if any, can be accessed through compliance with the requirements of 39 CFR 3007.301.[1]

The Commission invites comments on whether the Postal Service's request(s) in the captioned docket(s) are consistent with the policies of title 39. For request(s) that the Postal Service states concern market dominant product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3622, 39 U.S.C. 3642, 39 CFR part 3010, and 39 CFR part 3020, subpart B. For request(s) that the Postal Service states concern competitive product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3632, 39 U.S.C. 3633, 39 U.S.C. 3642, 39 CFR part 3015, and 39 CFR part 3020, subpart B. Comment deadline(s) for each request appear in section II.

II. Docketed Proceeding(s)

1. *Docket No(s).:* MC2019–191 and CP2019–214; *Filing Title:* USPS Request to Add Priority Mail Contract 548 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* September 5, 2019; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3020.30 *et seq.,* and 39 CFR 3015.5; *Public Representative:* Matthew R. Ashford; *Comments Due:* September 13, 2019.

2. *Docket No(s).:* MC2019–192 and CP2019–215; *Filing Title:* USPS Request to Add Priority Mail & First-Class Package Service Contract 115 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* September 5, 2019; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3020.30 *et seq.,* and 39 CFR 3015.5; *Public Representative:* Matthew R. Ashford; *Comments Due:* September 13, 2019.

3. *Docket No(s).:* MC2019–193 and CP2019–216; *Filing Title:* USPS Request to Add Priority Mail & First-Class Package Service Contract 116 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* September 5, 2019; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3020.30 *et seq.,* and 39 CFR 3015.5; *Public Representative:* Christopher C. Mohr; *Comments Due:* September 13, 2019.

4. *Docket No(s).:* MC2019–194 and CP2019–217; *Filing Title:* USPS Request to Add Priority Mail & First-Class Package Service Contract 117 to Competitive Product List and Notice of

[1] *See* Docket No. RM2018–3, Order Adopting Final Rules Relating to Non-Public Information, June 27, 2018, Attachment A at 19–22 (Order No. 4679).

Filing Materials Under Seal; *Filing Acceptance Date:* September 5, 2019; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3020.30 *et seq.,* and 39 CFR 3015.5; *Public Representative:* Christopher C. Mohr; *Comments Due:* September 13, 2019.

5. *Docket No(s).:* MC2019–195 and CP2019–218; *Filing Title:* USPS Request to Add First-Class Package Service Contract 102 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* September 5, 2019; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3020.30 *et seq.,* and 39 CFR 3015.5; *Public Representative:* Christopher C. Mohr; *Comments Due:* September 13, 2019.

This Notice will be published in the **Federal Register**.

Darcie S. Tokioka,

Acting Secretary.

[FR Doc. 2019–19630 Filed 9–10–19; 8:45 am]

BILLING CODE 7710–FW–P

POSTAL SERVICE

Product Change—First-Class Package Service 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:* September 11, 2019.

FOR FURTHER INFORMATION CONTACT: Sean Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on September 5, 2019, it filed with the Postal Regulatory Commission a *USPS Request to Add First-Class Package Service Contract 102 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2019–195, CP2019–218.

Sean Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2019–19593 Filed 9–10–19; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail and First-Class Package Service 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:* September 11, 2019.

FOR FURTHER INFORMATION CONTACT: Sean Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on September 5, 2019, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail & First-Class Package Service Contract 117 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2019–194, CP2019–217.

Sean Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2019–19592 Filed 9–10–19; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* September 11, 2019.

FOR FURTHER INFORMATION CONTACT: Sean Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on September 5, 2019, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Contract 548 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2019–191, CP2019–214.

Sean Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2019–19589 Filed 9–10–19; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail and First-Class Package Service 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:* September 11, 2019.

FOR FURTHER INFORMATION CONTACT: Sean Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on September 5, 2019, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail & First-Class Package Service Contract 116 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2019–193, CP2019–216.

Sean Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2019–19591 Filed 9–10–19; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail and First-Class Package Service 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:* September 11, 2019.

FOR FURTHER INFORMATION CONTACT: Sean Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on September 5, 2019, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail & First-Class Package Service Contract 115 to Competitive Product List.* Documents are available at

www.prc.gov, Docket Nos. MC2019–192, CP2019–215.

Sean Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2019–19590 Filed 9–10–19; 8:45 am]

BILLING CODE 7710–12–P

RAILROAD RETIREMENT BOARD

Sunshine Act Meetings

TIME AND DATE: 10:00 a.m., September 18, 2019.

PLACE: 8th Floor Board Conference Room, 844 North Rush Street, Chicago, Illinois, 60611.

STATUS: This meeting will be open to the public.

MATTERS TO BE CONSIDERED:

(1) Update from Wisconsin Central Working Group
(2) Discussion of Chief Medical Officer position
(3) Procedure for submitting items to the Board Docket

CONTACT PERSON FOR MORE INFORMATION: Stephanie Hillyard, Secretary to the Board, Phone No. 312–751–4920.

Authority: 5 U.S.C. 552b.

Dated: September 5, 2019.

Stephanie Hillyard,

Secretary to the Board.

[FR Doc. 2019–19578 Filed 9–9–19; 11:15 am]

BILLING CODE 7905–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–86884; File No. SR–CBOE–2019–052]

Self-Regulatory Organizations; Cboe Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Relating to the Removal of a Number of Outdated Fees and References in the Cboe Options Fees Schedule

September 5, 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 28, 2019, Cboe Exchange, Inc. (the ''Exchange'' or ''Cboe Options'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The 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 the Substance of the Proposed Rule Change

Cboe Exchange, Inc. (the ''Exchange'' or ''Cboe Options'') proposes to remove a number of outdated fees and references in the Cboe Options Fees Schedule. The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is also available on the Exchange's website (*http://www.cboe.com/AboutCBOE/CBOELegalRegulatoryHome.aspx*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to make a number of non-substantive, cleanup changes to its fees schedule.

First, the Exchange proposes to remove the ''New Trading Permit Holder Orientation and Exam'' fee in the Cboe Options Fees Schedule. Particularly, the Exchange notes that it recently submitted a rule filing which eliminated the Trading Permit Holder Orientation and Exam, as of July 6, 2019, rendering the corresponding fee obsolete.[3] As such, the Exchange proposes to remove the fee, which no longer can be assessed, from the Fees Schedule.

Similarly, the Exchange proposes to eliminate references to another examination that no longer exists. Particularly, as of January 2016, the Series 56 examination was eliminated.[4] The Exchange notes however, that it inadvertently omitted to update the Fees Schedule and eliminate references to the Series 56 examination and related fees. Accordingly, the Exchange first proposes to eliminate the reference to ''(*e.g.,* Series 56 examination)'' in the notes section of the Qualification Examination Waiver Request Fee. The Exchange further proposes to eliminate the ''Initial Proprietary Registration'' and ''Annual Proprietary Registration'' fees. These registration fees were assessed in connection with the registration of the Series 56 exam, and as such, are no longer necessary to maintain in the Fees Schedule.

The Exchange next proposes to eliminate LiveVol Fees (Livevol Core ''LVCX'' fees), as the Exchange no longer offers this functionality, and also proposes to eliminate the ''In-Crowd Telephones (plus usage fee)'' fee, as this service is similarly no longer offered.

The Exchange further proposes to eliminate references to the ''Position Transfer Fee'' (on-floor 6.49A fee), as on-floor position transfers were recently eliminated.[5]

The Exchange lastly proposes to eliminate all references to the following symbols as they are no longer listed: AWDE, FTEM, FXTM, GVZ, VXEEM, VXEWZ, OVX, XSPAM, Volatility Indexes[6] and Binary options.

The Exchange notes that it has not assessed any of the above fees since the elimination of the respective service/exam/rule.

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.[7] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[8] 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,

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 86065 (June 7, 2019), 84 FR 27667 (June 13, 2019) (SR–CBOE–2019–029).

[4] *See* Securities Exchange Act Release No. 76247 (October 23, 2015), 80 FR 66605 (October 29, 2015) (SR–CBOE–2015–094).

[5] *See* Securities Exchange Act Release No. 85732 (April 26, 2019), 84 FR 18901 (May 2, 2019) (SR–CBOE–2019–024). *See also* Cboe Options Exchange Regulatory Circular RG 19–019.

[6] They Exchange notes that it is not eliminating any references to VIX options.

[7] 15 U.S.C. 78f(b).

[8] 15 U.S.C. 78f(b)(5).

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)[9] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Exchange believes the proposed rule change to update the Fees Schedule to remove obsolete fees and references, maintains clarity in the Fees Schedule and will alleviate potential confusion, thereby removing impediments to and perfecting the mechanism of a free and open market and a national market system and protecting investors and the public interest. As noted above, the proposed filing does not substantively change any transaction fees or rebates, but merely removes unnecessary and obsolete language that the Exchange inadvertently failed to update upon the elimination of the corresponding fees, services and exams. Particularly, Exchange has not assessed any of the above-referenced fees since the elimination of the respective service/exam/rule.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change does not address competitive issues, but rather, as discussed above, is merely intended to correct inadvertent omissions to update the Fees Schedule to remove obsolete fees and references, which will alleviate potential confusion.

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 Act[10] and paragraph (f) of Rule 19b–4[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–CBOE–2019–052 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–CBOE–2019–052. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–CBOE–2019–052, and should be submitted on or before October 2, 2019.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[12]

Jill M. Petereson,

Assistant Secretary.

[FR Doc. 2019–19612 Filed 9–10–19; 8:45 am]

BILLING CODE 8011–01–P

[9] *Id.*

[10] 15 U.S.C. 78s(b)(3)(A).

[11] 17 CFR 240.19b–4(f).

[12] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–86878; File No. SR–CBOE–2019–050]

Self-Regulatory Organizations; Cboe Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Exchange Rules Regarding Routing Services, Including the Hybrid Agency Liaison System, and Move Those Rules From the Currently Effective Rulebook to the Shell Rulebook To Be Effective Upon Migration

September 5, 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 23, 2019, Cboe Exchange, Inc. (the ''Exchange'' or ''Cboe Options'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Exchange filed the proposal as a ''non-controversial'' proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act[3] and Rule 19b–4(f)(6) thereunder.[4] The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the Exchange's Rules regarding routing services, including the Hybrid Agency Liaison (''HAL'') system, and move those Rules from the currently effective Rulebook (''current Rulebook'') to 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).

shell structure for the Exchange's Rulebook that will become effective upon the migration of the Exchange's trading platform to the same system used by the Cboe Affiliated Exchanges (as defined below) (''shell Rulebook''). The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is also available on the Exchange's website (*http://www.cboe.com/AboutCBOE/CBOELegalRegulatoryHome.aspx*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

In 2016, the Exchange's parent company, Cboe Global Markets, Inc. (formerly named CBOE Holdings, Inc.) (''Cboe Global''), which is also the parent company of Cboe C2 Exchange, Inc. (''C2''), acquired Cboe EDGA Exchange, Inc. (''EDGA''), Cboe EDGX Exchange, Inc. (''EDGX'' or ''EDGX Options''), Cboe BZX Exchange, Inc. (''BZX'' or ''BZX Options''), and Cboe BYX Exchange, Inc. (''BYX'' and, together with Cboe Options, C2, EDGX, EDGA, and BZX, the ''Cboe Affiliated Exchanges''). The Cboe Affiliated Exchanges are working to align certain system functionality, retaining only intended differences, between the Cboe Affiliated Exchanges, in the context of a technology migration. Cboe Options intends to migrate its trading platform to the same system used by the Cboe Affiliated Exchanges, which the Exchange expects to complete on October 7, 2019. In connection with this technology migration, the Exchange has a shell Rulebook that resides alongside its current Rulebook, which shell Rulebook will contain the Rules that will be in place upon completion of the Cboe Options technology migration.

The Exchange proposes to harmonize its rules in connection with routing functions on the Exchange to that of the Cboe Affiliated Exchanges. Specifically, the Exchange proposes to update and amend current Rule 6.14A, which governs the operation of the HAL system to be consistent with of the corresponding rule of EDGX Options, Rule 21.18, which governs the operation of the Step Up Mechanism (''SUM''). The Exchange also proposes to harmonize Rule 6.6A, Rule 6.14B, and Rule 6.14C with that of its affiliate option exchange, C2, Rule 6.15, as well as EDGX and BZX Rule(s) 21.9, which provide for order routing rules of the exchange. The Exchange proposes these amendments to reflect the routing functions rule language of the Cboe Affiliated Exchange rules, retaining only slight differences regarding Exchange-specific language/definitions. In conforming its routing rules to that of the Cboe Affiliated Exchanges' rules, the Exchange proposes few substantive changes, namely amending the rules to allow for all Users [5] to respond to a SUM (the Exchange proposes to rename HAL as SUM, and refers to SUM herein) exposure message, to allow a User to opt out of having its exposed order routed to other exchanges at the conclusion of a SUM exposure period, to update the scenarios in which a SUM auction will terminate early (which includes incorporating provisions that account for All-or-None orders), and, finally, to adopt the order routing functionality currently in place on the Cboe Affiliated Exchanges.

The Exchange also proposes to make non-substantive changes to simplify, clarify, and generally update its routing rules by consolidating its routing provisions into a single rule, simplify rule language, update the rule text to read in plain English, reformat the paragraph lettering and/or numbering, and update cross-references to rules not yet in the shell Rulebook but that will be in the shell Rulebook and implemented upon migration.

Proposed Rule 5.35

Current Rule 6.14A governs the operation of HAL. SUM is the EDGX Options equivalent of the Exchange's HAL. Both systems allow for orders not automatically executed by the respective exchange to ''step up'' to meet the NBBO in order to interact with orders sent to the Exchange. Both rules govern the current handling of orders eligible for such automatic handling, which include (i) an order that is marketable against the Exchange's disseminated quotation (the ''BBO'', as specifically defined in the Exchange's Rules) while not the NBBO and (ii) an order that would improve the BBO and that is marketable against quotations disseminated by other exchanges (the ''ABBO'') that are participants in the Options Order Protection and Locked/Crossed Plan (the ''Linkage Plan'').[6] In anticipation of migration, the Exchange proposes to move Rule 6.14A to proposed Rule 5.35 (and subsequently delete Rule 6.14A upon migration) and amend the current provisions under Rule 6.14A to be consistent with EDGX Option's corresponding Rule 21.18. This includes renaming ''HAL'' to be called ''SUM'', which, as stated, is a substantially similar system for processing orders not automatically executed by the respective exchanges. The automatic handling systems across the affiliated exchanges will function in a substantively identical manner upon migration, therefore updating HAL to be called SUM will mitigate any potential investor confusion and provide for uniform rules regarding the same functionality.

Currently on HAL, pursuant to Rule 6.14A(b), only Market-Makers with an appointment in the relevant option class and Trading Permit Holders (''TPHs'') acting as agent for orders resting at the top of the Book in the relevant option series opposite the order submitted to HAL may submit responses to the exposure message during the exposure period (unless the Exchange determines, on a class-by-class basis, to allow all TPHs to submit responses to the exposure message). The proposed rule change updates this provision to align with the manner in which SUM responses function on EDGX Options; all Users may submit responses to the exposure message during the exposure period.[7] The Exchange currently allows all TPHs to respond to all classes during the exposure period, therefore this change does not change or impact the manner in which the SUM process currently functions, but instead merely removes the flexibility for the Exchange to allow all TPHs to respond on a class-by-class basis, as this is the manner in which the Exchange intends for the

[5] The term ''User'' means any TPH or Sponsored User who is authorized to obtain access to the System. *See* Rule 1.1 in the shell Rulebook.

[6] The proposed rule deletes an additional eligible order provision that will no longer apply the rules and functionality on Cboe Options upon migration because the drill through provision referenced will mirror that of EDGX Options, which is not SUM specific.

[7] *See* proposed 5.35(b)(2).

SUM process to continue to function upon migration.

The Exchange notes that as a result of this proposed change, the proposed rule also removes: (i) The current rule text which provides that an order will not be exposed if the Exchange quotation contains resting orders and does not contain sufficient Market Maker quotation interest to satisfy the entire order; (ii) the early termination provision that terminate an exposure period if Market Maker interest decrements to an amount equal to the size of the exposed order; and (iii) the current Interpretation and Policy .01 which prohibits the redistribution of exposure messages to market participants not eligible to respond to such messages. The proposed rule change removes these provisions because the Exchange proposes for SUM to not be dependent only on Market-Maker interest in any way and all Users will be permitted to respond to all exposure messages.

The proposed rule change also amends the current provision regarding allocation of exposed orders to allow for a User to opt out of having the remaining portion of its exposed order routed to other exchanges following the exposure period.[8] This is consistent with the EDGX Options SUM rule and the manner in which Users on EDGX Options may currently opt out of having their remaining portion of SUM exposed orders routed away.

The proposed rule change also updates the rule to be consistent with how EDGX Options SUM process handles an All or None (''AON'') order,[9] which is currently an order type available on the Exchange. Currently (and as proposed), any responses priced at the prevailing NBBO or better, and any unrelated order or quote on the opposite side of the market from the exposed order that could trade against the exposed order at the prevailing NBBO or better, will immediately trade against the exposed order, and the exposure period will continue. A SUM (current HAL) exposure period will currently terminate upon the receipt of a response (or unrelated order or quote) to trade the entire exposed order at the NBBO or better. Because an AON order cannot partially execute pursuant to its terms, the proposed rule change makes it explicit that during the exposure of an AON order, the System will hold responses priced at or better than the prevailing NBBO (rather than trade against the exposed AON immediately) until there is sufficient aggregate size to satisfy the AON order,[10] and that a SUM exposure period will terminate upon the receipt of multiple responses with sufficient aggregate size to satisfy the AON order.[11] This is the manner in which the HAL system currently functions, and the proposed change merely codifies this in the proposed rule. In addition to this, the proposed rule change provides that if an AON order is exposed and the Exchange receives an unrelated order or quote that would be displayed at a price at or better than the NBBO with insufficient size to satisfy the exposed order, the SUM exposure period terminates and the exposed order is processed pursuant to the allocation of exposed orders provision [12] under the SUM process.[13] This is consistent with current HAL functionality, to which an order is eligible for the process if its price is marketable against the Exchange's disseminated quotation that is not at the NBBO. Because a SUM auction would not have begun if the Exchange displayed a contra-side order at the NBBO, the Exchange believes it is appropriate to terminate the exposure period if that situation arises in connection with exposed AON orders during the exposure period.[14] As stated, this is consistent with the way in which the current HAL system and SUM on EDGX Options function.

The Exchange amends the other provisions in connection with early termination of exposure period to be consistent with the EDGX Option's SUM rule. The proposed rule change amends these provisions to include early termination when the exposed order is no longer marketable against the NBBO or if a resting order on the Exchange is locked or crossed by another options exchange.[15] In addition to aligning with the reasons a SUM auction may currently terminate on EDGX Options, the Exchange believes that these scenarios are reasonable to terminate the SUM process because if an order is no longer marketable, then it cannot be executed through the SUM process and no longer benefit from exposure, and continuing to expose a resting order resting in a locked or crossed market may likely presents difficulties with respect to the handling of the resting order, particularly if an exposed, routable order should be routed for potential price improvement to another options exchange that has published a crossing quotation. The proposed rule change also removes current early termination provisions which would terminate an exposure period when a same-side order is received by the Exchange and if the underlying security enters a limit up limit down state. The Exchange believes because a User will have the ability to cancel its order after the SUM process is initiated coupled with the fact that the Exchange will only execute an order that has been exposed via the SUM process to the extent the order is marketable against the NBBO (as proposed below) will mitigate any potential concern in removing these early termination provisions. As stated, this is consistent with the scenarios for early termination currently on EDGX Options and the Exchange does not believe that the proposed updates present any new or novel changes or significantly impact functionality of the step up process as it will operate in substantially the same manner as it currently does.

The Exchange notes other proposed changes such as making explicit that bulk messages will not be eligible for SUM. Cboe Options intends to implement bulk message functionality upon migration, therefore now proposes to reflect this functionality in its proposed SUM rule (as well as in proposed Rule 5.36 for order routing, described in detail below).[16] Bulk messages are the equivalent of the Exchange's current quoting functionality. Currently, quotes do not route to other exchanges, and thus are not eligible for HAL. Therefore, the proposed rule change is consistent with current functionality. EDGX Options Rule 21.18 also states that bulk messages are not eligible for SUM. The proposed change also includes a few additional details that are consistent with EDGX Options SUM rule and the manner in which the HAL process currently functions but are not made explicit in the current HAL rule. This

[8] *See* proposed Rule 5.35(c)(4).

[9] Pursuant to Rule 1.1 in shell Rulebook an ''All-or-None'' or ''AON'' order is an order to be executed in its entirety or not at all. An AON order may be a market or limit order.

[10] *See* proposed Rule 5.35(c)(1).

[11] *See* proposed Rule 5.35(d).

[12] *See* proposed Rule 5.35(c).

[13] If an AON order is exposed and the Exchange receives an unrelated AON order with a price at or better than the NBBO with insufficient size to satisfy the exposed order the exposure period will continue because the incoming AON order would not be displayed at a price at or better than the NBBO.

[14] For example, suppose the NBBO is 1.00×1.20 and the Cboe Options BBO is 1.00×1.25, and an AON order to buy 10 at 1.20 is exposed at 1.20 pursuant to SUM. During the exposure period, the Exchange receives an order to sell 5 at 1.20. The incoming order cannot satisfy the size of the exposed AON order, so it would enter the Cboe Options Book and would cause the Cboe Options BBO to become 1.00×1.20. Therefore, upon receipt of that order, the exposure period terminates and the exposed AON order will be process pursuant to proposed Rule 5.35(c).

[15] *See* proposed Rule 5.35(d)(1)–(2).

[16] *See* Rule 5.5(c).

includes making clear that responses are ''cancelled back'' at the end of the exposure period if unexecuted,[17] that responses may become executable based on changes to the prevailing NBBO,[18] and that the Exchange will not initiate the SUM process if the NBBO is crossed.[19] These updates do not alter the manner in which HAL currently functions but merely make explicit in the rules the operation of the proposed SUM process.[20]

Proposed Rule 5.36

The Exchange proposes to adopt the order routing rule of its affiliated options exchange, C2 Rule 6.15, under proposed Rule 5.36 in the shell Rulebook. The Exchange will continue to support orders that are designated to be routed to the NBBO as well as orders that will execute only within Cboe Options.

Proposed Rule 5.36(a) states for System securities, the order routing process is available to Users from 9:30 a.m. until market close. Users can designate an order as either available or not available for routing. Orders designated as not available for routing and bulk messages, which will not be for routing, are processed pursuant to Rule 5.32 [21] (which will be the rule governing order and quote Book processing, display, priority, and execution upon migration). For an order designated as available for routing, the System first checks for the Book for available contracts for execution against the order pursuant to Rule 5.32. Unless otherwise instructed by the User, the System then designates the order (or unexecuted portion) as Immediate-or-Cancel (''IOC'') [22] and routes it to one or more options exchanges for potential execution, per the User's instructions. After the System receives responses to the order, to the extent it was not executed in full through the routing process, the System processes the order (or unexecuted portion) as follows, depending on parameters set by the User when the incoming order was originally entered:

(i) Cancels the order (or unexecuted portion) back to the User; posts the unfilled balance of the order to the Book, subject to the Price Adjust process described in proposed Rule 5.32(b), if applicable;

(ii) repeats the process described above by executing against the Book and/or routing to the other options exchanges until the original, incoming order is executed in its entirety;

(iii) repeats the process described above by executing against the Book and/or routing to the other options exchanges until the original, incoming order is executed in its entirety, or, if not executed in its entirety and a limit order, posts the unfilled balance of the order on the Book if the order's limit price is reached; or

(iv) to the extent the System is unable to access a Protected Quotation and there are no other accessible Protected Quotations at the NBBO, cancels or rejects the order back to the User, provided, however, that this provision does not apply to Protected Quotations published by an options exchange against which the Exchange has declared self-help.

Currently, the Exchange automatically routes intermarket sweep orders, consistent with the definition in current Rule 6.80(8).[23] This routing process is functionally equivalent to the current Exchange routing process, and, as proposed, referred to as SWPA and is specifically described in proposed Rule 5.36(a)(2)(B), which is a routing option (and will be the default routing option following migration, and thus, if no other routing option is specified by a User, a User's order subject to routing will be handled in the same way it is today). Following the migration, the Exchange will offer additional routing options identical to the routing options offered by C2 Rule 6.15, as well as by EDGX Options and BZX Options Rule(s) 21.9. Under proposed Rule 5.36(a)(2), routing options may be combined with all available Order Instructions [24] and Times-in-Force, with the exception of those whose terms are inconsistent with the terms of a particular routing option. The System considers the quotations only of accessible markets. The term ''System routing table'' refers to the proprietary process for determining the specific options exchanges to which the System routes orders and the order in which it routes them. The Exchanges reserves the right to maintain a different System routing table for different routing options and to modify the System routing table at any time without notice. These additional routing options are ROUT, destination specific, and directed ISO:

(i) ROUT is a routing option under which the System checks the Book for available contracts to execute against an order and then sends it to destinations on the System routing table. A User may select either Route To Improve (''RTI'') or Route To Fill (''RTF'') for the ROUT routing option. RTI may route to multiple destinations at a single price level simultaneously while RTF may route to multiple destinations and at multiple price levels simultaneously.

(ii) Destination specific is a routing option under which the System checks the Book for available contracts to execute against an order and then sends it to a specific away options exchange.

(iii) Directed ISO is a routing option under which the System does not check the Book for available contracts and sends the order to another options exchange specified by the User. It is the entering User's responsibility, not the Exchanges responsibility, to comply with the requirements relating to Intermarket Sweep Orders.

Proposed Rule 5.36(a)(3) offers two options for Re-Route instructions, Aggressive Re-Route and Super Aggressive Re-Route, either of which can be assigned to routable orders:

(i) Pursuant to the Aggressive Re-Route instruction, if the remaining portion of a routable order has been posted to the Book pursuant proposed subparagraph (a)(1) (*i.e.,* routing away to options exchanges), if the order's price is subsequently crossed by the quote of another accessible options exchange, the System routes the order to the crossing options exchange if the User has selected the Aggressive Re-Route instruction.

(ii) Pursuant to the Super Aggressive Re-Route instruction, to the extent the unfilled balance of a routable order has been posted to the Book pursuant to

[17] *See* proposed Rule 5.35(b)(3).

[18] *See* proposed Rule 5.35(c)(3).

[19] *See* proposed Rule 5.35(a). The Exchange notes that this is current EDGX Rule 21.18.02.

[20] The Exchange also removes Interpretation and Policy .01 which provides that all pronouncements regarding determinations by the Exchange pursuant to Rule 6.14A and the Interpretations and Policies thereunder will be announced to Trading Permit Holders via Regulatory Circular as upon migration all Exchange determinations under the Rules will automatically be made pursuant to specifications, Notices, or Regulatory Circulars with appropriate advanced notice, which are posted on the Exchange's website, or electronic message. *See* Rule 1.5 in the shell Rulebook.

[21] *See* Rule 5.32 in the shell Rulebook.

[22] Pursuant to Rule 1.1 in the shell Rulebook, the terms ''Immediate-or-Cancel'' and ''IOC'' mean, for an order so designated, a limit order that must execute in whole or in part as soon as the System receives it; the System cancels and does not post to the Book an IOC order (or unexecuted portion) not executed immediately on the Exchange or another options exchange.

[23] Pursuant to Rule 6.80(8), an ''Intermarket Sweep Order (''ISO'')'' means a Limit Order for an options series that, simultaneously with the routing of the ISO, one or more additional ISOs, as necessary, are routed to execute against the full displayed size of any Protected Bid, in the case of a limit order to sell, or any Protected Offer, in the case of a limit order to buy, for the options series with a price that is 290 superior to the limit price of the ISO. *See also* Rule 1.1 in the shell Rulebook. The Exchange relies on the marking of an order by a User as an ISO order when handling such order, and thus, it is the entering User's responsibility, not the Exchange's responsibility, to comply with the requirements relating to ISOs.

[24] *See* Rule 5.6 in shell Rulebook.

subparagraph (a)(1), if the order's price is subsequently locked or crossed by the quote of another accessible options exchange, the System routes the order to the locking or crossing options exchange if the User has selected the Super Aggressive Re-Route instruction.

Proposed Rule 5.36(b) states the System does not rank or maintain in the Book pursuant to Rule 5.32 orders it has routed to other options exchanges, and therefore those orders are not available to execute against incoming orders. Once routed by the System, an order becomes subject to the rules and procedures of the destination options exchange including, but not limited to, order cancellation. If a routed order (or unexecuted portion) is subsequently returned to the Exchange, the order (or unexecuted portion), the order receives a new time stamp reflected the time the System receives the returned order. Proposed Rule 5.36(c) states Users whose orders are routed to other options exchanges must honor trades of those orders executed on other options exchanges to the same extent they would be required to honor trades of those orders if they had executed on the Exchange. These provisions are consistent with the corresponding rules of its affiliated options exchanges, they are substantively identical to the current rule text and functionality of C2 Rule 6.15 and also substantively the same as EDGX Options and BZX Options Rule(s) 21.9.

Proposed Rule 5.36(d) and (f) make explicit certain requirements in connection with Cboe Trading, which, pursuant to current Exchange rules,[25] is an affiliate of the Exchange that provides inbound and outbound routing services, which currently apply to Cboe Trading today. Proposed Rule 5.36(d) states that the Exchange will route orders in options via Cboe Trading, which currently serves as the Outbound Router of the Exchange. The Outbound Router will route orders in options listed and open for trading on the Exchange to other options exchanges pursuant to Exchange Rules solely on behalf of the Exchange. The Outbound Router is subject to regulation as a facility of the Exchange, including the requirement to file proposed rule changes under Section 19 of the Exchange Act. Use of Cboe Trading or Routing Services (under current Rule 6.14B and proposed Rule 5.36(e)) to route orders to other market centers is optional. Parties that do not desire to use Cboe Trading or other Routing Services provided by the Exchange must designate orders as not available for routing. Proposed Rule 5.35(f) states that in addition to the Rules regarding routing to away options exchanges, Cboe Trading has, pursuant to Rule 15c3–5 under the Exchange Act, implemented certain tests designed to mitigate the financial and regulatory risks associated with providing Trading Permit Holders with access to away options exchanges. Pursuant to the policies and procedures developed by Cboe Trading to comply with Rule 15c3–5, if an order or series of orders are deemed to be erroneous or duplicative, would cause the entering Trading Permit Holder's credit exposure to exceed a preset credit threshold, or are noncompliant with applicable pre-trade regulatory requirements, Cboe Trading will reject the orders prior to routing and/or seek to cancel any orders that have been routed. As stated, these provisions are the same as C2 Rule 6.15(d) and (f) and EDGX Options and BZX Options Rule(s) 21.9(f), and currently apply to Cboe Trading, therefore the proposed change just makes these provisions in connection with Cboe Trading explicit as well as harmonizes its order routing rules with that of its affiliated options exchanges' routing rules.

The proposed rule change moves current Rule 6.14B which governs the routing services provided by non-affiliated routing brokers, to proposed Rule 5.36(e) which is consistent with the corresponding rules of the Exchanges' affiliated options exchanges, C2, EDGX Options, and BZX Options. The Exchange does not proposed any substantive changes to the rule. The Exchange deletes current Interpretation and Policy .01 which states that a routing broker is not prohibited from designating a preferred market-maker at the other exchange to which the order is being routed, which is consistent with the agreements currently in place between the Exchange and its routing brokers, which do not allow for routing broker discretion in connection with order flow. The Exchange also notes that this proposed change is consistent with the corresponding order routing rules of the Exchange's affiliated options exchanges, C2, EDGX Options, and BZX Options.

Finally, the Exchange deletes current Rule 6.6A and current Rule 6.14C because they are duplicative of Exchange Rules and/or routing broker agreements already in place. Current Rule 6.6A provides for the Exchange to cancel or release orders as it deems necessary to maintain fair and orderly markets if a technical or systems issue occurs. These provisions are already covered under other Exchange Rules: Rule 6.6A(a) and (b) are already provided for under current Rule 3.12(a)(6)[26] and current Rule 6.14B(f) (proposed Rule 5.36(e)(6)); and Rule 6.6A(c) is already provided for under current Rule 3.12(a)(7)(C). Current Rule 6.14C provides for rules in connection with Routing Service Error Accounts. The provisions in connection with the Exchange's Error Account are currently provided for under Rule 3.12(7), which already requires Cboe Trading, as the Exchange's affiliated outbound router, to maintain an Error Account, provides the Exchange with the authority to assign resulting Error Positions to TPHs or have resulting Error Positions liquidated, and prohibits Cboe Trading from accepting any positions in its error account from an account of a TPH, or permitting any TPH to transfer any positions from the TPH's account to Cboe Trading's error account. The provisions regarding a routing broker's Error Account are already in place in all contracts between the Exchange and its routing brokers pursuant to current Rule 6.14B(a) and (h) (proposed Rule 5.36(e)(1) and (8)). As a result, the proposed rule change deletes current Rules 6.6A and 6.14C as they are duplicative of the current Exchange Rules. The Exchange also notes that this proposed change aligns the Exchange's Rules with that of its affiliated options exchanges, C2, EDGX Options, and BZX Options.

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.[27] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[28] 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

[25] *See* Rule 3.11(c), Rule 3.12; and Rule 3.13.

[26] The Exchange notes that the Exchange's discretion to cancel orders as either it deems necessary to maintain fair and orderly markets if a technical or systems issue occurs pursuant to Rule 3.12(a)(6) entails its discretion to ''release'' orders being held awaiting an away exchange execution, that is such orders are cancelled back to Users if a technical or systems issue occurs at the Exchange, a routing broker, or another exchange to which an Exchange order has been routed.

[27] 15 U.S.C. 78f(b).

[28] 15 U.S.C. 78f(b)(5).

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) [29] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The proposed rule changes are generally intended to add or align certain system functionality currently offered by the Exchange and the Cboe Affiliated Exchanges in order to provide a consistent technology offering for the Cboe Affiliated Exchanges. A consistent technology offering, in turn, will simplify the technology implementation, changes and maintenance by Users of the Exchange that are also participants on Cboe Affiliated Exchanges. The proposed rule change does not propose to implement new or unique functionality that has not been previously filed with the Commission, found to be consistent with the Act, or is not available on Cboe Affiliated Exchanges. The Exchange notes that the proposed rule text is primarily based on EDGX Options Rules, as well as substantially the same as BZX and C2 Options rules, and is different only to the extent that it makes non-substantive changes to retain some Exchange-specific language/definitions, simplify language and make the rule provisions plain English. The Exchange believes that consistent rules will simplify the regulatory requirements and increase the understanding of the Exchange's operations for Trading Permit Holders that are also participants on the Cboe Affiliated Exchanges. The proposed rule change seeks to provide greater harmonization between the rules of the Cboe Affiliated Exchanges, which would result in greater uniformity and less burdensome and more efficient regulatory compliance. As such, the proposed rule change would foster cooperation and coordination with persons engaged in facilitating transactions in securities and would remove impediments to and perfect the mechanism of a free and open market and a national market system. The Exchange also believes that the proposed amendments will contribute to the protection of investors and the public interest by making the Exchange's rules easier to understand.

The Exchange believes that the proposed rule change to make the current HAL process consistent with the EDGX Options SUM process will serve to remove impediments to and perfect the mechanism of a free and open market and national market system and facilitate transactions in securities because the current HAL process is already equivalent to the EDGX Options SUM process and the proposed rule changes do not raise any new or significant policy concerns, but instead serve to harmonize functionality and the rules across the affiliate exchanges so as to provide market participants with the same product offerings and bolster collective understanding of the rules upon migration.

In addition to protecting and benefitting market participants by providing consistent functionality and rules, the proposed change will continue to allow all Users to submit responses to the exposure message during the exposure period, which the Exchange already does, which will remove impediments to and perfect the mechanism of a free and open national market system in that it will continue to provide all Users with the opportunity to improve their prices and ''step up'' to meet the NBBO and interact with exposure messages and allow the market participant sending an order to the Exchange to increase its chances of receiving an execution on the preferred venue in which it has chosen to participate (*i.e.,* Cboe Options), thereby benefitting all market participants. In addition to this, the proposed rule change that allows for a User to opt out of having the remaining portion of their exposed order routed to other exchanges following the exposure period will remove impediments to and perfect the mechanism of a free and open national market system by providing Users with additional control regarding the execution of their orders and by providing them with consistent opportunities and functionality across the affiliated exchanges upon migration.

The Exchange also believes the proposed rule change regarding the handling of AON orders exposed in a SUM auction will protect investors because it is identical to the handling of AON orders exposed in the EDGX Options SUM process. Additionally, the proposed rule change will provide AON orders with execution opportunities when the Exchange is not at the NBBO in a manner consistent with the current SUM process and makes it explicit that the exposure period for an AON order will terminate when there is sufficient aggregate contra-side interest to satisfy the exposed AON order (except it will not execute any incoming contra-side interest immediately against the exposed AON order, unless it has sufficient size which will prevent a partial execution in conflict with the AON size contingency), which is the manner in which the current HAL process already functions. This benefits market participants by providing them with rules that accurately reflect current functionality (as well as functionality that will be provided on the Exchange upon migration). The proposed rule change regarding an early termination of the exposure period of an AON order is consistent with current reasons that will cause an exposure period to terminate; it will prevent an exposure period from continuing when new conditions arise that would have prevented an exposure period from initiating in the first place. The proposed rule change will remove impediments to and perfect the mechanism of free and open market and a national market system, because it ensures an AON order will be handled in a manner consistent with the current SUM process.

The proposed rule changes to the other provisions in connection with early termination of exposure period align with the reasons a SUM auction may currently terminate on EDGX Options and will remove impediments to and perfect the mechanism of a free and open market and national market system by terminating an orders that would no longer benefit from exposure or would likely present order handling difficulties, which could impact market participants. In addition to this, because a User will have the ability to cancel its order after the SUM process is initiated coupled with the fact that the Exchange will only execute an order that has been exposed via the SUM process to the extent the order is marketable against the NBBO will mitigate any potential concern in removing other early termination provisions. The Exchange believes that the other updates proposed to align the Exchange's proposed rule with that of the EDGX Options SUM process do not alter the manner in which HAL currently functions but merely make explicit in the rules the operation of the proposed SUM process.

The proposed change to adopt C2's order routing rules (which are also substantially the same as the routing rules on EDGX Options and BZX Options) will likewise serve to protect and benefit market participants by providing consistent functionality and rules in connection with order routing. As stated, the order routing rule of the Exchange's affiliated options exchanges have previously been filed with the Commission. Proposed Rule 5.36 will serve to remove impediments to and perfect the mechanism of a free and open market and national market system because it will allow Users to route orders in much the same way in which

[29] *Id.*

they may already route ISO orders on the Exchange today, and in the same manner as Users may already route orders on the Exchange's affiliated options exchanges, C2, EDGX Options, and BZX Options. Under the proposed rules the System will still process, display and prioritize orders as it currently does as well as ensure the same price protections currently in place, thereby protecting investors. The additional routing options that the proposed rule change offers are the same routing options already available to Users on the Exchange's affiliated options exchange, therefore these options do not raise any new or novel functionality for market participants but ensure that upon migration market participants across the Cboe Affiliated Exchanges will have access to the same functionality and product offerings.

The proposed provisions regarding Cboe Trading will benefit market participants by making explicit certain rules that already apply to Cboe Trading on the Exchange, as well as serve to harmonize the Exchange's routing rules with the corresponding rules of C2 and EDGX Options, as well as BZX Options. The other proposed changes will also remove impediments to and perfect the mechanism of a free and open national market system by removing rules that are duplicative of other Exchange rules that currently provide for the same and are already effectively provided for in the contracts between the Exchange and its non-affiliated routing brokers. This, in turn, provides market participants with up-to-date, streamlined rules with are easy to understand, and mirror the corresponding rules of C2 and EDGX Options, as well as BZX Options.

The proposed rule change makes other various non-substantive changes throughout the rules that will protect investors and benefit market participants as these changes simplify the rules and use plain English throughout the rules.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange reiterates that the proposed rule change is being proposed in the context of a technology migration of the Cboe Affiliated Exchanges. As stated, the proposed changes to the rules that reflect functionality that will be in place come October 7, 2019 provide clear, consistent rules for market participants upon the completion of migration. The Exchange believes the proposed rule change will benefit Exchange participants in that it will provide a consistent technology offering for Users by the Cboe Affiliated Exchanges.

The Exchange does not believe the proposed rule change will impose any burden on intramarket competition. The proposed SUM process and order routing functionality will apply to all Users and order and quotes submitted by Users in the same manner. Like HAL currently, the Exchange's proposed SUM is open to all Users. Additionally, all Users will have the option to route orders to away exchanges, and apply the different proposed routing instructions, under the proposed order routing provisions.

The Exchange does not believe that the proposed rules change will impose any burden on intermarket competitions. As discussed above, the basis for the proposed rule changes in this filing are the rules of C2 and EDGX Options, as well as substantial similarities to the approved rules of BZX Options, which have already been filed with the Commission. The Exchange also notes that market participants on other exchanges are welcome to become participants on the Exchange if they determine that this proposed rule change has made Cboe Options a more attractive or favorable venue.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not:

A. Significantly affect the protection of investors or the public interest;

B. impose any significant burden on competition; and

C. become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act [30] and Rule 19b–4(f)(6) [31] thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–CBOE–2019–050 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.

All submissions should refer to File Number SR–CBOE–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–CBOE–2019–050 and

[30] 15 U.S.C. 78s(b)(3)(A).

[31] 17 CFR 240.19b–4(f)(6).

should be submitted on or before October 2, 2019.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[32]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2019–19610 Filed 9–10–19; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–86879; File No. SR–CBOE–2019–034]

Self-Regulatory Organizations; Cboe Exchange, Inc.; Notice of Filing of Amendment Nos. 1, 2, and 3 and Order Granting Accelerated Approval of a Proposed Rule Change, as Modified by Amendment Nos. 1, 2, and 3, To Amend the Exchange's Opening Process, Including on VIX Settlement Days

September 5, 2019.

I. Introduction

On July 2, 2019, Cboe Exchange, Inc. (the ''Exchange'' or ''Cboe Options'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] a proposed rule change to amend the Exchange's opening auction process for options as well as the modified opening auction process used to calculate the exercise or final settlement value of expiring volatility index derivatives. The proposed rule change was published for comment in the **Federal Register** on July 22, 2019.[3] On August 15, 2019, the Exchange filed Amendment No. 1 to the proposed rule change.[4] The Exchange filed Amendment Nos. 2 and 3 to the proposal on August 20, 2019, and August 28, 2019, respectively.[5] The Commission has received no comments regarding the proposal. The Commission is publishing this notice to solicit comment on Amendment Nos. 1, 2, and 3 and is approving the proposed rule change, as modified by Amendment Nos. 1, 2, and 3, on an accelerated basis.

II. Description of the Proposed Rule Change

As described more fully in the Notice,[6] the Exchange proposes to amend (1) the opening auction process used to open options on the Exchange; and (2) the modified opening auction process used to calculate the exercise or final settlement value of expiring Cboe Volatility Index (''VIX'') derivatives.[7] The Exchange states that the proposed opening auction process, other than the modified opening auction process for expiring VIX derivatives, is ''virtually identical'' to the opening auction process used on two of the Exchange's affiliated exchanges.[8] The Exchange states that the proposed modified opening auction process for expiring VIX derivatives ''will function in substantially similar manner as the current modified opening auction process'' for expiring VIX derivatives.[9]

A. Standard Opening Auction Process

Under the proposed opening auction process, the Queuing Period[10] will begin at 2:00 a.m. for All Sessions Classes[11] and at 7:30 a.m. for Regular Trading Hours (''Regular Trading Hours'' or ''RTH'') classes.[12] During the Queuing Period, the System will accept orders and quotes pursuant to Exchange Rule 5.30, and they will be eligible for execution during the opening rotation, with certain limitations.[13] Orders and

[32] 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. 86387 (July 22, 2019), 84 FR 35147 (''Notice'').

[4] In Amendment No. 1, the Exchange: Revised the proposal to make clear that a series is ineligible to open if the Composite Market of the series is crossed; modified the application of the Maximum Composite Width Check for constituent series on exercise settlement value determination days to provide additional price protection to the opening prices of constituent option series; provided additional detail regarding the proposed settlement strip; clarified the timing and frequency for the Exchange's dissemination of opening auction updates, including for constituent option series on exercise settlement value determination days; correct a typographical error in proposed Exchange Rule 5.31(c); indicated that the Exchange maintains and reviews records of any determinations made pursuant to proposed Exchange Rule 5.31(j)(2) with respect to the modified opening process in accordance with proposed Exchange Rule 5.31; clarified that All Sessions orders will rest on the GTH Queuing Book starting at 2:00 a.m., rather than 7:30 a.m., to participate in the GTH opening auction process; indicated that the term ''primary market'' means the primary exchange on which an underlying security is listed, and that the term ''equity option'' includes options on exchange-traded products; and indicated that the VIX methodology is available on the Exchange's website. Amendment No. 1 replaced and superseded the original filing in its entirety. When it filed Amendment No. 1 with the Commission, the Exchange simultaneously submitted it as a comment letter on the proposal and the Commission publicly posted it here: *https://www.sec.gov/comments/sr-cboe-2019-034/srcboe2019034-5977238-190214.pdf.*

[5] In Amendment No. 2, the Exchange revised the definition of Maximum Composite Width in proposed Exchange Rules 5.31(a) and 5.31(j)(1) to replace references to ''Market Composite Widths'' with references to ''Maximum Composite Widths.'' When it filed Amendment No. 2 with the Commission, the Exchange simultaneously submitted it as a comment letter on the proposal and the Commission publicly posted it here: *https://www.sec.gov/comments/sr-cboe-2019-034/srcboe2019034-5994750-190368.pdf.* In Amendment No. 3, the Exchange deleted two sentences that were erroneously retained in proposed Exchange Rule 5.31(j)(5) following modifications to that paragraph by Amendment No. 1. The deletion of the sentences makes clear that on exercise settlement value determination days, the System performs the Maximum Composite Width check and determines the opening trade price pursuant to proposed Exchange Rule 5.31(j)(5) in lieu of propose Exchange Rules 5.31(e)(1) and (2). When it filed Amendment No. 3 with the Commission, the Exchange simultaneously submitted it as a comment letter on the proposal and the Commission publicly posted it here: *https://www.sec.gov/comments/sr-cboe-2019-034/srcboe2019034-6034336-191248.pdf.*

[6] *See* note 3, *supra.*

[7] *See* proposed Exchange Rule 5.31(j) (defining ''VIX derivatives''). The Exchange notes that options expire on an expiration date and settle to an exercise settlement value, and futures settle on a final settlement date to a final settlement value. *See* Notice, *supra* note 3, 84 FR at 35152, n. 51.

[8] *Id.* at 35164 (citing C2 Rule 6.11 and EDGX Options Rule 21.7).

[9] *Id.* at 35163. *See also* Exchange Rule 6.2, Interpretation and Policy .01.

[10] The Queuing Period is the time period prior to the initiation of an opening rotation during which the System accepts orders and quotes in the Queuing Book for participation in the opening rotation for the applicable trading session. The Queuing Book is the book into which Users may submit orders and quotes (and onto which Good-til-Cancelled and Good-til-Date orders remaining on the Book from the previous trading session or trading day, as applicable, are entered) during the Queuing Period for participation in the applicable opening rotation. Orders and quotes on the Queuing Book may not execute until the applicable opening rotation commences. The Queuing Book for the Global Trading Hours (''Global Trading Hours'' or ''GTH'') opening auction process is distinguished from the Queuing Book for the RTH opening auction process. *See* proposed Exchange Rule 5.31(a).

[11] An All Sessions Class is an options class that the Exchange lists for trading during both Global Trading Hours and Regular Trading Hours. *See* Exchange Rule 1.1. At the time of this order, Cboe only trades certain SPX and VIX options during GTH. *See http://www.cboe.com/micro/eth/pdf/global-trading-hours.pdf.* Regular Trading Hours and Global Trading Hours are set forth in Exchange Rule 5.1.

[12] *See* proposed Exchange Rule 5.31(b)(1). At 2:00 a.m., All Sessions Orders will rest on the GTH Queuing Book and will be eligible to participate in the GTH opening auction process. In addition, Users may enter orders into the RTH Queuing Book beginning at 2:00 a.m., and these orders will rest on the RTH Queuing Book and be eligible to participate in the RTH opening auction process once it begins. *See* Amendment No. 1.

[13] *See* proposed Exchange Rule 5.31(b)(2). The following limitations apply to orders and quotes entered during the Queuing Period: (1) The System rejects Immediate-or-Cancel and Fill-or-Kill orders during the Queuing Period; (2) the System accepts orders and quotes with Match Trade Prevention (''MTP'') Modifiers during the Queuing Period, but does not enforce them during the opening rotation; (3) the System accepts all-or-none, stop, and stop-limit orders during the Queuing Period, but they do not participate in the opening rotation. The System enters any of these orders it receives during the Queuing Period into the Book following completion of the opening rotation (in time priority); (4) the System converts all intermarket sweep orders (''ISOs'') received prior to the completion of the opening rotation into non-ISOs; and (5) complex orders do not participate in the opening auction

quotes on the Queuing Book will not be eligible for execution until the opening rotation, as provided in proposed Exchange Rule 5.31(e).[14] Beginning at 2:00 a.m. for the GTH trading session and at 8:30 a.m. for the RTH trading session, and until the conclusion of the opening rotation for a series, the Exchange will disseminate opening auction updates for the series.[15] The Exchange will disseminate opening auction updates every five seconds, unless there are no updates to the opening information since the previously disseminated update, in which case the Exchange will disseminate updates every minute.[16] The Exchange believes that these messages will provide market participants with information that may contribute to enhanced liquidity and price discovery during the opening auction process.[17]

For Regular Trading Hours, the System will initiate the opening rotation for the series in a class after 9:30 a.m. following the first disseminated (A) transaction on the primary market in the security underlying an equity option; or (B) index value for the index underlying an index option.[18] For Global Trading Hours, the System will initiate the opening rotation at 3:00 a.m.[19] The Exchange will disseminate a message to market participants indicating the initiation of the opening rotation.[20]

As part of the opening rotation, the System will conduct a Maximum Composite Width check for a series.[21] If the Composite Market of a series is not crossed, and the Composite Width of the series is *less than or equal to* the Maximum Composite Width, the series is eligible to open and the System will determine the Opening Trade Price pursuant to proposed Exchange Rule 5.31(e)(2).[22] If the Composite Market of a series is not crossed, and the Composite Width of the series is *greater* than the Maximum Composite Width, but there are (i) no non-M Capacity [23] (a) market orders or (b) buy (sell) limit orders with prices higher (lower) than the Composite Bid (Offer) and (ii) no orders or quotes marketable against each other, the series is eligible to open, and the System will determine the Opening Trade Price pursuant to proposed Exchange Rule 5.31(e)(2).[24] If the conditions in neither proposed Exchange Rule 5.31(e)(1)(A) or (B) are satisfied for a series, or if the Composite Market of a series is crossed, the series will be ineligible to open and the Queuing Period for the series will continue (including the dissemination of opening auction updates) until one of the conditions in proposed Exchange Rule 5.31(e)(1)(A) or (B) for the series is satisfied, or the Exchange opens the series pursuant to proposed Exchange Rule 5.31(h).[25]

After a series satisfies the Maximum Composite Width Check, if there are orders and quotes marketable against each other at a price not outside the Opening Collar, the System will determine the Opening Trade Price for the series.[26] If there are no such orders or quotes, there is no Opening Trade Price.[27] The Opening Trade Price is the volume-maximizing, imbalance minimizing price (''VMIM price'') that is not outside the Opening Collar.[28] The Exchange states that the Maximum Composite Width Check and Opening Collar are intended to facilitate the opening of a series in a fair and orderly manner and at prices consistent with the current market conditions at the Exchange and other exchanges.[29]

If the System establishes an Opening Trade Price, the System will execute orders and quotes in the Queuing Book at the Opening Trade Price, prioritizing orders and quotes in the following order: Market orders, limit orders, and quotes with prices better than the Opening Trade Price, and orders and quotes at the Opening Trade Price.[30] The System will allocate orders and quotes at the same price on a pro-rata basis pursuant to Exchange Rule 5.32., and will apply a Priority Customer overlay to all classes, except for SPX (including SPXW) and VIX (excluding VIXW).[31] If there is no Opening Trade Price, the System will open a series without a trade.[32] Following the conclusion of the opening rotation, the System will enter any unexecuted orders and quotes, or remaining portions, from the Queuing Book into the Book in time sequence, subject to a User's instructions, where they will be processed in accordance with Exchange Rule 5.32.[33] The System will cancel any unexecuted OPG orders, or remaining portions thereof, following the conclusion of the opening rotation.[34]

Following a trading halt in a class, the Exchange will open series using the same auction process described in proposed Exchange Rule 5.31, except that: (1) The Queuing Period will begin immediately when the Exchange halts trading in the class; (2) the system will queue orders or quotes resting on the Book at the time of a trading halt for participation in the opening rotation following the trading halt, unless the User has entered instructions to cancel

process described in proposed Exchange Rule 5.31 and instead may participate in the Complex Order Book Opening Process pursuant to Exchange Rule 5.33(c). *See id.* The ''System'' refers to the Exchange's hybrid trading platform that integrates electronic and open outcry trading of option contracts on the Exchange, and includes any connectivity to the foregoing trading platform that is administered by or on behalf of the Exchange, such as a communications hub. *See* Exchange Rule 1.1.

[14] *See* proposed Exchange Rule 5.31(b)(2).

[15] *See* proposed Exchange Rule 5.31(c) and Amendment No. 1.

[16] *See id.*

[17] *See* Notice, *supra* note 3, 84 FR at 35149.

[18] The primary market is the primary exchange on which an underlying security is listed. The Exchange notes that equity options include options on exchange-traded products. *See* Exchange Rule 1.1, proposed Exchange Rule 5.31(d)(1), and Amendment No. 1.

[19] *See* proposed Exchange Rule 5.31(d)(2).

[20] *See* proposed Exchange Rule 5.31(d)(1).

[21] *See* proposed Exchange Rule 5.31(e)(1). The Maximum Composite Width, as set forth in proposed Exchange Rule 5.31(a)(1), is the amount that the Composite Width of a series may generally not be greater than before the Exchange will open the series (subject to certain exceptions set forth in proposed Exchange Rule 5.31(e)(1)). The Composite Width is the width of the Composite Market (*i.e.,* the width between the Composite Bid and the Composite Offer) of a series. The Composite Market is the market for a series comprised of (1) the higher of the then-current best appointed Market-Maker bid on the Exchange and the Away Best Bid (''ABB'') (if there is an ABB) and (2) the lower of the then-current best appointed Market-Maker offer on the Exchange and the Away Best Offer (''ABO'') (if there is an ABO). *See* proposed Cboe Rule 5.31(a).

[22] *See* proposed Exchange Rule 5.31(e)(1)(A).

[23] An M Capacity order is an order for the account of a Market Maker. *See* Cboe Rule 1.1.

[24] *See* proposed Exchange Rule 5.31(e)(1)(B).

[25] *See* proposed Exchange Rule 5.31(e)(1)(C) and Amendment No. 1. *See* Notice, *supra* note 3, 84 FR at 53510, for examples of the application of the Maximum Composite Width Check.

[26] *See* proposed Exchange Rule 5.31(e)(2). The Opening Collar is the price range that establishes limits at or inside of which the System will determine the Opening Trade Price for a series. The Exchange sets the Opening Collar by determining the midpoint of the Composite Market and adding and subtracting half of the applicable width amount above and below, respectively, that midpoint. The Opening Collar widths for all classes are set forth in proposed Exchange Rule 5.31(a)(1) and are based on the Composite Bid for a series. *See* proposed Exchange Rule 5.31(a)(1).

[27] *See* proposed Exchange Rule 5.31(e)(2).

[28] The VMIM price is: (1) The price at which the largest number of contracts can execute (*i.e.,* the volume-maximizing price); (2) if there are multiple volume-maximizing prices, the price at which the fewest number of contracts remain unexecuted (*i.e.,* the imbalance-minimizing price); or (3) if there are multiple volume-maximizing, imbalance-minimizing prices, (i) the highest (lowest) price, if there is a buy (sell) imbalance, or (ii) the price at or nearest to the midpoint of the Opening Collar, if there is no imbalance. *See id.*

[29] *See* Notice, *supra* note 3, 84 FR at 35150.

[30] *See* proposed Exchange Rule 5.31(e)(3)(A).

[31] *See* proposed Exchange Rule 5.31(e)(3)(A)(ii).

[32] *See* proposed Exchange Rule 5.31(e)(3)(B).

[33] *See* proposed Exchange Rule 5.31(f). The Book is the electronic book of simple orders and quotes maintained by the System, which single book is used during both the RTH and GTH trading sessions. *See* Exchange Rule 1.1.

[34] *See* proposed Exchange Rule 5.31(f). An OPG order is an order that may only participate in the Opening Process on the Exchange.

its resting orders and quotes; and (3) the System will initiate the opening rotation for a class upon the Exchange's determination to resume trading.[35]

The proposal deletes current Exchange Rule 6.2(g) regarding the use of the opening auction process to conduct a closing rotation upon determination by the Exchange. The Exchange states that it does not currently conduct closing rotations, and does not intend to do so in the future.[36]

B. Modified Opening Process for Expiring VIX Derivatives

1. Background

Currently, the exercise settlement value for expiring VIX derivatives is determined on the morning of their expiration date using the opening prices of a portfolio of SPX options—the settlement strip—that expire approximately 30 days later.[37] These opening prices are determined through a modified version of the Exchange's standard opening auction process.[38] The Exchange proposes several changes to its modified opening auction process, including changes to its methodology for determining the settlement strip and the elimination of the concepts of ''strategy orders'' [39] and ''non-strategy orders.'' [40]

2. Determination of the Settlement Strip

Currently, the Exchange uses the opening trade prices of SPX series that comprise the settlement strip (or the average of a series' opening bid and ask if there is no opening trade in that series) established by the modified opening auction process to calculate the exercise or final settlement value of expiring VIX derivatives.[41] In doing so, the Exchange excludes from consideration out-of-the-money SPX put and call options in any SPX series that have a zero bid price.[42] The methodology then truncates the SPX series used to calculate the VIX settlement value after encountering two consecutive series having ''zero-bid'' prices, even if further out-of-the-money series have an opening trade price and are ''non-zero'' bid.[43]

As proposed, the Exchange will no longer use the non-zero bid provision and the two consecutive zero-bid provisions.[44] Instead, the Exchange proposes to determine the settlement strip as follows:

(A) The Exchange determines the highest call strike and lowest put strike that establish the ''strike range'' for the settlement strip pursuant to an algorithm.

(B) The at-the-money strike price is determined in accordance with the VIX methodology, using opening bid and offer information of each constituent option series.

(C) The Exchange disseminates the highest call strike and lowest put strike of the strike range to all subscribers through the Exchange's data feeds that deliver opening auction update messages, no later than 8:45 a.m. on exercise settlement value determination days.

(D) Each call (put) constituent option series with a strike price not outside the strike range (*i.e.,* a strike price equal to or greater (less) than the at-the-money strike price up (down) to the highest call (lowest put) strike of the strike range) is included in the settlement strip.

(E) The Exchange may update the strike range until 9:15 a.m. pursuant to an algorithm due to changes to the value of VIX, prices of related futures, or other algorithmic inputs. The Exchange will disseminate any such updates.[45]

The Exchange believes that the proposed settlement methodology may provide additional protection against manipulation because the Exchange will be solely responsible for determining the strike range of the settlement strip, making it impossible for anyone to attempt to manipulate the VIX settlement process by attempting to artificially affect which SPX series will have zero bids at the opening and thus potentially be included in the settlement strip.[46] The Exchange notes that the algorithm that will determine the strike range of the settlement strip will employ numerous market inputs, including prices (both on the exercise settlement value determination day (including during the GTH trading day) and the previous trading day) of SPX options, SPY options, and e-mini S&P 500 options.[47] The Exchange believes that it is therefore unlikely that one of these inputs of the Exchange's algorithm will have a material impact on the determination of the strike range.[48] The Exchange designed the proposed methodology for determining the settlement strip to approximate the same settlement strip that would be used pursuant to the Exchange's current methodology.[49]

3. Entry of Orders and Quotes During the Queuing Period

The Exchange's current rules generally require strategy orders to be entered prior to the strategy order cut-off time.[50] The proposal eliminates the concept of both strategy orders and non-strategy orders. Instead, during the Queuing Period prior to 9:20 a.m., the System will continue to accept all orders and quotes (except Settlement Liquidity Opening Orders, or SLOOs, which the System rejects), and any changes to or cancellations of those orders and quotes. After the 9:20 a.m. cut-off time (until the opening of trading in a series), the System will only accept SLOOs (including changes to and cancellations of SLOOs) and bulk message bids and offers (including

[35] *See* proposed Exchange Rule 5.31(g).

[36] *See* Notice, *supra* note 3, 84 FR at 35152.

[37] *See id.* at 35152. The proposal defines the ''settlement strip'' as the constituent option series used to calculate the exercise or final settlement value, as applicable, of expiring VIX derivatives. The ''constituent option series'' are all SPX (including SPXW) option series listed on the Exchange with the expirations the Exchange uses to calculate the exercise or final settlement value of the expiring VIX derivative on exercise settlement value determination days. *See* proposed Exchange Rule 5.31(j)(1).

[38] *See* Notice, *supra* note 3, 84 FR at 35152.

[39] *See* Exchange Rule 6.2, Interpretation and Policy .01(c). Currently, the Exchange deems individual orders (considered collectively) that a market participant submits for participation in the modified opening auction process to be a ''strategy order,'' based on related facts and circumstances considered by the Exchange, if the orders: (1) Relate to the market participant's positions in expiring VIX derivatives; (2) are for option series with the expiration that the Exchange will use to calculate the exercise or final settlement value, as applicable, of the applicable VIX derivative; (3) are for option series with strike prices approximating the range of series that are later determined to constitute the constituent option series for the applicable expiration; (4) are for put (call) options with strike prices equal to or less (greater) than the ''at-the-money'' strike price; and (5) have quantities approximating the weighting formula used to determine the exercise or final settlement value, as applicable, in accordance with the VIX methodology. *See* Notice, *supra* note 3, 84 FR at 35153, n. 54, and current Exchange Rule 6.2, Interpretation and Policy .01(a) (definition of ''strategy order'').

[40] A ''non-strategy order'' is any order (including an order in a constituent option series) a market participant submits for participation in the modified opening procedure that is not a strategy order (or a change to or cancellation of a strategy order). Examples of non-strategy orders include, but are not limited to: (1) A buy (sell) order in a constituent options series if an expected opening information message (''EOI'') disseminated no more than two minutes prior to the time a market participant submitted the order included a sell (buy) imbalance and the size of the order is no larger than the size of the imbalance in the EOI, regardless of whether the market participant previously submitted a strategy order or has positions in expiring volatility index derivatives; or (2) a Market-Maker bid or offer in a constituent option series, as set forth in Exchange Rule 6.2, Interpretation and Policy .01(e).

[41] *See* Notice, *supra* note 3, 84 FR at 35157.

[42] *See id.*

[43] *See id.*

[44] *See id.* at 35159.

[45] *See* proposed Exchange Rule 5.31(j)(1) and Amendment No. 1.

[46] *See* Notice, *supra* note 3, 84 FR at 35164.

[47] *See id.* at 35159.

[48] *See id.*

[49] *See id.* at 35157.

[50] *See* Exchange Rule 6.2, Interpretation and Policy .01(c) and (d).

changes to and cancellations of bulk message bids and offers submitted before and after the cut-off time) from Market-Makers with an SPX appointment. After that cut-off, the System will reject all other orders and quotes (and all other changes to and cancellations of orders and quotes submitted prior to the cut-off time).[51] The Exchange states that SLOOs will provide market participants with a definitive order type that they may use to participate in a competitive auction without creating an imbalance condition that would prevent a series from opening.[52]

Under the proposal, Market-Makers with an SPX appointment will continue to be able to submit bulk message bids and offers (including changes to and cancellations of bulk message bids and offers submitted before and after the cut-off time) following the cut-off time, as they do today.[53] The Exchange notes that a Market-Maker has obligations to, among other things, engage in dealings for the Market-Maker's own account when there exists a lack of price continuity or a temporary disparity between the supply of and demand for an option (*i.e.,* an imbalance), to compete with other Market-Makers to improve markets in its appointed classes, and to update market quotations in response to changed market conditions in its appointed classes.[54] The Exchange believes that Market-Maker participation throughout the entire modified opening auction process may add liquidity to the process and promote a fair and orderly opening and settlement process.[55] In addition, the Exchange states that it will continue to review all Trading Permit Holder activity in constituent series on exercise settlement value determination days for compliance with all applicable Rules.[56]

4. Auction Updates, Opening Rotation, and Opening Trade Price Determination

On exercise settlement value determination days, the Exchange will disseminate opening auction updates for constituent series every five seconds, regardless of whether there are updates to the opening information since the previously disseminated update.[57] The opening rotation process will occur as set forth in proposed Exchange Rule 5.31(e), except that the System will perform the Maximum Composite Width Check and determine the Opening Trade Price pursuant to proposed Exchange Rule 5.31(j)(5).[58] The Maximum Composite Width Check for constituent series on exercise settlement value determination days differs from the Maximum Composite Width Check used on other days in that a constituent series will not open, without exception, if the Composite Width is greater than the Maximum Composite Width.[59] In that case, the Queuing Period for the series will continue, including the dissemination of opening auction updates, until the Composite Width is less than or equal to the Maximum Composite Width or until the Composite Market is not crossed (as applicable), or the Exchange opens the series pursuant to proposed Exchange Rule 5.31(h).[60] The Exchange states that this proposed process is similar to the current opening auction process in classes in which the Hybrid Agency Liaison (''HAL'') is not activated at the open.[61]

After a series satisfies the Maximum Composite Width Check, the System determines the Opening Trade Price for the series if there are orders and quotes marketable against each other at a price not outside the Opening Collar.[62] If there are no such orders or quotes, there is no Opening Trade Price.[63] The Exchange notes that during the opening rotation on non-exercise settlement value determination days, the Opening Trade Price is the VMIM price that is not outside the Opening Collar.[64] Thus, if the System determines that the VMIM price is outside of the Opening Collar, rather than not open, the System will use the collar limit as the opening price.[65] On exercise settlement value determination days for constituent series, however, if (1) the VMIM price is outside the Opening Collar, or (2) there would be unexecuted market orders (or remaining portions), the series will not open.[66] In either case, the Queuing Period for the series will continue (including the dissemination of opening auction updates) until the VMIM price is not outside the Opening Collar, or the Exchange opens the series pursuant to proposed paragraph (h).[67] The Exchange notes that this is consistent with the current opening

[51] *See* proposed Exchange Rule 5.31(j)(3). A SLOO is a limit order in a constituent option series designated with an OPG Time-in-Force that Users may only submit to the Exchange on exercise settlement value determination days following the cut-off time described in proposed Exchange Rule 5.31(j)(3). The System cancels a SLOO (or remaining portion thereof) that does not execute during the modified opening auction process, and Users may not designate bulk messages as SLOOs. If the limit price of a buy (sell) SLOO crosses the midpoint of the then-current Opening Collar upon entry, the System adjusts its price to equal the midpoint of the Opening Collar (rounded up (down) to the nearest minimum increment), except for a sell SLOO when the midpoint is less than or equal to 0.175. If the midpoint of the Opening Collar changes during the Queuing Period, the System re-adjusts the SLOO's price to equal to the new Opening Collar midpoint (rounded as provided above), up to its limit price. The Exchange does not disseminate the prices of SLOOs in the Queuing Book. *See* proposed Exchange Rule 5.31(j)(1).

[52] The Exchange notes that the proposed SLOO repricing functionality, as described in note 51, *supra,* will prevent the entry of a SLOO from creating or adding to an imbalance that would prevent a constituent option series from opening. *See id.* at 35156.

[53] *See id.*

[54] *See id.*

[55] *See id.* The Exchange notes that Market-Maker quoting activity on exercise settlement value determination days will continue to be subject to all applicable Exchange rules. These rules include, among others: current Exchange Rule 4.1, which prohibits a Trading Permit Holder from engaging in acts or practices inconsistent with just and equitable principles of trade; current Exchange Rule 4.7, which prohibits (among other things) a Trading Permit Holder from effecting or inducing the purchase, sale, or exercise of any security for the purpose of creating or inducing a false, misleading, or artificial appearance of activity in such security or in the underlying security, or for the purpose of unduly or improperly influencing the market price of such security or of the underlying security or for the purpose of making a price that does not reflect the true state of the market in such security or in the underlying security; current Exchange Rule 4.18, which requires a Trading Permit Holder to establish, maintain, and enforce written policies and procedures reasonably designed, taking into consideration the nature of such Trading Permit Holder's business, to prevent the misuse, in violation of the Exchange Act and the Rules, of material, nonpublic information by the Trading Permit Holder or persons associated with the Trading Permit Holder; and current Exchange Rule 8.7, which requires Market-Makers to, among other things, enter into transactions in their market making capacity that constitute a course of dealings reasonably calculated to contribute to the maintenance of a fair and orderly market, and not to make bids or offers or enter into transactions that are inconsistent with such course of dealings. *See id.* at 335156–7.

[56] *See id.* at 335157.

[57] *See* proposed Exchange Rule 5.31(j)(4) and Amendment No. 1. The Exchange believes providing frequent, regular updates in constituent series will further enhance transparency in the modified opening auction process. In addition, because the opening trading prices that will be used to determine the settlement values of expiring VIX derivatives will be determined by prices of the constituent option series, the Exchange believes that regular auction updates, and thus additional transparency, will contribute to a fair and orderly auction and settlement process. *See* Amendment No. 1.

[58] *See* proposed Exchange Rule 5.31(j)(5) and Amendment No. 3.

[59] *See* proposed Exchange Rule 5.31(j)(5)(B) and Amendment No. 1.

[60] *See id.*

[61] *See* Amendment No. 1.

[62] *See* proposed Exchange Rule 5.31(j)(5).

[63] *See* Amendment No. 1.

[64] *See* Notice, *supra* note 3, 84 FR at 35160. The System will determine the VMIM price pursuant to proposed Rules 5.31(e)(2)(A) through (C) in the same manner it determines the VMIM price on all other days. *See* proposed Exchange Rule 5.31(j)(5)(B)(i) and Notice, *supra* note 3, 84 FR at 35159–60.

[65] *See id.*

[66] *See* proposed Exchange Rule 5.31(j)(5)(B)(iii) and Amendment No. 1.

[67] *See id.*

auction process in classes in which HAL is not activated at the open.[68]

5. Opening Rotation Self-Trades

Under the proposed modified opening process, a market participant could submit orders that replicate the vega, or volatility, exposure of its expiring VIX derivatives prior to the cut-off time, and then submit a SLOO after the cut-off time to contribute liquidity to the opening process, including to offset any imbalances.[69] Assuming there were no other factors demonstrating a different purpose, the SLOO might not have been intended to execute against the vega replicating order (and thus effect a transaction that involves no change in beneficial ownership to create a false or misleading appearance of active trading in SPX options). Rather, the SLOO could have been intended to contribute liquidity to the modified opening auction process to offset an existing imbalance and to contribute to a fair and orderly opening process for that series.[70]

To accommodate fair and orderly trading in the modified opening auction process, the Exchange proposes to state in the Rules that, subject to other facts and circumstances (such as that may demonstrate a different purpose for the submission of the orders), the Exchange will not consider self-trades resulting from the execution of a User's orders against each other during the opening rotation of the modified opening auction process to be violations of Section 9(a)(1) of the Exchange Act.[71] The Exchange will review all activity, including these executions, during the modified opening auction process for compliance with the Exchange Act and with the Exchange's rules, including rules prohibiting manipulation.[72]

The Exchange represents that it has an adequate surveillance program in place to review options activity during the modified opening auction process that occurs on each exercise settlement value determination day.[73] In addition, the Exchange states that it is updating its surveillance program to reflect the proposed amendments to the process, and that it will continue to review its surveillance program to determine whether additional enhancements are necessary or appropriate.[74] The Exchange notes that all market participants will be continue to be required to abide by current Exchange Rules 4.1, 4.7, and 4.18.[75]

III. Discussion and Commission Findings

After careful review, the Commission finds that the proposed rule change, as modified by Amendment Nos. 1, 2, and 3, is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange and, in particular, with Section 6(b) of the Act.[76] In particular, the Commission finds that the proposed rule change is consistent with Section 6(b)(5) of the Act,[77] which requires, among other things, that the rules of a national securities 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.

The Commission believes that the proposed opening auction process is consistent with the protection of investors and the public interest because it is designed to provide a fair and orderly opening for options traded on the Exchange. The Commission notes that the proposed standard opening process is substantially identical to the opening processes used on two other exchanges.[78]

The proposed modified opening auction process for expiring VIX derivatives will operate in a manner that is substantially similar to the Exchange's current modified opening auction process, but with certain changes, as described above.[79] While the Exchange has designed its new methodology of determining the settlement strip to largely replicate how settlement strips are determined today, the new methodology reduces the potential that a market participant would be able to manipulate the VIX settlement process by attempting to affect which SPX series will (and will not) have zero bids at the opening, which impacts which strikes are included in the strip.[80] The Commission believes that the proposed changes to the methodology for determining the settlement strip are designed to protect investors and the public interest by reducing the potential for manipulative or disruptive trading in connection with the modified opening auction process used on exercise settlement value determination days.

The Commission believes that the proposal to eliminate the concept of strategy orders, and instead permit two types of market activity following the cut-off time—the submission of SLOOs and quotes from Market-Makers with an SPX appointment—could help to attract liquidity to trade against imbalances and reduce the likelihood that a constituent option series will fail to open, thereby helping to facilitate an orderly opening for VIX derivatives. The proposed SLOOs are designed to provide market participants with an order type they may submit following the cut-off time, which could encourage them to provide liquidity to offset order imbalances. In addition, the SLOO repricing functionality will prevent the entry of a SLOO from creating or adding to an imbalance that would prevent a constituent option series from opening.[81]

The Commission notes that all market participants will continue to be required to comply with current Exchange Rules 4.1 (Just and Equitable Principles of Trade), 4.7 (Manipulation), and 4.18 (Prevention of the Misuse of Material, Nonpublic Information).[82] In addition, the Exchange will continue to conduct surveillance to monitor all trading activity in constituent option series on exercise settlement value determination days, including but not limited to monitoring the entry of orders and quotes following the cut-off time, as well as compliance with other Exchange rules,[83] which the Commission believes is essential to protect investors and the public interest.

For the foregoing reasons, the Commission finds that the proposed rule change, as modified by Amendment Nos. 1, 2, and 3, is consistent with Sections 6(b)(5) of the Act.[84]

IV. Solicitation of Comments on Amendment Nos. 1, 2, and 3 to the Proposed Rule Change

Interested persons are invited to submit written data, views, and arguments concerning whether

[68] *See* Notice, *supra* note 3, 84 FR at 35160.

[69] *See id.*

[70] *See id.*

[71] 15 U.S.C. 78(i)(a)(1). *See* proposed Exchange Act Rule 5.31(j)(6).

[72] *See* proposed Exchange Act Rule 5.31(j)(6). *See also* Notice, *supra* note 3, 84 FR at 35161–2.

[73] *See id.* at 35162.

[74] *See id.*

[75] *See id.* at 35164.

[76] 15 U.S.C. 78f(b). In approving this proposed rule change, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[77] 15 U.S.C. 78f(b)(5).

[78] *See* C2 Rule 6.11 and EDGX Options Rule 21.7.

[79] *See* Notice, *supra* note 3, 84 FR at 35163.

[80] *See id.* at 35164.

[81] *See id.* at 35156.

[82] *See id.*

[83] *See id.*

[84] 15 U.S.C. 78f(b)(5).

Amendment Nos. 1, 2, and 3 are consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–CBOE–2019–034 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–CBOE–2019–034. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–CBOE–2019–034, and should be submitted on or before October 2, 2019.

V. Accelerated Approval of Proposed Rule Change, as Modified by Amendment Nos. 1, 2, and 3

The Commission finds good cause to approve the proposed rule change, as modified by Amendment Nos. 1, 2, and 3 prior to the thirtieth day after the date of publication of notice of the filing of Amendment No. 1 in the **Federal Register**. Amendment No. 1 clarifies several aspects of the proposal, including by providing additional details regarding the settlement strip and the timing and frequency of opening auction updates, without introducing new material concepts. In addition, Amendment No. 1 modifies the application of the Maximum Composite Width Check to provide that a constituent option series will not open if the Composite Width is greater than the Maximum Composite Width, without exception. The Exchange notes that this is similar to the current opening auction process in classes in which HAL is not activated at the open. The Commission believes that the proposed change to the Maximum Composite Width Check should protect investors by helping to assure that the constituent option series, which are used to determine the settlement value of expiring VIX derivatives, open at prices that are consistent with current market conditions. Accordingly, the Commission believes that Amendment No. 1 does not raise novel regulatory issues. Amendment Nos. 2 and 3 correct a few errors in the rule text, thereby helping to assure the accuracy and clarity of the proposed rules in a manner that is consistent with the original proposal and that do not introduce new concepts or raise novel regulatory issues. Accordingly, the Commission finds good cause, pursuant to Section 19(b)(2) of the Act,[85] to approve the proposed rule change, as modified by Amendment Nos. 1, 2, and 3, on an accelerated basis.

VI. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[86] that the proposed rule change (SR–CBOE–2019–034), as modified by Amendment Nos. 1, 2, and 3, is approved on an accelerated basis.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[87]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2019–19611 Filed 9–10–19; 8:45 am]

BILLING CODE 8011–01–P

[85] 15 U.S.C. 78s(b)(2).

[86] 15 U.S.C. 78s(b)(2).

[87] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meetings

TIME AND DATE: Notice is hereby given, pursuant to the provisions of the Government in Sunshine Act, Public Law 94–409, that the Securities and Exchange Commission Investor Advisory Committee will hold a meeting on Thursday, September 19, 2019 at 9:30 a.m. (ET).

PLACE: The meeting will be held in Multi-Purpose Room LL–006 at the Commission's headquarters, 100 F Street NE, Washington, DC 20549.

STATUS: This meeting will begin at 9:30 a.m. (ET) and will be open to the public. Seating will be on a first-come, first-served basis. Doors will open at 9:00 a.m. Visitors will be subject to security checks. The meeting will be webcast on the Commission's website at *www.sec.gov.*

MATTERS TO BE CONSIDERED: On August 28, 2019, the Commission issued notice of the Committee meeting (Release No. 33–10676), indicating that the meeting is open to the public (except during that portion of the meeting reserved for an administrative work session during lunch), and inviting the public to submit written comments to the Committee. This Sunshine Act notice is being issued because a quorum of the Commission may attend the meeting.

The agenda for the meeting includes: Welcome remarks; a discussion regarding methods to develop better disclosures for investors; a discussion regarding increased leverage and related SEC regulatory implications; subcommittee reports; and a nonpublic administrative work session during lunch.

CONTACT PERSON FOR MORE INFORMATION: For further information and to ascertain what, if any, matters have been added, deleted or postponed; please contact Vanessa A. Countryman from the Office of the Secretary at (202) 551–5400.

Dated: September 9, 2019.

Vanessa A. Countryman,

Secretary.

[FR Doc. 2019–19809 Filed 9–9–19; 4:15 pm]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–86888; File No. SR–OCC–2019–805]

Self-Regulatory Organizations; The Options Clearing Corporation; Notice of Filing of Advance Notice Concerning a Proposed Capital Management Policy That Would Support the Options Clearing Corporation's Function as a Systemically Important Financial Market Utility

September 5, 2019.

Pursuant to Section 806(e)(1) of Title VIII of the Dodd-Frank Wall Street Reform and Consumer Protection Act, entitled Payment, Clearing and Settlement Supervision Act of 2010 (''Clearing Supervision Act'') [1] and Rule 19b–4(n)(1)(i) [2] under the Securities Exchange Act of 1934 (''Exchange Act''),[3] notice is hereby given that on August 9, 2019, the Options Clearing Corporation (''OCC'') filed with the Securities and Exchange Commission (''Commission'' or ''SEC'') an advance notice as described in Items I, II and III below, which Items have been prepared by OCC. The Commission is publishing this notice to solicit comments on the advance notice from interested persons.

I. Clearing Agency's Statement of the Terms of Substance of the Proposed Rule Change

This advance notice is filed in connection with OCC's proposal to adopt a Capital Management Policy, which includes OCC's plan to replenish its capital in the event it falls close to or below its target capital (as defined below, ''Replenishment Plan''). The Capital Management Policy is included in confidential Exhibit 5a of the filing. In order to implement aspects of the new Capital Management Policy, the proposed rule change would also amend the following governing documents: OCC's Rules, which can be found in Exhibit 5b, and OCC's schedule of fees, which can be found in Exhibit 5c. Material proposed to be added to OCC's Rules and schedule of fees, as currently in effect, is marked by underlining, and material proposed to be deleted is marked with strikethrough text. All terms with initial capitalization that are not otherwise defined herein have the same meaning as set forth in the OCC By-Laws and Rules.[4]

[1] 12 U.S.C. 5465(e)(1).

[2] 17 CFR 240.19b–4(n)(1)(i).

[3] 15 U.S.C. 78a *et seq.*

[4] OCC's By-Laws and Rules can be found on OCC's public website: *http://optionsclearing.com/about/publications/bylaws.jsp.*

II. Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Advance Notice

In its filing with the Commission, OCC included statements concerning the purpose of and basis for the advance notice and discussed any comments it received on the advance notice. The text of these statements may be examined at the places specified in Item IV below. OCC has prepared summaries, set forth in sections A and B below, of the most significant aspects of these statements.

(A) Clearing Agency's Statement on Comments on the Advance Notice Received From Members, Participants or Others

Written comments were not and are not intended to be solicited with respect to the proposed change and none have been received. OCC will notify the Commission of any written comments received by OCC.

(B) Advance Notices Filed Pursuant to Section 806(e) of the Payment, Clearing, and Settlement Supervision Act

Description of the Proposed Change

OCC is proposing to adopt a new Capital Management Policy and to make amendments to OCC's Rules and schedule of fees necessary to implement the new Capital Management Policy. The main features of the Capital Management Policy and the related changes are: (a) To determine the amount of Equity sufficient for OCC to meet its regulatory obligations and to serve market participants and the public interest (as defined below, ''Target Capital Requirement''), (b) to monitor Equity [5] and liquid net assets funded by equity (''LNAFBE'') [6] levels to help ensure adequate financial resources are available to meet general business obligations; and (c) to manage Equity levels, including by (i) adjusting OCC's fee schedule (as appropriate) and (ii) establishing a plan for accessing additional capital should OCC's Equity fall below certain thresholds (''Replenishment Plan'').

The Replenishment Plan would: (i) Provide that should OCC's Equity fall below 110% of the Target Capital Requirement (as defined by the Capital Management Policy, ''Early Warning''), Management would recommend to the Board whether to implement a fee increase in an amount the Board determines necessary and appropriate to raise additional Equity; (ii) provide that should OCC's Equity fall below 90% of the Target Capital Requirement or fall below the Target Capital Requirement for a period of 90 consecutive days (as defined in the Capital Management Policy, ''Trigger Event''), OCC would contribute the funds held under The Options Clearing Corporation Executive Deferred Compensation Plan Trust to the extent that such funds are (x) deposited on or after January 1, 2020 in respect of its Executive Deferred Compensation Plan (''EDCP'') and (y) in excess of amounts necessary to pay for benefits accrued and vested under the EDCP at such time (such funds are defined in Chapter 1 of the proposed changes to OCC's Rules as the ''EDCP Unvested Balance''); and (iii) provide that should contribution of the EDCP Unvested Balance fail to cure the Trigger Event, or if a further Trigger Event occurs, OCC will charge an Operational Loss Fee (as defined below) in equal shares to the Clearing Members.

OCC is also hereby proposing to create a layer of skin-in-the-game resources in the event of default losses. Specifically, OCC is amending Rule 1006 to state that: First, any current or retained earnings above 110% of the Target Capital Requirement will be used to offset default losses after applying a defaulting Clearing Member's margin and Clearing Fund contributions, and next, any remaining loss will be charged pro rata to (a) non-defaulting Clearing Members' Clearing Fund contributions, and (b) the aggregate value of the EDCP Unvested Balance.

Proposed Changes

OCC proposes to adopt a Capital Management Policy and make conforming changes to OCC's Rules and schedule of fees necessary to implement the Capital Management Policy, as described below, to formalize its policy to identify, monitor, and manage OCC's capital needs to promote compliance SEC Rule 17Ad–22(e)(15).[7] In formulating the Capital Management Policy, OCC also has considered the Commodity Futures Trading Commission's (''CFTC'') regulatory capital requirements for OCC as a DCO, as set forth in CFTC Rule 39.11(a)(2).[8]

Target Capital Requirement

The proposed Capital Management Policy would explain how OCC would annually determine the Target Capital Requirement. The proposed amendment

[5] The Capital Management Policy would define ''Equity'' as shareholders' equity as shown on OCC's Statement of Financial Condition.

[6] The Capital Management Policy would define ''LNAFBE'' as the level of cash and cash equivalents, no greater than Equity, less any approved adjustments (*i.e.,* agency-related liabilities such as Section 31 fees held by OCC).

[7] 17 CFR 240.17Ad–22(e)(15).

[8] 17 CFR 39.11(a)(2).

to Chapter 1 of OCC's Rules would define OCC's Target Capital Requirement as the minimum level of Equity recommended by Management and approved by the Board to ensure compliance with applicable regulatory requirements and to keep such additional amount the Board may approve for capital expenditures. Resources held to meet OCC's Target Capital Requirement would be in addition to OCC's resources to cover participant defaults. OCC considers the LNAFBE it holds, limited to cash and cash equivalents, to be high quality and sufficiently liquid to allow OCC to meet its current and projected operating expenses under a range of scenarios, including in adverse market conditions. The Capital Management Policy would also explain that, on an annual basis, OCC's Chief Financial Officer (''CFO'') would recommend a Target Capital Requirement for the coming year. Management would review the CFO's report and, as appropriate, recommend the Target Capital Requirement to the Compensation and Performance Committee (''CPC''). The CPC would review, and as appropriate, recommend the proposal to the Board of Directors, which would review, and as appropriate, approve the Target Capital Requirement.

SEC Rule 17Ad–22(e)(15)

OCC would set its Target Capital Requirement at a level sufficient to maintain LNAFBE at least equal to the greatest of three amounts: (x) Six-months' current operating expenses; (y) the amount determined by the Board to be sufficient to ensure a recovery or orderly wind-down of critical operations and services (the ''RWD Amount''); and (z) the amount determined by the Board to be sufficient for OCC to continue operations and services as a going concern if general business losses materialize (the ''Potential Loss Amount'').

The RWD Amount would be the amount recommended by Management on an annual basis in accordance with OCC's Capital Management Procedure [9] and, as appropriate, approved by the Board. OCC's Recovery and Orderly Wind-Down Plan (''RWD Plan'') identifies critical services and the length of time the Board has determined it would take to recover or wind-down.[10] Pursuant to the Capital Management Procedure, Management would use the assumptions in the RWD Plan to determine the RWD Amount, which is the cost to maintain those critical services over the prescribed recovery or wind-down period, assuming costs remain at historical levels. The calculation of the Potential Loss Amount would be based on Management's annual determination, pursuant to the Capital Management Procedure, of the amount of capital required to address OCC's operational risks. OCC quantifies the amount of capital to be held against OCC's operational risks by analyzing and aggregating potential losses from individual operational risk scenarios, aggregating the loss events, and conducting loss modeling at or above the 99% confidence level.[11]

CFTC Rule 39.11(a)(2)

The Capital Management Policy would also specify that when setting the Target Capital Requirement the Board will consider OCC's projected rolling twelve-months' operating expenses as required by CFTC Rule 39.11(a)(2).[12] For the avoidance of doubt, the Board is not required to set the Target Capital Requirement at the level of twelve-months' operating expenses.[13] Factors that OCC would consider when considering twelve-months' operating expenses include, but are not limited to: (i) OCC's obligations and responsibilities as a systemically important financial utility (''SIFMU''), (ii) OCC's obligations as a derivative clearing organization under CFTC Rule 39.11(a)(2), (iii) the types of financial resources the CFTC allows OCC to count towards the twelve-month requirement, and (iv) any conditions on the use of those resources the CFTC has imposed.

Excess Equity for Capital Expenditures

In addition, the Capital Management Policy would provide that OCC may increase its Target Capital Requirement by an amount to be retained for capital expenditures following a recommendation by Management and Board approval. From time to time Management may identify necessary capital investments in OCC's technology, facilities or other business tangible or intangible assets to enhance its effectiveness, efficiency or compliance posture. The Board would (a) determine if the capital needs are necessary and appropriate and, if so, (b) determine whether to increase the Target Capital Requirement or whether the amount can be accumulated as an amount in excess of the Target Capital Requirement. In case of the latter, capital in excess of 110% of the Target Capital Requirement would be available as skin in the game.[14] Factors the Board would consider in making this determination include, but are not limited to, the amount of funding required, how much Equity is proposed to be retained, the potential impact of the investment on OCC's operation, and the duration of time over which funds would be accumulated.

Monitoring Equity

The proposed Capital Management Policy would describe how Management reviews periodic analyses of LNAFBE, including projecting future volume, expenses, cash flows, capital needs and other factors to help ensure adequate financial resources are available to meet general business obligations. Those other factors would include, but not be limited to: (i) The level of existing prefunded corporate resources, (ii) the ability to borrow under an existing OCC line of credit; (iii) the ability to make a claim under certain insurance policies; (iv) OCC's tax rates and liabilities; and (v) unfunded obligations. The Capital Management Policy would further provide that Management would review an analysis of Equity at least monthly to identify whether an Early Warning or Trigger Event had occurred since the last review or was likely to occur before the next review. The Capital Management Policy would provide that the Board of Directors is notified promptly if those triggers are breached. To the extent OCC suffers a catastrophic or sizable loss intra-month, and such loss amount is known or can reasonably be estimated, Management would review a forecast of the impact on Equity and, should that forecast

[9] The Capital Management Procedure would be a cross-department internal procedure that provides direction on how those departments shall execute their responsibilities under the proposed Capital Management Policy. OCC has included a draft of the Capital Management Procedure OCC intends to implement if the Commission approves the proposed Capital Management Policy in confidential Exhibit 3a, for reference. The documents in Exhibit 3 are being provided as supplemental information to the filing and would not constitute part of OCC's rules, which have been provided in Exhibit 5.

[10] Securities Exchange Act Release No. 83918 (Aug. 23, 2018), 83 FR 44091 (Aug. 29, 2018) (SR–OCC–2017–021).

[11] Pursuant to the Capital Management Procedure, OCC's Enterprise Risk Management department (''ERM'') would quantify the Potential Loss Amount on an annual basis and provide that information to OCC's Chief Financial Officer (''CFO'') as an input to the CFO's recommendation to Management for the Target Capital Requirement. OCC has included ERM's process and methodology for quantifying the Potential Loss Amount from 2015 through present in confidential Exhibit 3b.

[12] 17 CFR 39.11(a)(2).

[13] Financial resources available to meet CFTC Rule 39.11(a)(2) are not limited to LNAFBE, and include OCC's own capital or any other form of financial resources deemed acceptable by the CFTC. *See* 17 CFR 39.11(b)(2).

[14] *See* OCC Rule 1006(e), as proposed in the changes attached as Exhibit 5b hereto.

demonstrate that Equity has fallen below the Early Warning or Trigger Event, Management shall promptly notify the Board.

Managing Equity

The Capital Management Policy would describe the actions OCC may take to manage its current or future levels of Equity. As described below, the primary forms of capital management actions would include: (i) Changes to OCC's fees or other tools to change costs for market participants; (ii) the Replenishment Plan; and (iii) use of current and retained earnings greater than 100% of the Target Capital Requirement to cover losses caused by the default of a Clearing Member.

Fee Schedule

The Capital Management Policy would provide that clearing fees will be based on the sum of OCC's annual budgeted/forecasted operating expenses, a defined operating margin and OCC's capital needs, divided by forecasted contract sides. On an annual basis, Management would review the operating margin level considering historical volume variance and other relevant factors, including but not limited to variance in interest rates and OCC's operating expenses. Management would recommend to the CPC, to which the Board has delegated authority for review and approval of changes to OCC's fees pursuant to the CPC's charter, whether changes to OCC's defined operating margin should be made.

The Capital Management Policy would provide that on a quarterly basis, Management would review its fee schedule and, considering factors including, but not limited to projected operating expenses, projected volumes, anticipated cash flows, and capital needs, recommend to the Board, or a Committee to which the Board delegated authority, whether a fee increase, decrease or waiver should be made in accordance with Article IX, Section 9 of OCC's By-Laws.[15]

The Capital Management Policy would provide that if OCC's Equity is above, in the aggregate, 110% of the Target Capital Requirement and any amount of excess Equity the Board approves for capital expenditures, the Board of Directors, or a Committee the Board has delegated, may use such tools as it considers appropriate to lower costs for Clearing Members, providing the Board believes doing so would likely not lower OCC's Equity below the Early Warning. Such tools would include lowering fees, a fee holiday or a refund. The Capital Management Policy would further provide that if OCC charges the Operational Loss Fee, as described below, and its Equity thereafter returns to a level at which the Board approves use of such tools, OCC would first employ tools to lower the cost of Clearing Member participation in equal share up to the amount of the Operational Loss Fee charged. This provision would help ensure that in the event OCC must charge an Operational Loss Fee to Clearing Members in equal shares, Clearing Members will recover the amount charged in equal shares up to the amount charged.

Replenishment Plan

Early Warning

The Capital Management Policy would provide that in the event OCC's Equity breaches the Early Warning threshold, or 110% of the Target Capital Requirement, Management would recommend to the Board whether to implement a fee increase in an amount the Board determines necessary and appropriate to raise additional Equity.[16] The recommendation whether to implement a increase would be informed by several factors including, but not limited to, (i) the facts, circumstances and root cause of a decrease in Equity below the Early Warning threshold; (ii) the time it would take to implement a fee increase, inclusive of securing Board and SEC approval as required for those actions; (iii) the anticipated time a fee increase would take to accumulate the needed revenue based on projected contract volume, operational expenses and interest income over that time period; and (iv) the potential of a Trigger Event.

The Early Warning is intended to signal to OCC that its Equity is ''close to'' the Target Capital Requirement, as directed by Rule 17Ad22(e)(15)(iii). The Early Warning threshold is set at 110% because based on an analysis of OCC's projected revenue and expenses,[17] a 10% premium of the Target Capital Requirement represents approximately two months earnings based on current and projected data,[18] which OCC believes would provide sufficient time for Management and the Board to respond. The Capital Management Policy would provide that to the extent Management determines, during its annual review of the Capital Management Policy, that there is a change in the estimated length of time to accumulate approximately 10% of the Target Capital Requirement, Management will consider whether to recommend changes to the Early Warning and Trigger Event thresholds.

Trigger Event

The Capital Management Policy would also define a Trigger Event to be when OCC's Equity falls below 90% of the Target Capital Requirement or remains below the Target Capital Requirement for ninety consecutive calendar days. OCC is proposing the 90% threshold based on its analysis showing that two-months' earnings represents approximately a 10% percent premium of the Target Capital Requirement, discussed above. OCC believes, based on that analysis, that Equity below the 90% threshold would be a sign that corrective action more significant and with a more immediate impact than increasing fees should be taken to increase OCC's Equity Capital. OCC also set another Trigger Event at a threshold of Equity above 90% but below the Target Capital Requirement for a period of 90 consecutive days based on the time necessary for a clearing fee change to have an impact and to exhaust remedies prior to charging the Operational Loss Fee. This timeframe takes into account 30-day advance notice to Clearing Members to implement the fee change, implementation on the first of the month to accommodate changes to Clearing Members' systems, and, as discussed above, the approximately two-month period required to accumulate approximately 10% of the Target Capital Requirement. Based on the above-referenced analysis, OCC believes that, in the event a fee increase resulting from an Early Warning could not increase OCC's Equity above the Target Capital Requirement within 90 days, it would likewise indicate that corrective action in the form of a fee increase would be insufficient.

If a Trigger Event occurs, OCC would first contribute the EDCP Unvested Balance to cure the loss. OCC believes that contributing the EDCP Unvested

[15] OCC By-Law Art. IX, § 9.

[16] Pursuant to the Capital Management Procedure, Management's recommendation would be informed by the clearing fee amount calculated pursuant to the Fee Schedule Calculation Procedure, which provides direction to OCC's Finance department on how to calculate the necessary fee level pursuant to the requirements of the Capital Management Policy. OCC has included a draft of the Fee Schedule Calculation Procedure it intends to implement if the Commission approves the proposed Capital Management Policy in confidential Exhibit 3c, for reference.

[17] OCC has included the analysis in confidential Exhibit 3d.

[18] OCC defines earnings for purposes of this analysis as Operating Income, or revenue less expenses before taxes. Earnings does not include interest pass through earned on the cash deposits.

Balance to cover operational losses would align Management's interests with OCC's interest in maintaining required regulatory capital and operating OCC in a prudent manner. If application of the EDCP Unvested Balance brings OCC's Equity to within the Early Warning threshold (between 90% and 110% of the Target Capital Requirement), OCC would act to raise fees, in accordance with the Capital Management Policy's direction for OCC action in the event of an Early Warning, as discussed above.

If, however, OCC Equity remains below 90% of the Target Capital Requirement after applying the EDCP Unvested Balance, or if a subsequent Trigger Event occurs after applying all of the available EDCP Unvested Balance, OCC would charge an ''Operational Loss Fee,'' up to the maximum Operational Loss Fee identified in OCC's schedule of fees as described below, in equal shares to each Clearing Member, payable on five business days' notice, to raise additional capital. A further Trigger Event based on Equity falling below the Target Capital Requirement for a period of 90 consecutive calendar days would be measured beginning on the date OCC applies the EDCP Unvested Balance. OCC chose five business days to allow Clearing Members subject to the fee to assess its impact on their liquidity and take appropriate actions. OCC did not select a shorter period, such as the two-day period in which Clearing Members must fund Clearing Fund contributions,[19] because that shorter period is necessary for settlement obligations, which is not the case for the Operational Loss Fee.

OCC would calculate the maximum aggregate Operational Loss Fee based on the RWD Amount, which would ensure that OCC would have sufficient capital to facilitate a recovery or an orderly wind-down in the event of an operational loss. In order to account for OCC's tax liability for retaining the Operational Loss Fee as earnings, OCC may apply a tax gross-up to the RWD Amount (''Adjusted RWD Amount'') depending on whether the operational loss that caused Equity to fall below the Trigger Event threshold is tax deductible. The Capital Management Policy would provide that, in the event less than the full amount of the maximum Operational Loss Fee is needed to bring OCC's Equity to 110% of the Target Capital Requirement, only that amount will be charged. If OCC charges less than the maximum Operational Loss Fee, any remaining amount up to the maximum Operational Loss Fee will remain available for subsequent Trigger Events, provided that the sum of all Operational Loss Fees that have not been refunded shall not exceed the maximum Operational Loss Fee.

In the event that OCC employs a refund to Clearing Members in equal shares up to the amount of Operational Loss Fees previously charged, the amount of the maximum Operational Loss Fee available for subsequent Trigger Events would include the amount refunded. By allowing OCC to charge up to the maximum Operational Loss Fee—less any amounts previously charged and not refunded—should subsequent Trigger Events arise, the proposed Capital Management Policy would help maintain the continued ability of OCC to access replenishment capital should multiple Trigger Events occur in quick succession before OCC could implement a new or modified replenishment plan. In the unlikely event that the sum of all Operational Loss Fees charged exhausts the maximum Operational Loss Fee, the Board would need to convene to develop a new replenishment plan, subject to regulatory approval.

In formulating the Capital Management Policy OCC considered other means of allocating the Operational Loss Fee among OCC's Clearing Members, including allocating the cost to Clearing Members proportionally based on measures such as contract volume or risk profile, as evidenced by a Clearing Member's margin or clearing fund contributions. As part of its analysis for determining the Potential Loss Amount, OCC has identified individual operational risk scenarios that could result in an operational loss, including such risks as internal fraud, a cyber-attack on OCC's systems, employee lawsuits and damage to its facilities. The operational risks OCC identified are separate and distinct from the credit risk that Clearing Members present to OCC, which OCC manages through margin and Clearing Fund contributions and OCC's Default Management Procedures. OCC has not observed any correlation between the annual quantification of these risks and contract volume or Clearing Member credit risk. OCC has included a comparison of its quantification of these risks to contract volume and the amount of Clearing Fund deposits in confidential Exhibit 3e. OCC believes that charging the Operational Loss Fee in equal shares is preferable because it equally mutualizes risk of operational loss amongst the firms that use OCC's services. OCC believes that such mutualization is preferable because all Clearing Members benefit from equal access to the clearance and settlement services provided by OCC, irrespective of how much they choose to use it. Such access provides the benefit of credit and liquidity risk intermediation and associated regulatory capital benefits.

To implement the Operational Loss Fee, OCC is proposing an amendment to its schedule of fees that would provide a formula for calculating the maximum Operational Loss Fee OCC could charge, attached to this rule filing as Exhibit 5c. The amendment to OCC's fee schedule would express the Operational Loss Fee as a fraction, the numerator of which would be the Adjusted RWD Amount less the aggregate amount of Operational Loss Fees that OCC has previously charged that are not refunded at the time of calculation, and the denominator of which would be the number of Clearing Members at the time OCC charges the Operational Loss Fee. OCC would also include in the schedule of fees the conditions that would trigger the Operational Loss Fee to be charged. OCC proposes to amend its schedule of fees now: (1) To increase transparency about Clearing Members' maximum contingent obligations under the Capital Management Policy in the unlikely event OCC's Equity falls below the Trigger Event thresholds, (2) to promote operational efficiency so that OCC can access replenishment capital expeditiously if a Trigger Event occurs, and (3) to reduce the likelihood that OCC would be required to file an advance notice or proposed rule change prior to charging the Operational Loss Fee, thereby accelerating the time frame in which OCC could access replenishment capital if losses materialize that threaten OCC's ability to continue operations and services as a going concern.

To effectuate the Capital Management Policy, OCC also proposes to amend OCC Rule 209 so that the Operational Loss Fee would be payable within five business days. OCC Rule 209 currently provides that all charges and fees owed by a Clearing Member to OCC shall be due and payable within five business days following the end of each calendar month. The proposed amendment would add an exception for payment of the Operational Loss Fee, which would be due and payable within five business days following OCC's notice to the Clearing Member that OCC had charged the Operational Loss Fee. The amendment to OCC Rule 209 would ensure that OCC can timely respond to operational losses that threaten OCC's ability to continue operations and services as a going concern. OCC would also amend Rule 101 to define

[19] *See, e.g.,* OCC Rule 1006(h)(A).

''Operational Loss Fee'' to mean the fee that would be charged to Clearing Members in equal shares, up to the maximum amount identified in OCC's schedule of fees less the aggregate amount of all such Operational Loss Fees previously charged and not yet refunded at the time of calculation, if, after contributing the entire EDCP Unvested Balance, Equity remains below the levels identified in OCC's schedule of fees.

Use of Current and Retained Earnings for Default Losses

The Capital Management Policy would provide that in the event of a clearing member default, OCC would use Equity above 110% of the Target Capital Requirement to offset any loss after applying the margin assets and Clearing Fund contribution of the defaulting Clearing Member. In addition, the Capital Management Policy would provide that OCC would contribute the EDCP Unvested Balance on a pro rata basis with non-defaulting Clearing Member contributions to the Clearing Fund to satisfy any remaining balance after applying the margin assets and Clearing Fund contribution of the defaulting Clearing Member and any OCC Equity above 110% of the Target Capital Requirement.

To implement this aspect of the Capital Management Policy, OCC would also amend OCC Rule 1006 to adjust the default waterfall and the allocation of Clearing Fund losses accordingly. Rule 1006(e), which currently governs use of retained earnings to cover certain losses prior to charging those losses to the Clearing Fund under Rule 1006(b) (*i.e.,* losses caused by Clearing Member defaults) and Rule 1006(c) (*i.e.,* losses caused by bank and clearing organization failures to perform obligations to OCC not recoverable under Rule 1006(b)), would be divided into subsections numbed Rule 1006(e)(i) through (e)(iii). OCC would add Rule 1006(e)(i) to require OCC to charge a loss or deficiency associated with a Clearing Member default to OCC's current and retained earnings that are greater than 110% of its Target Capital Requirement (which would be defined as above in Rule 101) prior to charging the Clearing Fund and the EDCP Unvested Balance under Rule 1006(b), as discussed below. Rule 1006(e)(ii) would contain the current text of the first two sentences of the current Rule 1006(e), updating the cross-reference therein to limit the scope to the use of earnings to cover losses caused by bank or clearing organization failures before charging the Clearing Fund under Rule 1006(c). Thus, OCC would retain the option, but not the obligation, to use current or retained earnings to cover such bank or clearing organization losses, for which the Rules currently provide. Rule 1006(e)(iii) would contain the last two sentences of Rule 1006(e) currently in effect, which concern (1) the meaning of ''current earnings'' and (2) provide for a Clearing Member's continuing liability for any deficiencies in that member's Clearing Fund contribution that OCC covers with OCC's current and retained earnings. With respect to the latter, OCC would amend Rule 1006(e)(iii) to remove reference to OCC's ''elect[ion]'' to charge the deficiency to current or retained earnings so that such liability for Clearing Fund contribution deficiencies remains if OCC is obligated to charge current and retained earnings over 110% of the Target Capital Requirement under proposed Rule 1006(e)(i).

OCC also proposes to amend Rule 1006(b) to provide that OCC would apply the EDCP Unvested Balance (which would be defined as above in Rule 101) on a pro rata basis with the Clearing Fund contributions of non-defaulting Clearing Members to satisfy any remaining balance after applying the defaulting Clearing Member's margin and Clearing Fund contribution and OCC's current and retained earnings greater than 110% of its Target Capital Requirement. By amendment to Rule 1006(b)(iii), the EDCP Unvested Balance's proportion of the loss would be calculated by a fraction, the numerator of which would be EDCP Unvested Balance and the denominator of which would be the sum of the EDCP Unvested Balance and the balance of all non-defaulting Clearing Members' Clearing Fund contributions.[20] Pursuant to proposed amendments to Rule 1006(b) and (e), such contribution of current and retained earnings would be made after applying the defaulting Clearing Member's margin and Clearing Fund contribution, but before charging that loss or deficiency proportionately to the Clearing Fund.

In addition, a proposed amendment to Rule 1006(g), concerning, among other things, the allocation of funds received under the Limited Cross-Guaranty Agreement between OCC and certain other clearing agencies in the event of the default of a common member, would provide that any funds received under that agreement by OCC with respect to losses incurred by OCC would be credited in accordance with Rule 1010. Rule 1010 concerns recovery of losses charged to non-defaulting Clearing Members and provides that any recovery of a loss charged proportionately against the contributions of those Clearing Members shall be paid to each Clearing Member charged in proportion to the amounts charged. The amendment to Rule 1006(g) would establish that the non-defaulting Clearing Members whose Clearing Fund contributions were charged would recover proportional to the amount their contributions were charged up to the amount their Clearing Fund contributions were charged. The recovery proportional to the amount charged to the EDCP Unvested Balance would be available for return to the EDCP.

Market Participant Outreach

In developing the proposed plan for replenishment capital OCC also sought input from market participants. On May 1, 2019, OCC Management presented to the SIFMA options committee and the Securities Traders Association on the following topics: (1) How OCC will set fees, (2) how OCC determines its operating margin, (3) OCC's proposal to add a working capital line of credit, (4) the triggers and thresholds for action, and (5) the amount that a replenishment plan would need to raise. A discussion ensued with participants from the SIFMA options committee concerning how OCC would set the Target Capital Requirement.

On May 28, 2019, OCC provided Clearing Members with a notice concerning the details of the Capital Management Policy.[21] OCC has included a copy of the letter in Exhibit 3f. OCC sent the same letter to the participant exchanges (including the non-shareholder exchanges). Either calls or meetings were held with non-shareholder exchanges to discuss the proposed Capital Management Policy and allow them to raise questions or

[20] Because Rule 1006 has separate provisions addressing use of the Clearing Fund to cover losses arising from a Clearing Member default (Rule 1006(b)) and losses arising from bank or clearing organization failures (Rule 1006(c)), certain changes would be made to the rules to limit the changes for purposes of effecting the Capital Management Policy to the use of current and retained earnings and the EDCP Unvested Balance in the event of a Clearing Member default. Specifically, the proposed changes to OCC's rules would eliminate Interpretations and Policies .01 and establishes the respective allocation provisions in Rule 1006(b)(iii) and (c)(iii). No substantive changes to Rule 1006(c) are intended.

[21] The letter references a ''one-time'' Operational Loss Fee, consistent with the proposed Capital Management Policy as approved by the Board at its May 13, 2019 meeting. As discussed below, the Board approved a revision to the proposal at its July 17, 2019 meeting to allow OCC to retain the ability to charge the Operational Loss Fee for subsequent Trigger Events up to the maximum Operational Loss Fee, less any Operational Loss Fees previously charged and not yet refunded.

concerns. No such concerns were expressed.

OCC conducted calls open to all Clearing Members on May 31, 2019 to discuss the proposal. The calls were attended by approximately 140 participants representing 40 organizations. No concerns with the proposed Capital Management Policy were expressed. Discussion ensued about the mechanics of the Operational Loss Fee, alternatives to equal allocation of the Operational Loss Fee among Clearing Members that OCC considered and the likelihood that OCC would need to charge the Operational Loss Fee. Management has also met with individual Clearing Members and other market participants to discuss the proposed Capital Management Policy.

After the Board meeting on July 17, 2019, OCC conducted a call with the SIFMA options committee to discuss certain features of the Capital Management Policy proposal approved at that meeting, including: (a) If OCC charges the Operational Loss Fee and its Equity thereafter returns to a level at which the Board approves use of tools to lower the cost of participation for Clearing Members, OCC would first employ tools to lower the Clearing Members' costs in equal share up to the amount of the Operational Loss Fee charged; and (b) if OCC charges the Operational Loss Fee, OCC would retain the ability to charge Operational Loss Fees for subsequent Trigger Events up to the maximum Operational Loss Fee, less any Operational Loss Fees previously charged and not yet refunded.

OCC has included a summary of the questions raised and Management's responses during the above referenced calls and meetings in Exhibit 3g.

Anticipated Effect on and Management of Risk

OCC believes that the proposed change will reduce OCC's overall level of risk because it will help ensure that OCC will be able to continue to provide its clearing services even if it suffers significant business losses. Each feature of the Capital Management Policy and associated changes to OCC's Rules and schedule of fees would help ensure that OCC's capital is sufficient on an ongoing basis to allow it to withstand business losses, whether resulting from a decline in revenue or otherwise.

The Capital Management Policy provides for how OCC would determine the amount of capital necessary to meet its regulatory obligations and to serve market participants and the public interest. The Target Capital Amount is designed to ensure OCC maintains LNAFBE at least equal to the greater of (x) six-months' current operating expenses, (y) the RWD Amount, and (z) the Potential Loss Amount. By limiting the assets OCC counts towards this LNAFBE requirement to the level of cash and cash equivalents, no greater than Equity, the Capital Management Policy ensures that the assets OCC maintains to satisfy the requirement are of high quality and sufficiently liquid to allow OCC to meet its current and projected operating expenses under a range of scenarios, including in adverse market conditions. The Capital Management Policy further provides for how OCC would monitor its LNAFBE and Equity levels to ensure adequate financial recourses are available to meet general business obligations.

The Replenishment Plan would help ensure OCC has access to replenishment capital should OCC's Equity fall close to or below the Target Capital Requirement to ensure OCC maintains adequate capital levels. In the event of an Early Warning, Management would recommend to the Board whether to implement a fee increase in an amount the Board determines necessary and appropriate to raise additional capital. If a Trigger Event occurs, OCC would charge Clearing Members the Operational Loss Fee in equal shares, after contributing the entire EDCP Unvested Balance, to return OCC's Equity to 110% of the Target Capital Requirement—up to the maximum Operational Loss Fee provided for in OCC's schedule of fees. Any Clearing Member's failure to pay the Operational Loss Fee would have the same consequences as a Clearing Member default, including suspension, liquidation of positions from which OCC may recover any outstanding obligations, and the ability of OCC to use the Clearing Fund to cover any remaining obligations. After a Trigger Event, OCC would maintain the ability to charge an Operational Loss Fee for any subsequent Trigger Event, up to the maximum Operational Loss Fee less the amount of any Operational Loss Fees previously charged and unrefunded. Should OCC's Equity return to a level at or above 110% of the Target Capital Requirement after a Trigger Event, OCC may replenish the maximum Operational Loss Fee amount it could charge for subsequent Trigger Events by using tools to lower the cost of Clearing Members in equal shares, up to the amount of the Operational Loss Fee or Fees previously charged.

Together these features of the Capital Management Policy help ensure that OCC maintains levels of capital sufficient to allow it to absorb substantial business losses and meet its responsibilities as a systemically important financial market utility, which in turn helps reduce OCC's overall level of risk.

OCC also believes that the proposed changes reduce the nature and level of risk presented by OCC by providing for the use of OCC's capital in excess of 110% of its Target Capital Requirement to cover losses caused by Clearing Member defaults. Using such excess Equity as skin-in-the-game, after applying a defaulting Clearing Member's margin and Clearing Fund deposits, provides another layer of financial resources available to cover credit losses. By applying such excess Equity prior to charging the Clearing Fund, this feature of the Capital Management Policy helps protect other Clearing Members from losses as a result of a Clearing Member's default, which in turn helps reduce OCC's overall level of risk and ensure the prompt and accurate clearance and settlement of its cleared products.

For the foregoing reasons, OCC believes that the proposed change would enhance OCC's management of risk and reduce the nature or level of risk presented to OCC.

Consistency With the Payment, Clearing and Settlement Supervision Act

The stated purpose of the Clearing Supervision Act is to mitigate systemic risk in the financial system and promote financial stability by, among other things, promoting uniform risk management standards for systemically important financial market utilities and strengthening the liquidity of systemically important financial market utilities.[22] Section 805(a)(2) of the Clearing Supervision Act[23] also authorizes the Commission to prescribe risk management standards for the payment, clearing and settlement activities of designated clearing entities, like OCC, for which the Commission is the supervisory agency. Section 805(b) of the Clearing Supervision Act[24] states that the objectives and principles for risk management standards prescribed under Section 805(a) shall be to:

- Promote robust risk management;
- promote safety and soundness;
- reduce systemic risks; and
- support the stability of the broader financial system.

OCC believes the proposed changes are consistent with the objectives and principles of Section 805(b) of the Clearing Supervision Act.[25] As

[22] 12 U.S.C. 5461(b).

[23] 12 U.S.C. 5464(a)(2).

[24] 12 U.S.C. 5464(b).

[25] 12 U.S.C. 5464(b).

described above, the Capital Management Policy is designed to ensure that OCC holds sufficient LNAFBE such that it could continue to promptly and accurately clear and settle securities transactions even if it suffered significant operational losses. In other words, holding sufficient LNAFBE would help OCC to absorb such operational losses and avoid a disruption that could negatively impact OCC's prompt and accurate clearing and settlement of transactions. OCC would protect the interests of investors and the general public by establishing the Capital Management Policy, which is designed to ensure that such losses would not result in a failure or disruption of a SIFMU, as OCC is designated by the Financial Stability Oversight Council (''FSOC'') pursuant to the Clearing Supervision Act.[26] FSOC has concluded that a failure or disruption at OCC would negatively affect significant dollar value and volume transactions in the options and futures markets, impose material losses on OCC counterparties and create liquidity and credit problems for financial institutions and others that rely on the markets OCC serves, and that such credit and liquidity problems would spread quickly and broadly among financial institutions and other markets.[27] Accordingly, FSOC determined that a failure or disruption at OCC could threaten the stability of the U.S. financial system.[28] Therefore, OCC believes that the Capital Management Policy, which is reasonably designed to ensure that OCC has sufficient LNAFBE to continue operations in the event of an operational loss, is consistent with the requirements of the Clearing Supervision Act

The Commission has adopted risk management standards under Section 805(a)(2) of the Clearing Supervision Act and the Act, which include Commission Rules 17Ad–22(e)(15).[29] Rule 17Ad–22(e)(15) requires OCC to establish, implement, maintain and enforce written policies and procedures reasonably designed to identify, monitor and manage OCC's general business risk and hold sufficient LNAFBE to cover potential general business losses so that OCC can continue operations and services as a going concern if those losses materialize.[30] The Capital Management Policy and amendments to OCC's Rules and Fee Schedule are designed for consistency with the requirements of Rule 17Ad–22(e)(15) for the reasons described below.

Rule 17Ad–22(e)(15)(i) requires, in part, that OCC establish, implement, maintain and enforce written policies and procedures reasonably designed to identify, monitor, and manage OCC's general business risk, including by determining the amount of LNAFBE based upon OCC's general business risk profile and the length of time required to achieve recovery or orderly wind-down, as appropriate, of its critical operations and services if such action is taken.[31] Pursuant to the Capital Management Policy, OCC would set its Target Capital Requirement at a level sufficient to maintain LNAFBE at least equal to the greater of (x) six months' of OCC's current operating expenses; (y) the amount determined by the Board to be sufficient to ensure a recovery or orderly wind-down of critical operations and services, plus any excess Equity Management recommends, and the Board approves, to be retained for capital expenditures; and (z) the amount determined by the Board to be sufficient for OCC to continue operations and services as a going concern if general business losses materialize. By providing that OCC would set its Target Capital Requirement no less than the greatest of these three amounts, OCC believes the Capital Management Policy is consistent with Rule 17Ad–22(e)(15)(i).

The Capital Management Policy is also designed to identify, monitor and manage OCC's general business risk, consistent with Rule 17Ad–22(e)(15), by providing that OCC's Board would review and approve the Target Capital Requirement annually. The Capital Management Policy is also designed to monitor OCC's general business risk by providing that OCC would perform an analysis of its Equity on at least a monthly basis to ensure that OCC's Equity has not fallen below the Early Warning or Trigger Event thresholds and is not likely to fall below those thresholds prior to the next review. The Capital Management Policy's requirement that Management report on the firm's LNAFBE relative to the Early Warning and Trigger Event thresholds at each regularly scheduled Board meeting is also designed to identify, monitor, and manage OCC's general business risk. The Capital Management Policy's requirement that the Board be promptly notified in the event of an Early Warning or Trigger Event is also reasonably designed to ensure that OCC can act quickly to ensure OCC's compliance with the LNAFBE-holding requirements of Rule 17Ad–22(e)(15).

Rule 17Ad–22(e)(15) further requires, in part, that OCC establish, implement, maintain and enforce written policies and procedures reasonably designed to hold sufficient LNAFBE to cover potential general business losses so that OCC can continue operations and services as a going concern if those losses materialize, including by holding LNAFBE equal to the greater of either (x) six months of OCC's current operating expenses, or (y) the amount determined by the Board to be sufficient to ensure a recovery or orderly wind-down of critical operations and services.[32] As described above, the Capital Management Policy would provide that OCC sets its Target Capital Requirement at a level sufficient to maintain LNAFBE in an amount that is the greatest of three amounts, which include six months' operating expenses, an amount determined by the Board to be sufficient to ensure recovery or orderly wind-down, and an amount determined by the Board to be sufficient for OCC to continue operations and services as a going concern if general business losses materialize. Therefore, the Capital Management Policy is designed to ensure that OCC maintains, at a minimum, LNAFBE equal to the greater of the two amounts required by Rule 17Ad–22(e)(15)(ii). By also including an amount determined by the Board to be sufficient to meet general business losses should they materialize, the Capital Management Policy is designed to ensure OCC maintains LNAFBE at an amount necessary to satisfy Rule 17Ad–22(e)(15)'s broader requirement that OCC hold sufficient LNAFBE to cover potential general business losses so that OCC can continue operations and services as a going concern if those losses materialize.

Rule 17Ad–22(e)(15)(ii) further requires, in part, that LNAFBE held by OCC pursuant to Rule 17Ad–22(e)(15)(ii) shall be (A) in addition to resources held to cover participant defaults or other credit or liquidity risks,[33] and (B) of high quality and

[26] 12 U.S.C. 5463.

[27] FSOC Annual Report, Appendix A, at 187 (2012), *available at https://www.treasury.gov/initiatives/fsoc/Documents/2012%20Appendix%20A%20Designation%20of%20Systemically%20Important%20Market%20Utilities.pdf.*

[28] *Id.*

[29] 17 CFR 240.17Ad–22. *See* Securities Exchange Act Release Nos. 68080 (October 22, 2012), 77 FR 66220 (November 2, 2012) (S7–08–11) (''Clearing Agency Standards''); 78961 (September 28, 2016), 81 FR 70786 (October 13, 2016) (S7–03–14) (''Standards for Covered Clearing Agencies''). The Standards for Covered Clearing Agencies became effective on December 12, 2016. OCC is a ''covered clearing agency'' as defined in Rule 17Ad–22(a)(5) and therefore OCC must comply with section (e) of Rule 17Ad–22.

[30] 17 CFR 240.17Ad–22(e)(15).

[31] 17 CFR 240.17Ad–22(e)(15)(i).

[32] 17 CFR 240.17Ad–22(e)(15)(ii).

[33] 17 CFR 240.17Ad–22(e)(15)(ii)(A).

sufficiently liquid to allow OCC to meet its current and projected operating expenses under a range of scenarios, including in adverse market conditions.[34] The Capital Management Policy is designed to satisfy Rule 17Ad–22(e)(15)(ii)(A) by providing that the resources held to meet OCC's Target Capital Requirement are in addition to OCC's resources to cover participant defaults and liquidity shortfalls. While the Capital Management Policy and proposed changes to OCC's Rules provide for the use of capital to cover credit losses in the event of a Clearing Member default, the proposed changes limit the amount of current and retained earnings available to cover such losses to the amount above 110% of the Target Capital Requirement. The Capital Management Policy is also designed to satisfy Rule 17Ad–22(e)(15)(ii)(B) by providing that the resources held to meet OCC's Target Capital Requirement be high quality and sufficiently liquid. As a result, OCC believes the Capital Management Policy is designed to comply with Rule 17Ad–22(e)(15)(ii)(A) and (B).

Rule 17Ad–22(e)(15)(iii) requires that OCC establish, implement, maintain and enforce written policies and procedures reasonably designed to identify, monitor, and manage OCC's general business risk, including by maintaining a viable plan, approved by the Board and updated at least annually, for raising additional equity should its equity fall close to or below the amount required under Rule 17Ad–22(e)(15)(ii). The Capital Management Policy and amendments to OCC's Rules and schedule of fees are reasonably designed to establish a viable plan to raise additional capital in an amount up to the amount the Board determines annually to be sufficient to ensure recovery or orderly wind-down should OCC's Equity fall close to or below its Target Capital Requirement. By setting the threshold triggers by reference to the Target Capital Requirement, OCC's plan for replenishment capital is designed to require OCC to act to raise capital should its LNAFBE fall close to or below the amounts required under Rule 17Ad–22(e)(15)(ii). In addition, by providing that the Target Capital Requirement must be the greater of those amounts or the amount determined by the Board to be sufficient to cover potential general business losses so that OCC can continue operations and services as a going concern if those losses materialize, the Capital Management Policy is also reasonably designed to ensure that OCC has a viable plan to raise the capital necessary to comply with Rule 17Ad–22(e)(15) as a whole. Furthermore, the Capital Management Policy provides that Management shall on an annual basis recommend the Board approve or, as appropriate, modify the Replenishment Plan. The Board would review and, as appropriate, approve Management's recommendation. Should OCC charge the full amount of the Operational Loss Fee, Management would recommend a new or modified replenishment plan, subject to regulatory approval. The Board would review and, as appropriate, approve Management's recommendation.

OCC's proposed addition of an Operational Loss Fee as part of its Replenishment Plan is also reasonably designed to establish a viable plan to raise additional capital. OCC's Rules currently require Clearing Members to maintain net capital of at least $2 million.[35] Based on the most recent financial information reported by Clearing Members, which OCC has included in confidential Exhibit 3h, OCC believes that 98% of Clearing Members could absorb the maximum amount of the Operational Loss Fee without breaching their minimum net capital requirements or the SEC's ''early warning'' threshold.[36] OCC is comfortable with Clearing Members' ability to pay the Operational Loss Fee because the amount of the maximum Operational Loss Fee that would be charged per Clearing Member is approximately the same as the contingent obligations under the OCC clearing fund assessment requirements for a Clearing Member operating at the minimum clearing fund deposit—$1 million.

Furthermore, OCC's By-Laws and Rules serve as a contract between OCC and its Clearing Members. Thus, OCC believes the Operational Loss Fee is no less reliable than any other potential replenishment plan that does not involve accumulating replenishment capital in advance of any operational loss. Failure of a Clearing Member to pay the Operational Loss Fee if charged will have the same impact as failure to meet a margin call or clearing fund assessment, and thus may have significant consequences. Any Clearing Member in default of its obligations to OCC is subject to suspension and liquidation of the defaulting member's positions, from which OCC may collect all unpaid obligations to OCC.[37] Should the assets of the defaulting member be insufficient to cover its obligations, OCC may recover the unpaid amount from the Clearing Fund.[38]

While Rule 17Ad–22(e)(15)(iii) does not by its terms specify the amount of additional equity a clearing agency's plan for replenishment capital must be designed to raise, the SEC's adopting release states that ''a viable plan generally should enable the covered clearing agency to hold sufficient liquid net assets to achieve recovery or orderly wind-down.'' [39] OCC believes that the Capital Management Policy and Operational Loss Fee is consistent with the SEC's adopting release for Rule 17Ad–22(e)(15)(iii) because OCC sets the maximum Operational Loss Fee at an amount sufficient to raise, on a post-tax basis, the amount determined annually by the Board to be sufficient to ensure recovery or orderly wind-down pursuant to the Board's annual approval of the RWD Plan.

In its adopting release, the SEC also states that in developing its policies and procedures, a covered clearing agency ''generally should consider and account for circumstances that may require a certain length of time before any plan can be implemented.'' [40] In the case of an Early Warning, a fee increase would require Board approval, which could be obtained in a special meeting of the Board on an expedited basis. OCC would file the fee increase with the SEC for immediate effectiveness, thereby minimizing the amount of time needed to implement the new fee. In the case of a Trigger Event, the Operational Loss Fee added to the fee schedule would not require further Board approval to implement, and would likely not require further regulatory approval to implement because this proposal would add the fee to OCC's schedule of fees. By allowing OCC to charge up to the maximum Operational Loss Fee, less any Operational Loss Fees previously charged and not yet refunded, the Capital Management Policy would help OCC maintain its ability to access replenishment capital during the time it would take to implement a new or revised Replenishment Plan. The Operational Loss Fee and amendment to Rule 209(a) further account for the length of time to implement OCC's plan for replenishment capital by requiring payment within five business days. Therefore, OCC believes the proposed Capital Management Policy, Operational

[34] 17 CFR 240.17Ad–22(e)(15)(ii)(B).

[35] OCC Rule 302.

[36] 17 CFR 240.15c3–1.

[37] OCC Rule 1108.

[38] OCC Rule 1006(a), clause (vi) (failure of any Clearing Member to make any other required payment or render any other required performance).

[39] Standards for Covered Clearing Agencies, Exchange Act Release No. 78961 (Sept. 28, 2016), 81 FR 70786, 70836 (Oct. 13, 2016).

[40] *Id.*

Loss Fee, and amendments to OCC's Rules are consistent with the SEC's adopting release for Rule 17Ad–22(e)(15)(iii).

III. Date of Effectiveness of the Advance Notice and Timing for Commission Action

The proposed change may be implemented if the Commission does not object to the proposed change within 60 days of the later of (i) the date the proposed change was filed with the Commission or (ii) the date any additional information requested by the Commission is received. OCC shall not implement the proposed change if the Commission has any objection to the proposed change.

The Commission may extend the period for review by an additional 60 days if the proposed change raises novel or complex issues, subject to the Commission providing the clearing agency with prompt written notice of the extension. A proposed change may be implemented in less than 60 days from the date the advance notice is filed, or the date further information requested by the Commission is received, if the Commission notifies the clearing agency in writing that it does not object to the proposed change and authorizes the clearing agency to implement the proposed change on an earlier date, subject to any conditions imposed by the Commission.

OCC shall post notice on its website of proposed changes that are implemented.

The proposal shall not take effect until all regulatory actions required with respect to the proposal are completed.

I. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the advance notice is consistent with the Clearing Supervision Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–OCC–2019–805 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549.

All submissions should refer to File Number SR–OCC–2019–805. 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 advance notice that are filed with the Commission, and all written communications relating to the advance notice 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 self-regulatory organization.

All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly.

All submissions should refer to File Number SR–OCC–2019–805 and should be submitted on or before September 26, 2019.

By the Commission.

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2019–19608 Filed 9–10–19; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–86875; File No. SR–NASDAQ–2019–057]

Self-Regulatory Organizations; The Nasdaq Stock Market LLC; Notice of Designation of Longer Period for Commission Action on a Proposed Rule Change To Amend Rule 4121

September 5, 2019.

On July 16, 2019, The Nasdaq Stock Market LLC (''Nasdaq'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule change to amend Nasdaq Rule 4121 (Trading Halts Due to Extraordinary Market Volatility) to enhance the re-opening auction process for Nasdaq-listed securities following trading halts due to extraordinary market volatility. The proposed rule change was published for comment in the **Federal Register** on July 25, 2019.[3] The Commission received no comment letters on the proposed rule change.

Section 19(b)(2) of the Act [4] provides that, within 45 days of the publication of the notice of the filing of a proposed rule change, or within such longer period up to 90 days as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or as to which the self-regulatory organization consents, the Commission shall either approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether the proposed rule change should be disapproved. The 45th day after publication of the notice for this proposed rule change is September 8, 2019.

The Commission is extending the 45-day time period for Commission action on the proposed rule change. The Commission finds that it is appropriate to designate a longer period within which to take action on the proposed rule change so that it has sufficient time to consider the proposed rule change. Accordingly, pursuant to Section 19(b)(2) of the Act,[5] the Commission designates October 23, 2019 as the date by which the Commission shall either approve, disapprove, or institute proceedings to determine whether to disapprove, the proposed rule change (File No. SR–NASDAQ–2019–057).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[6]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2019–19609 Filed 9–10–19; 8:45 am]

BILLING CODE 8011–01–P

SMALL BUSINESS ADMINISTRATION

Reporting and Recordkeeping Requirements Under OMB Review

AGENCY: Small Business Administration.

ACTION: 30-Day notice.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] See Securities Exchange Act Release No. 86412 (July 19, 2019), 84 FR 35900.

[4] 15 U.S.C. 78s(b)(2).

[5] 15 U.S.C. 78s(b)(2)(A)(ii)(I).

[6] 17 CFR 200.30–3(a)(31).

SUMMARY: The Small Business Administration (SBA) is publishing this notice to comply with requirements of the Paperwork Reduction Act (PRA). The PRA requires agencies to submit proposed reporting and recordkeeping requirements to the Office of Management and Budget (OMB) for review and approval, and to publish a notice in the **Federal Register** notifying the public that the agency has made such a submission. This notice also allows an additional 30 days for public comments.

DATES: Submit comments on or before October 11, 2019.

ADDRESSES: Comments should refer to the information collection by name and/or by OMB Control Number 3245–0394. Comments should be sent to: *Agency Clearance Officer,* Curtis Rich, Small Business Administration, 409 3rd Street SW, 5th Floor, Washington, DC 20416; and to *SBA Desk Officer,* Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, DC 20006.

FOR FURTHER INFORMATION CONTACT: Curtis Rich, Agency Clearance Officer, (202) 205–7030, *curtis.rich@sba.gov.*

Copies: A copy of the OMB Form 83–1, supporting statement, and other documents submitted to OMB for review may be obtained from the Agency Clearance Officer.

SUPPLEMENTARY INFORMATION: The Emerging Leaders Initiative aims to assist established small businesses located in historically challenged communities with increasing their sustainability, attracting outside investment, and strengthening each community's economic base by creating jobs and providing valuable goods and services. As part of its efforts to carry out this objective, SBA offers eligible business executives a 7-month intensive course focused on the skills essential to develop their companies, expand their resource networks, and increase their confidence and motivation. The course is designed to be hands-on and is composed of classroom sessions, out-of-class preparation work, and executive mentoring groups where participants can discuss their challenges. A broad range of topics is covered in the curriculum, including financial measures of business health, strategies for marketing, access to funding, and employee management and recruitment.

SBA conducts annual performance-monitoring activities to assess the short- and intermediate-term outcomes of participants in the Emerging Leaders Initiative. SBA uses the three survey instruments described below to collect the assessment information from the participants in each training cohort. The broad outcomes assessed include the participants' satisfaction with the course, changes in their business' economic outcomes, such as loans obtained and jobs created, and changes in management behavior.

Solicitation of Public Comments

The required 60-day notice soliciting public comment on this information collection was published in the **Federal Register** on March 7, 2019, at 84 FR 8360. No comments were received. The public is again invited to submit any comments to the persons identified above and by the due date stated in the **DATES** section of this notice.

Overview of Collection

Title: ''Emerging Leaders Initiatives''.

OMB Control Number: 3245–0394.

Description of Respondents: Established small businesses located in historically challenged communities.

Summary of the Collection: The collection consists of three instruments: (1) The intake assessment is administered at the start of the program to document baseline conditions; (2) A satisfaction-oriented feedback survey is administered at the end of the program; and (3) An annual outcome-oriented survey that is administered about three years after program completion. The latter instrument is intended to document changes in key outcomes over a longer period, because job growth, revenue growth, profitability, and other economic outcomes of program participation are expected to manifest in the intermediate and long terms.

Form Number: N/A.

Estimated Annual Respondents and Responses: 4,332.

Estimated Annual Hour Burden: 1,519.

William Wolchak,

Director, Records Management Division.

[FR Doc. 2019–19639 Filed 9–10–19; 8:45 am]

BILLING CODE 8026–03–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Public Notice for Intent To Release Airport Property

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of intent to rule on request to release airport property for non-aeronautical use; Kenai Municipal Airport (ENA), Kenai, Alaska

SUMMARY: The FAA proposes to rule and invites public comment on the release of airport property at the Kenai Municipal Airport, Kenai, Alaska.

DATES: Comments must be received on or before October 11, 2019.

ADDRESSES: Documents are available for review by appointment at the FAA Anchorage Airports Regional Office, Molly Lamrouex, Compliance Manager, 222 W 7th Avenue, Anchorage, AK. Telephone: (907) 271–5439/Fax: (907) 271–2851 and the Kenai Municipal Airport, Mary Bondurant, Airport Manager, 305 N Willow Street, Suite 200, Kenai, Alaska 99611. Telephone: (907) 283–7951.

Written comments on the Sponsor's request must be delivered or mailed to: Molly Lamrouex, Compliance Manager, Federal Aviation Administration, Airports Anchorage Regional Office, 222 W. 7th Avenue, Anchorage AK 99513, Telephone Number: (907) 271–5439/ FAX Number: (907) 271–2851.

FOR FURTHER INFORMATION CONTACT: Molly Lamrouex, Compliance Manager, Federal Aviation Administration, Alaskan Region Airports District Office, 222 W 7th Avenue, Anchorage, AK 99513. Telephone Number: (907) 271–5439/FAX Number: (907) 271–2851.

SUPPLEMENTARY INFORMATION: The FAA invites public comment on the request to either sell in fee, or release the aeronautical use only grant provision, for Lots 1 through 19, inclusive, located in the Kenai Industrial Park Subdivision under the provisions of 49 U.S.C. 47107(h)(2). This release includes up to 37 acres located south of Marathon Road at the Kenai Airport. The FAA has determined that the release of the property will not adversely affect future aviation needs at the Airport. The FAA may approve the request, in whole or in part, no sooner than 30 days after the publication of this notice.

The disposition of proceeds from the non-aeronautical use of the airport property will be in accordance with FAA's Policy and Procedures Concerning the Use of Airport Revenue, published in the **Federal Register** on February 16, 1999 (64 FR 7696).

Issued in Anchorage, Alaska, on September 5, 2019.

Patrick J. Zettler,

Acting Director, Alaskan Airports Regional Office, FAA, Alaskan Region.

[FR Doc. 2019–19599 Filed 9–10–19; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2019–0201]

Agency Information Collection Activities; Renewal of a Currently-Approved Information Collection: Licensing Applications for Motor Carrier Operating Authority

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FMCSA announces its plan to submit the information collection request (ICR) described below to the Office of Management and Budget (OMB) for its review and approval and invites public comment. FMCSA requests approval to renew the ICR titled ''Licensing Applications for Motor Carrier Operating Authority,'' OMB Control No. 2126–0016. This ICR applies to (1) existing registrants (*i.e.,* entities that already have a USDOT number and/or operating authority) that are subject to FMCSA's licensing, registration, and certification regulations and that wish to apply for additional authorities, and (2) Mexico-domiciled carriers that wish to operate beyond the U.S. municipalities on the U.S.-Mexico border and their commercial zones. Existing registrants seeking additional authorities must use forms from the OP–1 series, including OP–1, OP–1(P), OP–1(FF), and OP–1(NNA), to apply for such authority. Mexico-domiciled carriers seeking the authority described above must apply for such authority using Form OP–1(MX).

DATES: We must receive your comments on or before November 12, 2019.

ADDRESSES: You may submit comments identified by Federal Docket Management System (FDMS) Docket Number FMCSA–2019–0201 using any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Fax:* 1–202–493–2251.
- *Mail:* Docket Operations; 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:* U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Ground Floor, Room W12–140, Washington, DC 20590–0001 between 9 a.m. and 5 p.m. e.t., Monday through Friday, except Federal holidays.

Instructions: All submissions must include the Agency name and docket number. For detailed instructions on submitting comments, see the Public Participation heading below. Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided. Please see the Privacy Act heading below.

Docket: For access to the docket to read background documents or comments received, go to *http://www.regulations.gov,* and follow the online instructions for accessing the dockets, or go to the street address listed above.

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.*

Public Participation: The Federal eRulemaking Portal is available 24 hours each day, 365 days each year. You can obtain electronic submission and retrieval help and guidelines under the ''help'' section of the Federal eRulemaking Portal website. If you want us to notify you that we received your comments, please include a self-addressed, stamped envelope or postcard, or print the acknowledgement page that appears after submitting comments online. Comments received after the comment closing date will be included in the docket and will be considered to the extent practicable.

FOR FURTHER INFORMATION CONTACT: Mr. Jeff Secrist, Office of Registration and Safety Information, Chief, East and South Division, Department of Transportation, Federal Motor Carrier Safety Administration, West Building, 6th Floor, 1200 New Jersey Avenue SE, Washington, DC 20590. Telephone: 202–385–2367; email: *jeff.secrist@dot.gov.*

SUPPLEMENTARY INFORMATION:

Background

FMCSA registers for-hire motor carriers of regulated commodities and of passengers, under 49 U.S.C. 13902(a); surface freight forwarders, under 49 U.S.C. 13903; property brokers, under 49 U.S.C. 13904; and certain Mexico-domiciled motor carriers, under 49 U.S.C. 13902(c). These motor carriers may conduct transportation services in the United States only if they are registered with FMCSA. Each registration is effective from the date specified and remains in effect for such period as the Secretary of Transportation (Secretary) determines by regulations.

Prior to 2015, all entities seeking authority (both first-time applicants and registered entities seeking additional authorities) were required to apply for such authority using the OP–1 series of forms, including OP–1, OP–1(P), OP–1(FF), OP–1(NNA), and OP–1(MX) (for Mexico-domiciled carriers only).

The Final Rule titled ''Unified Registration System,'' (78 FR 52608) dated August 23, 2013, implemented statutory provisions for an online registration system for entities that are subject to FMCSA's licensing, registration, and certification regulations. The Unified Registration System (URS) streamlines the registration process and serves as a clearinghouse and repository of information on motor carriers, brokers, freight forwarders, intermodal equipment providers, hazardous materials safety permit applicants, and cargo tank facilities required to register with FMCSA. When developing URS, FMCSA planned that the OP–1 series of forms—except for OP–1(MX)—would ultimately be folded into one overarching form (MCSA–1), which would be used by all motor carriers seeking authority.

FMCSA began a phased rollout of URS in 2015. The first phase, which went into effect on December 12, 2015, impacts only first-time applicants seeking an FMCSA-issued registration. FMCSA had planned subsequent rollout phases for existing registrants; however, there have been substantial delays, and subsequent phases have not been rolled out to date.

On January 17, 2017, FMCSA issued a Final Rule titled ''Unified Registration System; Suspension of Effectiveness,'' which indefinitely suspended URS effectiveness dates for existing registrants only (82 FR 5292). Pursuant to this Final Rule, FMCSA is still accepting forms OP–1, OP–1(P), OP–1(FF), and OP–1(NNA) for existing registrants wishing to apply for additional authorities. Separately, FMCSA requires Form OP–1(MX) for Mexico-domiciled carriers that wish to operate beyond the U.S. municipalities on the U.S.-Mexico border and their commercial zones.

Forms in the OP–1 series request information to identify the applicant, the nature and scope of its proposed operations, a narrative description of the applicant's safety policies and procedures, and information regarding

the drivers and vehicles it plans to use in U.S. operations. The OP–1 series also requests information on the applicant's familiarity with relevant safety requirements, the applicant's willingness to comply with those requirements during its operations, and the applicant's willingness to meet any specific statutory and regulatory requirements applicable to its proposed operations. Information collected through these forms aids FMCSA in determining the type of operation a company may run, the cargo it may carry, and the resulting level of insurance coverage the applicant will be required to obtain and maintain to continue its operating authority.

Changes From Previous Estimates

The previously approved version of this ICR estimated the average annual burden to be 24,853 hours, with 37,240 total annual respondents. The current ICR estimates 147,124 annual burden hours, with 73,538 total annual respondents. The program change increase of 122,271 estimated annual burden hours and 36,298 respondents is due to a change in assumptions and circumstances.

In the previously approved ICR, FMCSA calculated the burden estimate for forms OP–1, OP–1(P), OP–1(FF), and OP–1(NNA) for only 1 year, because the Agency expected that all motor carriers would begin using Form MCSA–1 via URS beginning in 2017. However, as discussed above, FMCSA has experienced delays in rolling out Phase II of URS (which applies to existing registrants) and has indefinitely suspended the effective date of URS requirements for such entities. Until further notice, existing registrants must still use the OP–1 series of forms to apply for additional authorities. FMCSA is assuming that this will be the case for the 3-year period covered by this ICR. This has resulted in an increase in the number of annual responses and burden hours.

As described above, only first-time applicants seeking an FMCSA-issued registration must apply via URS. Under URS, all forms in the OP–1 series, except OP–1(MX), are folded into Form MCSA–1. Information collection activities associated with MCSA–1 are covered under a different ICR, titled ''FMCSA Registration/Updates,'' OMB Control Number 2126–0051.

Title: Licensing Applications for Motor Carrier Operating Authority.

OMB Control Number: 2126–0016.

Type of Request: Renewal of a currently approved collection.

Respondents: Carrier compliance officer or equivalent from motor carriers, motor passenger carriers, freight forwarders, brokers, and certain Mexico-domiciled motor carriers subject to FMCSA's licensing, registration and certification regulations.

Estimated Number of Respondents: 73,538.

Estimated Time per Response: 2 hours for forms OP–1, OP–1(P), and OP–1(FF); 4 hours for forms OP–1(MX) and OP–1(NNA).

Expiration Date: January 31, 2020.

Frequency of Response: Other (as needed).

Estimated Total Annual Burden: 147,124 hours.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including: (1) Whether the proposed collection is necessary for the performance of FMCSA's functions; (2) the accuracy of the estimated burden; (3) ways for FMCSA to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burden could be minimized without reducing the quality of the collected information. The Agency will summarize or include your comments in the request for OMB's clearance of this information collection.

Issued under the authority of 49 CFR 1.87 on: September 5, 2019.

Kelly Regal,

Associate Administrator for Office of Research and Information Technology.

[FR Doc. 2019–19651 Filed 9–10–19; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2019–0204]

Agency Information Collection Activities; Renewal of a Currently-Approved Information Collection: Unified Registration System, FMCSA Registration/Updates

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FMCSA announces its plan to submit the information collection request (ICR) described below to the Office of Management and Budget (OMB) for its review and approval and invites public comment. FMCSA requests approval to renew the ICR titled ''Unified Registration System, FMCSA Registration/Updates,'' OMB Control No. 2126–0051. This ICR applies to new registrants seeking initial operating authority from FMCSA. New registrants seeking operating authority must use online Form MCSA–1, accessible via the Unified Registration System (URS).

DATES: We must receive your comments on or before November 12, 2019.

ADDRESSES: You may submit comments identified by Federal Docket Management System (FDMS) Docket Number FMCSA–2019–0204 using any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Fax:* 1–202–493–2251.
- *Mail:* Docket Operations; 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:* U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Ground Floor, Room W12–140, Washington, DC 20590–0001 between 9 a.m. and 5 p.m. e.t., Monday through Friday, except Federal holidays.

Instructions: All submissions must include the Agency name and docket number. For detailed instructions on submitting comments, see the Public Participation heading below. Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided. Please see the Privacy Act heading below.

Docket: For access to the docket to read background documents or comments received, go to *http://www.regulations.gov,* and follow the online instructions for accessing the dockets, or go to the street address listed above.

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.*

Public Participation: The Federal eRulemaking Portal is available 24 hours each day, 365 days each year. You can obtain electronic submission and retrieval help and guidelines under the ''help'' section of the Federal eRulemaking Portal website. If you want us to notify you that we received your comments, please include a self-addressed, stamped envelope or postcard, or print the acknowledgement page that appears after submitting

comments online. Comments received after the comment closing date will be included in the docket and will be considered to the extent practicable.

FOR FURTHER INFORMATION CONTACT: Mr. Jeff Secrist, Office of Registration and Safety Information, Chief, Registration, Licensing, and Insurance Division, Department of Transportation, Federal Motor Carrier Safety Administration, West Building 6th Floor, 1200 New Jersey Avenue SE, Washington, DC 20590. Telephone: 202–385–2367; email: *jeff.secrist@dot.gov.*

SUPPLEMENTARY INFORMATION:

Background

FMCSA registers for-hire motor carriers of regulated commodities and of passengers, under 49 U.S.C. 13902(a); surface freight forwarders, under 49 U.S.C. 13903; property brokers, under 49 U.S.C. 13904; and certain Mexico-domiciled motor carriers, under 49 U.S.C. 13902(c). These motor carriers may conduct transportation services in the United States only if they are registered with FMCSA. Each registration is effective from the date specified and remains in effect for such period as the Secretary of Transportation (Secretary) determines by regulations.

The Final Rule titled ''Unified Registration System,'' (78 FR 52608) dated August 23, 2013, implemented statutory provisions for an online registration system for entities that are subject to FMCSA's licensing, registration, and certification regulations. URS streamlines the registration process and serves as a clearinghouse and repository of information on motor carriers, brokers, freight forwarders, intermodal equipment providers (IEPs), hazardous materials safety permit (HMSP) applicants, and cargo tank facilities required to register with FMCSA. When developing URS, FMCSA planned that the OP–1 series of forms (except for OP–1(MX)) would ultimately be folded into one overarching form (MCSA–1), which would be used by all motor carriers seeking authority.

FMCSA began a phased rollout of URS in 2015. The first phase, which became effective on December 12, 2015, impacts only first-time applicants seeking an FMCSA-issued registration. FMCSA had planned subsequent rollout phases for existing registrants; however, there have been substantial delays, and subsequent phases have not been rolled out to date.

On January 17, 2017, FMCSA issued a Final Rule titled ''Unified Registration System; Suspension of Effectiveness,'' which indefinitely suspended URS effectiveness dates for existing registrants only (82 FR 5292). Pursuant to this Final Rule, FMCSA is still accepting forms OP–1, OP–1(P), OP–1(FF), and OP–1(NNA) for existing registrants wishing to apply for additional authorities. Separately, FMCSA requires Form OP–1(MX) for Mexico-domiciled carriers that wish to operate beyond the U.S. municipalities on the U.S.-Mexico border and their commercial zones.

As described above, only first-time applicants seeking an FMCSA-issued registration must apply for authority via URS, using Form MCSA–1. Under URS, all forms described in the current ICR, except OP–1(MX), are folded into Form MCSA–1. Information collection activities associated with the OP–1 series of forms are covered under a different ICR, titled ''Licensing Applications for Motor Carrier Operating Authority,'' OMB Control No. 2126–0016.

Form MCSA–1 requests information to identify the applicant, the nature and scope of its proposed operations, safety-related details, and information regarding the drivers and vehicles it plans to use in U.S. operations. FMCSA and the States use registration information collected via Form MCSA–1 to track motor carriers, freight forwarders, brokers, and other entities they regulate. Registering motor carriers is essential to being able to identify carriers so that their safety performance can be tracked and evaluated. The data make it possible to link individual trucks to the responsible motor carrier, thus implementing the mandate under 49 U.S.C. 31136(a)(1); that is, ensuring that CMVs are maintained and operated safely (see Attachment G). In general, registration information collected via Form MCSA–1 informs prioritization of the Agency's activities and aids in assessing and statistically analyzing the safety outcomes of those activities.

The current information collection supports the DOT Strategic Goal of Safety. It streamlines registration processes and ensures that FMCSA can more efficiently track motor carriers, freight forwarders, brokers, and other entities regulated by the Agency.

Changes From Previous Estimates

The previously approved version of this ICR included the following annualized burden estimates: 627,264 respondents; 205,412 burden hours; and $6,066,345 in labor costs. Overall Federal Government costs associated with the previous iteration of this ICR were estimated to be $52,000,000, including staff, IT, and overhead costs.

The current ICR includes the following annualized estimates: 51,875 respondents; 112,396 burden hours; $4,758,447.58 in labor costs. Overall Federal Government costs associated with the current iteration of this ICR are $5,718,240.32, including labor costs and IT support.

As can be seen, there have been significant decreases in the number of respondents, while labor costs to the industry have decreased approximately 22 percent, and costs to the Government have decreased dramatically, by over $45,000,000. Burden hour estimates have also decreased, but not as substantially as the estimated number of respondents. There are several reasons for these changes.

First, the original iteration of this ICR included costs associated with the development, roll-out, and implementation of URS. Those costs are not reflected in this ICR. Instead, estimated costs for ongoing IT maintenance and support of the existing system are included.

Next, FMCSA has experienced delays in rolling out Phase II of URS (which applies to existing registrants) and has indefinitely suspended the effective date of URS requirements for such entities. In the original iteration of this ICR, it was expected that all entities subject to FMCSA licensing and registration requirements would apply for additional authorities and submit biennial update information via URS. However, due to delays in rolling out Phase II of URS, existing registrants must still use the OP–1 series of forms to apply for additional authorities and the MCS–150 to submit their biennial updates. FMCSA is assuming that this will be the case for the 3-year period covered by this ICR. This has resulted in a decrease in the number of annual responses.

While the estimated number of annual responses has decreased by nearly 92 percent, burden hours have only decreased by about 45 percent. This is explained by an increased estimate of the amount of time it takes a motor carrier to complete Form MCSA–1. In the previously approved ICR, FMCSA estimated that it would take 1.34 hours; however, after observing URS activities for the past three years, the Agency estimates that it takes closer to 2 hours and 10 minutes for an applicant to fill out the form. Thus, the estimated burden hours for each respondent have increased over prior years.

Finally, the changes in labor cost to the industry reflect a change in the methodology used to estimate hourly wages for carrier compliance officers,

which resulted in an increase in hourly wage of $13.06 per hour.

Title: Unified Registration System, FMCSA Registration Updates.

OMB Control Number: 2126–0051.

Type of Request: Renewal of a currently approved collection.

Respondents: Carrier compliance officer or equivalent from transportation entities subject to FMCSA's licensing, registration and certification regulations.

Estimated Number of Respondents: 155,625 (51,875 annualized).

Estimated Time per Response: 2 hours and 10 minutes.

Expiration Date: January 31, 2020.

Frequency of Response: One-time information collection.

Estimated Total Annual Burden: 337,188 hours total (112,396 annualized).

Public Comments Invited: You are asked to comment on any aspect of this information collection, including: (1) Whether the proposed collection is necessary for the performance of FMCSA's functions; (2) the accuracy of the estimated burden; (3) ways for FMCSA to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burden could be minimized without reducing the quality of the collected information. The Agency will summarize or include your comments in the request for OMB's clearance of this information collection.

Issued under the authority of 49 CFR 1.87 on: September 5, 2019.

Kelly Regal,

Associate Administrator for Office of Research and Information Technology.

[FR Doc. 2019–19650 Filed 9–10–19; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Regulation Project

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 information collections, as required by the Paperwork Reduction Act of 1995. The IRS is soliciting comments concerning special rules under section 417(a)(7) for written explanation provided by qualified retirement plan after annuity starting dates.

DATES: Written comments should be received on or before November 12, 2019 to be assured of consideration.

ADDRESSES: Direct all written comments to L 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 regulations should be directed to Sara Covington, (202)317–6038, at Internal Revenue Service, room 6526, 1111 Constitution Avenue NW, Washington, DC 20224, or through the internet at *Sara.L.Covington@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Special Rules Under Section 417(a)(7) for Written Explanation Provided by Qualified Retirement Plan After Annuity Starting Dates.

OMB Number: 1545–1724.

Regulation Project Number: T.D. 9076 (REG–109481–99).

Abstract: The collection of information requirement in section 1.417(e)–1(b)(3)(iv)(B) and 1.417(e)–1(b)(3)(v)(A) is required to ensure that a participant and the participant's spouse consent to a form of distribution from a qualified plan that may result in reduced periodic payments.

Current Actions: There is no change to this existing regulation.

Type of Review: Extension of currently approved collection.

Affected Public: Individuals or households, business or other for-profit organizations, and not-for-profit institutions.

Estimated Number of Respondents: 50,000.

Estimated Time per Respondent: 15 minutes.

Estimated Total Annual Burden Hours: 12,500.

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: September 5, 2019.

Sara Covington,

Tax Analyst.

[FR Doc. 2019–19596 Filed 9–10–19; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for T.D. 8649

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 information collections, as required by the Paperwork Reduction Act of 1995. The IRS is soliciting comments concerning netting rule for certain conversion transactions.

DATES: Written comments should be received on or before November 12, 2019 to be assured of consideration.

ADDRESSES: Direct all written comments to L. 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 information collection should be directed to Sara Covington, (202) 317–6038, at Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224, or through the internet, at *Sara.L.Covington@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Regulations Under Section 1258 of the Internal Revenue Code of 1986;

Netting Rule for Certain Conversion Transactions.

OMB Number: 1545–1452.

Regulation Project Number: TD 8649.

Abstract: Internal Revenue Code section 1258 recharacterizes capital gains from conversion transactions as ordinary income to the extent of the time value element. The regulation provides that certain gains and losses may be netted for purposes of determining the amount of gain recharacterized. To be eligible for netting relief, the taxpayer must identify on its books and records all the positions that are part of the conversion transaction. This must be done before the close of the day on which the positions become part of the conversion transaction.

Current Actions: There is no change to this existing regulation.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations, and not-for-profit institutions.

Estimated Number of Respondents: 50,000.

Estimated Time per Respondent: 6 minutes.

Estimated Total Annual Burden Hours: 5,000.

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: September 5, 2019.

Sara Covington,

Tax Analyst.

[FR Doc. 2019–19597 Filed 9–10–19; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Extension of Information Collection Request Submitted for Public Comment; Comment Request Information Returns With Respect to Energy Grants and Financing

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 public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. Currently, the IRS is soliciting comments concerning Form 6497, *Information Return of Nontaxable Energy Grants or Subsidized Energy Financing.*

DATES: Written comments should be received on or before November 12, 2019 to be assured of consideration.

ADDRESSES: Direct all written comments to Laurie Brimmer, Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW, Washington, DC 20224. Requests for additional information or copies of the regulations should be directed to R. Joseph Durbala, at Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW, Washington DC 20224, or through the internet, at *RJoseph.Durbala@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Information Returns with respect to Energy Grants and Financing.

OMB Number: 1545–0232.

Form Number: 6497.

Abstract: Section 6050D of the Internal Code requires an information return to be made by any person who administers a Federal, state, or local program providing nontaxable grants or subsidized energy financing. Form 6497 is used for making the information return. The IRS uses the information from the form to ensure that recipients have not claimed tax credits or other benefits with respect to the grants or subsidized financing.

Current Actions: There is no change to the burden previously approved by OMB. This form is being submitted for renewal purposes only.

Type of Review: Extension of a currently approved collection.

Affected Public: Businesses and other for-profit organizations, and not-for-profit institutions.

Estimated Number of Respondents: 250.

Estimated Time per Respondent: 3 hrs., 14 mins.

Estimated Total Annual Burden Hours: 810.

The following paragraph applies to all 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 if 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.

Desired Focus of Comments: The Internal Revenue Service (IRS) 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 using appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* by permitting electronic submissions of responses.

Comments submitted in response to this notice will be summarized and/or included in the ICR for OMB approval of the extension of the information collection; they will also become a matter of public record.

Approved: September 4, 2019.

R. Joseph Durbala,

IRS Tax Analyst.

[FR Doc. 2019–19584 Filed 9–10–19; 8:45 am]

BILLING CODE 4830–01–P

FEDERAL REGISTER

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Part II

Department of Energy

10 CFR Part 431
Energy Conservation Standards for Computer Room Air Conditioners and Dedicated Outdoor Air Systems; Proposed Rule

DEPARTMENT OF ENERGY

10 CFR Part 431

[EERE–2017–BT–STD–0017]

RIN 1904–AD92

Energy Conservation Standards for Computer Room Air Conditioners and Dedicated Outdoor Air Systems

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

ACTION: Notice of data availability and request for information.

SUMMARY: The U.S. Department of Energy (DOE) is publishing an analysis of the energy savings potential of amended industry consensus standards for certain classes of computer room air conditioners (CRACs) and new industry standards for dedicated outdoor air systems (DOASes), which are types of commercial and industrial equipment. The Energy Policy and Conservation Act of 1975, as amended (EPCA), requires DOE to evaluate and assess whether there is a need to update its energy conservation standards following changes to the relevant industry consensus standards in the American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) Standard 90.1 (ASHRAE Standard 90.1). Additionally under EPCA, DOE must review the existing standards for this equipment at least once every six years and publish either a notice of proposed rulemaking (NOPR) to propose new standards or a notice of determination that the existing standards do not need to be amended. Accordingly, DOE is also initiating an effort to determine whether to amend the current energy conservation standards for classes of CRACs for which DOE has tentatively determined that the updated ASHRAE Standard 90.1 levels are not more stringent than the current Federal standards. This document solicits information from the public to help DOE determine whether amended standards for CRACs and new standards for DOASes would result in significant energy savings and whether such standards would be technologically feasible and economically justified. DOE welcomes written comments from the public on any subject within the scope of this document (including topics not raised in this document), as well as the submission of data and other relevant information.

DATES: Written comments and information are requested and will be accepted on or before October 28, 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–2017–BT–STD–0017 by any of the following methods:

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

2. *Email: CommACHeatingEquipCat2017STD0017@ee.doe.gov.* Include the docket number EERE–2017–BT–STD–0017 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, Energy Conservation Standards NODA and RFI for Certain Categories of Commercial Air-Conditioning and Heating Equipment, 1000 Independence Avenue SW, Washington, DC 20585–0121. 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, 6th Floor, 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 the rulemaking process, see section V of this document (Public Participation).

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* (search EERE–2017–BT–STD–0017). 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://www.regulations.gov/docket?D=EERE-2017-BT-STD-0017.* The docket web page contains instructions on how to access all documents, including public comments, in the docket. See section V of this document, Public Participation, for information on how to submit comments through *http://www.regulations.gov.*

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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.*

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I. Introduction

A. Authority

The Energy Policy and Conservation Act of 1975, as amended (''EPCA''; 42 U.S.C. 6291 *et seq.*),[1] established the Energy Conservation Program for Consumer Products Other Than Automobiles. Title III, Part C[2] of EPCA, Public Law 94–163 (42 U.S.C. 6311–6317, as codified), added by Public Law 95–619, Title IV, § 441(a), established the Energy Conservation Program for Certain Industrial Equipment. This covered equipment includes small, large, and very large commercial package air conditioning and heating equipment, which includes CRACs and DOASes, the subjects of this document. (42 U.S.C. 6311(1)(B)–(D))

Pursuant to 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 EPCA specifically include definitions (42 U.S.C. 6311), energy conservation standards (42 U.S.C. 6313), test procedures (42 U.S.C. 6314), labeling provisions (42 U.S.C. 6315), and the authority to require information and reports from manufacturers (42 U.S.C. 6316).

Federal energy efficiency requirements for covered equipment established under EPCA generally supersede State laws and regulations concerning energy conservation testing, labeling, and standards. (42 U.S.C. 6316(a) and (b); 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 set forth under 42 U.S.C. 6316(b)(2)(D).

In EPCA, Congress initially set mandatory energy conservation standards for certain types of commercial heating, air-conditioning, and water-heating equipment. (42 U.S.C. 6313(a)) Specifically, the statute sets standards for small, large, and very large commercial package air conditioning and heating equipment, packaged terminal air conditioners (PTACs) and packaged terminal heat pumps (PTHPs), warm-air furnaces, packaged boilers, storage water heaters, instantaneous water heaters, and unfired hot water storage tanks. *Id.* In doing so, EPCA established Federal energy conservation standards at levels that generally corresponded to the levels in ASHRAE Standard 90.1, *Energy Standard for Buildings Except Low-Rise Residential Buildings,* as in effect on October 24, 1992 (*i.e.,* ASHRAE Standard 90.1–1989), for each type of covered equipment listed in 42 U.S.C. 6313(a).

In acknowledgement of technological changes that yield energy efficiency benefits, Congress further directed DOE through EPCA to consider amending the existing Federal energy conservation standard for each type of equipment listed, each time ASHRAE amends Standard 90.1 with respect to such equipment. (42 U.S.C. 6313(a)(6)(A)) When triggered in this manner, DOE must undertake and publish an analysis of the energy savings potential of amended energy efficiency standards, and amend the Federal standards to establish a uniform national standard at the minimum level specified in the amended ASHRAE Standard 90.1, unless DOE determines that there is clear and convincing evidence to support a determination that a more-stringent standard level as a national standard would produce significant additional energy savings and be technologically feasible and economically justified. (42 U.S.C. 6313(a)(6)(A)(ii)) If DOE decides to adopt as a national standard the minimum efficiency levels specified in the amended ASHRAE Standard 90.1, DOE must establish such standard not later than 18 months after publication of the amended industry standard. (42 U.S.C. 6313(a)(6)(A)(ii)(I)) However, if DOE determines, supported by clear and convincing evidence, that a more-stringent uniform national standard would result in significant additional conservation of energy and is technologically feasible and economically justified, then DOE must establish such more-stringent uniform national standard not later than 30 months after publication of the amended ASHRAE Standard 90.1.[3] (42 U.S.C. 6313(a)(6)(A)(ii)(II) and (B))

Although EPCA does not explicitly define the term ''amended'' in the context of what type of revision to ASHRAE Standard 90.1 would trigger DOE's obligation, DOE's longstanding interpretation has been that the statutory trigger is an amendment to the standard applicable to that equipment under ASHRAE Standard 90.1 that increases the energy efficiency level for that equipment. *See* 72 FR 10038, 10042 (March 7, 2007). In other words, if the revised ASHRAE Standard 90.1 leaves the energy efficiency level unchanged (or lowers the energy efficiency level), as compared to the energy efficiency level specified by the uniform national standard adopted pursuant to EPCA, regardless of the other amendments made to the ASHRAE Standard 90.1 requirement (*e.g.,* the inclusion of an additional metric), DOE has stated that it does not have the authority to conduct a rulemaking to consider a higher standard for that equipment pursuant to 42 U.S.C. 6313(a)(6)(A). *See* 74 FR 36312, 36313 (July 22, 2009) and 77 FR 28928, 28937 (May 16, 2012). However, DOE notes that Congress adopted amendments to these provisions related to ASHRAE Standard 90.1 equipment under the American Energy Manufacturing Technical Corrections Act (Pub. L. 112–210 (Dec. 18, 2012); ''AEMTCA''). In relevant part, DOE is prompted to act whenever ASHRAE Standard 90.1 is amended with respect to ''the standard levels or design requirements applicable under that standard'' to any of the enumerated types of commercial air conditioning, heating, or water heating equipment. (42 U.S.C. 6313(a)(6)(A)(i)).

EPCA does not detail the exact type of amendment that serves as a triggering event. However, DOE has considered whether its obligation is triggered in the context of whether the specific ASHRAE Standard 90.1 requirement on which the most current Federal requirement is

[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 (Oct. 23, 2018).

[2] For editorial reasons, upon codification in the U.S. Code, Part C was redesignated Part A–1.

[3] In determining whether a more-stringent standard is economically justified, EPCA directs DOE to determine, after receiving views and comments from the public, whether the benefits of the proposed standard exceed the burdens of the proposed standard by, to the maximum extent practicable, considering the following:

(1) The economic impact of the standard on the manufacturers and consumers of the products subject to the standard;

(2) The savings in operating costs throughout the estimated average life of the product compared to any increases in the initial cost or maintenance expense;

(3) The total projected amount of energy savings likely to result directly from the standard;

(4) Any lessening of the utility or the performance of the products likely to result from the standard;

(5) The impact of any lessening of competition, as determined in writing by the Attorney General, that is likely to result from the standard;

(6) The need for national energy conservation; and

(7) Other factors the Secretary considers relevant.

(42 U.S.C. 6313(a)(6)(B)(ii)).

based is amended (*i.e.,* the regulatory metric). For example, if an amendment to ASHRAE Standard 90.1 changed the metric for the standard on which the Federal requirement was based, DOE would perform a crosswalk analysis to determine whether the amended metric under ASHRAE Standard 90.1 resulted in an energy efficiency level that was more stringent than the current DOE standard. Conversely, if an amendment to ASHRAE Standard 90.1 were to add an additional metric by which a class of equipment is to be evaluated, but did not amend the requirement that is in terms of the metric on which the Federal requirement was based, DOE would not consider its obligation triggered.[4]

In addition, DOE has explained that its authority to adopt an ASHRAE amendment is limited based on the definition of ''energy conservation standard.'' 74 FR 36312, 36322 (July 22, 2009). In general, an ''energy conservation standard'' is limited, per the statutory definition, to either a performance standard *or* a design requirement. (42 U.S.C. 6311(18)) Informed by the ''energy conservation standard'' definition, DOE has stated that adoption of an amendment to ASHRAE Standard 90.1 ''that establishes both a performance standard and a design requirement is beyond the scope of DOE's legal authority, as would be a standard that included more than one design requirement.'' 74 FR 36312, 36322 (July 22, 2009).

As noted, the ASHRAE Standard 90.1 provision in EPCA acknowledges technological changes that yield energy efficiency benefits, as well as continuing development of industry standards and test methods. Amendments to a uniform national standard provide Federal requirements that continue to reflect energy efficiency improvements identified by industry. Amendments to a uniform national standard that reflect the relevant amended versions of ASHRAE Standard 90.1 would also help reduce compliance and test burdens on manufacturers by harmonizing the Federal requirements, when appropriate, with industry best practices. This harmonization would be further facilitated by establishing not only consistent energy efficiency levels and design requirements between ASHRAE Standard 90.1 and the Federal requirements, but comparable metrics as well.

As stated previously, DOE has limited its review under the ASHRAE Standard 90.1 provisions in EPCA to the equipment classes that are subject to the ASHRAE Standard 90.1 amendment. DOE has stated that if ASHRAE has not amended a standard for an equipment class subject to 42 U.S.C. 6313, there is no change that would require action by DOE to consider amending the uniform national standard to maintain consistency with ASHRAE Standard 90.1. See, 72 FR 10038, 10042 (March 7, 2007); 77 FR 36312, 36320–36321 (July 22, 2009); 80 FR 42614, 42617 (July 17, 2015).

In those situations where ASHRAE has not acted to amend the levels in Standard 90.1 for the equipment types enumerated in the statute, EPCA also provides for a 6-year-lookback to consider the potential for amending the uniform national standards. (42 U.S.C. 6313(a)(6)(C)) Specifically, pursuant to the amendments to EPCA under AEMTCA, DOE is required to conduct an evaluation of each class of covered equipment in ASHRAE Standard 90.1 ''every 6 years'' to determine whether the applicable energy conservation standards need to be amended. (42 U.S.C. 6313(a)(6)(C)(i)) DOE must publish either a notice of proposed rulemaking (NOPR) to propose amended standards or a notice of determination that existing standards do not need to be amended. (42 U.S.C. 6313(a)(6)(C)) In proposing new standards under the 6-year review, DOE must undertake the same considerations as if it were adopting a standard that is more stringent than an amendment to ASHRAE Standard 90.1. (42 U.S.C. 6313(a)(6)(C)(i)(II)) This is a separate statutory review obligation, as differentiated from the obligation triggered by an ASHRAE Standard 90.1 amendment. While the statute continues to defer to ASHRAE's lead on covered equipment subject to Standard 90.1, it does allow for a comprehensive review of all such equipment and the potential for adopting more-stringent standards, where supported by the requisite clear and convincing evidence. That is, DOE interprets ASHRAE's not amending Standard 90.1 with respect to a product or equipment type as ASHRAE's determination that the standard applicable to that product or equipment type is already at an appropriate level of stringency, and DOE will not amend that standard unless there is clear and convincing evidence that a more stringent level is justified.

As a preliminary step in the process of reviewing the changes to ASHRAE Standard 90.1, EPCA directs DOE to publish in the **Federal Register** for public comment an analysis of the energy savings potential of amended standards within 180 days after ASHRAE Standard 90.1 is amended with respect to any of the covered equipment specified under 42 U.S.C. 6313(a). (42 U.S.C. 6313(a)(6)(A)).

On October 26, 2016, ASHRAE officially released for distribution and made public ASHRAE Standard 90.1–2016. This action by ASHRAE triggered DOE's obligations under 42 U.S.C. 6313(a)(6), as outlined previously. This notice of data availability (NODA) presents the analysis of the energy savings potential of amended energy efficiency standards, as required under 42 U.S.C. 6313(a)(6)(A)(i). DOE is also taking this opportunity to collect data and information regarding other CRAC equipment classes for which it was not triggered by ASHRAE but for which DOE plans to conduct a concurrent 6-year-lookback review. (42 U.S.C. 6313(a)(6)(C)) Such information will help DOE inform its decisions, consistent with its obligations under EPCA.

CRAC Issue 1: DOE seeks comment on whether, in the context of its consideration of more-stringent standards, there have been sufficient technological or market changes for CRACs since the most recent standards update that may justify a new rulemaking to consider more-stringent standards. Specifically, DOE seeks data and information that could enable the agency to determine whether DOE should propose a ''no new standard'' determination because a more-stringent standard: (1) Would not result in significant additional savings of energy; (2) is not technologically feasible; (3) is not economically justified; or (4) any combination of the foregoing.

B. Purpose of the Notice of Data Availability

As explained previously, DOE is publishing this NODA as a preliminary step pursuant to EPCA's requirements for DOE to consider amended standards for certain categories of commercial equipment covered by ASHRAE Standard 90.1, whenever ASHRAE amends its standard to increase the energy efficiency level for an equipment class within a given equipment category. Specifically, this NODA presents for public comment DOE's analysis of the potential energy savings for amended national energy conservation standards for these categories of commercial equipment

[4] See the May 16, 2012, final rule for small, large, and very large water-cooled and evaporatively-cooled commercial package air conditioners, and variable refrigerant flow (VRF) water-source heat pumps with cooling capacity less than 17,000 Btu/h, in which DOE states that ''if the revised ASHRAE Standard 90.1 leaves the standard level unchanged or lowers the standard, *as compared to the level specified by the national standard adopted pursuant to EPCA,* DOE does not have the authority to conduct a rulemaking to consider a higher standard for that equipment pursuant to 42 U.S.C. 6313(a)(6)(A). 77 FR 28928, 28929 (emphasis added). See also, 74 FR 36312, 36313 (July 22, 2009).

based on: (1) The amended efficiency levels contained within ASHRAE Standard 90.1–2016, and (2) more-stringent efficiency levels. DOE describes these analyses and preliminary conclusions and seeks input from interested parties, including the submission of data and other relevant information. DOE is also taking the opportunity to consider the potential for more-stringent standards for the other equipment classes of the subject equipment types (*i.e.,* where DOE was not triggered) under EPCA's 6-year-lookback authority.

DOE carefully examined the changes for equipment in ASHRAE Standard 90.1 in order to thoroughly evaluate the amendments in ASHRAE 90.1–2016, thereby permitting DOE to determine what action, if any, is required under its statutory mandate. DOE also will carefully examine the energy savings potential for other equipment classes where it was not triggered, so as to conduct a thorough review for an entire equipment category. Section II of this NODA contains DOE's evaluation of the amendments in ASHRAE 90.1–2016. For equipment classes preliminarily determined to have increased efficiency levels or changes in design requirements in ASHRAE Standard 90.1–2016, DOE subjected that equipment to further analysis as discussed in section III of this NODA. Section IV requests comment for those equipment classes for which efficiency levels and design requirements have not been increased or changed in ASHRAE 90.1–2016, but are undergoing review under EPCA's 6-year lookback authority.

In summary, the energy savings analysis presented in this NODA is a preliminary step required under 42 U.S.C. 6313(a)(6)(A)(i). DOE is also treating it as an opportunity to gather information regarding its obligations under 42 U.S.C. 6313(a)(6)(C). After review of the public comments on this NODA, if DOE determines that the amended efficiency levels in ASHRAE Standard 90.1–2016 have the potential for additional energy savings for classes of equipment currently covered by uniform national standards, DOE will commence a rulemaking to amend standards based upon the efficiency levels in ASHRAE Standard 90.1–2016 or, where supported by clear and convincing evidence, consider more-stringent efficiency levels that would be expected to result in significant additional conservation of energy and are technologically feasible and economically justified. If DOE determines it appropriate to conduct such a rulemaking under the statute, DOE will address the anti-backsliding provision,[5] and if DOE determines it appropriate to conduct a rulemaking to establish more-stringent efficiency levels, DOE will also address the general rulemaking requirements applicable under 42 U.S.C. 6313(a)(6)(B), such as, the criteria for making a determination of economic justification as to whether the benefits of the proposed standard exceed the burden of the proposed standard,[6] and the prohibition on making unavailable existing products with performance characteristics generally available in the United States.[7]

C. Rulemaking Background

EPCA defines ''commercial package air conditioning and heating equipment'' as air-cooled, water-cooled, evaporatively-cooled, or water source (not including ground water source) electrically operated, unitary central air conditioners and central air conditioning heat pumps for commercial application. (42 U.S.C. 6311(8)(A); 10 CFR 431.92) EPCA further classifies ''commercial package air conditioning and heating equipment'' into categories based on cooling capacity (*i.e.,* small, large, and very large categories). (42 U.S.C. 6311(8)(B)–(D); 10 CFR 431.92) ''Small commercial package air conditioning and heating equipment'' means equipment rated below 135,000 Btu per hour (cooling capacity). (42 U.S.C. 6311(8)(B); 10 CFR 431.92) ''Large commercial package air conditioning and heating equipment'' means equipment rated: (i) At or above 135,000 Btu per hour; and (ii) below 240,000 Btu per hour (cooling capacity). (42 U.S.C. 6311(8)(C); 10 CFR 431.92) ''Very large commercial package air conditioning and heating equipment'' means equipment rated: (i) At or above 240,000 Btu per hour; and (ii) below 760,000 Btu per hour (cooling capacity). (42 U.S.C. 6311(8)(D); 10 CFR 431.92) DOE generally refers to these broad classifications as ''equipment types.''

Pursuant to its authority under EPCA (42 U.S.C. 6313(a)(6)(A)) and in response to updates to ASHRAE Standard 90.1, DOE has established additional categories of equipment that meet the EPCA definition of ''commercial package air conditioning and heating equipment,'' but which EPCA did not expressly identify. These equipment categories include CRACs (*see* 10 CFR 431.92 and 10 CFR 431.97) and DOASes, for which ASHRAE Standard 90.1–2016 established a new category. Within these additional equipment categories, further distinctions are made at the equipment class level based on capacity and other equipment attributes.

DOE's current energy conservation standards for 30 equipment classes of CRACs are codified at 10 CFR 431.97. DOE defines ''computer room air conditioner'' as a commercial package air-conditioning and heating equipment (packaged or split) that is: Used in computer rooms, data processing rooms, or other information technology cooling applications; rated for sensible coefficient of performance (SCOP) and tested in accordance with 10 CFR 431.96, and is not a covered product under 42 U.S.C. 6291(1)–(2) and 6292. A computer room air conditioner may be provided with, or have as available options, an integrated humidifier, temperature, and/or humidity control of the supplied air, and reheating function. 10 CFR 431.92.

DOE's regulations include test procedures and energy conservation standards that apply to the current CRAC equipment classes that are differentiated by condensing system type (air-cooled, water-cooled, water-cooled with fluid economizer, glycol-cooled, or glycol-cooled with fluid economizer), net sensible cooling capacity (less than 65,000 Btu/h, greater than or equal to 65,000 Btu/h and less than 240,000 Btu/h, or greater than or equal to 240,000 Btu/h and less than 760,000 Btu/h), and direction of

[5] The anti-backsliding provision mandates that the Secretary may not prescribe any amended standard that either increases the maximum allowable energy use or decreases the minimum required energy efficiency of a covered product. (42 U.S.C. 6313 (a)(6)(B)(iii)(I)).

[6] In deciding whether a potential standard's benefits outweigh its burdens, DOE must consider to the maximum extent practicable, the following seven factors:

(1) The economic impact on manufacturers and consumers of the product subject to the standard;

(2) The savings in operating costs throughout the estimated average life of the product in the type (or class), compared to any increase in the price, initial charges, or maintenance expenses of the products likely to result from the standard;

(3) The total projected amount of energy savings likely to result directly from the standard;

(4) Any lessening of product utility or performance of the product likely to result from the standard;

(5) The impact of any lessening of competition, as determined in writing by the Attorney General, likely to result from the standard;

(6) The need for national energy conservation; and

(7) Other factors the Secretary considers relevant.

(42 U.S.C. 6313(a)(6)(B)(ii)(I)–(VII)).

[7] The Secretary may not prescribe an amended standard if interested persons have established by a preponderance of evidence that the amended standard would likely result in unavailability in the U.S. of any covered product type (or class) of performance characteristics (including reliability, features, capacities, sizes, and volumes) that are substantially the same as those generally available in the U.S. at the time of the Secretary's finding. (42 U.S.C. 6313(a)(6)(B)(iii)(II)).

conditioned air over the cooling coil (upflow or downflow). 10 CFR 431.96 and 10 CFR 431.97, respectively.

DOE's test procedure for CRACs, set forth at 10 CFR 431.96, currently incorporates by reference ANSI/ASHRAE Standard 127–2007 (''ASHRAE 127–2007''), ''Method of Testing for Rating Computer and Data Processing Room Unitary Air Conditioners,'' (omit section 5.11), with additional provisions indicated in 10 CFR 431.96(c) and (e). The energy efficiency metric is sensible coefficient of performance (SCOP) for all CRAC equipment classes. ASHRAE 90.1–2016 updated its test procedure reference for CRACs from ASHRAE 127–2007 to AHRI 1360–2016, ''Performance Rating of Computer and Data Processing Room Air Conditioners,'' which in turn references ANSI/ASHRAE Standard 127–2012, ''Method of Testing for Rating Computer and Data Processing Room Unitary Air Conditioners''.

The energy conservation standards for CRACs were most recently amended through the final rule for energy conservation standards and test procedures for certain commercial HVAC and water heating equipment published in the **Federal Register** on May 16, 2012 (''May 2012 final rule''). 77 FR 28928. The May 2012 final rule established separate equipment classes for CRACs and adopted energy conservation standards that generally correspond to the levels in the 2010 revision of ASHRAE Standard 90.1 for most of the equipment classes.

As noted previously, on October 26, 2016, ASHRAE officially released for distribution and made public ASHRAE Standard 90.1–2016. ASHRAE Standard 90.1–2016 revised the efficiency levels for certain commercial equipment, including certain classes of CRACs (as discussed in the following section). Also, as stated, ASHRAE Standard 90.1–2016 established a new category for DOASes.[8]

II. Discussion of Changes in ASHRAE Standard 90.1–2016

Before beginning an analysis of the potential energy savings that would result from adopting a uniform national standard as specified by ASHRAE Standard 90.1–2016 or more-stringent uniform national standards, DOE must first determine whether the ASHRAE Standard 90.1–2016 standard levels actually represent an increase in efficiency above the current Federal standard levels or whether ASHRAE Standard 90.1–2016 adopted new design requirements, thereby triggering DOE action.

This section contains a discussion of each equipment class where the ASHRAE Standard 90.1–2016 efficiency levels differ from the ASHRAE Standard 90.1–2013 level(s)[9] (based on a rating metric used in the relevant Federal energy conservation standards) or where ASHRAE created new equipment classes, along with DOE's preliminary conclusion regarding the appropriate action to take with respect to that equipment. DOE is also examining the other equipment classes for the triggered equipment categories under its 6-year-lookback authority. (42 U.S.C. 6313(a)(6)(C)).

As noted above, ASHRAE Standard 90.1–2016 adopted efficiency levels for all CRAC equipment classes in terms of NSenCOP (measured per AHRI 1360–2016), whereas DOE's current standards are in terms of SCOP (measured per ASHRAE 127–2007). For this NODA, DOE's analysis focuses on whether DOE has been triggered by ASHRAE 90.1–2016 updates to minimum efficiency levels for CRACs and whether more-stringent standards are warranted; DOE will consider whether to adopt the NSenCOP metric for all CRAC equipment classes as part of the ongoing test procedure rulemaking. As discussed in detail in the following section, DOE has conducted a crosswalk analysis of the ASHRAE Standard 90.1 standard levels that rely on NSenCOP and the efficiency levels of the corresponding Federal energy conservation standard that rely on SCOP to compare the stringencies. DOE has tentatively determined that the updates in ASHRAE Standard 90.1–2016 increased the stringency of efficiency levels for five equipment classes, maintained equivalent levels for three equipment classes, and reduced stringency for 37 classes of CRACs relative to the current Federal standard. In addition, ASHRAE Standard 90.1–2016 added efficiency levels for 15 classes of horizontal-flow[10] CRACs which do not currently have a Federal standard.

ASHRAE Standard 90.1–2016 also adopted standards for DOASes, which previously did not have energy efficiency levels specified. ASHRAE Standard 90.1–2016 specifies standards for 12 classes of DOASes. As currently there are no Federal standards for DOASes, no comparison of efficiency levels to the current DOE standards levels was necessary.

Table II.1 shows the CRAC and DOAS equipment classes provided in ASHRAE Standard 90.1–2016, the efficiency levels for these classes in ASHRAE Standard 90.1–2016, and the corresponding efficiency levels in ASHRAE Standard 90.1–2013 (for CRACs only). For CRACs, Table II.1 also displays the corresponding existing Federal energy conservation standards. As noted previously, for CRACs, ASHRAE Standard 90.1–2016 adopted efficiency levels in terms of NSenCOP (based on the AHRI 1360 test procedure), whereas DOE's current standards are in terms of SCOP (based on the test procedures in ASHRAE 127–2007). DOE performed an analysis to translate the current DOE standards to NSenCOP values (''crosswalk analysis''). The crosswalk analysis then allowed DOE to compare whether the ASHRAE Standard 90.1–2016 efficiency levels are more stringent than the corresponding Federal standards. (See section II.A of this NODA for further discussion on the crosswalk analysis performed for CRACs.) Table II.1 also indicates whether the update in ASHRAE Standard 90.1–2016 triggers DOE's evaluation as required under EPCA (*i.e.,* whether the update results in a standard level more stringent than the current Federal level). For DOASes, there are currently no Federal standards; therefore, DOE's evaluation as required under EPCA is triggered for all DOAS efficiency levels added in ASHRAE Standard 90.1–2016. The remainder of this section assesses each of these equipment classes and describes whether the amendments in ASHRAE Standard 90.1–2016 constitute amendments necessitating further analysis of the potential energy savings from corresponding amendments to the Federal energy conservation standards.

[8] ASHRAE Standard 90.1–2016 also revised standards for certain classes of VRF multi-split systems. DOE is addressing VRF multi-split systems in a separate document, as this equipment is the subject of a negotiated rulemaking under the auspices of the Appliance Standards and Rulemaking Federal Advisory Committee (ASRAC). See, *https://www1.eere.energy.gov/buildings/appliance_standards/standards.aspx?productid=71&action=viewlive.* For the remaining equipment, ASHRAE left in place the preexisting levels (*i.e.,* the efficiency levels specified in EPCA or the efficiency levels in ASHRAE Standard 90.1–2013).

[9] ASHRAE Standard 90.1–2016 did not change any of the design requirements for the commercial heating, air conditioning, and water heating equipment covered by EPCA, so this potential category of change is not discussed in this section.

[10] ''Horizontal flow'' refers to the direction of airflow of the unit.

TABLE II.1—ENERGY EFFICIENCY LEVELS FOR CRACS AND DOASES IN ASHRAE STANDARD 90.1–2016, AND THE CORRESPONDING LEVELS IN ASHRAE STANDARD 90.1–2013 AND THE FEDERAL ENERGY CONSERVATION STANDARDS [1]

ASHRAE standard 90.1–2016 equipment class [1]	Energy efficiency levels in ASHRAE standard 90.1–2013 (as corrected) [2]	Energy efficiency levels in ASHRAE standard 90.1–2016	Federal energy conservation standards	DOE triggered by ASHRAE standard 90.1–2016 amendment?
Commercial Package Air-Conditioning and Heating Equipment—Computer Room Air Conditioners [3]				
CRAC, Air-Cooled, <65,000 Btu/h, Downflow	2.20 SCOP	2.30 NSenCOP	2.20 SCOP	No.[4]
CRAC, Air-Cooled, <65,000 Btu/h, Horizontal-flow	N/A	2.45 NSenCOP	N/A	Yes.[5]
CRAC, Air-Cooled, <65,000 Btu/h, Upflow Ducted	2.09 SCOP	2.10 NSenCOP	2.09 SCOP	No.[4]
CRAC, Air-Cooled, <65,000 Btu/h, Upflow Non-Ducted.	2.09 SCOP	2.09 NSenCOP	2.09 SCOP	No.[6]
CRAC, Air-Cooled, ≥65,000 and <240,000 Btu/h, Downflow.	2.10 SCOP	2.20 NSenCOP	2.10 SCOP	No.[4]
CRAC, Air-Cooled, ≥65,000 and <240,000 Btu/h, Horizontal-flow.	N/A	2.35 NSenCOP	N/A	Yes.[5]
CRAC, Air-Cooled, ≥65,000 and <240,000 Btu/h, Upflow Ducted.	1.99 SCOP	2.05 NSenCOP	1.99 SCOP	No.[4]
CRAC, Air-Cooled, ≥65,000 and <240,000 Btu/h, Upflow Non-Ducted.	1.99 SCOP	1.99 NSenCOP	1.99 SCOP	No.[6]
CRAC, Air-Cooled, ≥240,000 Btu/h and <760,000 Btu/h, Downflow.	1.90 SCOP	2.00 NSenCOP	1.90 SCOP	No.[4]
CRAC, Air-Cooled, ≥240,000 Btu/h and <760,000 Btu/h, Horizontal-flow.	N/A	2.15 NSenCOP	N/A	Yes.[5]
CRAC, Air-Cooled, ≥240,000 Btu/h and <760,000 Btu/h, Upflow Ducted.	1.79 SCOP	1.85 NSenCOP	1.79 SCOP	No.[4]
CRAC, Air-Cooled, ≥240,000 Btu/h and <760,000 Btu/h, Upflow Non-ducted.	1.79 SCOP	1.79 NSenCOP	1.79 SCOP	No.[6]
CRAC, Water-Cooled, <65,000 Btu/h, Downflow	2.60 SCOP	2.50 NSenCOP	2.60 SCOP	No.[4]
CRAC, Water-Cooled, <65,000 Btu/h, Horizontal-flow.	N/A	2.70 NSenCOP	N/A	Yes.[5]
CRAC, Water-Cooled, <65,000 Btu/h, Upflow Ducted.	2.49 SCOP	2.30 NSenCOP	2.49 SCOP	No.[4]
CRAC, Water-Cooled, <65,000 Btu/h, Upflow Non-ducted.	2.49 SCOP	2.25 NSenCOP	2.49 SCOP	No.[4]
CRAC, Water-Cooled, ≥65,000 and <240,000 Btu/h, Downflow.	2.50 SCOP	2.40 NSenCOP	2.50 SCOP	No.[4]
CRAC, Water-Cooled, ≥65,000 and <240,000 Btu/h, Horizontal-flow.	N/A	2.60 NSenCOP	N/A	Yes.[5]
CRAC, Water-Cooled, ≥65,000 and <240,000 Btu/h, Upflow Ducted.	2.39 SCOP	2.20 NSenCOP	2.39 SCOP	No.[4]
CRAC, Water-Cooled, ≥65,000 and <240,000 Btu/h, Upflow Non-ducted.	2.39 SCOP	2.15 NSenCOP	2.39 SCOP	No.[4]
CRAC, Water-Cooled, ≥240,000 Btu/h and <760,000 Btu/h, Downflow.	2.40 SCOP	2.25 NSenCOP	2.40 SCOP	No.[4]
CRAC, Water-Cooled, ≥240,000 Btu/h and <760,000 Btu/h, Horizontal-flow.	N/A	2.45 NSenCOP	N/A	Yes.[5]
CRAC, Water-Cooled, ≥240,000 Btu/h and <760,000 Btu/h, Upflow Ducted.	2.29 SCOP	2.10 NSenCOP	2.29 SCOP	No.[4]
CRAC, Water-Cooled, ≥240,000 Btu/h and <760,000 Btu/h, Upflow Non-ducted.	2.29 SCOP	2.05 NSenCOP	2.29 SCOP	No.[4]
CRAC, Water-Cooled with fluid economizer, <65,000 Btu/h, Downflow.	2.55 SCOP	2.45 NSenCOP	2.55 SCOP	No.[4]
CRAC, Water-Cooled with fluid economizer, <65,000 Btu/h, Horizontal-flow.	N/A	2.60 NSenCOP	N/A	Yes.[5]
CRAC, Water-Cooled with fluid economizer, <65,000 Btu/h, Upflow Ducted.	2.44 SCOP	2.25 NSenCOP	2.44 SCOP	No.[4]
CRAC, Water-Cooled with fluid economizer, <65,000 Btu/h, Upflow Non-ducted.	2.44 SCOP	2.20 NSenCOP	2.44 SCOP	No.[4]
CRAC, Water-Cooled with fluid economizer, ≥65,000 and <240,000 Btu/h, Downflow.	2.45 SCOP	2.35 NSenCOP	2.45 SCOP	No.[4]
CRAC, Water-Cooled with fluid economizer, ≥65,000 and <240,000 Btu/h, Horizontal-flow.	N/A	2.55 NSenCOP	N/A	Yes.[5]
CRAC, Water-Cooled with fluid economizer, ≥65,000 and <240,000 Btu/h, Upflow Ducted.	2.34 SCOP	2.15 NSenCOP	2.34 SCOP	No.[4]
CRAC, Water-Cooled with fluid economizer, ≥65,000 and <240,000 Btu/h, Upflow Non-ducted.	2.34 SCOP	2.10 NSenCOP	2.34 SCOP	No.[4]
CRAC, Water-Cooled with fluid economizer, ≥240,000 Btu/h and <760,000 Btu/h, Downflow.	2.35 SCOP	2.20 NSenCOP	2.35 SCOP	No.[4]
CRAC, Water-Cooled with fluid economizer, ≥240,000 Btu/h and <760,000 Btu/h, Horizontal-flow.	N/A	2.40 NSenCOP	N/A	Yes.[5]

TABLE II.1—ENERGY EFFICIENCY LEVELS FOR CRACS AND DOASES IN ASHRAE STANDARD 90.1–2016, AND THE CORRESPONDING LEVELS IN ASHRAE STANDARD 90.1–2013 AND THE FEDERAL ENERGY CONSERVATION STANDARDS [1]—Continued

ASHRAE standard 90.1–2016 equipment class [1]	Energy efficiency levels in ASHRAE standard 90.1–2013 (as corrected) [2]	Energy efficiency levels in ASHRAE standard 90.1–2016	Federal energy conservation standards	DOE triggered by ASHRAE standard 90.1–2016 amendment?
CRAC, Water-Cooled with fluid economizer, ≥240,000 Btu/h and <760,000 Btu/h, Upflow Ducted.	2.24 SCOP	2.05 NSenCOP	2.24 SCOP	No.[4]
CRAC, Water-Cooled with fluid economizer, ≥240,000 Btu/h and <760,000 Btu/h, Upflow Non-ducted.	2.24 SCOP	2.00 NSenCOP	2.24 SCOP	No.[4]
CRAC, Glycol-Cooled, <65,000 Btu/h, Downflow	2.50 SCOP	2.30 NSenCOP	2.50 SCOP	No.[4]
CRAC, Glycol-Cooled, <65,000 Btu/h, Horizontal-flow.	N/A	2.40 NSenCOP	N/A	Yes.[5]
CRAC, Glycol-Cooled, <65,000 Btu/h, Upflow Ducted.	2.39 SCOP	2.10 NSenCOP	2.39 SCOP	No.[4]
CRAC, Glycol-Cooled, <65,000 Btu/h, Upflow Non-ducted.	2.39 SCOP	2.00 NSenCOP	2.39 SCOP	No.[4]
CRAC, Glycol-Cooled, ≥65,000 and <240,000 Btu/h, Downflow.	2.15 SCOP	2.05 NSenCOP	2.15 SCOP	No.[4]
CRAC, Glycol-Cooled, ≥65,000 and <240,000 Btu/h, Horizontal-flow.	N/A	2.15 NSenCOP	N/A	Yes.[5]
CRAC, Glycol-Cooled, ≥65,000 and <240,000 Btu/h, Upflow Ducted.	2.04 SCOP	1.85 NSenCOP	2.04 SCOP	No.[4]
CRAC, Glycol-Cooled, ≥65,000 and <240,000 Btu/h, Upflow Non-ducted.	2.04 SCOP	1.85 NSenCOP	2.04 SCOP	Yes.
CRAC, Glycol-Cooled, ≥240,000 Btu/h and <760,000 Btu/h, Downflow.	2.10 SCOP	1.95 NSenCOP	2.10 SCOP	No.[4]
CRAC, Glycol-Cooled, ≥240,000 Btu/h and <760,000 Btu/h, Horizontal-flow.	N/A	2.10 NSenCOP	N/A	Yes.[5]
CRAC, Glycol-Cooled, ≥240,000 Btu/h and <760,000 Btu/h, Upflow Ducted.	1.99 SCOP	1.80 NSenCOP	1.99 SCOP	No.[4]
CRAC, Glycol-Cooled, ≥240,000 Btu/h and <760,000 Btu/h, Upflow Non-ducted.	1.99 SCOP	1.75 NSenCOP	1.99 SCOP	Yes.
CRAC, Glycol-Cooled with fluid economizer, <65,000 Btu/h, Downflow.	2.45 SCOP	2.25 NSenCOP	2.45 SCOP	No.[4]
CRAC, Glycol-Cooled with fluid economizer, <65,000 Btu/h, Horizontal-flow.	N/A	2.35 NSenCOP	N/A	Yes.[5]
CRAC, Glycol-Cooled with fluid economizer, <65,000 Btu/h, Upflow Ducted.	2.34 SCOP	2.10 NSenCOP	2.34 SCOP	No.[4]
CRAC, Glycol-Cooled with fluid economizer, <65,000 Btu/h, Upflow Non-ducted.	2.34 SCOP	2.00 NSenCOP	2.34 SCOP	Yes.
CRAC, Glycol-Cooled with fluid economizer, ≥65,000 and <240,000 Btu/h, Downflow.	2.10 SCOP	1.95 NSenCOP	2.10 SCOP	No.[4]
CRAC, Glycol-Cooled with fluid economizer, ≥65,000 and <240,000 Btu/h, Horizontal-flow.	N/A	2.10 NSenCOP	N/A	Yes.[5]
CRAC, Glycol-Cooled with fluid economizer, ≥65,000 and <240,000 Btu/h, Upflow Ducted.	1.99 SCOP	1.80 NSenCOP	1.99 SCOP	No.[4]
CRAC, Glycol-Cooled with fluid economizer, ≥65,000 and <240,000 Btu/h, Upflow Non-ducted.	1.99 SCOP	1.75 NSenCOP	1.99 SCOP	Yes.
CRAC, Glycol-Cooled with fluid economizer, ≥240,000 Btu/h and <760,000 Btu/h, Downflow.	2.05 SCOP	1.90 NSenCOP	2.05 SCOP	No.[4]
CRAC, Glycol-Cooled with fluid economizer, ≥240,000 Btu/h and <760,000 Btu/h, Horizontal-flow.	N/A	2.10 NSenCOP	N/A	Yes.[5]
CRAC, Glycol-Cooled with fluid economizer, ≥240,000 Btu/h and <760,000 Btu/h, Upflow Ducted.	1.94 SCOP	1.80 NSenCOP	1.94 SCOP	No.[4]
CRAC, Glycol-Cooled with fluid economizer, ≥240,000 Btu/h and <760,000 Btu/h, Upflow Non-ducted.	1.94 SCOP	1.70 NSenCOP	1.94 SCOP	Yes.
Electrically-Operated Direct Expansion (DX)-Dedicated Outdoor Air System Units, Single-Package and Remote Condenser				
DOAS, Air-Cooled, without energy recovery	N/A	4.0 ISMRE	N/A	Yes.
DOAS, Air-Cooled, with energy recovery	N/A	5.2 ISMRE	N/A	Yes.
DOAS, Air-Source heat pumps, without energy recovery.	N/A	4.0 ISMRE, 2.7 ISCOP	N/A	Yes.[7]
DOAS, Air-Source heat pumps, with energy recovery.	N/A	5.2 ISMRE, 3.3 ISCOP	N/A	Yes.[7]

TABLE II.1—ENERGY EFFICIENCY LEVELS FOR CRACS AND DOASES IN ASHRAE STANDARD 90.1–2016, AND THE CORRESPONDING LEVELS IN ASHRAE STANDARD 90.1–2013 AND THE FEDERAL ENERGY CONSERVATION STANDARDS [1]—Continued

ASHRAE standard 90.1–2016 equipment class [1]	Energy efficiency levels in ASHRAE standard 90.1–2013 (as corrected) [2]	Energy efficiency levels in ASHRAE standard 90.1–2016	Federal energy conservation standards	DOE triggered by ASHRAE standard 90.1–2016 amendment?
DOAS, Water-cooled: Cooling tower condenser water, without energy recovery.	N/A	4.9 ISMRE	N/A	Yes.[7]
DOAS, Water-cooled: Cooling tower condenser water, with energy recovery.	N/A	5.3 ISMRE	N/A	Yes.[7]
DOAS, Water-cooled: Chilled water, without energy recovery.	N/A	6.0 ISMRE	N/A	Yes.[8]
DOAS, Water-cooled: Chilled water, with energy recovery.	N/A	6.6 ISMRE	N/A	Yes.[9]
DOAS, Water-source: Ground-source, closed loop, without energy recovery.	N/A	4.8 ISMRE, 2.0 ISCOP	N/A	Yes.[10]
DOAS, Water-source: Ground-source, closed loop, with energy recovery.	N/A	5.2 ISMRE, 3.8 ISCOP	N/A	Yes.[11]
DOAS, Water-source: Ground-water source, without energy recovery.	N/A	5.0 ISMRE, 3.2 ISCOP	N/A	Yes.
DOAS, Water-source: Ground-water source, with energy recovery.	N/A	5.8 ISMRE, 4.0 ISCOP	N/A	Yes.
DOAS, Water-source: Water-source, without energy recovery.	N/A	4.0 ISMRE, 3.5 ISCOP	N/A	Yes.[7]
DOAS, Water-source: Water-source, with energy recovery.	N/A	4.8 ISMRE, 4.8 ISCOP	N/A	Yes.[7]

[1] Note that equipment classes specified in ASHRAE Standard 90.1–2016 do not necessarily correspond to the equipment classes defined in DOE's regulations.

[2] This table represents values in ASHRAE 90.1–2013 as corrected by various errata sheets issued by ASHRAE.

[3] For CRACs, ASHRAE Standard 90.1–2016 adopted efficiency levels in terms of NSenCOP based on test procedures in AHRI 1360–2016, while DOE's current standards are in terms of SCOP based on the test procedures in ANSI/ASHRAE 127–2007. DOE performed a crosswalk analysis to compare the stringency of the ASHRAE Standard 90.1–2016 efficiency levels with the current Federal standards. See section II.A of this NODA for further discussion on the crosswalk analysis performed for CRACs.

[4] The preliminary CRAC crosswalk analysis indicates that the ASHRAE Standard 90.1–2016 level for this class is less stringent than the current applicable DOE standard.

[5] Horizontal-flow CRACs are identified in ASHRAE Standard 90.1–2016 as a new equipment class, and DOE does not have any data to indicate the market share of horizontal-flow units. In the absence of data regarding market share and efficiency distribution, DOE is unable to estimate potential savings for horizontal-flow equipment classes.

[6] The preliminary CRAC crosswalk analysis indicates that there is no difference in stringency of efficiency levels for this class between ASHRAE 90.1–2016 and the current Federal standard.

[7] DOE did not conduct an energy use analysis on this DOAS equipment class, as it is one of six equipment classes for which the combined market share is estimated to be approximately 5 percent, and as such, standards would result in minimal national energy savings.

[8] DOE evaluated as a single class water-cooled, chilled water DOAS without energy recovery product class and water-cooled, cooling tower condenser water DOAS without energy recovery product class. See section III.A.2 for more details.

[9] DOE evaluated as a single class water-cooled, chilled water DOAS with energy recovery product class and water-cooled, cooling tower condenser water DOAS with energy recovery product class. See section III.A.2 for more details.

[10] DOE evaluated as a single class water-source: Ground-source DOAS without energy recovery product class and water-source: Water-source DOAS without energy recovery product class. See section III.A.2 for more details.

[11] DOE evaluated as a single class water-source: Ground-source DOAS with energy recovery product class and water-source: Water-source DOAS with energy recovery product class. See section III.A.2 for more details.

A. Computer Room Air Conditioners

DOE currently prescribes energy conservation standards for 30 equipment classes of CRACs at 10 CFR 431.97. The current CRAC equipment classes are differentiated by condensing system type (air-cooled, water-cooled, water-cooled with fluid economizer, glycol-cooled, or glycol-cooled with fluid economizer), net sensible cooling capacity (less than 65,000 Btu/h, greater than or equal to 65,000 Btu/h and less than 240,000 Btu/h, or greater than or equal to 240,000 Btu/h and less than 760,000 Btu/h), and direction of conditioned air over the cooling coil (upflow or downflow). Federal standards established in 10 CFR 431.97 are specified in terms of SCOP, based on rating conditions in ANSI/ASHRAE Standard 127–2007, *Method of Testing Computer and Data Processing Room Unitary Air Conditioners* (ANSI/ASHRAE 127–2007). 10 CFR 431.96(b)(2).

ASHRAE 90.1–2016 disaggregates the upflow CRAC equipment classes into upflow ducted and upflow non-ducted equipment classes, and it establishes different sets of efficiency levels for upflow ducted and upflow non-ducted equipment classes based on the corresponding rating conditions specified in AHRI Standard 1360–2016, *Performance Rating of Computer and Data Processing Room Air Conditioners* (AHRI 1360–2016). Section II.A.1 of this document includes a detailed discussion of the differences in rating conditions between DOE's current test procedure for CRACs (which references ANSI/ASHRAE 127–2007) and AHRI 1360–2016. In contrast, DOE currently specifies the same set of standards at 10 CFR 431.97 for all covered upflow CRACs, regardless of ducting configuration. Additionally, ASHRAE 90.1–2016 includes efficiency levels for 15 horizontal-flow equipment classes. The equipment in these 15 classes is not currently subject to Federal standards set forth in 10 CFR 431.97.

DOE considered whether there were any increases in stringency in the ASHRAE 90.1–2016 levels for CRAC classes covered by DOE standards, thus triggering DOE obligations under EPCA.

For CRACs, this assessment has been complicated because the current standards established in 10 CFR 431.97 are specified in terms of SCOP and based on the rating conditions in ANSI/ASHRAE 127–2007, while the efficiency levels for CRACs set forth in ASHRAE 90.1–2016 are specified in terms of NSenCOP and based on rating conditions in AHRI 1360–2016. While EPCA does not expressly state how DOE is to consider a change to an ASHRAE efficiency metric, DOE is guided by the criteria established under EPCA for the evaluation of amendments to the test procedures referenced in ASHRAE Standard 90.1. For ASHRAE equipment under 42 U.S.C. 6313(a)(6)(A)(i), EPCA directs that if the applicable test procedure referenced in ASHRAE Standard 90.1 is amended, DOE must amend the Federal test procedure to be consistent with the amended industry test procedure, unless DOE makes a determination, supported by clear and convincing evidence, that to do so would result in a test procedure that is not reasonably designed to provide results representative of use during an average use cycle, or is unduly burdensome to conduct. (42 U.S.C. 6314(a)(4)(B)) In evaluating an update to an industry test procedure referenced in ASHRAE Standard 90.1, DOE must also consider any potential impact on the measured energy efficiency as compared to the current Federal test procedure and in the context of the current Federal standard. (42 U.S.C. 6314(a)(4)(C) and 42 U.S.C. 6293(e))

As discussed in section II.A.1 of this document, the rating conditions in AHRI 1360–2016 differ from those specified in ANSI/ASHRAE 127–2007 for most upflow and downflow CRAC equipment classes. DOE conducted a crosswalk analysis for the classes affected by rating condition changes to determine whether the revised ASHRAE 90.1–2016 levels in terms of NSenCOP are more stringent than DOE's current standards in terms of SCOP.

DOE conducted the crosswalk analysis to determine equivalent NSenCOP values corresponding to DOE's current SCOP-based CRAC standards in order to perform the analysis required by EPCA. The crosswalk allows DOE to determine whether any of the levels specified in the updated ASHRAE Standard 90.1 are more stringent than the current DOE standards, and therefore amended for the purpose of the evaluation required by EPCA. (42 U.S.C. 6313(a)(6)(A)(i)) To the extent that the crosswalk identifies amended standards (*i.e.,* ASHRAE Standard 90.1 levels more stringent than the Federal standards), the crosswalk also allows DOE to conduct an analysis of the energy savings potential of amended standards, also as required by EPCA. (*Id.*) Additionally, in order to make the required determination of whether adoption of a uniform national standard more stringent than the amended ASHRAE Standard 90.1 level is technologically feasible and economically justified (42 U.S.C. 6313(a)(6)(A)(ii)), DOE must understand the relationship between the current Federal standard and the corresponding ASHRAE Standard 90.1 efficiency level. Finally, for any standard that DOE does not make more stringent because the Federal standard is already more stringent than the ASHRAE Standard 90.1 level and where more-stringent levels are not justified (under the 6-year-lookback), DOE must express these levels in terms of the new efficiency metric so as to be consistent with the relevant industry test procedure (42 U.S.C. 6314(a)(4)).

1. Methodology for Efficiency and Capacity Crosswalk Analyses

a. General

DOE performed a crosswalk analysis to compare the stringency of the current Federal standards (represented in terms of SCOP based on the current DOE test procedure) for CRACs to the stringency of the energy efficiency for this equipment in ASHRAE Standard 90.1–2016 (represented in terms of NSenCOP based on AHRI 1360–2016). For the crosswalk, DOE analyzed the CRAC equipment classes in ASHRAE 90.1–2016 that are currently subject to Federal standards (*i.e.,* all upflow and downflow classes).[11] ASHRAE 90.1–2016 includes separate sets of efficiency levels for upflow ducted and upflow non-ducted CRACs to reflect the differences in rating conditions for upflow ducted and upflow non-ducted units in AHRI 1360–2016 (*e.g.,* return air temperature and external static pressure (ESP)). The Federal test procedure does not specify different rating conditions for upflow ducted as compared to upflow non-ducted CRACs, and DOE's current standards set forth in 10 CFR 431.97 do not differentiate between upflow ducted and upflow non-ducted CRACs. For the purpose of the efficiency crosswalk analysis, DOE converted the single set of current Federal SCOP standards for all upflow CRACs to sets of ''crosswalked'' NSenCOP standards for both the upflow ducted and upflow non-ducted classes established in ASHRAE Standard 90.1–2016.

As explained, the standards for CRACs as updated in ASHRAE Standard 90.1–2016 rely on a different metric (NSenCOP) and test procedure (AHRI 1360–2016) than the metric and test procedure required under the Federal standards (SCOP and ANSI/ASHRAE 127–2007, respectively). AHRI 1360–2016 and ANSI/ASHRAE 127–2007 specify different rating conditions, which are listed in Table II.2.[12]

TABLE II.2—DIFFERENCES IN RATING CONDITIONS BETWEEN DOE'S CURRENT TEST PROCEDURE AND AHRI 1360–2016

Test parameter	Affected equipment categories	Current DOE test procedure (ANSI/ASHRAE 127–2007)		AHRI 1360–2016	
Return air dry-bulb temperature (RAT).	Upflow ducted and downflow.	75 °F dry-bulb temperature.		85 °F dry-bulb temperature.	
Entering water temperature (EWT)	Water-cooled	86 °F		83 °F	
ESP (varies with NSCC)	Upflow ducted	<20 kW	0.8 in H_2O	<65 kBtu/h	0.3 in H_2O.

[11] ASHRAE Standard 90.1–2016 includes efficiency levels for horizontal-flow classes of CRAC. DOE does not currently prescribe standards for horizontal-flow classes, so these classes were not included in the crosswalk analysis.

[12] Pursuant to EPCA, DOE is conducting a separate evaluation of its current test procedure as compared to AHRI 1360–2016 (and the subsequently released 2017 version of AHRI Standard 1360). (42 U.S.C. 6314(a)(4)(B)).

TABLE II.2—DIFFERENCES IN RATING CONDITIONS BETWEEN DOE'S CURRENT TEST PROCEDURE AND AHRI 1360–2016—Continued

Test parameter					
		≥20 kW	1.0 in H_2O	≥65 kBtu/h and <240 kBtu/h.	0.4 in H_2O.
				≥240 kBtu/h and <760 kBtu/h.	0.5 in H_2O.
Adder for heat rejection fan and pump power (add to total power. consumption).	Water-cooled and glycol-cooled.	No added power consumption for heat rejection fan and pump.		5 percent of NSCC for water-cooled CRACs. 7.5 percent of NSCC for glycol-cooled CRACs.	

In addition to necessitating a crosswalk to compare standards that use different metrics, the differences in the test procedures required DOE to crosswalk the capacity limits that provide the boundaries for the CRAC equipment classes. The capacity values that bound the equipment classes are in terms of net sensible cooling capacity (NSCC). NSCC values determined according to AHRI 1360–2016, the test procedure specified in ASHRAE Standard 90.1–2016, are higher than the NSCC values determined according to ANSI/ASHRAE 127–2007, the required Federal test procedure. Because the test procedure in ASHRAE Standard 90.1–2016 results in an increased NSCC value for certain equipment classes, applying ASHRAE Standard 90.1–2016, as compared to the current Federal requirement, would result in some CRACs switching classes (*i.e.,* move into a higher capacity equipment class) if the equipment class boundaries are not changed. Based on the calculated capacity changes, approximately 15–20 percent of CRAC models listed in DOE's Compliance Certification Database for CRACs [13] would shift into higher capacity equipment classes as a result of the test procedure changes in AHRI 1360–2016.

As the equipment class capacity increases, the stringency of the both the ASHRAE Standard 90.1 efficiency level and the Federal standard decreases. As a result, class switching would subject some CRAC models to an efficiency level under ASHRAE Standard 90.1–2016 that is less stringent than the standard level that is applicable to that model under the current Federal requirements. This backsliding would result in an inappropriate evaluation of ASHRAE Standard 90.1–2016.

To provide for an appropriate comparison and to address potential backsliding, a capacity crosswalk was conducted to adjust the NSCC boundaries that separate equipment classes to account for the difference in measured NSCC values between ASHRAE Standard 90.1–2016 and the current Federal requirements. The capacity crosswalk calculated increases in the capacity boundaries of affected equipment classes (*i.e.,* equipment classes with test procedure changes that increase NSCC) to prevent this equipment class switching issue and avoid potential backsliding that would occur if capacity boundaries were not adjusted.

Both the efficiency and capacity crosswalk analyses have a similar structure and the data for both analyses came from several of the same sources. The crosswalk analyses were informed by numerous sources, including public manufacturer literature, manufacturer performance data obtained through non-disclosure agreements (NDAs), results from DOE's testing of two CRAC units, and DOE's Compliance Certification Database for CRACs. DOE analyzed each test procedure change independently and used the available data to determine an aggregated percentage by which that change impacted efficiency (SCOP) and/or NSCC. Updated SCOP levels and NSCC equipment class boundaries were calculated for each class (as applicable) by combining the percentage changes for every test procedure change applicable to that class.

The following sub-sections describe the approaches used to analyze the impacts on the measured efficiency and capacity of each difference in rating conditions between DOE's current test procedure and AHRI 1360–2016.

b. Increase in Return Air Dry-Bulb Temperature From 75 °F to 85 °F

ANSI/ASHRAE 127–2007, which is referenced by DOE's current test procedure, specifies a return air dry-bulb temperature (RAT) of 75 °F for testing all CRACs. AHRI 1360–2016 specifies an RAT of 85 °F for upflow ducted and downflow CRACs, but specifies an RAT for upflow non-ducted units of 75 °F. SCOP and NSCC both increase with increasing RAT for two reasons. First, a higher RAT increases the cooling that must be done for the air to approach its dew point temperature (*i.e.,* the temperature at which water vapor will condense if there is any additional cooling). Second, a higher RAT will tend to raise the evaporating temperature of the refrigerant, which in turn raises the temperature of fin and tube surfaces in contact with the air—the resulting reduction in the portion of the heat exchanger surface that is below the air's dew point temperature reduces the potential for water vapor to condense on these surfaces. This is seen in product specifications which show that the sensible heat ratio [14] is consistently higher at a RAT of 85 °F than at 75 °F. Because SCOP is calculated with NSCC, an increase in the fraction of total cooling capacity that is sensible cooling rather than latent cooling also inherently increases SCOP.

To analyze the impacts of increasing RAT for upflow ducted and downflow CRACs on SCOP and NSCC, DOE gathered data from three separate sources and aggregated the results for each crosswalk analysis. First, DOE used product specifications for several CRAC models that provide SCOP and NSCC ratings for RATs ranging from 75 °F to 95 °F. Second, DOE analyzed manufacturer performance data obtained under NDAs that showed the performance impact of individual test condition changes, including the increase in RAT. Third, DOE used results from testing two CRAC units: One air-cooled upflow ducted and one air-cooled downflow unit. DOE

[13] DOE's Compliance Certification Database can be found at: *https://www.regulations.doe.gov/certification-data/#q=Product_Group_s%3A*.*

[14] ''Sensible heat ratio'' is the ratio of sensible cooling capacity to the total cooling capacity. The total cooling capacity includes both sensible cooling capacity (cooling associated with reduction in temperature) and latent cooling capacity (cooling associated with dehumidification).

combined the results of these sources to find the aggregated increases in SCOP and NSCC due to the increase in RAT. The increase in SCOP due to the change in RAT was found to be approximately 19 percent, and the increase in capacity was found to be approximately 22 percent.

c. Decrease in Entering Water Temperature for Water-Cooled CRACs

ANSI/ASHRAE 127–2007, which is referenced by DOE's current test procedure, specifies an entering water temperature (EWT) of 86 °F for water-cooled CRACs, while AHRI 1360–2016 specifies an entering water temperature of 83 °F. A decrease in the EWT for water-cooled CRACs increases the temperature difference between the water and hot refrigerant in the condenser coil, thus increasing cooling capacity and decreasing compressor power. To analyze the impact of this decrease in EWT on SCOP and NSCC, DOE analyzed manufacturer data obtained through NDAs and a publicly-available presentation from a major CRAC manufacturer and calculated an SCOP increase of approximately 2 percent and an NSCC increase of approximately 1 percent.

d. Changes in External Static Pressure Requirements for Upflow Ducted CRACs

For upflow ducted CRACs, AHRI 1360–2016 specifies lower ESP requirements than ANSI/ASHRAE 127–2007, which is referenced in DOE's current test procedure. The ESP requirements in both industry test standards vary with NSCC; however, the capacity bins (*i.e.,* capacity ranges over which each ESP requirement applies) are different in each test standard. Testing with a lower ESP decreases the indoor fan power input without a corresponding decrease in cooling capacity, thus increasing the measured efficiency. Additionally, the reduction in fan heat entering the indoor air stream that results from lower fan power also slightly increases NSCC.

To determine the impacts on measured SCOP and NSCC of the changes in ESP requirements between DOE's current test procedure and AHRI 1360–2016, DOE aggregated data from its analysis of fan power consumption changes, manufacturer data obtained through NDAs, and results from DOE testing. More details on each of these sources are included in the following paragraphs. The impact of changes in ESP requirements on SCOP and NSCC was calculated separately for each capacity range specified in AHRI 1360–2016 (*i.e.,* <65 kBtu/h, 65–240 kBtu/h, and ≥240 kBtu/h).

DOE conducted an analysis to estimate the change in fan power consumption due to the changes in ESP requirements using performance data and product specifications for 77 upflow CRAC models with certified SCOP ratings at or near the current applicable SCOP standard level in DOE's Compliance Certification Database. Using the certified SCOP and NSCC values, DOE determined each model's total power consumption for operation at the rating conditions specified in DOE's current test procedure. DOE then used fan performance data for each model to estimate the change in indoor fan power that would result from the lower ESP requirements in AHRI 1360–2016, and modified the total power consumption for each model by the calculated value. For several models, detailed fan performance data were not available, so DOE used fan performance data for comparable air conditioning units with similar cooling capacity, fan drive, and fan motor horsepower.

DOE also received manufacturer data (obtained through NDAs) showing the impact on efficiency and NSCC of the change in ESP requirements. Additionally, DOE conducted tests on an upflow-ducted CRAC at ESPs of 1 in. H_2O and 0.4 in. H_2O (the applicable ESP requirements specified in ANSI/ASHRAE 127–2007 and AHRI 1360–2016), and included the results of those tests in this analysis.

For each of the three capacity ranges for which ESP requirements are specified in AHRI 1360–2016, Table II.3 shows the approximate aggregated percentage increases in SCOP and NSCC associated with the decreased ESP requirements specified in AHRI 1360–2016 for upflow ducted units.

TABLE II.3—PERCENTAGE INCREASE IN SCOP AND NSCC FROM DECREASES IN EXTERNAL STATIC PRESSURE REQUIREMENTS FOR UPFLOW DUCTED UNITS BETWEEN DOE'S CURRENT TEST PROCEDURE AND AHRI 1360–2016

Net sensible cooling capacity range (kBtu/h) *	ESP requirements in DOE's current test procedure (ANSI/ASHRAE 127–2007) (in H_2O)	ESP requirements in AHRI 1360–2016 (in H_2O)	Approx. average percentage increase in SCOP	Approx. average percentage increase in NSCC
<65	0.8	0.3	7	2
≥65 to <240				
≥65 to <68.2 **	0.8	0.4	*** 8	*** 2
≥68.2 to <240 **	1			
≥240 to <760	1	0.5	6	2

* These boundaries are consistent with ANSI/ASHRAE 127–2007 and AHRI 1360–2016, and do not reflect the expected capacity increases for certain equipment classes at the AHRI 1360–2016 test conditions.

** 68.2 kBtu/h is equivalent to 20 kW, which is the capacity value that separates ESP requirements in ANSI/ASHRAE 127–2007, which is referenced in DOE's current test procedure.

*** This average percentage increase is an average across upflow ducted CRACs with net sensible cooling capacity ≥65 and <240 kBtu/h, including models with capacity <20 kW and ≥ 20 kW. DOE's Compliance Certification Database shows that most of the upflow CRACs with a net sensible cooling capacity ≥65 kBtu/h and <240 kBtu/h have a net sensible cooling capacity ≥20 kW.

e. Power Adder to Account for Pump and Heat Rejection Fan Power in NSenCOP Calculation for Water-Cooled and Glycol-Cooled CRACs

Energy consumption for heat rejection components for air-cooled CRACs (*i.e.,* condenser fan motor(s)) is measured in the industry test standards for CRACs; however, energy consumption for heat rejection components for water-cooled and glycol-cooled CRACs is not measured because these components (*i.e.,* water/glycol pump, dry cooler/cooling tower fan(s)) are not considered to be part of the CRAC unit. ANSI/ASHRAE 127–2007, which is referenced in DOE's current test procedure, does not include any factor in the calculation of SCOP to account for the power consumption of heat rejection components for water-cooled and

glycol-cooled CRACs. In contrast, AHRI 1360–2016 specifies to increase the measured total power input for CRACs to account for the power consumption of fluid pumps and heat rejection fans. Specifically, Notes 5 and 6 to Table 2 of AHRI 1360–2016 specify to add a percentage of the measured net sensible cooling capacity (5 percent for water-cooled CRACs and 7.5 percent for glycol-cooled CRACs) in kW to the total power input used to calculate NSenCOP. DOE calculated the impact of these additions on SCOP using Equation 1:

$$SCOP_1 = \frac{SCOP}{1 + (x * SCOP)}$$ **Equation 1**

Where, χ is equal to 5 percent for water-cooled CRACs and 7.5 percent for glycol-cooled CRACs, and $SCOP_1$ is the SCOP value adjusted for the energy consumption of heat rejection pumps and fans.

f. Calculating Overall Changes in Measured Efficiency and Capacity From Test Procedure Changes

Different combinations of the test procedure changes between DOE's current test procedure and AHRI 1360–2016 affect each of the CRAC equipment classes considered in the crosswalk analyses. To combine the impact on SCOP of the changes to rating conditions (*i.e.,* increase in RAT, decrease in condenser EWT for water-cooled units, and decrease of the ESP requirements for upflow ducted units), DOE multiplied together the calculated adjustment factors representing the measurement changes corresponding to each individual rating condition change, as applicable, as shown in Equation 2. These adjustment factors are equal to 100 percent plus the calculated percent change in measured efficiency.

To account for the impact of the adder for heat rejection pump and fan power for water-cooled and glycol-cooled units, DOE used Equation 3. Hence, DOE determined crosswalked NSenCOP levels corresponding to the current Federal SCOP standards for each CRAC equipment class using the following two equations.

$$NSenCOP_1 = SCOP * (1 + x_1) * (1 + x_2) * (1 + x_3)$$ **Equation 2**

$$NSenCOP = \frac{NSenCOP_1}{1 + (x_4 * NSenCOP_1)}$$ **Equation 3**

In these equations, $NSenCOP_1$ refers to a partially-crosswalked NSenCOP level that incorporates the impacts of changes in RAT, condenser EWT, and indoor fan ESP (as applicable), but not the impact of adding the heat rejection pump and fan power; χ_1, χ_2, and χ_3 represent the percentage change in SCOP due to changes in RAT, condenser EWT, and indoor fan ESP requirements, respectively; and χ_4 is equal to 5 percent for water-cooled equipment classes and 7.5 percent for glycol-cooled equipment classes. For air-cooled classes,χ_4 is equal to 0 percent; therefore, for these classes, NSenCOP is equal to $NSenCOP_1$.

To combine the impact on NSCC of the changes to rating conditions, DOE used a methodology similar to that used for determining the impact on SCOP. To determine adjusted NSCC equipment class boundaries, DOE multiplied together the calculated adjustment factors representing the measurement changes corresponding to each individual rating condition change, as applicable, as shown in Equation 4. These adjustment factors are equal to 100 percent plus the calculated percent change in measured NSCC. In this equation, Boundary refers to the original NSCC boundaries (*i.e.,* 65,000 Btu/h, 240,000 Btu/h, or 760,000 Btu/h as determined according to ANSI/ASHRAE 127–2007), $Boundary_1$ refers to the updated NSCC boundaries as determined according to AHRI 1360–2016, and y_1, y_2, and y_3 represent the percentage changes in NSCC due to changes in RAT, condenser EWT, and indoor fan ESP requirements, respectively.

$$Boundary_1 = Boundary * (1 + y_1) * (1 + y_2) * (1 + y_3)$$ **Equation 4**

In November 2018, ASHRAE published the Second Public Review Draft of Addendum 'be' to ASHRAE 90.1–2016 (''the second public review draft;'' *https://www.ashrae.org/news/esociety/public-reviews-november-2018*), which includes adjusted equipment class capacity boundaries for only upflow-ducted and downflow equipment classes.[15] The adjusted class boundaries for these categories in the second public review draft are <80,000 Btu/h, ≥80,000 Btu/h and <295,000 Btu/h, and ≥295,000 Btu/h. The capacity boundaries of upflow non-ducted classes were left unchanged at 65,000 Btu/h and 240,000 Btu/h. DOE's capacity crosswalk analysis indicates that the primary driver for increasing NSCC is increasing RAT. The increases in RAT in AHRI 1360–2016, as compared to ANSI/ASHRAE 127–2007, only apply to upflow ducted and downflow equipment classes. Based on

[15] In May 2019, ASHRAE published the Third Public Review Draft of Addendum 'be' to ASHRAE 90.1–2016, which includes only minor changes to column labels in the CRAC efficiency tables proposed in the second public review draft.

the analysis performed for this document, DOE found that all the equipment class boundaries in the second public review draft, which are in multiples of 5,000 Btu/h, are within 1.4 percent of the boundaries calculated under the methodology used to develop DOE's capacity crosswalk. As such, to more closely align DOE's analysis with ASHRAE Standard 90.1 (and the ASHRAE proceedings), DOE has used the equipment class boundaries in the second public review draft as the preliminary adjusted boundaries for the crosswalk analysis. Use of the equipment class boundaries from the second public review draft allows for an appropriate comparison between the energy efficiency levels and equipment classes specified in ASHRAE Standard 90.1 and those in the current DOE standards, while addressing the backsliding potential discussed previously.

ASHRAE 90.1–2016 does not include an upper capacity limit for coverage of CRACs; therefore, the second public review draft does not include an adjusted upper capacity limit. DOE's current standards only cover CRACs with an NSCC less than 760,000 Btu/h.[16] 10 CFR 431.97(e). (*See also* 42 U.S.C. 6311(8)(D)) In order to account for all equipment currently subject to the Federal standards, DOE adjusted the 760,000 Btu/h equipment class boundary for certain equipment classes as part of its capacity crosswalk analysis. This adjustment to the upper boundary of the equipment classes applies only for downflow and upflow-ducted classes (the classes for which the RAT increase applies). Consistent with the adjustments made by ASHRAE in the second public review draft, DOE averaged the cross-walked capacity results across the affected equipment classes, and rounded to the nearest 5,000 Btu/h. Following this approach, DOE has used 930,000 Btu/h as the adjusted upper capacity limit for downflow and upflow-ducted CRACs in the analysis presented in this notice. The 930,000 Btu/h upper capacity limit (as measured per AHRI 1360–2016) used in the crosswalk analysis is equivalent to the 760,000 Btu/h upper capacity limit (as measured per ANSI/ASHRAE 127–2007) established in the current DOE standards.

2. Crosswalk Results

The ''crosswalked'' DOE efficiency levels (in terms of NSenCOP) and adjusted equipment class capacity boundaries were then compared with the NSenCOP efficiency levels and capacity boundaries specified in ASHRAE Standard 90.1–2016 to determine whether the ASHRAE Standard 90.1–2016 requirements are more stringent than current Federal standards. Table II.4 presents the preliminary results for the crosswalk analysis (see section II.A.1 of this document for detailed discussion of the methodology for the crosswalk analysis). The last column in the table, labeled ''Crosswalk Comparison,'' indicates whether the ASHRAE Standard 90.1–2016 levels are less stringent, equivalent to, or more stringent than the current Federal standards, based on DOE's analysis.

TABLE II.4—CROSSWALK RESULTS

Condenser system type	Airflow configuration	Current NSCC range (kBtu/h)	Current Federal standard (SCOP)	Test procedure changes affecting efficiency *	Cross-walked NSCC range (kBtu/h)	Cross-walked current Federal standard (NSenCOP)	ASHRAE 90.1–2016 NSenCOP level	Crosswalk comparison
Air-cooled	Downflow	<65	2.20	Return air dry-bulb temperature.	<80	2.62	2.30	Less Stringent.
Air-cooled	Downflow	≥65 and <240	2.10		≥80 and <295	2.50	2.20	Less Stringent.
Air-cooled	Downflow	≥240 and <760	1.90		≥295 and <930	2.26	2.00	Less Stringent.
Water-cooled	Downflow	<65	2.60	Return air dry-bulb temperature.	<80	2.73	2.50	Less Stringent.
Water-cooled	Downflow	≥65 and <240	2.50		≥80 and <295	2.63	2.40	Less Stringent.
Water-cooled	Downflow	≥240 and <760	2.40	Condenser entering water temperature.	≥295 and <930	2.54	2.25	Less Stringent.
Water-cooled with fluid economizer.	Downflow	<65	2.55		<80	2.68	2.45	Less Stringent.
Water-cooled with fluid economizer.	Downflow	≥65 and <240	2.45	Add allowance for heat rejection components to total power input.	≥80 and <295	2.59	2.35	Less Stringent.
Water-cooled with fluid economizer.	Downflow	≥240 and <760	2.35		≥295 and <930	2.50	2.20	Less Stringent.
Glycol-cooled	Downflow	<65	2.50	Add allowance for heat rejection components to total power input.	<80	2.43	2.30	Less Stringent.
Glycol-cooled	Downflow	≥65 and <240	2.15		≥80 and <295	2.15	2.05	Less Stringent.
Glycol-cooled	Downflow	≥240 and <760	2.10		≥295 and <930	2.11	1.95	Less Stringent.
Glycol-cooled with fluid economizer.	Downflow	<65	2.45		<80	2.39	2.25	Less Stringent.
Glycol-cooled with fluid economizer.	Downflow	≥65 and <240	2.10		≥80 and <295	2.11	1.95	Less Stringent.
Glycol-cooled with fluid economizer.	Downflow	≥240 and <760	2.05		≥295 and <930	2.06	1.90	Less Stringent.
Air-cooled	Upflow Ducted	<65	2.09	Return air dry-bulb temperature. ESP requirements.	<80	2.65	2.10	Less Stringent.
Air-cooled	Upflow Ducted	≥65 and <240	1.99		≥80 and <295	2.55	2.05	Less Stringent.
Air-cooled	Upflow Ducted	≥240 and <760	1.79		≥295 and <930	2.26	1.85	Less Stringent.
Water-cooled	Upflow Ducted	<65	2.49	Return air dry-bulb temperature. Condenser entering water temperature. ESP requirements.	<80	2.77	2.30	Less Stringent.
Water-cooled	Upflow Ducted	≥65 and <240	2.39		≥80 and <295	2.70	2.20	Less Stringent.
Water-cooled	Upflow Ducted	≥240 and <760	2.29		≥295 and <930	2.56	2.10	Less Stringent.
Water-cooled with fluid economizer.	Upflow Ducted	<65	2.44		<80	2.72	2.25	Less Stringent.

[16] In initially establishing standards CRACs, DOE noted that the energy efficiency levels from ASHRAE Standard 90.1 adopted as the Federal standards were based on ANSI/ASHRAE 127–2007. 77 FR 28928, 28945 (May 16, 2012). This includes the relevant capacity values.

TABLE II.4—CROSSWALK RESULTS—Continued

Condenser system type	Airflow configuration	Current NSCC range (kBtu/h)	Current Federal standard (SCOP)	Test procedure changes affecting efficiency *	Cross-walked NSCC range (kBtu/h)	Cross-walked current Federal standard (NSenCOP)	ASHRAE 90.1–2016 NSenCOP level	Crosswalk comparison
Water-cooled with fluid economizer.	Upflow Ducted	≥65 and <240	2.34	Add allowance for heat rejection components to total power input.	≥80 and <295	2.65	2.15	Less Stringent.
Water-cooled with fluid economizer.	Upflow Ducted	≥240 and <760	2.24		≥295 and <930	2.51	2.05	Less Stringent.
Glycol-cooled	Upflow Ducted	<65	2.39	Return air dry-bulb temperature.	<80	2.47	2.10	Less Stringent.
Glycol-cooled	Upflow Ducted	≥65 and <240	2.04		≥80 and <295	2.19	1.85	Less Stringent.
Glycol-cooled	Upflow Ducted	≥240 and <760	1.99	ESP requirements.	≥295 and <930	2.11	1.80	Less Stringent.
Glycol-cooled with fluid economizer.	Upflow Ducted	<65	2.34	Add allowance for heat rejection components to total power input.	<80	2.43	2.10	Less Stringent.
Glycol-cooled with fluid economizer.	Upflow Ducted	≥65 and <240	1.99		≥80 and <295	2.14	1.80	Less Stringent.
Glycol-cooled with fluid economizer.	Upflow Ducted	≥240 and <760	1.94		≥295 and <930	2.07	1.80	Less Stringent.
Air-cooled	Upflow Non-Ducted.	<65	2.09	No changes	<65	2.09	2.09	Equivalent.
Air-cooled	Upflow Non-Ducted.	≥65 and <240	1.99		≥65 and <240	1.99	1.99	Equivalent.
Air-cooled	Upflow Non-Ducted.	≥240 and <760	1.79		≥240 and <760	1.79	1.79	Equivalent.
Water-cooled	Upflow Non-Ducted.	<65	2.49	Condenser entering water temperature.	<65	2.25	2.25	Less Stringent.
Water-cooled	Upflow Non-Ducted.	≥65 and <240	2.39		≥65 and <240	2.17	2.15	Less Stringent.
Water-cooled	Upflow Non-Ducted. Upflow Non-Ducted.	≥240 and <760	2.29		≥240 and <760	2.09	2.05	Less Stringent.
Water-cooled with fluid economizer.	Upflow Non-Ducted.	<65	2.44	Add allowance for heat rejection components to total power input.	<65	2.21	2.20	Less Stringent.
Water-cooled with fluid economizer.	Upflow Non-Ducted.	≥65 and <240	2.34		≥65 and <240	2.13	2.10	Less Stringent.
Water-cooled with fluid economizer.	Upflow Non-Ducted.	≥240 and <760	2.24		≥240 and <760	2.05	2.00	Less Stringent.
Glycol-cooled	Upflow Non-Ducted.	<65	2.39	Add allowance for heat rejection components to total power input.	<65	2.03	2.00	Less Stringent.
Glycol-cooled	Upflow Non-Ducted.	≥65 and <240	2.04		≥65 and <240	1.77	1.85	More Stringent.
Glycol-cooled	Upflow Non-Ducted. Upflow Non-Ducted.	≥240 and <760	1.99		≥240 and <760	1.73	1.75	More Stringent.
Glycol-cooled with fluid economizer.	Upflow Non-Ducted.	<65	2.34		<65	1.99	2.00	More Stringent.
Glycol-cooled with fluid economizer.	Upflow Non-Ducted.	≥65 and <240	1.99		≥65 and <240	1.73	1.75	More Stringent.
Glycol-cooled with fluid economizer.	Upflow Non-Ducted.	≥240 and <760	1.94		≥240 and <760	1.69	1.70	More Stringent.

* Refer to Table II.3 of this document for specific changes in rating conditions.

CRAC Issue 2: DOE requests comment on the methodology and results for the crosswalk analysis.

As indicated by the crosswalk, a number of the standard levels established for CRACs in ASHRAE 90.1–2016 are less stringent than the current Federal standards. DOE is aware that ASHRAE is currently working on the next version of ASHRAE Standard 90.1, which is expected to be issued sometime in 2019. (Generally, ASHRAE updates the standard on a three-year cycle.) A preliminary review of the second public review draft of Addendum 'be' to ASHRAE 90.1–2016 indicates that a number of the draft efficiency levels for CRACs would be more efficient than the current Federal standards. The draft addendum also would update capacity bin boundaries for upflow ducted and downflow CRAC equipment classes, to reflect the increase in NSCC that results from changes in the test procedure and metric adopted in the updates under ASHRAE Standard 90.1–2016 (as discussed in previous sections).

DOE continues to monitor the efforts of ASHRAE in development of the consensus industry standard, and upon publication of the updated ASHRAE Standard 90.1, DOE will conduct an analysis as required under EPCA of any updated efficiency levels for CRACs.

3. CRAC Standards Amended Under ASHRAE Standard 90.1

As discussed, DOE has analyzed the updated CRAC efficiency levels in ASHRAE 90.1–2016 for the purpose of 42 U.S.C. 6313(a)(6)(A). DOE identified five equipment classes for which the ASHRAE 90.1–2016 efficiency levels are more stringent than current DOE efficiency levels (expressed in NSenCOP, see the crosswalk results presented in section II.A.2 of this document), and 15 classes of CRACs for which standards are specified in ASHRAE Standard 90.1–2016 that are not currently subject to DOE's standards (*i.e.,* horizontal-flow). DOE has conducted an energy savings analysis, presented in section III of this document, for the five CRAC classes that currently have DOE standards and that DOE identified as having more stringent standards under ASHRAE 90.1–2016. Regarding the energy efficiency levels for the horizontal-flow equipment classes, DOE was unable to perform an energy savings potential for

those 15 equipment classes, because DOE lacked the necessary market share data to disaggregate shipments for horizontal-flow units from total shipments for the entire CRAC market. Based on information received in response to this document or otherwise identified, DOE may consider disaggregating horizontal-flow classes in the NOPR and analyzing them separately.

DOE notes that ceiling-mounted CRACs, both ducted and non-ducted, are covered equipment under the definition of ''computer room air conditioner'' established at 10 CFR 431.92. The current definition of ''computer room air conditioner'' makes no distinction based on the mounting (floor versus ceiling, for example), airflow direction, or whether the unit installation requires supply air ductwork.[17] Additionally, the currently applicable test procedure in 10 CFR 431.96 (*i.e.,* ANSI/ASHRAE 127–2007) is not specific as to mounting or airflow direction (*e.g.,* upflow, downflow, horizontal) and provides procedures for both ducted systems (ANSI/ASHRAE 127–2007 section 5.1.4.5.1) and non-ducted systems (ANSI/ASHRAE 127–2007 section 5.1.4.5.3). As a result, ceiling-mounted CRACs are covered equipment and are currently subjected to testing and rating under the DOE regulations.

DOE specifies minimum efficiency standards for certain equipment classes of CRACs, specifically for upflow and downflow units. See 10 CFR 431.97. In an October 7, 2015 draft guidance, DOE stated that because the terms ''upflow'' and ''downflow'' do not apply to ceiling-mounted units, the current Federal standards are not applicable to those models that are exclusively ceiling-mounted CRACs.[18] DOE requested comment on the October 7, 2015 draft guidance. For the purpose of the analysis presented in this notice, DOE maintains that ceiling-mounted units are not subject to the current Federal standards for CRACs.

The 2016 update to ASHRAE Standard 90.1 does not directly address ceiling-mounted CRACs, but it specifies equipment classes of: Upflow ducted, upflow non-ducted, downflow, and horizontal flow. Consistent with the application of ''upflow'' and ''downflow'' in the draft guidance, the equipment classes specified in ASHRAE Standard 90.1–2016 do not include ceiling-mounted CRACs. As such, DOE did not include ceiling-mounted CRACs in the current analysis. DOE is aware that the second public review draft of Addendum 'be' to ASHRAE 90.1–2016 includes minimum efficiency levels for ceiling-mounted CRACs. To the extent the next amendment to ASHRAE Standard 90.1 includes efficiency levels for ceiling-mounted CRACs, DOE will evaluate energy efficiency standards for them to the extent required under EPCA.

B. Dedicated Outdoor Air Systems

DOASes appear to meet the EPCA definition for ''commercial package air conditioning and heating equipment,'' [19] and could be considered as a category of that covered equipment. (42 U.S.C. 6311(8)(A)) However, DOE has tentatively concluded that if DOASes are a category of ''commercial package air conditioning and heating equipment,'' there are no existing DOE test procedures or energy conservation standards for that category of commercial package air conditioning and heating equipment. Specifically, DOE does not believe that DOASes are among the commercial ''central air conditioners and central air conditioning heat pumps'' for which EPCA originally established standards (42 U.S.C. 6313(a)(1)–(2),(7)–(9)), and for which the current test procedure and standards are codified in Table 1 to 10 CFR 431.96 and Tables 1–4 of 10 CFR 431.97, respectively.

DOASes operate similarly to central air conditioners and central air conditioning heat pumps, in that they provide space conditioning using a refrigeration cycle consisting of a compressor, condenser, expansion valve, and evaporator. However, DOASes are designed to provide 100 percent outdoor air to the conditioned space, while outdoor air makes up a only a small portion of the total airflow for typical commercial air conditioners, usually less than 50 percent. When operating in humid conditions, the dehumidification load is a much larger percentage of total cooling load for a DOAS than for a typical commercial air conditioner. Additionally, compared to a typical commercial air conditioner, the amount of total cooling (both sensible and latent) is much greater per pound of air for a DOAS at design conditions (*i.e.,* the warmest/most humid expected summer conditions), and a DOAS is designed to accommodate greater variation in entering air temperature and humidity. DOASes are typically installed in addition to a primary cooling system (*e.g.,* CUAC, VRF, chilled water system, water-source heat pumps)—the DOAS conditions the outdoor ventilation air, while the primary system provides cooling to balance building shell and interior loads and solar heat gain.

ASHRAE Standard 90.1–2016 created 14 separate equipment classes for direct expansion-DOAS units that are single-package and remote condenser (referred to generally as DOAS), as shown in Table II.1 of this document, and set minimum efficiency levels using the integrated seasonal moisture removal efficiency (ISMRE) metric for all DOAS classes in dehumidification mode, as well as the integrated seasonal coefficient of performance (ISCOP) metric for air-source heat pump and water-source heat pump DOAS classes in heating mode.

If ASHRAE Standard 90.1 is amended with respect to the standard levels or design requirements applicable under that standard to any small, large, or very large commercial package air conditioning and heating equipment, DOE must publish an analysis of the energy savings potential of amended energy efficiency standards, and adopt uniform national standards for that equipment as required under EPCA. (42 U.S.C. 6313(a)(6)(A))

The 14 separate DOAS classes created by ASHRAE Standard 90.1–2016 (see Table II.1) are differentiated by condensing type (air-cooled, air-source heat pump, water-cooled, and water-source heat pump). The water-cooled condensing type is further divided by cooling tower condenser water and chilled water. The water-source heat pump condensing type is further separated by ground-source closed loop, ground-water-source, and water-source. Additionally, all equipment classes are separated into those without energy recovery and those with energy recovery. On July 25, 2017, DOE published an RFI in response to relevant updates to the test procedures referenced in ASHRAE Standard 90.1–

[17] ''Computer Room Air Conditioner'' is defined as ''a basic model of commercial package air-conditioning and heating equipment (packaged or split) that is: Used in computer rooms, data processing rooms, or other information technology cooling applications; rated for sensible coefficient of performance (SCOP) and tested in accordance with 10 CFR 431.96, and is not a covered consumer product under 42 U.S.C. 6291(1)–(2) and 6292. A computer room air conditioner may be provided with, or have as available options, an integrated humidifier, temperature, and/or humidity control of the supplied air, and reheating function.'' 10 CFR 431.92

[18] See, *https://www1.eere.energy.gov/buildings/appliance_standards/pdfs/crac_faq_2015-10-07.pdf.*

[19] Under the statute, ''commercial package air conditioning and heating equipment'' means air-cooled, water-cooled, evaporatively-cooled, or water-source (not including ground-water-source) electrically operated, unitary central air conditioners and central air conditioning heat pumps for commercial application. (42 U.S.C. 6311(8)(A))

2016. 82 FR 34427 (July 2017 ASHRAE TP RFI). As noted in the ASHRAE TP RFI, the EPCA definition for ''commercial package air conditioning and heating equipment'' does not include ground-water-source equipment. 82 FR 34427, 34438 (July 25, 2017). (*See also,* 42 U.S.C. 6311(8)(A)) As such, DOE is only considering the remaining 12 DOAS equipment classes.

DOE considered whether to evaluate separately the two water-cooled DOAS classes or whether the water-cooled cooling tower condenser water classes and the water-cooled chilled water classes should be grouped together and represented as water-cooled DOASes (with classes still disaggregated by those models with energy recovery and those models without energy recovery). DOE also considered whether to evaluate separately the two remaining water-source heat pump classes or whether the water-source heat pump ground-source closed loop classes and the water-source heat pump water-source classes should be grouped together and represented as water-source heat pump DOASes (with classes still disaggregated by those models with energy recovery and those models without energy recovery). Based on DOE's review of equipment specifications of water-cooled and water-source heat pump DOASes and comments from AHRI on the concurrent test procedure evaluation,[20] DOE determined that most water-cooled DOASes use the same equipment for different applications and that water-source heat pump DOASes use the same equipment design for different applications. DOE is not aware of water-cooled DOAS units that are exclusively designed for use with cooling tower or chilled water. Likewise, DOE is not aware of water-source heat pump DOAS units that are exclusively designed for use with water-source or ground-source closed-loop applications. It is also DOE's understanding that ASHRAE Standard 90.1 efficiency levels are different across comparable classes within the water-cooled condensing type (*e.g.,* comparing energy recovery classes to energy recovery classes) and across comparable classes within the water-source condensing type because of the different test/application conditions, as opposed to equipment design differences. For example, when testing a DOAS to obtain a water-cooled chilled water DOAS rating, a colder condenser water entering temperature is used than when testing it to obtain a water-cooled cooling tower DOAS rating, reflecting the typically cooler temperature of chilled water loops in commercial buildings, as compared with cooling tower water loops.

As a result, DOE combined the water-cooled cooling tower condenser water classes and the water-cooled chilled water classes and evaluated water-cooled DOASes as a single set of classes (with classes disaggregated by those models with energy recovery and those models without energy recovery) that is subject to a single set of operating conditions. DOE also combined the water-source heat pump ground-source closed loop classes and the water-source heat pump water-source classes and evaluated the water-source heat pump DOASes as a single set of classes (with classes still disaggregated by those models with energy recovery and those models without energy recovery) that is subject to a single set of operating conditions.

This approach is consistent with other commercial package air conditioning and heating equipment. For example, water-source heat pumps include application test conditions for water-loop, ground-water, and ground-loop heat pumps, but DOE only requires that equipment be rated using the water-loop conditions (see Table 3 to 10 CFR 431.97). DOE notes that this approach avoids testing under multiple application conditions for a single equipment design. In addition, even if tested at different application conditions because the DOAS equipment uses a single design, it is expected that the relative ranking of equipment efficiency would be the same.

The current industry test standard for DOASes, ANSI/AHRI Standard 920–2015, ''*2015 Standard for Performance Rating of DX-Dedicated Outdoor Air System Units,*'' references ANSI/ASHRAE Standard 198–2013, ''*Method of Test for Rating DX-Dedicated Outdoor Air Systems for Moisture Removal Capacity and Moisture Removal Efficiency*'' (ANSI/ASHRAE 198–2013), as the method of test for DOASes. In the July 2017 ASHRAE TP RFI, DOE also noted that section 2 of ANSI/ASHRAE 198–2013 specifically excludes DOASes with water coils that are supplied by a chiller located outside of the unit. 82 FR 34427, 33438 (July 25, 2017). However, Table 2 in ANSI/AHRI 920–2015 includes operating conditions for which a water-cooled condenser is supplied with chilled water, and ASHRAE 90.1–2016 established standard levels for DOASes that operate with chilled water as the condenser cooling fluid. *Id.* As part of the concurrent test procedure evaluation, AHRI commented that the industry test standard for DOASes was designed for units that contain vapor compression cycle based cooling and dehumidification with direct expansion coils. AHRI stated that direct application of chilled water coils to cool and dehumidify is outside the scope of the standard as the energy for cooling is expended at an external source of chilled water. (EERE–2017–BT–TP–0018–0011 [21] at p. 18) Carrier commented that chillers should only be used for cooling coils and not for condenser heat rejection unless there is heat reclaim, and that this should be addressed with a building efficiency standard such as ASHRAE Standard 90.1. (EERE–2017–BT–TP–0018–0006 at p. 7) Based on these comments, DOE did not evaluate DOAS units that use chilled water coils directly for cooling and dehumidifying.

As discussed above, AHRI commented on the concurrent test procedure evaluation that in almost all cases, a single design is used for water-cooled equipment used with cooling tower water and chilled water, and similarly, a single design is used for all of the water-source applications, adding that for each of these cases, a single set of water conditions can be used for testing. (EERE–2017–BT–TP–0018–0011 at p. 17) AHRI recommended as part of the on-going process to update ANSI/AHRI 920–2015 that the cooling tower condenser water entering temperature be used for testing and rating all water-cooled DOASes and that the water-source inlet fluid temperature conditions be used for testing and rating all water-source heat pump DOASes. Based on this, DOE evaluated water-cooled DOASes using the cooling tower condenser water entering temperature conditions specified in Table 2 of ANSI/AHRI 920–2015, and water-source heat pump DOASes using the water-source (rather than ground-source) inlet fluid temperature conditions specified in Table 3 of ANSI/AHRI 920–2015. In addition, DOE conducted the analysis for water-cooled DOASes based on the efficiency levels established in ASHRAE Standard 90.1–2016 for the water-cooled cooling tower condenser water equipment classes, and for water-source heat pump DOASes based on the efficiency levels established in ASHRAE Standard 90.1–2016 for the water-source (rather than ground-source) equipment classes. This reduces the considered equipment classes to eight.

DOAS Issue 1: DOE requests comment on the approach of evaluating water-cooled DOASes as a single category (with classes

[20] *See* EERE–2017–BT–TP–0018–0011 at p. 17.

[21] Docket No. EERE–2017–BT–TP–0018 is available at *https://www.regulations.gov/docket?D=EERE-2017-BT-TP-0018.*

still disaggregated by those models with energy recovery and those models without energy recovery) using the specified cooling tower condenser water entering temperature conditions, and evaluating water-source heat pump DOASes as a single category (with classes still disaggregated by those models with energy recovery and those models without energy recovery) using the specified water-source (rather than ground-source) inlet fluid temperature conditions.

Among the eight equipment classes, DOE identified two classes, the air-cooled dehumidification-only (*i.e.,* no heat pump function) classes (including both energy recovery and non-energy recovery), as representing 95-percent of the DOAS market. The remaining five-percent of the market is split between the remaining four water-cooled and water-source equipment classes. DOE is not aware of significant market share of air-source heat pump DOAS. Due to the low market share and corresponding minimal potential energy savings, DOE did not evaluate the energy savings potential for these six equipment classes. Therefore, DOE conducted an analysis of energy savings potential for only the two air-cooled dehumidification-only equipment classes, which is described in section III of this document.

As discussed, no DOE test procedures or Federal uniform national standards exist for DOASes, a category of commercial package air conditioning and heating equipment. ASHRAE Standard 90.1–2016 includes a test procedure for DOASes (*i.e.,* ANSI/AHRI Standard 920–2015). DOE must amend the Federal test procedure to be consistent with the amended industry test procedure, unless DOE determines that to do so would result in a test procedure that is not reasonably designed to provide results representative of use during an average use cycle, or is unduly burdensome to conduct. (42 U.S.C. 6314(a)(4)(A)–(B))

AHRI is currently revising AHRI 920, and DOE is participating in that process. DOE may consider updates to the industry test standard when finalized, including evaluating potential impacts of any test procedure changes. ASHRAE Standard 90.1–2016 established minimum efficiency levels for DOASes, based on testing according to ANSI/AHRI 920–2015. Based on DOE's participation in the revision process, DOE notes that, if adopted, the proposed changes to AHRI 920 may alter the measured efficiency compared to that under the industry test standard referenced in ASHRAE 90.1–2016 (*i.e.,* ANSI/AHRI 920–2015). If DOE adopts the test procedures changes in the revised AHRI 920, DOE may develop a crosswalk from the efficiency levels in ASHRAE 90.1–2016 to the levels that would result under the revised AHRI 920 to appropriately evaluate the ASHRAE Standard 90.1–2016 provisions regarding DOASes.

DOAS Issue 2: DOE requests comment and data on developing a potential crosswalk from the efficiency levels in ASHRAE 90.1–2016 based on ANSI/AHRI 920–2015 to efficiency levels based on the revisions to AHRI 920.

C. Test Procedures

EPCA requires the Secretary to amend the test procedures for ASHRAE equipment to the latest version generally accepted by industry or the rating procedures developed or recognized by AHRI or by ASHRAE, as referenced by ASHRAE/IES Standard 90.1, unless the Secretary determines by clear and convincing evidence that the latest version of the industry test procedure does not meet the requirements for test procedures described in paragraphs (2) and (3) of 42 U.S.C. 6314(a).[22] (42 U.S.C. 6314(a)(4)(B)) ASHRAE Standard 90.1–2016 updated several of its test procedures for ASHRAE equipment. Specifically, ASHRAE Standard 90.1–2016 updated to a more recent industry test standard for CRACs (AHRI 1360–2016) and adopted a test procedure for DOASes (ANSI/AHRI 920–2015). As stated, DOE is addressing the statutorily required evaluation of the test procedure updates separate from the evaluation presented in this document. In the ASHRAE TP RFI, DOE summarized its review of the updated industry test procedures, including changes as compared to the existing DOE test procedures, and requested comments and supporting data regarding representative and repeatable methods for measuring the energy use of the equipment. 82 FR 34427 (July 25, 2017).

[22] Specifically, the relevant provisions (42 U.S.C. 6314(a)(2)–(3)) provide that test procedures must be reasonably designed to produce test results that reflect energy efficiency, energy use, and estimated operating costs of a type (or class) of industrial equipment during a representative average use cycle and must not be unduly burdensome to conduct. Moreover, if the test procedure is for determining estimated annual operating costs, it must provide that such costs will be calculated from measurements of energy use in a representative average-use cycle, and from representative average unit costs of the energy needed to operate the equipment during such cycle. The Secretary must provide information to manufacturers of covered equipment regarding representative average unit costs of energy.

III. Analysis of Standards Amended and Newly Established by ASHRAE Standard 90.1–2016

As required under 42 U.S.C. 6313(a)(6)(A), for CRAC equipment classes with ASHRAE standard levels more stringent than the current Federal standards and DOASes for which ASHRAE established new standard levels, DOE performed an analysis to determine the energy-savings potential of amending Federal CRAC standards to the amended ASHRAE levels and adopting Federal DOAS standard levels as specified in ASHRAE Standard 90.1–2016.

As discussed, if DOE determines by rule published in the **Federal Register**, and supported by clear and convincing evidence, that adoption of a uniform national standard more stringent than the amended ASHRAE Standard 90.1 level would result in significant additional conservation of energy and is technologically feasible and economically justified, DOE must adopt the more-stringent standard. (42 U.S.C. 6313(a)(6)(A)(ii)(II) and (B)(i)) Therefore, for the CRAC equipment classes for which the ASHRAE 90.1 levels are more stringent than the current Federal standards and for DOASes for which ASHRAE established standards, DOE is also evaluating whether more stringent standards would meet the specified statutory criteria.

DOE performed an analysis of the potential energy savings at standard levels more stringent than the amended ASHRAE standards for CRACs and the established ASHRAE standards for DOASes. DOE's energy savings analysis is limited to equipment classes for which a market exists and sufficient data are available.

To determine whether a standard is economically justified, EPCA requires that DOE determine whether the benefits of the standard exceed its burdens by considering, to the greatest extent practicable, the following seven factors:

(1) The economic impact of the standard on manufacturers and consumers of the equipment subject to the standard;

(2) The savings in operating costs throughout the estimated average life of the covered equipment in the type (or class) compared to any increase in the price, initial charges, or maintenance expenses for the covered products that are likely to result from the standard;

(3) The total projected amount of energy savings likely to result directly from the standard;

(4) Any lessening of the utility or the performance of the covered equipment likely to result from the standard;

(5) The impact of any lessening of competition, as determined in writing by the Attorney General, that is likely to result from the standard;

(6) The need for national energy and water conservation; and

(7) Other factors the Secretary of Energy (Secretary) considers relevant.

(42 U.S.C. 6313(a)(6)(B)(ii)(I)–(VII))

DOE fulfills these and other applicable requirements by conducting a series of analyses throughout the rulemaking process. Table III.1 shows the individual analyses that are performed to satisfy each of the requirements within EPCA.

TABLE III.1—EPCA REQUIREMENTS AND CORRESPONDING DOE ANALYSIS

EPCA requirement	Corresponding DOE analysis
Significant Energy Savings	• Shipments Analysis • National Impact Analysis • Energy and Water Use Determination
Technological Feasibility	• Market and Technology Assessment • Screening Analysis • Engineering Analysis
Economic Justification:	
1. Economic impact on manufacturers and consumers	• Manufacturer Impact Analysis • Life-Cycle Cost and Payback Period Analysis • Life-Cycle Cost Subgroup Analysis • Shipments Analysis
2. Lifetime operating cost savings compared to increased cost for the product.	• Markups for Product Price Determination • Energy and Water Use Determination • Life-Cycle Cost and Payback Period Analysis
3. Total projected energy savings	• Shipments Analysis • National Impact Analysis
4. Impact on utility or performance	• Screening Analysis • Engineering Analysis
5. Impact of any lessening of competition	• Manufacturer Impact Analysis
6. Need for national energy and water conservation	• Shipments Analysis • National Impact Analysis
7. Other factors the Secretary considers relevant	• Employment Impact Analysis • Utility Impact Analysis • Emissions Analysis • Monetization of Emission Reductions Benefits • Regulatory Impact Analysis

The following discussion provides an overview of the energy savings analysis conducted for 5 classes of CRACs and 2 classes of DOASes as defined by ASHRAE Standard 90.1–2016, followed by summary results of that analysis. Although ASHRAE Standard 90.1–2016 introduced levels for 15 horizontal flow CRAC equipment classes, DOE was unable to estimate energy savings due to a lack of data (see section III.B.1 for details).

The issues relevant to the energy use analysis are also relevant to the technical and economic analyses DOE intends to conduct for CRACs and DOASes as necessary. In addition to the specific issues identified in the following sections on which DOE requests comment, DOE requests comment on its overall approach and analyses used to evaluate potential standard levels for CRACs and DOASes.

For the equipment classes where ASHRAE Standard 90.1–2016 prescribed more-stringent levels, DOE calculated the potential energy savings to the Nation associated with adopting ASHRAE Standard 90.1–2016 as the difference between a no-new-standards case projection (*i.e.,* without amended standards) and the ASHRAE Standard 90.1–2016 standards-case projection (*i.e.,* with adoption of ASHRAE Standard 90.1–2016 levels). For each higher efficiency level analyzed, DOE also calculated potential additional energy savings to the Nation as the difference between the ASHRAE Standard 90.1–2016 standards-case projection (*i.e.,* with adoption of ASHRAE Standard 90.1–2016 levels) and a more-stringent standards-case projection (*i.e.,* with more-stringent amended standards).

The national energy savings (NES) refers to cumulative lifetime energy savings for equipment purchased in a 30-year period that differs by equipment (*i.e.,* the compliance date differs by equipment class (*i.e.,* capacity) depending upon whether DOE is acting under the ASHRAE trigger or the 6-year-lookback (*see* 42 U.S.C. 6313(a)(6)(D)). In the standards case, equipment that is more efficient gradually replaces less-efficient equipment over time. This affects the calculation of the potential energy savings, which are a function of the total number of units in use and their efficiencies. Savings depend on annual shipments and equipment lifetime. Inputs to the energy savings analysis are presented in this notice, and details are available in the CRAC/DOAS NODA and RFI technical support document (TSD) on DOE's website.[23]

A. Annual Energy Use

The purpose of the energy use analysis is to assess the energy savings potential of different equipment efficiencies in the building types that utilize the equipment. DOE uses the annual energy consumption and energy-savings potential in the life-cycle cost (LCC) and payback period (PBP) analyses[24] to establish the savings in consumer operating costs at various equipment efficiency levels.

The Federal standard and higher efficiency levels are expressed in terms of an efficiency metric or metrics. For each equipment class, this section describes how DOE developed estimates

[23] The CRAC/DOAS NODA and RFI TSD is available on the web page for ASHRAE Products at: *http://www1.eere.energy.gov/buildings/appliance_standards/commercial/ashrae_products_docs_meeting.html.*

[24] The purpose of the LCC and PBP analyses are to analyze the effects of potential amended energy conservation standards on commercial consumers of CRACs and DOASes by determining how a potential amended standard affects the commercial consumers' operating expenses (usually decreased) and total installed costs (usually increased).

of annual energy consumption at the baseline efficiency level and at higher levels for each equipment category. These annual unit energy consumption (UEC) estimates form the basis of the national energy savings estimates discussed in section III.F of this document. More detailed discussion is found in the chapter 2 of the CRAC/DOAS NODA and RFI TSD.

1. Computer Room Air Conditioners

a. Equipment Classes and Analytical Scope

As noted previously in section II.A.3, DOE has conducted an energy savings analysis for the five CRAC classes that currently have both DOE standards and more-stringent standards under ASHRAE Standard 90.1. For horizontal-flow classes, DOE was unable to obtain market data to disaggregate energy savings potential for these equipment classes. Based on information received in response to this document or otherwise identified, DOE may disaggregate horizontal-flow classes in the NOPR and analyze them separately.

DOE conducted an energy analysis for 15 downflow CRAC equipment classes as part of the May 2012 final rule. 77 FR 28928, 28954 (May 16, 2012). In the May 2012 final rule, DOE used a modified outside temperature bin analysis. For each air-cooled equipment class, DOE calculated fan energy and condensing unit power consumption at each 5 °F outdoor air dry bulb temperature bin. The condensing unit power in this context included the compressor(s) and condenser fan(s) and/or pump(s) included as part of the equipment rating. For water-cooled and glycol-cooled equipment, the May 2012 final rule analysis first estimated the entering fluid temperature from either an evaporative cooling tower or a dry cooler for water-cooled and for glycol-cooled CRAC equipment, respectively, based on binned weather data. Using these results, DOE then estimated the condensing unit power consumption and adds to this the estimated supply fan power. The sum of the CRAC condensing unit power and the CRAC supply fan power is the estimated average CRAC total power consumption for each temperature bin. Annual estimates of energy use are developed by multiplying the power consumption at each temperature bin by the number of hours in that bin for each climate analyzed. In the May 2012 final rule, DOE then took a population-weighted average over results for 239 different climate locations to derive nationally representative CRAC annual energy use values. DOE assumed energy savings estimates derived for downflow equipment classes would be representative of upflow equipment. 77 FR 28928, 28954 (May 16, 2012). In this document, DOE is using the results from the May 2012 final rule as the basis for the energy savings potential analysis of the five CRAC equipment classes analyzed for this document.

b. Efficiency Levels

DOE identified the baseline, intermediate, and maximum technologically feasible (max-tech) efficiency levels for each equipment class. DOE used the Federal standard and the ASHRAE Standard 90.1–2016 level as baselines. The Federal standard is used as a baseline when estimating energy savings associated with adopting the ASHRAE Standard 90.1–2016 level. Savings from higher efficiency levels are measured relative to the ASHRAE Standard 90.1–2016 baseline. EL 0 refers to the ASHRAE Standard 90.1–2016 level.

To determine the intermediate and max-tech efficiency levels, DOE created an equipment database composed of CRAC models rated in terms of SCOP found in DOE's Compliance Certification Database.[25] Using this database, DOE created efficiency distribution plots for each equipment class and identified intermediate efficiency levels that correspond to efficiencies with a higher frequency of models available on the market. The max-tech efficiency levels correspond to units with the maximum efficiency observed in each equipment class. Intermediate and max-tech SCOP levels were translated into NSenCOP levels for the analyzed equipment classes in order to perform the energy savings determination analysis using the crosswalk analysis described in section II.A.1 of this document. Table III.2 shows the efficiency levels in NSenCOP used for the energy savings determination. Note that the table displays results in terms of current net sensible cooling capacity ranges (measured per the current DOE test procedure), rather than crosswalked NSCC ranges (see section II.A of this NODA for further discussion of the capacity crosswalk and equipment class switching issue for CRACs).

TABLE III.2—NSENCOP EFFICIENCY LEVELS FOR CRACS ENERGY SAVINGS ANALYSIS

Equipment type	Cooling medium	Net sensible cooling capacity	Current federal standard	EL 0 *	EL 1	EL 2	EL 3	EL 4	Max-Tech
			(NSenCOP)						
Upflow, non-ducted	Glycol-Cooled without a Fluid Economizer.	≥65,000 Btu/h and <240,000 Btu/h.	1.77	1.85	1.87**	1.89	1.99	2.14**	2.29
		≥240,000 Btu/h and <760,000 Btu/h.	1.73	1.75	1.78**	1.81	1.94	2.01	2.04
	Glycol-Cooled with a Fluid Economizer.	<65,000 Btu/h	1.99	2.00	2.04**	2.07	2.14	2.20	2.24
		≥65,000 Btu/h and <240,000 Btu/h.	1.73	1.75	1.77	1.88	1.94	2.08**	2.22
		≥240,000 Btu/h and <760,000 Btu/h.	1.69	1.70	1.72	1.77	1.87	1.90	1.97

* EL 0 represents the ASHRAE Standard 90.1–2016 level.
** EL was interpolated between adjacent levels.

c. Analysis Method and Annual Energy Use Results

To derive UECs for the equipment classes analyzed in this document, DOE started with the adopted standard level UECs (*i.e.,* the current DOE standard) for the two glycol-cooled greater than 65,000 btu/h and three glycol-cooled with a fluid economizer downflow equipment classes analyzed in the May 2012 final rule. DOE assumed that these UECs correspond to the NSenCOP

[25] *https://www.regulations.doe.gov/certification-data/CCMS-4-Air_Conditioners_and_Heat_Pumps_-_Computer_Room_Air_Conditioners.html#q=Product_Group_s%3A%22Air%20Conditioners%20and%20Heat%20Pumps%20-%20Computer%20Room%20Air%20Conditioners%22.*

derived through the crosswalk analysis (*i.e.,* ''Cross-walked Current Federal Standard'' column in Table II.4). For higher efficiency levels, DOE determined the UEC by dividing the baseline NSenCOP level by the NSenCOP for each higher EL and multiplied the resulting percentage by the baseline UEC.

In the May 2012 final rule, DOE assumed energy savings estimates derived for downflow equipment classes would be representative of upflow equipment classes which differed by a fixed 0.11 SCOP. 77 FR 28928, 28954 (May 16, 2012). Because of the fixed 0.11 SCOP difference between upflow and downflow CRAC units in ASHRAE 90.1–2013, DOE determined that the per-unit energy savings benefits for corresponding CRACs at higher efficiency levels could be represented using the 15 downflow equipment classes. However, in this document, the efficiency levels for the upflow non-ducted equipment classes do not differ from the downflow equipment class by a fixed amount. For this document, DOE assumed that the fractional increase/decrease in NSenCOP between upflow and downflow units corresponds to a proportional decrease/increase in the baseline UEC within a given equipment class grouping of condenser system and capacity. Details can be found in chapter 3 of the CRAC/DOAS NODA and RFI TSD.

CRAC Issue 3: DOE seeks comment on the appropriateness of using UECs derived for the May 2012 final rule, specifically whether energy use has changed significantly since the 2012 analysis due to changes in operational behavior. DOE also requests feedback on scaling UECs using NSenCOP values for higher efficiency levels.

CRAC Issue 4: DOE seeks comment on its approach to determining the UEC of upflow units using the fractional increase or decrease in NSenCOP relative to the baseline downflow unit in a given equipment class grouping of condenser system and capacity.

Table III.3 and Table III.4 show UEC estimates for the equipment classes amended by ASHRAE Standard 90.1–2016 (*i.e.,* equipment classes for which the ASHRAE Standard 90.1–2016 energy efficiency level is more stringent than the current applicable Federal standard). The ''max-tech'' levels represent the market maximum identified in DOE's Compliance Certification Database and the California Energy Commission (CEC) database as of March 2019.

TABLE III.3—NATIONAL UEC ESTIMATES (kWh/year) FOR GLYCOL-COOLED, UPFLOW, NON-DUCTED CRACS

	≥65,000 Btu/h and <240,000 Btu/h	≥240,000 Btu/h and <760,000 Btu/h
Baseline—Federal Standard	119,105	266,479
Efficiency Level 0	113,955	263,434
Efficiency Level 1	112,736	258,994
Efficiency Level 2	111,543	254,701
Efficiency Level 3	105,938	237,633
Efficiency Level 4	98,512	229,358
Efficiency Level 5—''Max-Tech''	92,060	225,985

TABLE III.4—NATIONAL UEC ESTIMATES (kWH/YEAR) FOR GLYCOL-COOLED WITH FLUID ECONOMIZER, UPFLOW, NON-DUCTED CRACS

	<65,000 Btu/h	≥65,000 Btu/h and <240,000 Btu/h	≥240,000 Btu/h and <760,000 Btu/h
Baseline—Federal Standard	22,992	95,830	214,348
Efficiency Level 0	22,877	94,735	213,087
Efficiency Level 1	22,428	93,510	210,609
Efficiency Level 2	22,103	88,135	204,741
Efficiency Level 3	21,380	85,467	194,103
Efficiency Level 4	20,797	79,690	191,082
Efficiency Level 5—''Max-Tech''	20,426	74,678	183,986

2. Dedicated Outdoor Air Systems

a. Equipment Classes and Analytical Scope

DOE conducted an analysis of energy savings potential for two equipment classes of DOASes: (1) DOAS, air-cooled, without energy recovery and (2) DOAS, air-cooled, with energy recovery.

b. Efficiency Levels

DOE defines baseline efficiency levels, for each equipment class, to serve as a basis of comparison for any changes in equipment cost and energy use resulting from efficiency improvements that would be required under potential amended standards. As discussed in section I.A of this document, EPCA directs DOE to establish an amended ''uniform national standard'' at the minimum level specified in the amended ASHRAE Standard 90.1, unless it is determined by rule, and supported by clear and convincing evidence, that adoption of a uniform national standard more stringent that the amended ASHRAE Standard 90.1 would result in significant additional conservation of energy and is technologically feasible and economically justified. (42 U.S.C. 6313(a)(6)(A)(ii)) For the DOAS equipment classes evaluated in this document, DOE selected baseline efficiency levels equivalent to the performance standards established in ASHRAE Standard 90.1–2016; these standards are specified in terms of ISMRE for dehumidification and ISCOP for heating. Table III.5 shows the evaluated baseline efficiency levels for air-cooled DOASes.

TABLE III.5—BASELINE EFFICIENCY LEVELS FOR AIR-COOLED DOASES

Equipment class		Baseline efficiency level
Air-Cooled	w/o Energy Recovery	4.0 ISMRE
	w/Energy Recovery	5.2 ISMRE

For each air-cooled DOAS equipment class, DOE analyzed several efficiency levels. The AHRI Directory does not currently list DOAS equipment performance ratings. Similarly, DOE was not able to find ISMRE or ISCOP ratings in much of the manufacturer equipment specifications. DOE notes that one manufacturer [26] does provide capacities, ISMRE, and ISCOP by equipment class. However, as discussed in section II.B of this document, AHRI is currently revising AHRI 920, and DOE notes that AHRI 920-Draft includes changes and clarifications to the current industry test standard. Because of the current development of updates to AHRI 920–2015, DOE decided not to rely on existing ratings based on this test standard as the basis for the efficiency levels established for this document.

Instead, DOE relied on manufacturer equipment literature for currently available 20-ton capacity air-cooled DOAS models with sufficient design details of key components and performance data to evaluate efficiency. DOE considered equipment that included EER and IEER ratings based on the CUAC test procedure in appendix A, but that were also capable of dehumidifying 100 percent outdoor air to a 55 °F dew point operating under Standard Rating Condition A, as defined in ANSI/AHRI 920–2015. These included only air-cooled equipment without energy recovery. DOE estimated the ISMRE for this equipment by correlating EER to ISMRE based on manufacturer-provided data. As part of this investigation, DOE also considered the specific incremental design options used to achieve higher efficiency levels.

Based on this analysis, DOE is analyzing the two efficiency levels above the baseline for air-cooled DOASes without energy recovery. Although DOE did not identify any models with scaled EER-to-ISMRE efficiencies using the correlation described above at the baseline efficiency level, DOE determined based on manufacturer feedback that the baseline design would likely include staged compressors, and that the design change from the baseline efficiency level to EL 1 would involve changing from staged compressor operation to variable-capacity digital scroll compressors. The design changes from EL 1 to EL 2 include increasing the condenser heat exchanger size and fin density, increasing the total condenser fans horsepower, and reducing the capacity of the compressors needed.

For air-cooled DOASes with energy recovery, due to the similarity in designs, DOE considered that the same design options and resulting increase in efficiency from the analysis for DOASes without energy recovery would be applied for the DOASes with energy recovery equipment class.

Table III.6 presents the analyzed efficiency levels for both air-cooled DOAS equipment classes.

TABLE III.6—ANALYZED INCREMENTAL EFFICIENCY LEVELS FOR AIR-COOLED DOASES

Equipment class	Efficiency levels (ISMRE)		
	Baseline	EL 1	EL 2
Air-Cooled:			
w/o Energy Recovery	4.0	5.0	6.0
w/Energy Recovery	5.2	6.2	7.2

DOAS Issue 3: DOE requests information about the ranges of ISMRE and ISCOP levels that are available on the market by equipment class and capacity, in order to assist with selection of efficiency levels, including the market baseline.

c. Energy Use Simulations and Annual Energy Use Results

DOE used CBECS 2012 to develop a building sample to estimate the baseline UEC for the two DOAS equipment classes. CBECS 2012 has two variables that identify if a building's heating or cooling ventilation is provided by a DOAS. CBECS 2012 also provides variables to indicate the square footage per building, the representative national sample weight for each building, the ventilation energy use, the cooling energy use, and the main cooling equipment in a building. As CBECS 2012 uses separate variables for heating and cooling ventilation, DOE only included buildings that used a DOAS for both heating and cooling ventilation in its sample. The two DOAS equipment classes being analyzed are both air cooled. Therefore, DOE built its sample using buildings whose main cooling was provided by air-cooled equipment (residential style AC, package air conditioners, and room air conditioners).

The manufacturer literature shows that DOAS equipment is sized in tons of cooling capacity; therefore, DOE began its analysis by estimating the tons of cooling required for each building in the DOAS sample. DOE used square footage per ton of cooling estimates, presented in Table III.7 from PDH Online [27] to calculate the tons of cooling required for each building in the sample.

TABLE III.7—SQUARE FOOTAGE PER TON OF COOLING BY BUILDING TYPE

Building type	Sq. ft. per ton of cooling
Education	250
Enclosed mall	300
Food sales	350
Food service	200
Healthcare	280
Lodging	400
Non-refrigerated warehouse	400
Nursing	280

[26] Desert Aire DOAS Performance Catalog (Available at: *http://www.desert-aire.com/sites/default/files/Brochure-DOAS-Performance-Catalog-DA430.pdf.pdf*).

[27] Bhatia, A., HVAC Refresher—Facilities Standard for the Building Services (Part 2), PDH Online (Available at: *https://pdhonline.com/courses/m216/m216content.pdf*) (Last accessed March 28, 2019).

TABLE III.7—SQUARE FOOTAGE PER TON OF COOLING BY BUILDING TYPE—Continued

Building type	Sq. ft. per ton of cooling
Office	340
Public assembly	* N/A
Religious	* N/A
Retail (other than mall)	300
Service	340
Strip shopping	225

* Sized based on occupancy, 20 people per ton

A DOAS is used for latent cooling and ventilation, and CBECS 2012 provides the cooling energy and ventilation energy for each building. DOE divided the total ventilation energy use and the total cooling energy use by the tons of cooling required for each building to come up with a kWh/ton energy use metric per building. DOE then incorporated the building weights to calculate a national weighted average kWh/ton value for cooling and ventilation energy use. To determine the kWh/ton for a DOAS, DOE added 30 percent [28] of the cooling kWh/ton to the ventilation kWh/ton. This accounts for latent cooling and ventilation provided by the DOAS. DOE then multiplied the national weighted average kWh/ton by 20 tons (the size of the representative capacity unit) to determine the baseline energy use. CBECS 2012 does not provide information about the existence of an energy recovery wheel; however, manufacturer feedback has indicated that approximately 60 percent of the DOASes sold do not have energy recovery wheels. Therefore, the kWh/ton value from CBECS 2012 was used to determine the baseline unit energy consumption (UEC) for DOASes without energy recovery. To estimate the baseline UEC for DOASes with energy recovery, DOE scaled the UECs based on the percentage difference between the ISMRE baseline equipment without energy recovery and baseline equipment with energy recovery. DOE calculated energy use for efficiency levels beyond the ASHRAE baseline by dividing the baseline ISMRE by the ISMRE of each higher efficiency level, for each equipment class. The resulting percentage was then multiplied by the baseline UEC.

DOAS Issue 4: DOE requests comment on the appropriateness of using the above approach to develop UECs for DOASes, whether alternative assumptions should be made in the calculations, or whether an alternate source of DOAS unit energy consumption values is available. If DOE receives performance data for DOASes, then it will derive UECs by matching building loads to DOAS performance.

Table III.8 show the UEC estimates for the ASHRAE Standard 90.1–2016 levels, and the higher efficiency levels for the two air-cooled DOAS equipment classes analyzed.

TABLE III.8—ANNUAL UNIT ENERGY CONSUMPTION FOR AIR-COOLED DOASES BY EQUIPMENT CLASS

Efficiency level	Without heat recovery	With heat recovery
EL 0—ASHRAE	28,796	22,151
EL 1	23,037	18,578
EL 2—"Max Tech"	19,198	15,998

DOAS Issue 5: DOE requests data from field studies and laboratory testing which show system performance curves and how capacity and efficiency vary with outdoor air temperature, heating/cooling load, ventilation load, and any other factors that impact capacity and efficiency.

B. Shipments

DOE uses shipment projections by equipment class to calculate the national impacts of standards on energy consumption, as well as net present value and future manufacturer cash flows. DOE shipments projections typically are based on available historical data broken out by equipment. Current sales estimates allow for a more accurate model that captures recent trends in the market.

1. Computer Room Air Conditioners

In the May 2012 final rule, as a result of lack of CRAC shipment data for the United States, DOE estimated CRAC shipments by scaling historical data for the Australian CRAC market based on the relative number of businesses between the two countries and extrapolating shipments for future years. 77 FR 28928, 28960 (May 16, 2012). However, DOE stated that it is unknown whether the United States market mirrors the Australian market or whether model availability approximates shipment distributions. Id. at 28982. Thus, it is not fully clear the extent to which historical shipments data of the Australian CRAC market are representative of the current US market. In addition, a 2016 report by the Lawrence Berkeley National Laboratory (LBNL) on data center energy consumption [29] noted trends toward consolidation of smaller data centers into large, hyper-scale data centers which usually rely on air handling units (AHU) with chilled water coils served by chillers [30] rather than CRACs. An extrapolation of historical trends may not be appropriate as the small server rooms served by CRACs are replaced by large, hyper-scale data centers. Accordingly, for this document, DOE instead estimates CRAC shipments by analyzing trends in the cooling demand required from CRAC-cooled data centers. DOE's approach in this document estimates total annual shipments for the entire CRAC market and then uses market share data to estimate shipments for ASHRAE Standard 90.1–2016 triggered equipment classes.

DOE first estimated the installed base stock of CRACs using information on data centers in the 2012 Commercial Business Energy Consumption Survey (CBECS). CBECS identifies buildings that contain data centers, the number of servers in the data center, and associated square footage. Although CBECS does not specifically inquire about the presence of CRACs, DOE assumed any building identified as having a data center that did not have a central chiller or district chilled water system would be serviced by a CRAC. DOE assumed that a building with a central chiller or district chilled water system would use a computer room air handler (CRAH) and not a CRAC for its

[28] Sensible heat ratios in most buildings range between 0.6 and 0.8. Therefore, the latent portion of cooling load ranges from 0.2 to 0.4. DOE chose the midpoint for this exercise. (Available at: *https://www.engineeringtoolbox.com/shr-sensible-heat-ratio-d_700.html*) (Last accessed April 3, 2019).

[29] Shehabi, A., Smith, S.J., Horner, N., Azevedo, I., Brown, R., Koomey, J., Masanet, E., Sartor, D., Herrlin, M. and Lintner, W., *United States data center energy usage report* (2016) Lawrence Berkeley National Laboratory, Berkeley, California. LBNL–1005775 (Available at: *https://datacenters.lbl.gov/sites/all/files/DataCenterEnergyReport2016_0.pdf*) (Last accessed June 6, 2019).

[30] DOE does not regulate the efficiency of chillers.

data center cooling, and, thus, such building was not included in the analysis.

CBECS includes buildings that do not identify the presence of a data center, but do contain a significant number of servers, which would require some form of dedicated cooling. DOE assumed buildings with 10 or more servers that did not identify as having a data center and did not have a central chiller or district chilled water system would be serviced by CRAC units.

CRAC Issue 5: DOE assumed that buildings that do not identify the presence of a data center, but contain more than 10 servers would require a CRAC in the absence of a central chiller or district chilled water system. DOE requests comment on the appropriateness of using 10 servers as a threshold for assigning a CRAC unit for cooling.

In order to estimate the CRAC cooling capacity required for each data center in CBECS 2012, DOE first had to estimate the amount of heat generated from servers, networks, and storage equipment within data centers. Based on estimates from the LBNL data center report, DOE estimated average power consumption of volume servers, network equipment, and storage equipment at 330 Watts, 13 Watts, and 75 Watts, respectively.[31] Servers that were not in a data center were assumed to only have network equipment, while servers in a data center had both network and storage equipment, and thus a higher power draw.[32] DOE assumed 100 percent of the power draw was converted into heat exhaust that would need to be removed by a CRAC. DOE calculated the cooling load for each data center by multiplying the total server power draw by the number of servers in each building with a data center or more than 10 servers in CBECS 2012. The total cooling load was then multiplied by an oversize factor of 1.3. Oversizing of the cooling load gives the data center operator the flexibility to add more servers (and thus more heat) without having to increase the size of the cooling system.[33]

CRAC Issue 6: DOE requests input and data on the typical amount of oversizing employed by CRAC customers. DOE specifically requests comment on its decision to use an oversize factor of 30 percent in its energy use analysis. Additionally, DOE requests comment and supporting data indicating whether the oversize factor would change with equipment capacity or equipment class. DOE also requests comment on whether it is appropriate to apply its cooling calculation to data centers of all sizes.

CRAC Issue 7: DOE requests comment on its server power consumption estimates and any information or data on expectations of future server stock and energy use in small data centers.

One ton of cooling can remove 3.5 kW of heat from a space.[34] All data centers without central chillers were assumed to have CRACs, and the cooling capacity of the CRAC units were based on the three representative capacities analyzed in the May 2012 final rule. 77 FR 28928, 28954 (May 16, 2012). For CRACs with a cooling capacity of less than 65,000 Btu/h, a 3-ton unit was assigned as the representative capacity; cooling capacities from 65,000 Btu/h to 240,000 Btu/h were assigned a representative capacity of 11 tons, and air conditioners greater than or equal to 240,000 Btu/h and less than 760,000 Btu/h were assigned a 24-ton unit.

The final part of the stock methodology is estimating the redundancy requirements of the data center which reduces the per-unit energy use and increases the total estimated shipment of CRACs. Redundancy varies significantly across data centers ranging from having one extra unit (N+1 redundancy) to having complete redundancy (2N redundancy).[35] DOE assigned redundancy depending on the data center square footage provided in CBECS 2012. Categories 1–4 (data centers under 10,000 square feet) were given N+1 redundancy; category 5 (greater than 10,000+ sq. ft.) was assigned 2N redundancy. DOE assumed that servers that were not in a data center do not have cooling redundancy.

CRAC Issue 8: DOE seeks information and comment on the ratio of redundant to active equipment. DOE requests comment on whether installed redundancy practices differ by customer type (*i.e.,* private business versus government) or by CRAC capacity. If so, DOE seeks information and comment on factors that would affect the ratio of equipment redundancy for different consumers.

No-new standards case shipments (*i.e.,* shipments in the absence of an amended standard) were projected using the 2012 stock number of CRACs estimated from CBECS 2012. From 2012, a linear trend was used to develop a historical stock going back the average CRAC lifetime, which is estimated to be 15 years (see section III.D.1 of this document). To estimate the future market for CRACs given projected trends in data centers, DOE then took the sample of buildings from CBECS 2012 used to develop the 2012 stock and estimated what the stock would be in 2050. DOE used two variables to change the stock: (1) A 10-percent reduction in the number of servers in small data centers in 2050 and (2) a doubling of the power per server in 2050. DOE then went about calculating the stock using the same approach as described above. Once the stock in 2050 was calculated, DOE used a linear approach to estimate the stock for the years 2013–2049. New shipments were equal to the year-over-year difference in stock, and replacements were equal to the shipments from 15 years prior. Details can be found in chapter 4 of the CRAC/DOAS NODA and RFI TSD.

As the power and density of individual servers increase, the cooling load will increase, despite the reduction of the population of servers in smaller data centers. While overall shipments are not expected to change significantly between 2012 and 2050, there will be a shift to CRACs with a larger cooling capacity. Table III.9 shows the reference case shipments used to estimate potential energy savings.

[31] Shehabi, A., Smith, S.J., Horner, N., Azevedo, I., Brown, R., Koomey, J., Masanet, E., Sartor, D., Herrlin, M. and Lintner, W., *United States data center energy usage report* (2016), Lawrence Berkeley National Laboratory, LBNL–1005775 (Available at: *https://datacenters.lbl.gov/sites/all/files/DataCenterEnergyReport2016_0.pdf*) (Last accessed June 6, 2019).

[32] *Id.*

[33] Rasmussen, N., *Calculating Total Cooling Requirements for Data Centers—White paper 25. Schneider Electric* (Available at: *https://www.apcdistributors.com/white-papers/Cooling/WP-25%20Calculating%20Total%20Cooling%20Requirements%20for%20Data%20Centers.pdf*) (Last accessed June 6, 2019).

[34] *Id.*

[35] Shehabi, A., Smith, S.J., Horner, N., Azevedo, I., Brown, R., Koomey, J., Masanet, E., Sartor, D., Herrlin, M. and Lintner, W., *United States data center energy usage report* (2016) Lawrence Berkeley National Laboratory, LBNL–1005775 (Available at: *https://datacenters.lbl.gov/sites/all/files/DataCenterEnergyReport2016_0.pdf*) (Last accessed June 6, 2019).

TABLE III.9—ESTIMATED CRAC SHIPMENTS BY SCOP NET SENSIBLE COOLING CAPACITY

	<65,000 Btu/h	≥65,000 Btu/h and <240,000 Btu/h	≥240,000 Btu/h and <760,000 Btu/h	Total shipments
2012 Shipments	8,522	779	671	9,973
2050 Shipments	6,198	2,884	1,197	10,279

DOE's analysis of CBECS server stock provides estimates of shipments by cooling capacity. To further disaggregate shipments by equipment class, DOE used model counts of units in DOE's Compliance Certification Database. Table III.10 shows CRAC market share by equipment class grouping. Note that the table displays results in terms of current net sensible cooling capacity ranges (measured per the current DOE test procedure), rather than crosswalked NSCC ranges (see section II.A of this NODA for further discussion of the capacity crosswalk and equipment class switching issue for CRACs).

TABLE III.10—ESTIMATED MARKET SHARE FOR CRAC EQUIPMENT CLASSES BY EQUIPMENT CLASS

Condenser system	Orientation	<65,000 Btu/h * (%)	≥65,000 Btu/h and <240,000 Btu/h * (%)	≥240,000 Btu/h and <760,000 Btu/h * (%)
Air-cooled	Downflow	3.2	8.1	6.8
	Upflow	4.8	11.0	6.2
Water-cooled	Downflow	1.2	4.0	1.2
	Upflow	2.2	4.6	1.6
Water-cooled with fluid economizer	Downflow	1.8	5.5	1.2
	Upflow	1.7	6.1	2.1
Glycol-cooled	Downflow	1.1	2.7	0.5
	Upflow	2.1	3.3	0.5
Glycol-cooled with fluid economizer	Downflow	2.5	4.5	0.6
	Upflow	2.5	5.3	0.8

* Capacity measured per the current Federal test procedure.

DOE's Compliance Certification Database does not distinguish between upflow ducted and upflow non-ducted CRACs. DOE assumed upflow market share would be evenly split between the upflow ducted and upflow non-ducted equipment classes. DOE's database also does not include horizontal flow classes, as those models do not yet have standards. Table III.11 presents CRAC shipments in 2018 and 2050 for equipment classes analyzed for potential energy savings in this document. Note that the capacity ranges for upflow, non-ducted equipment classes listed in Table III.11 are not impacted by the change from SCOP to NSenCOP (see section II.A.1 for details.)

TABLE III.11—ESTIMATED SHIPMENTS FOR EQUIPMENT CLASSES ANALYZED IN THIS DOCUMENT

Equipment class	Shipments in 2018	Shipments in 2050
Glycol-cooled, ≥65,000 and <240,000 Btu/h, Upflow Non-ducted	44	87
Glycol-cooled, ≥240,000 and <760,000 Btu/h, Upflow Non-ducted	10	14
Glycol-cooled with economizer, <65,000 Btu/h, Upflow Non-ducted	412	329
Glycol-cooled with economizer, ≥65,000 and <240,000 Btu/h, Upflow Non-ducted	72	139
Glycol-cooled with economizer, ≥240,000 and <760,000 Btu/h, Upflow Non-ducted	17	23

CRAC Issue 9: DOE's approach to estimating energy savings relies on estimates for annual shipments for the total CRAC market. DOE seeks historical shipments data for CRACs and projections for growth of the market based on trends stakeholders have observed. Specifically, DOE requests as many years of historical shipments as can be provided, consistent with the example table in Table III.12.

TABLE III.12—REQUEST FOR HISTORICAL SHIPMENTS

	2012	2013	2014	2015	2016	2017	2018
Annual CRAC Shipments							

CRAC Issue 10: In order to accurately disaggregate energy savings by equipment class, DOE is interested in market data by equipment class, efficiency level, and climatic region.

CRAC Issue 11: DOE requests data and feedback on its methodology for determining market share by equipment class. DOE also requests data on the breakdown of upflow units between upflow ducted and upflow non-ducted and data on shipments for horizontal-flow equipment classes.

CRAC Issue 12: DOE requests data and feedback on its stock calculation, particularly data about the number of small data centers that use CRACs, the assumption that buildings with a chiller or chilled water system will not use CRACs, and any data or information about the current stock of CRACs.

2. Dedicated Outdoor Air Systems

DOE developed its DOAS shipments estimates based on manufacturer feedback that shipments in 2016 were around 36,000 units and that DOAS growth is expected to be similar to that of VRF multi-split system equipment. A report by Cadeo Group [36] estimated VRF shipments to have double-digit growth through 2022. Therefore, to project shipments past 2016, DOE used a 10-percent growth rate through 2022 and then followed the same growth rate as other CUAC equipment, basing that growth rate on the reference case shipment projections in the National Impact Analysis spreadsheet [37] from the January 15, 2016 direct final rule for commercial unitary air conditioners and heat pumps and commercial warm air furnaces. 81 FR 2420 (''CUAC–CUHP CWAF DFR'').

Manufacturers estimate that air-cooled DOASes represent 95 percent of all DOAS shipments, and DOE assumed that this percentage would remain constant for the duration of the 30-year shipments analysis. As DOE is only analyzing the two air-cooled DOAS equipment classes, DOE reduced the annual shipments projections developed above by 5 percent to capture only the air-cooled product classes. Next, DOE allocated 59-percent of shipments to air-cooled DOAS without energy recovery and 41-percent of shipments to air-cooled DOAS with energy recovery, based on manufacturer estimates of the breakdown by product class.

DOAS Issue 6: DOE seeks historical data on DOAS shipments and forecasted growth of DOAS shipments by efficiency level, equipment class, and capacity.

DOAS Issue 7: DOE seeks information about the most common kinds of local, in-space cooling system with which a DOAS is paired. DOE seeks comment on the assumption that DOAS shipments will grow in line with VRF multi-split systems and water-source heat pumps in future years.

C. No-New-Standards-Case Efficiency Distribution

For CRACs, DOE estimated the no-new-standards case efficiency distributions for each equipment class using model counts from DOE's Compliance Certification Database. DOE bundled the efficiency levels into ''efficiency ranges'' and determined the percentage of models within each range. The distribution of efficiencies in the no-new-standards case for each equipment class can be found in chapter 4 of the CRAC/DOAS NODA and RFI TSD. DOE did not have any information on the market share of DOASes; therefore, a uniform distribution was used with 1/3rd of the market at each efficiency level to estimate national energy savings.

For the standards cases for all equipment addressed in this document, DOE assumed shipments at lower efficiencies were most likely to roll up into higher efficiency levels in response to more-stringent standards. For each efficiency level analyzed within a given equipment class, DOE used a ''roll-up'' scenario to establish the market shares by efficiency level for the year that standards would become effective (*e.g.,* 2019, 2020, or 2023). Available information also suggests that all equipment efficiencies in the no-new standards case that were above the standard level under consideration would not be affected. Table III.13 shows the no-new standards case efficiency distribution for CRACs.

TABLE III.13—CRACS NO-NEW-STANDARDS-CASE EFFICIENCY DISTRIBUTION

Equipment class	Federal (%)	Level 0 (%)	Level 1 (%)	Level 2 (%)	Level 3 (%)	Level 4 (%)	Level 5 (%)	Total (%)
Glycol-cooled, Upflow, Non-ducted, ≥65,000 Btu/h and <240,000 Btu/h	35.6	6.8	3.4	18.6	30.5	3.4	1.7	100
Glycol-cooled, Upflow, Non-ducted, ≥240,000 Btu/h	22.2	22.2	0.0	11.1	11.1	11.1	22.2	100
Glycol-cooled with a Fluid Economizer, Upflow, Non-ducted, <65,000 Btu/h	0.0	0.0	4.5	4.5	31.8	45.5	13.6	100
Glycol-cooled with a Fluid Economizer, Upflow, Non-ducted, ≥65,000 Btu/h and <240,000 Btu/h	12.6	10.5	29.5	22.1	23.2	1.1	1.1	100
Glycol-cooled with a Fluid Economizer, Upflow, Non-ducted, ≥240,000	0.0	26.7	33.3	6.7	6.7	13.3	13.3	100

CRAC Issue 13: DOE seeks input on its determination of the no-new-standards case distribution of efficiencies for CRACs and its projection of how amended energy conservation standards would affect the distribution of efficiencies in each standards case.

DOAS Issue 8: DOE also seeks input on how best to determine the no-standards-case efficiency distribution for DOASes.

Using the distribution of efficiencies in the no-new-standards case and in the standards cases for each equipment class analyzed in this document, as well as the UECs for each specified efficiency level (discussed previously), DOE calculated market-weighted average efficiency values. The market-weighted average efficiency value represents the average efficiency of the total units shipped at a specified amended standard level. The market-weighted average efficiency values for the no-new-standards case and the standards cases for each efficiency level analyzed within the equipment classes is provided in chapter 4 of the CRAC/DOAS NODA and RFI TSD.

DOAS Issue 9: DOE seeks historical shipment-weighted efficiency data for DOASes by equipment class.

D. Other Analytical Inputs

1. Equipment Lifetime

DOE defines ''equipment lifetime'' as the age at which a unit is retired from service. DOE used a 15-year lifetime for all CRAC equipment classes. This is the average lifetime used in the May 2012 final rule. 77 FR 28928, 28958 (May 16, 2012).

[36] Cadeo report, Docket ID EERE–2017–BT–TP–0018–0002.

[37] DOE Energy Conservation Standards for Small, Large, and Very Large Air-Cooled Commercial Package Air Conditioning and Heating Equipment, National Impact Analysis spreadsheet (Available at: *https://www.regulations.gov/document?D=EERE-2013-BT-STD-0007-0107*).

CRAC Issue 14: DOE requests any data or information regarding whether 15 years is an appropriate average value for CRAC equipment lifetime and whether equipment lifetime varies based on equipment class and/or efficiency level.

DOE does not have any data on the lifetime of DOASes; however, DOE did develop a lifetime model for commercial package air conditioners in the January 2016 CUAC–CUHP–CWAF DFR.[38] As DOASes are also package, DX equipment, DOE used the lifetimes it developed for 15-ton commercial package air conditioners to estimate the lifetime of DOASes. DOE calculated a mean lifetime of 22.6 years from the annual failure rates developed for 15-ton CUACs from the life-cycle model of the January 2016 CUAC–CUHP–CWAF DFR.[39] DOE used this mean lifetime of 22.6 years in its DOAS analysis.

DOAS Issue 10: DOE requests any data or information about the lifetime of DOASes and whether the equipment lifetime varies based on equipment class, condenser type, capacity, and efficiency level. In the absence of data about the lifetime of DOASes, DOE requests comment on the appropriateness of applying the lifetime developed for the January 2016 CUAC–CUHP CWAF DFR.

2. Compliance Dates and Analysis Period

If DOE were to prescribe energy conservation standards at the efficiency levels contained in ASHRAE Standard 90.1–2016, EPCA states that any such standard shall become effective on or after a date that is two or three years (depending on the equipment type or size) after the effective date of the applicable minimum energy efficiency requirement in the amended ASHRAE standard. (42 U.S.C. 6313(a)(6)(D)) If DOE were to prescribe standards more stringent than the efficiency levels contained in ASHRAE Standard 90.1–2016, EPCA dictates that any such standard will become effective for equipment manufactured on or after a date which is four years after the date of publication of a final rule in the **Federal Register**. (42 U.S.C. 6313(a)(6)(D)) For equipment classes where DOE is acting under its 6-year-lookback authority, if DOE were to adopt more-stringent standards, EPCA states that any such standard shall apply to equipment manufactured after a date that is the latter of the date three years after publication of the final rule establishing such standard or six years after the effective date for the current standard. (42 U.S.C. 6313(a)(6)(C)(iv))

For purposes of calculating the NES for the equipment in this evaluation, DOE used a 30-year analysis period starting with the assumed year of compliance listed in Table III.14 for each equipment class. This is the standard analysis period of 30 years that DOE typically uses in its NES analysis. For equipment classes with a compliance date in the last six months of the year, DOE starts its analysis period in the first full year after compliance. For example, if CRACs greater than 65,000 Btu/h and less than 240,000 Btu/h were to have a compliance date of October 26, 2019, the analysis period for calculating NES would begin in 2020 and extend to 2049.

While the analysis periods remain the same for assessing the energy savings of efficiency levels higher than the ASHRAE levels, those energy savings would not begin accumulating until 2023 (the assumed compliance date if DOE were to determine that standard levels more stringent than the ASHRAE levels are justified).

TABLE III.14—APPROXIMATE COMPLIANCE DATE OF AN AMENDED ENERGY CONSERVATION STANDARD FOR EACH EQUIPMENT CLASS

Equipment class	Approximate compliance date for adopting the efficiency levels in ASHRAE standard 90.1–2016	Approximate compliance date for adopting more-stringent efficiency levels than those in ASHRAE standard 90.1–2016
Computer Room Air Conditioners		
CRAC, Glycol-Cooled, ≥65,000 and <240,000 Btu/h, Upflow Non-ducted	10/26/2019	4/26/2023
CRAC, Glycol-Cooled, ≥240,000 Btu/h and <760,000 Btu/h, Upflow Non-ducted	10/26/2019	4/26/2023
CRAC, Glycol-Cooled with fluid economizer, <65,000 Btu/h, Upflow Non-ducted	10/26/2018	4/26/2023
CRAC, Glycol-Cooled with fluid economizer, ≥65,000 and <240,000 Btu/h, Upflow Non-ducted	10/26/2019	4/26/2023
CRAC, Glycol-Cooled with fluid economizer, ≥240,000 Btu/h and <760,000 Btu/h, Upflow Non-Ducted	10/26/2019	4/26/2023
Dedicated Outdoor Air Systems		
All Equipment Classes	10/26/2019	4/26/2023

E. Other Energy Conservation Standards Topics

1. Market Failures

In the field of economics, a market failure is a situation in which the market outcome does not maximize societal welfare. Such an outcome would result in unrealized potential welfare. DOE welcomes comment on any aspect of market failures, especially those in the context of amended energy conservation standards for CRACs and DOASes.

2. Network Mode/''Smart'' Equipment

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

[38] Direct Final Rule Life-Cycle-Cost Analysis Spreadsheet (Available at: *https://www.regulations.gov/document?D=EERE-2013-BT-STD-0007-0106*).

[39] Direct Final Rule Life-Cycle-Cost Analysis Spreadsheet (Available at: *https://www.regulations.gov/document?D=EERE-2013-BT-STD-0007-0106*).

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 RFI as they may be applicable to CRACs and DOASes.

3. Other

In addition to the issues identified earlier in this document, DOE welcomes comment on any other aspect of energy conservation standards for CRACs and DOASes not already addressed by the specific areas identified in this document.

F. Estimates of Potential Energy Savings

DOE estimated the potential primary and full-fuel cycle (FFC) energy savings in quads (*i.e.,* 10^{15} Btu) for each efficiency level considered within each equipment class analyzed. The potential energy savings for efficiency levels more stringent than those specified by ASHRAE Standard 90.1–2016 were calculated relative to the efficiency levels that would result if ASHRAE Standard 90.1–2016 standards were adopted. Table III.15 through Table III.17 show the potential energy savings resulting from the analyses conducted. The reported energy savings are cumulative over the period in which equipment shipped in the 30-year analysis continues to operate.

TABLE III.15—POTENTIAL ENERGY SAVINGS FOR CRACS, GLYCOL-COOLED, UPFLOW, NON-DUCTED

	≥65,000 Btu/h and <240,000 Btu/h †		≥240,000 Btu/h and <760,000 Btu/h †	
	NSenCOP	quads	NSenCOP	quads
Site Energy Savings Estimate (quads)				
Level 0	1.85	0.000	1.75	0.000
Level 1	1.87	0.000	1.78	0.000
Level 2	1.89	0.000	1.81	0.000
Level 3	1.99	0.000	1.94	0.000
Level 4	2.14	0.001	2.01	0.000
Level 5—"Max Tech"	2.29	0.002	2.04	0.000
Primary Energy Savings Estimate (quads)				
Level 0	1.85	0.000	1.75	0.000
Level 1	1.87	0.000	1.78	0.000
Level 2	1.89	0.000	1.81	0.000
Level 3	1.99	0.001	1.94	0.001
Level 4	2.14	0.003	2.01	0.001
Level 5—"Max Tech"	2.29	0.004	2.04	0.001
FFC Energy Savings Estimate (quads)				
Level 0	1.85	0.000	1.75	0.000
Level 1	1.87	0.000	1.78	0.000
Level 2	1.89	0.000	1.81	0.000
Level 3	1.99	0.001	1.94	0.001
Level 4	2.14	0.003	2.01	0.001
Level 5—"Max Tech"	2.29	0.005	2.04	0.001

† The potential energy savings for Level 0 (the ASHRAE Standard 90.1–2016 level) were calculated relative to the Federal standard. The potential energy savings for efficiency Levels 1–5 were calculated relative to Level 0.

TABLE III.16—POTENTIAL ENERGY SAVINGS FOR CRACS, GLYCOL-COOLED WITH A FLUID ECONOMIZER, UPFLOW, NON-DUCTED

	<65,000 Btu/h †		≥65,000 Btu/h and <240,000 Btu/h †		≥240,000 Btu/h and <760,000 Btu/h †	
	NSenCOP	quads	NSenCOP	quads	NSenCOP	quads
Site Energy Savings Estimate (quads)						
Level 0	2.00	0.000	1.75	0.000	1.70	0.000
Level 1	2.04	0.000	1.77	0.000	1.72	0.000
Level 2	2.07	0.000	1.88	0.000	1.77	0.000
Level 3	2.14	0.000	1.94	0.001	1.87	0.000
Level 4	2.20	0.000	2.08	0.002	1.90	0.000
Level 5—"Max Tech"	2.24	0.000	2.22	0.002	1.97	0.001
Primary Energy Savings Estimate (quads)						
Level 0	2.00	0.000	1.75	0.000	1.70	0.000
Level 1	2.04	0.000	1.77	0.000	1.72	0.000
Level 2	2.07	0.000	1.88	0.001	1.77	0.000
Level 3	2.14	0.000	1.94	0.002	1.87	0.001
Level 4	2.20	0.000	2.08	0.004	1.90	0.001

TABLE III.16—POTENTIAL ENERGY SAVINGS FOR CRACS, GLYCOL-COOLED WITH A FLUID ECONOMIZER, UPFLOW, NON-DUCTED—Continued

	<65,000 Btu/h †		≥65,000 Btu/h and <240,000 Btu/h †		≥240,000 Btu/h and <760,000 Btu/h †	
	NSenCOP	quads	NSenCOP	quads	NSenCOP	quads
Level 5—"Max Tech"	2.24	0.001	2.22	0.006	1.97	0.001
FFC Energy Savings Estimate (quads)						
Level 0	2.00	0.000	1.75	0.000	1.70	0.000
Level 1	2.04	0.000	1.77	0.000	1.72	0.000
Level 2	2.07	0.000	1.88	0.001	1.77	0.000
Level 3	2.14	0.000	1.94	0.002	1.87	0.001
Level 4	2.20	0.000	2.08	0.004	1.90	0.001
Level 5—"Max Tech"	2.24	0.001	2.22	0.006	1.97	0.001

† The potential energy savings for Level 0 (the ASHRAE Standard 90.1–2016 level) were calculated relative to the Federal standard. The potential energy savings for efficiency Levels 1–5 were calculated relative to Level 0.

TABLE III.17—POTENTIAL ENERGY SAVINGS FOR AIR-COOLED DOASES

Efficiency Level	Without energy recovery		With energy recovery	
	ISMRE	quads	ISMRE	quads
Site Energy Savings Estimate				
Level 0—ASHRAE	4.0	.....	5.2	.....
Level 1	5.0	0.155	6.2	0.067
Level 2 = "Max Tech"	6.0	0.362	7.2	0.164
Primary Energy Savings Estimate				
Level 0—ASHRAE	4.0	.....	5.2	.....
Level 1	5.0	0.408	6.2	0.176
Level 2 = "Max Tech"	6.0	0.951	7.2	0.431
FFC Energy Savings Estimate				
Level 0—ASHRAE	4.0	.....	5.2	.....
Level 1	5.0	0.426	6.2	0.184
Level 2 = "Max Tech"	6.0	0.994	7.2	0.450

IV. Review Under Six-Year Lookback Provisions: Requested Information

As discussed, DOE is required to conduct an evaluation of each class of covered equipment in ASHRAE Standard 90.1 every 6 years. (42 U.S.C. 6313(a)(6)(C)(i)) Accordingly, DOE is also evaluating the remaining 40 CRAC equipment classes for which ASHRAE Standard 90.1–2016 did not increase the stringency of the standards. In making a determination of whether standards for such equipment need to be amended, DOE must also follow specific statutory criteria. Similar to the consideration of whether to adopt a standard more stringent than an amended ASHRAE Standard 90.1 level, DOE must evaluate whether amended Federal standards would result in significant additional conservation of energy and are technologically feasible and economically justified. (42 U.S.C. 6313(a)(6)(C)(i)(I) (*referencing* 42 U.S.C. 6313(a)(6)(A)(ii)(II)) A determination of whether more-stringent standards are economically justified in the context of the six-year look-back provision requires an analysis under the same seven factors EPCA established for determining whether standards more stringent than an amended ASHRAE standard are required. (42 U.S.C. 6313(a)(6)(C)(i)(II) (*referencing* 42 U.S.C. 6313(a)(6)(B)(i)(I)–(VII)) (See section III)

As the analysis of more-stringent standards for those equipment classes of CRACs for which ASHRAE 90.1–2016 did not increase stringency of efficiency levels is similar to the analysis for those equipment classes for which ASHRAE 90.1–2016 did increase stringency of efficiency levels, the issues identified in section III apply to both sets of equipment classes. Specifically, for the 40 equipment classes of CRACs for which ASHRAE Standard 90.1–2016 does not specify energy efficiency levels more stringent than the currently applicable Federal standards, DOE requests comment and information on the following issues:

Annual Energy Use

CRAC Issue 15: DOE seeks comment on the appropriateness of using UECs derived for the May 2012 final rule, specifically whether energy use has changed significantly since the 2012 analysis due to changes in operational behavior. DOE also requests feedback on scaling UECs using NSenCOP values for higher efficiency levels.

CRAC Issue 16: DOE seeks comment on its approach to determining the UEC of upflow units using the fractional increase or decrease in NSenCOP relative to the baseline downflow unit in a given equipment class grouping of condenser system and capacity.

Shipments

CRAC Issue 17: DOE assumed that buildings that do not identify the presence of a data center, but contain more than 10 servers would require a CRAC in the absence of a central chiller or district chilled water system. DOE requests comment on the appropriateness of using 10 servers as a threshold for assigning a CRAC unit for cooling.

CRAC Issue 18: DOE requests input and data on the typical amount of oversizing employed by CRAC customers. DOE specifically requests comment on its decision to use an oversize factor of 30 percent in its energy use analysis. Additionally, DOE requests comment and supporting data indicating whether the oversize factor would change with equipment capacity or equipment class. DOE also requests comment on whether it is appropriate to apply its cooling calculation to data centers of all sizes.

CRAC Issue 19: DOE requests comment on its server power consumption estimates and any information or data on expectations of future server stock and energy use in small data centers.

CRAC Issue 20: DOE's approach to estimating energy savings relies on estimates for annual shipments for the total CRAC market. DOE seeks historical shipments data for CRACs and projections for growth of the market based on trends stakeholders have observed. Specifically, DOE requests as many years of historical shipments as can be provided with an example table requested in Table IV.1.

TABLE IV.1—REQUEST FOR HISTORICAL SHIPMENTS

	2012	2013	2014	2015	2016	2017	2018
Annual CRAC Shipments	.....	.....	.....	.....	.....	.....	.....

CRAC Issue 21: In order to accurately disaggregate energy savings by equipment class, DOE is interested in market data by equipment class, efficiency level, and climatic region.

CRAC Issue 22: DOE requests data and feedback on its methodology for determining market share by equipment class.

CRAC Issue 23: DOE requests data and feedback on its stock calculation, particularly data about the number of small data centers that use CRACs, the assumption that buildings with chiller or chilled water system will not use CRACs, and any data or information about the current stock of CRACs.

No-New-Standards-Case Efficiency Distribution

CRAC Issue 24: DOE seeks input on its determination of the no-new-standards case distribution of efficiencies for CRACs and its projection of how amended standards would affect the distribution of efficiencies in each standards case.

Equipment Lifetime

CRAC Issue 25: DOE requests any data or information regarding whether 15 years is an appropriate average value for CRAC equipment lifetime and whether equipment lifetime varies based on equipment class and/or efficiency level.

V. Public Participation

A. Submission of Comments

DOE invites all interested parties to submit in writing by the date specified previously in the **DATES** section of this document, comments, data, and information on matters addressed in this document and on other matters relevant to DOE's consideration of amended energy conservation standards for CRACs and DOASes. Interested parties may submit comments, data, and other information using any of the methods described in the **ADDRESSES** section at the beginning of this document.

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 itself 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. Otherwise, persons viewing comments will see only first and last names, organization names, correspondence containing comments, and any documents submitted with the comments.

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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/courier, 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 in 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, in which case it is not necessary to submit printed copies.

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, that are written in English, and that are free of any defects or viruses. Documents should not contain special characters or any form of encryption.

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. Pursuant 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/courier 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 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 energy conservation standards. DOE actively encourages the participation and interaction of the public during the comment period in each stage of the rulemaking process. Interactions with and between members of the public provide a balanced discussion of the issues and assist DOE in the rulemaking process. Anyone who wishes to be added to the DOE mailing list to receive future notices and information about this process or would like to request a public meeting should contact Appliance and Equipment Standards Program staff at (202) 287–1445 or via email at *ApplianceStandardsQuestions@ee.doe.gov*.

B. Issues on Which DOE Seeks Comment

DOE welcomes comments on any aspect of this document for CRAC and DOAS equipment classes where ASHRAE Standard 90.1–2016 increased stringency (thereby triggering DOE's review of amended standards) and for CRAC and DOAS equipment classes undergoing 6-year-lookback review. DOE is particularly interested in receiving comments and views of interested parties concerning the following issues, listed by equipment category:

CRAC Issue 1: DOE seeks comment on whether, in the context of its consideration of more-stringent standards, there have been sufficient technological or market changes for CRACs since the most recent standards update that may justify a new rulemaking to consider more-stringent standards. Specifically, DOE seeks data and information that could enable the agency to determine whether DOE should propose a ''no new standard'' determination because a more-stringent standard: (1) Would not result in significant additional savings of energy; (2) is not technologically feasible; (3) is not economically justified; or (4) any combination of the foregoing.

CRAC Issue 2: DOE requests comment on the methodology and results for the crosswalk analysis.

CRAC Issue 3: DOE seeks comment on the appropriateness of using UECs derived for the May 2012 final rule, specifically whether energy use has changed significantly since the 2012 analysis due to changes in operational behavior. DOE also requests feedback on scaling UECs using NSenCOP values for higher efficiency levels.

CRAC Issue 4: DOE seeks comment on its approach to determining the UEC of upflow units using the fractional increase or decrease in NSenCOP relative to the baseline downflow unit in a given equipment class grouping of condenser system and capacity.

CRAC Issue 5: DOE assumed that buildings that do not identify the presence of a data center, but contain more than 10 servers would require a CRAC in the absence of a central chiller or district chilled water system. DOE requests comment on the appropriateness of using 10 servers as a threshold for assigning a CRAC unit for cooling.

CRAC Issue 6: DOE requests input and data on the typical amount of oversizing employed by CRAC customers. DOE specifically requests comment on its decision to use an oversize factor of 30 percent in its energy use analysis. Additionally, DOE requests comment and supporting data indicating whether the oversize factor would change with equipment capacity or equipment class. DOE also requests comment on whether it is appropriate to apply its cooling calculation to data centers of all sizes.

CRAC Issue 7: DOE requests comment on its server power consumption estimates and any information or data on expectations of future server stock and energy use in small data centers.

CRAC Issue 8: DOE seeks information and comment on the ratio of redundant to active equipment. DOE requests comment on whether installed redundancy practices differ by customer type (*i.e.,* private business versus government) or by CRAC capacity. If so, DOE seeks information and comment on factors that would affect the ratio of equipment redundancy for different consumers.

CRAC Issue 9: DOE's approach to estimating energy savings relies on estimates for annual shipments for the total CRAC market. DOE seeks historical shipments data for CRACs and projections for growth of the market based on trends stakeholders have observed. Specifically, DOE requests as many years of historical shipments as can be provided, consistent with the example table in Table III.12.

CRAC Issue 10: In order to accurately disaggregate energy savings by equipment class, DOE is interested in market data by equipment class, efficiency level, and climatic region.

CRAC Issue 11: DOE requests data and feedback on its methodology for determining market share by equipment class. DOE also requests data on the breakdown of upflow units between upflow ducted and upflow non-ducted and data on shipments for horizontal-flow equipment classes.

CRAC Issue 12: DOE requests data and feedback on its stock calculation, particularly data about the number of small data centers that use CRACs, the assumption that buildings with a chiller or chilled water system will not use CRACs, and any data or information about the current stock of CRACs.

CRAC Issue 13: DOE seeks input on its determination of the no-new-standards case distribution of efficiencies for CRACs and its projection of how amended energy conservation standards would affect the distribution of efficiencies in each standards case.

CRAC Issue 14: DOE requests any data or information regarding whether 15 years is an appropriate average value for CRAC equipment lifetime and whether equipment lifetime varies based on equipment class and/or efficiency level.

CRAC Issue 15: DOE seeks comment on the appropriateness of using UECs derived for the May 2012 final rule, specifically whether energy use has changed significantly since the 2012 analysis due to changes in operational behavior. DOE also requests feedback on scaling UECs using NSenCOP values for higher efficiency levels.

CRAC Issue 16: DOE seeks comment on its approach to determining the UEC of upflow units using the fractional increase or decrease in NSenCOP relative to the baseline downflow unit in a given equipment class grouping of condenser system and capacity.

CRAC Issue 17: DOE assumed that buildings that do not identify the presence of a data center, but contain more than 10 servers would require a CRAC in the absence of a central chiller or district chilled water system. DOE requests comment on the appropriateness of using 10 servers as a threshold for assigning a CRAC unit for cooling.

CRAC Issue 18: DOE requests input and data on the typical amount of oversizing employed by CRAC customers. DOE specifically requests comment on its decision to use an oversize factor of 30 percent in its energy use analysis. Additionally, DOE requests comment and supporting data indicating whether the oversize factor would change with equipment capacity or equipment class. DOE also requests comment on whether it is appropriate to apply its cooling calculation to data centers of all sizes.

CRAC Issue 19: DOE requests comment on its server power consumption estimates and any information or data on expectations of future server stock and energy use in small data centers.

CRAC Issue 20: DOE's approach to estimating energy savings relies on estimates for annual shipments for the total CRAC market. DOE seeks historical shipments data for CRACs and projections for growth of the market based on trends stakeholders have observed. Specifically, DOE requests as many years of historical shipments as can be provided with an example table requested in Table IV.1.

CRAC Issue 21: In order to accurately disaggregate energy savings by equipment class, DOE is interested in market data by equipment class, efficiency level, and climatic region.

CRAC Issue 22: DOE requests data and feedback on its methodology for determining market share by equipment class.

CRAC Issue 23: DOE requests data and feedback on its stock calculation, particularly data about the number of small data centers that use CRACs, the assumption that buildings with chiller or chilled water system will not use CRACs, and any data or information about the current stock of CRACs.

CRAC Issue 24: DOE seeks input on its determination of the no-new-standards case distribution of efficiencies for CRACs and its projection of how amended standards would affect the distribution of efficiencies in each standards case.

CRAC Issue 25: DOE requests any data or information regarding whether 15 years is an appropriate average value for CRAC equipment lifetime and whether equipment lifetime varies based on equipment class and/or efficiency level.

DOAS Issue 1: DOE requests comment on the approach of evaluating water-cooled DOASes as a single category (with classes still disaggregated by those models with energy recovery and those models without energy recovery) using the specified cooling tower condenser water entering temperature conditions, and evaluating water-source heat pump DOASes as a single category (with classes still disaggregated by those models with energy recovery and those models without energy recovery) using the specified water-source (rather than ground-source) inlet fluid temperature conditions.

DOAS Issue 2: DOE requests comment and data on developing a potential crosswalk from the efficiency levels in ASHRAE 90.1–2016 based on ANSI/AHRI 920–2015 to efficiency levels based on the revisions to AHRI 920.

DOAS Issue 3: DOE requests information about the ranges of ISMRE and ISCOP levels that are available on the market by equipment class and capacity, in order to assist with selection of efficiency levels, including the market baseline.

DOAS Issue 4: DOE requests comment on the appropriateness of using the above approach to develop UECs for DOASes, whether alternative assumptions should be made in the calculations, or whether an alternate source of DOAS unit energy consumption values is available. If DOE receives performance data for DOASes, then it will derive UECs by matching building loads to DOAS performance.

DOAS Issue 5: DOE requests data from field studies and laboratory testing which show system performance curves and how capacity and efficiency vary with outdoor air temperature, heating/cooling load, ventilation load, and any other factors that impact capacity and efficiency.

DOAS Issue 6: DOE seeks historical data on DOAS shipments and forecasted growth of DOAS shipments by efficiency level, equipment class, and capacity.

DOAS Issue 7: DOE seeks information about the most common kinds of local, in-space cooling system with which a DOAS is paired. DOE seeks comment on the assumption that DOAS shipments will grow in line with VRF multi-split systems and water-source heat pumps in future years.

DOAS Issue 8: DOE also seeks input on how best to determine the no-standards-case efficiency distribution for DOASes.

DOAS Issue 9: DOE seeks historical shipment-weighted efficiency data for DOASes by equipment class.

DOAS Issue 10: DOE requests any data or information about the lifetime of DOASes and whether the equipment lifetime varies based on equipment class, condenser type, capacity, and efficiency level. In the absence of data about the lifetime of DOASes, DOE requests comment on the appropriateness of applying the lifetime developed for the January 2016 CUAC–CUHP CWAF DFR.

VI. Approval of the Office of the Secretary

The Secretary of Energy has approved publication of this notice of data availability and request for information.

Signed in Washington, DC, on August 16, 2019.

Alexander N. Fitzsimmons,

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

[FR Doc. 2019–19050 Filed 9–10–19; 8:45 am]

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FEDERAL REGISTER

Vol. 84 Wednesday,

No. 176 September 11, 2019

Part III

The President

Notice of September 10, 2019—Continuation of the National Emergency With Respect to Foreign Interference in or Undermining Public Confidence in United States Elections

Federal Register
Vol. 84, No. 176
Wednesday, September 11, 2019

Presidential Documents

Title 3—

The President

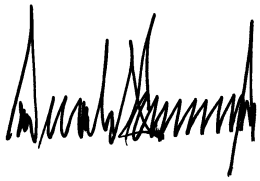
Notice of September 10, 2019

Continuation of the National Emergency With Respect to Foreign Interference in or Undermining Public Confidence in United States Elections

On September 12, 2018, by Executive Order 13848, I declared a national emergency pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*) to deal with the unusual and extraordinary threat to the national security and foreign policy of the United States constituted by the threat of foreign interference in or undermining public confidence in United States elections.

Although there has been no evidence of a foreign power altering the outcomes or vote tabulation in any United States election, foreign powers have historically sought to exploit America's free and open political system. In recent years, the proliferation of digital devices and internet-based communications has created significant vulnerabilities and magnified the scope and intensity of the threat of foreign interference. The ability of persons located, in whole or in substantial part, outside the United States to interfere in or undermine public confidence in United States elections, including through the unauthorized accessing of election and campaign infrastructure or the covert distribution of propaganda and disinformation, continues to pose an unusual and extraordinary threat to the national security and foreign policy of the United States. For this reason, the national emergency declared on September 12, 2018, must continue in effect beyond September 12, 2019. Therefore, in accordance with section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I am continuing for 1 year the national emergency declared in Executive Order 13848 with respect to the threat of foreign interference in or undermining public confidence in United States elections.

This notice shall be published in the *Federal Register* and transmitted to the Congress.



THE WHITE HOUSE,
September 10, 2019.

[FR Doc. 2019–19849
Filed 9–10–19; 11:15 am]
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